

**Maine Revised Statute Title 32, Chapter 16:
DENTISTS AND DENTAL HYGIENISTS**

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Subchapter 1: GENERAL PROVISIONS

32 §1061. ADDRESSES AND CHANGE OF ADDRESS

1. Furnish to board. Every licensee under this chapter shall:

A. Furnish the secretary of the board with the place or places of practice; and [1981, c. 440, §1 (NEW).]

B. Upon a change of name or registered address or addresses, furnish the secretary-treasurer of the board with the new address within 30 days of the change. [1981, c. 440, §1 (NEW).]

[1981, c. 440, §1 (NEW) .]

2. Failure; fee. For failure to comply with this section, a licensee is subject to a fee imposed by the board of not more than \$25.

[1993, c. 600, Pt. A, §53 (AMD) .]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1981, c. 440, §1 (RPR). 1993, c. 600, §A53 (AMD).

32 §1062. INJUNCTION; PROCEDURE

(REPEALED)

SECTION HISTORY

1967, c. 544, §80 (NEW). 1973, c. 303, §3 (AMD). 1993, c. 600, §A54 (RP).

32 §1062-A. PENALTIES; INJUNCTION

2. Injunction. The State may bring an action in Superior Court to enjoin a person for violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

[1993, c. 600, Pt. A, §55 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

1. Penalties. A person who practices or falsely claims legal authority to practice dentistry, dental hygiene, independent practice dental hygiene, denturism or dental radiography in this State without first obtaining a license as required by this chapter, or after the license has expired, has been suspended or revoked or has been temporarily suspended or revoked, commits a Class E crime.

[2007, c. 620, Pt. C, §1 (AMD) .]

SECTION HISTORY

1993, c. 600, §A55 (NEW). RR 1995, c. 2, §79 (COR). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 620, Pt. C, §1 (AMD).

Subchapter 2: BOARD OF DENTAL EXAMINERS

32 §1071. MEMBERSHIP; APPOINTMENT; VACANCIES; REMOVAL; NOMINATIONS; COMPENSATION

The Board of Dental Examiners, established by Title 5, section 12004-A, subsection 10, and in this chapter called the "board," consists of 9 members, appointed by the Governor as follows: five members of the dental profession, 2 dental hygienists, one denturist and one representative of the public. [2003, c. 669, §1 (AMD) .]

1. Membership. A person is not eligible for appointment to the board who has been convicted of a violation of the provisions of this or any other prior dental practice act, or who has been convicted of a crime punishable by more than one year's imprisonment. A person is not eligible for appointment to the board who has served 10 years or more on a dental examining board in this State. Appointment of members must comply with Title 10, section 8009. The Governor may remove a member of the board on proven charges of inefficiency, incompetence, immorality or unprofessional conduct.

[2007, c. 695, Pt. B, §7 (AMD) .]

2. Dentists. The Governor may accept nominations from the Maine Dental Association and from other organizations and individuals.

Members of the dental profession must hold a valid dental license and must have been in the actual practice of dentistry in this State for at least 10 years immediately preceding the appointment. The term for a member who is a dentist is 5 years. A dentist is not eligible to serve as a member of the board while employing a dental hygienist who is a member of the board.

[1993, c. 600, Pt. A, §56 (AMD) .]

3. Dental hygienists. The dental hygienists must be qualified pursuant to subchapter 4, must be legal residents of the State and must have practiced in the State for at least 6 years immediately preceding appointment. The dental hygienist members of the board are full-voting members of the board. The term for a member who is a dental hygienist is 5 years. The Governor may accept nominations from the Maine Dental Hygienists' Association and from other organizations and individuals before the appointment of a hygienist to the board. A dental hygienist is not eligible to serve as a member of the board while employed by a dentist who is a member of the board.

[2003, c. 669, §2 (AMD) .]

3-A. Denturist. The denturist must be qualified pursuant to subchapter VI, must be a legal resident of the State and for appointments made after January 1, 2006, the denturist must have practiced in the State for at least 6 years immediately preceding appointment. The denturist member of the board is a full-voting member of the board. The term of the denturist is 5 years. A denturist is not eligible to serve as a member of the board while employed by a dentist who is a member of the board.

