An Act To Conform Maine Law to the Requirements of the
American Dental Association Commission on Dental Accreditation

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.
Received by the Clerk of the House on December 22, 2015. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Presented by Representative SIROCKI of Scarborough.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1094-AA, as enacted by PL 2013, c. 575, §7, is amended to read:

§1094-AA. Dental hygiene therapist

A dental hygienist or independent practice dental hygienist licensed by the board pursuant to this chapter may practice as a licensed dental hygiene therapist to the extent permitted by this subchapter. To qualify for licensure under this subchapter as a dental hygiene therapist, a person shall apply to the board on forms provided by the board, pay the application fee under section 1094-DD and demonstrate to the board that the applicant:

1. Licensure. Possesses The applicant must possess a valid license to practice dental hygiene or independent practice dental hygiene pursuant to this chapter or qualifies for licensure to practice by endorsement pursuant to section 1094-L.

2. Educational program standards and requirements. Has successfully completed a dental hygiene therapy education program that:

A. Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization;

B. Is a minimum of 4 semesters;

C. Is consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry, or a successor organization, is consistent with existing dental hygiene therapy programs in other states and is approved by the board; and

D. Meets the requirements for dental hygiene therapy education programs adopted by the board;

2-A. Education program standards and requirements. The applicant:

A. Has successfully completed a dental hygiene therapy education program and been awarded a Bachelor of Science degree or higher in a dental hygiene therapy education program that:

(1) Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(2) Meets the requirements for dental hygiene therapy education programs adopted by the board; and

B. Has passed a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental hygiene therapy education and has passed an examination of the applicant's knowledge of Maine laws and rules relating to the practice of dentistry. An applicant who fails the clinical examination twice may not take the clinical examination again until further education and training, as specified by the board, are obtained.
3. Bachelor of Science degree. Has been awarded a Bachelor of Science degree in dental hygiene. In order to meet the requirements of this subsection, an applicant must hold at least an associate degree in dental hygiene before entering a dental hygiene therapy education program that meets the requirements of subsection 2, which may be completed concurrently or consecutively with a Bachelor of Science degree in dental hygiene;

4. Examination. Has passed a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental hygiene therapy education and has passed an examination of the applicant's knowledge of Maine laws and rules relating to the practice of dentistry. An applicant who fails the clinical examination twice may not take the clinical examination again until further education and training, as specified by the board, are obtained; and

5. Supervised clinical practice. Has completed 2,000 hours of supervised clinical practice under the supervision of a dentist licensed under this chapter and in conformity with rules adopted by the board, during which supervised clinical practice the applicant holds a provisional dental hygiene therapy license pursuant to section 1094-BB. For purposes of meeting the requirements of this subsection, an applicant's hours of supervised clinical experience while enrolled in the 4-semester dental hygiene therapy education program may be included.

6. Licensure by endorsement. As an alternative to the requirements of subsections 1 to 5, an applicant may meet the requirements for licensure by endorsement as a dental hygiene therapist. For licensure by endorsement, the applicant must:

A. Be a graduate of a dental hygiene therapy education program or its equivalent;
B. Furnish proof satisfactory to the board that the applicant has been duly licensed to practice dental hygiene therapy in another state after full compliance with its laws; and
C. Have engaged in active clinical practice for a minimum of 3 years prior to application.

Sec. 2. 32 MRSA §1094-BB, as enacted by PL 2013, c. 575, §7, is amended to read:

§1094-BB. Provisional dental hygiene therapy license

The board shall issue a provisional dental hygiene therapy license to an applicant for licensure under this subchapter who has met the requirements of section 1094-AA, subsections 1 to 5 and rules adopted by the board and who has paid a fee established by the board of not more than $175. During the period of provisional licensure, which may not exceed 3 years, the applicant shall maintain in good standing the applicant's license to practice as a dental hygienist or an independent practice dental hygienist. During the period of provisional licensure the applicant may be compensated for services performed as a dental hygiene therapist.
Sec. 3. 32 MRSA §1094-FF, as enacted by PL 2013, c. 575, §7, is amended to read:

§1094-FF. Limitation of practice

Upon completion of 2,000 hours of supervised clinical practice under section 1094-AA, subsection 5 a dental hygiene therapist may provide services within the scope of practice provided in section 1094-HH and under the direct supervision of a dentist who is licensed in this State in the following health settings: a hospital; a public school, as defined in Title 20-A, section 1, subsection 24; a nursing facility licensed under Title 22, chapter 405; a residential care facility licensed under Title 22, chapter 1663; a clinic; a health center reimbursed as a federally qualified health center as defined in 42 United States Code, Section 1395x(aa)(4) (1993) or that has been determined by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services to meet the requirements for funding under Section 30 of the Public Health Service Act, 42 United States Code, Section 254(b); a federally qualified health center licensed in this State; a public health setting that serves underserved populations as recognized by the federal Department of Health and Human Services; or a private dental practice in which at least 50% of the patients who are provided services by that dental hygiene therapist are covered by the MaineCare program under Title 22 or are underserved adults.

Sec. 4. 32 MRSA §1094-GG, first ¶, as enacted by PL 2013, c. 575, §7, is amended to read:

A dental hygiene therapist may practice only under the direct supervision of a dentist who is licensed in this State, referred to in this subchapter as "the supervising dentist," and through a written practice agreement signed by both parties. For the purposes of this section, a written practice agreement is a signed document that, in conformity with the legal scope of practice provided in section 1094-HH, outlines the functions that the dental hygiene therapist is authorized to perform. A dental hygiene therapist may practice only under the standing order of a dentist, may provide only care that follows written protocols and may provide only services that the dental hygiene therapist is authorized to provide by that dentist.

Sec. 5. 32 MRSA §1094-HH, first ¶, as enacted by PL 2013, c. 575, §7, is amended to read:

A dental hygiene therapist may provide the care and services listed in this section and may provide them only under the direct supervision of a dentist licensed in this State. A dental hygiene therapist practicing under general supervision of a dentist may perform all duties of a dental hygiene therapist listed in rules adopted by the board. A dental hygiene therapist who is licensed as a dental hygienist may perform all of the duties of a dental hygienist under this chapter. A dental hygiene therapist who is licensed as an independent practice dental hygienist may perform all of the duties of an independent practice dental hygienist. A dental hygiene therapist may:
SUMMARY

This bill amends the licensing and practice requirements for a dental hygiene therapist by:

1. Specifying that an applicant who has successfully completed a dental hygiene therapy education program that is accredited by either the American Dental Association Commission on Dental Accreditation or a successor organization or the Board of Dental Examiners meets the requirements for having completed a dental hygiene therapy education program;

2. Specifying that a degree in dental hygiene therapy above a Bachelor of Science degree is acceptable;

3. Removing the requirements that a dental hygiene therapy education program be consistent with a specified model curriculum, be consistent with programs in other states and be approved by the board;

4. Removing the requirement that an applicant hold an associate degree in dental hygiene before entering a dental hygiene therapy education program;

5. Removing the requirement that a dental hygiene therapist be under the direct supervision of a dentist; and

6. Allowing a person to be licensed as a dental hygiene therapist in this State if that person was graduated from a dental hygiene therapy education program, is licensed to practice as a dental hygiene therapist in another state and has engaged in active clinical practice for at least 3 years prior to applying for a license in this State.