

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 34 - L.D. 26

An Act To Allow a Dentist To Administer Botulinum Toxin and Dermal Fillers

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the sole purpose of the Board of Dental Practice is to protect the public health and welfare by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency; and

Whereas, former board rule Chapter 9: Complaints/Investigations/Unprofessional Conduct, Section II, paragraph U, which was repealed effective April 5, 2020, contained language restricting a dentist's scope of practice to administer botulinum toxins and dermal fillers to dental procedures; and

Whereas, substantive policy decisions such as expanding or restricting scopes of practice are appropriate for the legislative process, not an administrative rule-making process; and

Whereas, immediate enactment of this legislation is necessary to continue protecting the public by ensuring that authorization for a dentist to administer botulinum toxin and dermal fillers to a patient as part of a dental treatment plan is continued as part of a dentist's scope of practice; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §18325, sub-§1, ¶O, as amended by PL 2015, c. 488, §33, is further amended to read:

O. A violation of this chapter or a rule adopted by the board; ~~and~~

Sec. 2. 32 MRSA §18325, sub-§1, ¶P, as enacted by PL 2015, c. 488, §34, is amended to read:

P. Failure to comply with the requirements of Title 22, section 7253-; and

Sec. 3. 32 MRSA §18325, sub-§1, ¶Q is enacted to read:

Q. Administering botulinum toxins or dermal fillers to a patient when that administration is not supported by a diagnosed dental condition or is not part of a patient's dental treatment plan. This paragraph does not apply to a dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization.

Sec. 4. 32 MRSA §18371, sub-§1, ¶M, as enacted by PL 2015, c. 429, §21, is amended to read:

M. Prescribe drugs or medicine and administer local anesthesia, analgesia including nitrous oxide and oxygen inhalation and, with the appropriate permit issued by the board, administer sedation and general anesthesia necessary for proper dental treatment; and

Sec. 5. 32 MRSA §18371, sub-§1, ¶N, as enacted by PL 2015, c. 429, §21, is amended to read:

N. Take case histories and perform physical examinations to the extent the activities are necessary in the exercise of due care in conjunction with the provision of dental treatment or the administration of anesthesia. A dentist is not permitted to perform physical examinations within a hospital licensed by the Department of Health and Human Services unless this activity is permitted by the hospital; and

Sec. 6. 32 MRSA §18371, sub-§1, ¶O is enacted to read:

O. Administer botulinum toxins or dermal fillers to a patient with a diagnosed dental condition or when that administration is identified as part of a patient's dental treatment plan. A dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization may administer botulinum toxin or dermal fillers in the course of treatment for oral or maxillofacial disease, disfigurement or disjunction.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.