[2001, c. 260, Pt. B, §2 (NEW) .]

4. Public member. The public member is appointed to a 5-year term.

[1993, c. 600, Pt. A, §56 (AMD) .]

5. Compensation. The members of the board are entitled to compensation according to the provisions of Title 5, chapter 379. Expenses of the board members must be certified by the secretary of the board.

[1993, c. 600, Pt. A, §56 (AMD) .]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1975, c. 575, §11 (AMD). 1975, c. 771, §§337,338 (AMD). 1977, c. 473, §§1-3 (AMD). 1981, c. 440, §2 (RPR). 1983, c. 176, §A11 (AMD). 1983, c. 812, §§200,201 (AMD). 1989, c. 152, §2 (AMD). 1993, c. 600, §A56 (AMD). 1999, c. 124, §1 (AMD). 2001, c. 260, §§B1,2 (AMD). 2003, c. 669, §§1,2 (AMD). 2007, c. 695, Pt. B, §7 (AMD).

32 §1072. ELECTIONS; QUORUM; REPORTS; RECORDS; TREASURER; EXPENSES

At its annual meeting, the board shall elect from among its members a president, a vice-president and a secretary-treasurer. Five members constitute a quorum. The board shall have a common seal. At a time and place to be fixed by the board, the board shall hold at least one regular meeting each year and special meetings as necessary. The board may recognize nationally or regionally administered examinations given at least annually for applicants to practice dentistry in the State. The board may make rules, not contrary to law, necessary for the performance of its duties. On or before August 1st, the board shall annually make a report of its proceedings to the Commissioner of Professional and Financial Regulation. The secretary-treasurer of the board shall keep records of all proceedings of the board and be the custodian of these records. Records that constitute and are recognized as the official records of the board must be open for public inspection at reasonable times. [1993, c. 600, Pt. A, §57 (RPR).]

The secretary-treasurer of the board shall collect all fees, charges and assessments payable to the board and account for and pay them according to law. The secretary-treasurer is entitled to receive an annual salary, to be fixed by the board, in lieu of per diem compensation. The secretary-treasurer is entitled to necessary expenses incurred in the discharge of official duties, including clerical and stenographic assistance, printing and postage. The allowance for expenses must be certified by the president of the board. [1993, c. 600, Pt. A, §57 (RPR).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1975, c. 484, §§1,2 (AMD). 1975, c. 575, §12 (AMD). 1977, c. 473, §4 (AMD). 1977, c. 604, §13 (AMD). 1985, c. 748, §42 (AMD). 1989, c. 152, §3 (AMD). 1993, c. 600, §A57 (RPR).

32 §1073. POWERS

The board may: [1983, c. 378, §6 (RPR).]

1. Employees and offices; funds. Employ persons to assist in carrying out its duties in the administration and enforcement of this chapter; provide offices, furniture, fixtures, supplies or printing; and expend funds as determined necessary;

[1993, c. 600, Pt. A, §58 (AMD) .]

2. Rules. Adopt rules in accordance with the Maine Administrative Procedure Act that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, interviews for licensing and renewal, continuing education, inactive licensure status, use of general anesthesia and fees for providing a list of addresses of licensed professionals upon request;

[1997, c. 107, §4 (AMD) .]

3. False advertising. Establish rules relating to false, deceptive or misleading advertising, except that no rules may be inconsistent with any rule promulgated pursuant to Title 5, section 207, subsection 2; and

[1997, c. 107, §5 (AMD) .]

4. Protocols for professional review committee. Establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, provided that the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired dentist from seeking alternative forms of treatment.

[1997, c. 107, §6 (NEW) .]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1977, c. 458, §3 (AMD). 1983, c. 378, §6 (RPR). 1989, c. 90, §1 (AMD). 1993, c. 600, §§A58,59 (AMD). 1997, c. 107, §§4-6 (AMD).

32 §1074. AFFILIATION WITH AMERICAN ASSOCIATION OF DENTAL EXAMINERS

The board may affiliate with the American Association of Dental Examiners or its successor as an active member and pay regular dues to that association and may send one or more delegates to the meetings of the American Association of Dental Examiners or its successor. These delegates are entitled to receive compensation provided for in section 1071. [2005, c. 45, §1 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1993, c. 600, §A60 (AMD). 2005, c. 45, §1 (AMD).

32 §1075. LIAISON; LIMITATIONS

On or before August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation, for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with comments and recommendations the board considers essential. [1993, c. 600, Pt. A, §61 (AMD).]

The commissioner shall act as a liaison between the board and the Governor.

The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by law to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter. [1995, c. 462, Pt. A, §55 (RPR).]

SECTION HISTORY

1977, c. 604, §14 (NEW). 1985, c. 748, §42 (AMD). 1993, c. 600, §A61 (AMD). 1993, c. 659, §B4 (AMD). 1995, c. 462, §A55 (AMD).

32 §1076. BUDGET

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter. [1993, c. 659, Pt. B, §5 (AMD).]

SECTION HISTORY

1977, c. 604, §14 (NEW). 1985, c. 748, §42 (AMD). 1993, c. 659, §B5 (AMD).

32 §1077. DISCIPLINARY ACTIONS

1. Disciplinary proceedings and sanctions. Regarding noncompliance with or violation of this chapter or of rules adopted by the board, the board shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board.

The board shall notify the licensee of the content of a complaint filed against the licensee soon as possible, but no later than 60 days from receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

If the board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions it considers appropriate:

A. With the consent of the licensee, enter into a consent agreement that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office; [1993, c. 600, Pt. A, §62 (AMD).]

B. In consideration for acceptance of a voluntary surrender of the license, if a consent agreement is signed by the board, the licensee and the Attorney General's office, negotiate stipulations, including terms and conditions for reinstatement, that ensure protection of the public health and safety and that serve to rehabilitate or educate the licensee; [1993, c. 600, Pt. A, §62 (AMD).]

C. If the board concludes that modification or nonrenewal of the license is in order, the board shall hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV; or [1993, c. 600, Pt. A, §62 (AMD).]

D. If the board concludes that suspension or revocation of the license is in order, the board shall file a complaint in the District Court in accordance with Title 4, chapter 5. [1999, c. 547, Pt. B, §60 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

[1999, c. 547, Pt. B, §60 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

2. Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5, section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [1983, c. 378, §7 (NEW).]

B. Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients; [1993, c. 600, Pt. A, §62 (AMD).]

C. A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [1993, c. 600, Pt. A, §62 (AMD).]

D. Aiding or abetting the practice of a dental profession by an individual who is not licensed under this chapter and who claims to be legally licensed; [1993, c. 600, Pt. A, §62 (AMD).]

E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

(1) Engaged in conduct that evidences a lack of ability or fitness to perform the duties owed by the licensee to a client or patient or the general public; or

(2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed; [1993, c. 600, Pt. A, §62 (AMD).]

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed; [1993, c. 600, Pt. A, §62 (AMD).]

G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed, or conviction of a crime for which incarceration for one year or more may be imposed; [1993, c. 600, Pt. A, §62 (AMD).]

H. A violation of this chapter or a rule adopted by the board; or [1993, c. 600, Pt. A, §62 (AMD).]

I. Engaging in false, misleading or deceptive advertising. [1983, c. 378, §7 (NEW).]

[1993, c. 600, Pt. A, §62 (AMD) .]

SECTION HISTORY

1983, c. 378, §7 (NEW). 1993, c. 600, §A62 (AMD). 1999, c. 547, §B60 (AMD). 1999, c. 547, §B80 (AFF).

32 §1078. SUBCOMMITTEE ON DENTURISTS

The Subcommittee on Denturists, referred to in this section as "the subcommittee," is established as follows. [2007, c. 620, Pt. A, §1 (AMD).]

1. Membership. The subcommittee consists of 5 members as follows:

A. The denturist who is a member of the board; [2003, c. 669, §3 (NEW).]

B. Two denturists, appointed by the Governor, who are qualified pursuant to subchapter 6, are legal residents of the State and, for appointments made after January 1, 2006, have practiced in the State for at least 6 years immediately preceding appointment; and [2003, c. 669, §3 (NEW).]

C. Two dentists who are members of the board, appointed by the president of the board. [2003, c. 669, §3 (NEW).]

The subcommittee shall annually elect a chair and a secretary.

[2003, c. 669, §3 (NEW) .]

2. Terms. Each of the 3 members of the subcommittee who also are members of the board shall serve on the subcommittee for the duration of that member's term on the board. The term of a member of the subcommittee who is not a member of the board is 5 years.

[2003, c. 669, §3 (NEW) .]

3. Duties. The subcommittee shall :

A. Perform an initial review of all complaints initiated pursuant to section 1077 involving denturists. Upon completion of its review of a complaint, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the complaint in accordance with those dispositions authorized by section 1077. Notwithstanding the provisions of section 1077, the board shall adopt the subcommittee's recommended disposition of a complaint unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition; and [2007, c. 620, Pt. A, §1 (NEW).]

B. Perform an initial review of all applications for licensure as a denturist pursuant to section 1100-D and all submissions relating to continuing education of denturists pursuant to section 1100-E-1. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or nonrenewal of a denturist license. Notwithstanding the provisions of section 1100-E, the board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition. [2007, c. 2, §19 (COR).]

[2007, c. 2, §19 (COR) .]

4. Compensation. The members of the subcommittee are entitled to compensation according to the provisions of Title 5, chapter 379. Expenses of the subcommittee members must be certified by the secretary of the board.

[2003, c. 669, §3 (NEW) .]

SECTION HISTORY

2003, c. 669, §3 (NEW). 2007, c. 620, Pt. A, §1 (AMD). RR 2007, c. 2, §19 (COR).

32 §1079. SUBCOMMITTEE ON DENTAL HYGIENISTS

The Subcommittee on Dental Hygienists, referred to in this section as "the subcommittee," is established. [2007, c. 620, Pt. A, §2 (AMD).]

1. Membership. The subcommittee consists of 5 members:

A. A dental hygienist who is a member of the board; [2003, c. 669, §3 (NEW).]

B. Two dental hygienists, appointed by the Governor, who are qualified pursuant to subchapter 6, are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and [2003, c. 669, §3 (NEW).]

C. Two dentists who are members of the board, appointed by the president of the board. [2003, c. 669, §3 (NEW).]

The subcommittee shall annually elect a chair and a secretary.

[2007, c. 620, Pt. A, §2 (AMD) .]

2. Terms. Each of the 3 members of the subcommittee who also are members of the board shall serve on the subcommittee for the duration of that member's term on the board. The term of a member of the subcommittee who is not a member of the board is 5 years.

[2003, c. 669, §3 (NEW) .]

3. Duties. The subcommittee shall :

A. Perform an initial review of all complaints initiated pursuant to section 1077 involving dental hygienists. Upon completion of its review of a complaint, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the complaint in accordance with those dispositions authorized by section 1077. Notwithstanding the provisions of section 1077, the board shall adopt the subcommittee's recommended disposition of a complaint unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition; and [2007, c. 620, Pt. A, §2 (NEW) .]

B. Perform an initial review of all applications for licensure as a dental hygienist pursuant to section 1097, all submissions relating to continuing education of dental hygienists pursuant to sections 1098-B and 1099 and all submissions relating to public health supervision status of dental hygienists as defined by board rule. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or nonrenewal of a dental hygienist license. Notwithstanding the provisions of section 1098, the board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition. [2007, c. 620, Pt. A, §2 (NEW) .]

[2007, c. 620, Pt. A, §2 (AMD) .]

4. Compensation. The members of the subcommittee are entitled to compensation according to the provisions of Title 5, chapter 379. Expenses of the subcommittee members must be certified by the secretary of the board.

[2003, c. 669, §3 (NEW) .]

SECTION HISTORY

2003, c. 669, §3 (NEW). 2005, c. 289, §1 (AMD). 2007, c. 620, Pt. A, §2 (AMD) .

Subchapter 3: DENTISTS

32 §1081. DEFINITIONS; PERSONS EXCEPTED

1. Practicing dentistry. A person is considered to be practicing dentistry when that person performs, or attempts or professes to perform, a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly to the person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed. A person who directly or indirectly, by any means or method, takes impressions of a human tooth, teeth, jaws or performs a phase of an operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed dentist; or who places dental appliances or structures in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to a person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure, or who extracts or attempts to extract human teeth, or corrects or attempts to correct malformations of teeth or of the jaws is also considered to be practicing dentistry. A person who repairs or fills cavities in the human teeth; or who diagnoses, makes and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or who uses an x-ray machine for the purpose of taking dental x rays, or who gives or professes to give interpretations or readings of dental x rays; or who administers an anaesthetic of any

nature in connection with a dental operation; or who uses the words dentist, dental surgeon, oral surgeon or the letters D.D.S., D.M.D. or any other words, letters, title or descriptive matter that in any way represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or who states, or professes or permits to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations is also considered to be practicing dentistry.

[1993, c. 600, Pt. A, §63 (AMD) .]

2. Exemptions. Nothing in this chapter applies to the following practices, acts and operations:

A. The practice of the profession by a licensed physician or surgeon under the laws of this State, unless that person practices dentistry as a specialty; [1993, c. 600, Pt. A, §63 (AMD).]

B. The giving by a qualified anesthetist or nurse anesthetist of an anesthetic for a dental operation; the giving by a certified registered nurse of an anesthetic for a dental operation under the direct supervision of either a licensed dentist who holds a valid anesthesia permit or a licensed physician; and the removing of sutures, the dressing of wounds, the application of dressings and bandages and the injection of drugs subcutaneously or intravenously by a certified registered nurse under the direct supervision of a licensed dentist or physician; [1993, c. 600, Pt. A, §63 (AMD).]

C. The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard or Veterans Bureau; [1967, c. 544, §80 (NEW).]

D. The practice of dentistry by a licensed dentist of other states or countries at meetings of the Maine State Dental Association or its affiliates or other like dental organizations approved by the board, while appearing as clinicians; [1993, c. 600, Pt. A, §63 (AMD).]

E. The filling of prescriptions of a licensed dentist by any person, association, corporation or other entity for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth, provided that this person, association, corporation or other entity does not solicit nor advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth; [2007, c. 620, Pt. C, §2 (AMD).]

F. [1987, c. 402, Pt. A, §167 (RP).]

G. The taking of impressions by dental hygienists, independent practice dental hygienists or dental assistants for study purposes only; and [2007, c. 620, Pt. C, §3 (AMD).]

H. Practice by an independent practice dental hygienist pursuant to subchapter 3-B. [2007, c. 620, Pt. C, §4 (NEW).]

[2007, c. 620, Pt. C, §§2-4 (AMD) .]

3. Proprietor. The term proprietor, as used in this chapter, includes a person who:

A. Employs dentists or dental hygienists, independent practice dental hygienists, denturists or other dental auxiliaries in the operation of a dental office; [2007, c. 620, Pt. C, §5 (AMD).]

B. Places in possession of a dentist or a dental hygienist, independent practice dental hygienist or other dental auxiliary or other agent dental material or equipment that may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of that material, equipment or office; or [2007, c. 620, Pt. C, §5 (AMD).]

C. Retains the ownership or control of dental equipment or material or a dental office and makes the same available in any manner for the use by dentists or dental hygienists, independent practice dental hygienists or other agents, except that nothing in this subsection applies to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A person licensed to practice dentistry may not enter into arrangements with a person who is not licensed to practice dentistry, with the exception of licensed denturists and independent practice dental hygienists, or the legal guardian or personal representative of a deceased or incapacitated dentist, pursuant to the provisions of Title 13, section 732. [2007, c. 620, Pt. C, §5 (AMD).]

[2007, c. 620, Pt. C, §5 (AMD) .]

4. Corporations; names. A corporation may not practice, offer or undertake to practice or hold itself out as practicing dentistry. Every person practicing dentistry as an employee of another shall cause that person's name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where the practice is conducted. This subsection does not prohibit a licensed dentist from practicing dentistry as an employee of another licensed dentist in this State, as an employee of a nonprofit corporation, as an employee of a state hospital or state institution where the only remuneration is from the State or from a corporation that provides dental service for its employees at no profit to the corporation. This subsection does not prohibit the practice of dentists who have incorporated their practices pursuant to Title 13, chapter 22-A.

[2003, c. 344, Pt. D, §21 (AMD) .]

5. Dentist of record; office manager. Each patient in a multidentist practice must be provided with a dentist of record. The patient entering a multidentist practice, at the onset of treatment, must be informed as to the identity of the patient's dentist of record. The identity must at least consist of the name and telephone number.

Each office established or maintained in this State for the practice of dentistry by a person or persons subject to this chapter must be under the general supervision of a licensed dentist.

[1993, c. 600, Pt. A, §63 (AMD) .]

6. Dental hygienist. "Dental hygienist" or "independent practice dental hygienist," as used in this chapter, means a dental auxiliary licensed pursuant to subchapter 3-B or 4 who delivers preventive and educational services for the control of oral disease and the promotion of oral health within the scope of practice authorized by the person's license.

[2007, c. 620, Pt. C, §6 (NEW) .]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1971, c. 159, §§1,2 (AMD). 1975, c. 484, §§3-5 (AMD). 1981, c. 440, §3 (AMD). 1983, c. 331, §1 (AMD). 1983, c. 378, §§8-10 (AMD). 1987, c. 402, §A167 (AMD). 1993, c. 600, §A63 (AMD). 2001, c. 337, §2 (AMD). RR 2001, c. 2, §C7 (AFF). RR 2001, c. 2, §C6 (COR). 2003, c. 344, §D21 (AMD). 2007, c. 210, §2 (AMD). 2007, c. 620, Pt. C, §§2-6 (AMD).

32 §1082. QUALIFICATIONS

Before receiving a license to practice dentistry in this State, a person must be at least 18 years of age and must be a graduate of or have a diploma from a dental college, school or dental department of a university accredited by an agency approved by the board. [1993, c. 600, Pt. A, §64 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1969, c. 433, §79 (AMD). 1969, c. 197, §1 (RPR). 1969, c. 590, §60 (RPR). 1971, c. 598, §69 (AMD). 1983, c. 378, §11 (AMD). 1993, c. 600, §A64 (AMD).

32 §1083. APPLICATION FOR EXAMINATION; SUBJECTS; REEXAMINATION

The board may at its discretion recognize the results of an examination given by the National Board of Dental Examiners or an accredited clinical testing agency approved by the board in lieu of or in addition to the examination or examinations that it may require. The board may require as part of the examination a clinical demonstration of the candidate's skill in dentistry. An applicant who fails to pass the first examination to the satisfaction of the board is entitled to one reexamination. Applicants for licensure shall pay a fee set by the board for the examination. [1993, c. 600, Pt. A, §65 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1969, c. 197, §2 (AMD). 1981, c. 440, §§4,5 (AMD). 1993, c. 600, §A65 (AMD).

32 §1084. LICENSES; FEES

The board shall issue under its seal to any person who successfully meets all licensure requirements a license to practice dentistry in this State, signed by the members of the board. A dentist shall publicly exhibit the dentist's license. The license is prima facie evidence of authority to practice dentistry in this State, except that it is unlawful for a person to practice dentistry in this State after the expiration date that appears on the license unless the practitioner pays to the board on or before January 1st of even-numbered years a fee of not more than \$550 to be determined by the board, and meets other conditions that the board may require. Upon receipt of the required fee, the board shall issue a renewal of the practitioner's license, which the practitioner shall place beside or attach to the practitioner's initial license. Practitioners who have not paid as provided and who otherwise qualify for renewal may be reinstated upon payment of a fee to be determined by the board of not more than \$200 if paid before February 1st. A license to practice is automatically suspended on February 1st for nonpayment of the license renewal fee and may be reinstated, if approved by the board, on payment of a fee to be determined by the board of not more than \$550. A new applicant having paid the application fee shall pay either the biennial licensure fee, if the applicant applies in an even-numbered year, or half the biennial licensure fee if the applicant applies in an odd-numbered year. [2003, c. 669, §4 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1975, c. 484, §6 (RPR). 1981, c. 440, §§6,7 (AMD). 1993, c. 600, §A66 (AMD). 2003, c. 285, §1 (AMD). 2003, c. 669, §4 (AMD).

32 §1084-A. CONTINUING EDUCATION

As a condition of renewal of a license to practice, a dentist must provide evidence of having successfully completed 40 hours of continuing education during the 2 years prior to application for renewal. To meet this requirement, the education must relate to professional competency and relate to those aspects of the profession in which the practitioner is currently engaged. The board shall specify the desired content of the program of continuing education, establish criteria for approving providers of continuing education and approve those providers. The board shall specify the criteria for successful completion of a continuing education requirement. All actions by the board in the implementation of this program must be by rule and follow the provisions of the Maine Administrative Procedure Act. [1993, c. 600, Pt. A, §67 (AMD).]

The board may indicate to an individual practitioner specific subject areas on which that practitioner's continuing education is to focus in the future. Providers are required to obtain and retain for 3 years a written course assessment from each student, which must be reviewed periodically by the board. [1993, c. 600, Pt. A, §67 (AMD).]

SECTION HISTORY

1989, c. 90, §2 (NEW). 1993, c. 600, §A67 (AMD).

32 §1084-B. MENTAL OR PHYSICAL EXAMINATION

For the purposes of this section, by application for and acceptance of a license to practice, a licensed dentist is considered to have given consent to a mental or physical examination when directed by the board. The board may direct a dentist to submit to an examination whenever the board determines the dentist may be suffering from a mental illness that may be interfering with the competent practice of dentistry or from the use of intoxicants or drugs to an extent that they are preventing the dentist from practicing dentistry competently and with safety to patients. A dentist examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. Failure to comply with an order of the board to submit to a mental or physical examination results in the immediate suspension of the license of the dentist by order of the District Court until the dentist submits to the examination. [2003, c. 669, §5 (NEW).]

SECTION HISTORY

2003, c. 669, §5 (NEW).

32 §1085. ENDORSEMENT; FEES

The board is authorized, at its discretion, without the examination as provided, to issue a license to an applicant who furnishes proof, satisfactory to the board, that the applicant has been licensed to practice dentistry in another state or a Canadian province after full compliance with the requirements of its dental laws. If an applicant is licensed to practice dentistry in another state or a Canadian province, that applicant's professional education may not be less than is required in this State and the applicant must have been at least 3 years in actual practice in the state or Canadian province in which the license was granted. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or members of the board, prior to being issued a license. The personal interview may be waived at the board's discretion based upon proof of overseas military deployment; however, the applicant shall submit to an interview by telephone or the equivalent as determined by the board. Every license of this type issued by the board must state upon its face the grounds upon which it is issued and the applicant may be required to furnish proof upon affidavit. The fee for the license is determined by the board, but may not be more than \$550. [2005, c. 45, §2 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1969, c. 197, §3 (AMD). 1981, c. 440, §8 (AMD). 1993, c. 600, §A68 (AMD). 1995, c. 590, §1 (AMD). 2001, c. 260, §B3 (AMD). 2003, c. 285, §2 (AMD). 2003, c. 557, §1 (AMD). 2003, c. 669, §6 (AMD). 2005, c. 45, §2 (AMD).

32 §1086. PERMITS FOR INTERNSHIP

The board has the authority, upon presentation of satisfactory credentials under the rules as the board may prescribe, to issue permits to a graduate of an approved dental school or college who has not been licensed to practice dentistry in this State, who has passed an examination for licensure in this State and who, in the board's judgment, has not violated a provision of this chapter or rules adopted by the board to serve as a dental intern in a licensed hospital, providing the hospital maintains a dental staff of at least one licensed dentist. Permits expire at the end of one month and may be renewed by the board. The intern functions under

the supervision and direction of the dental staff of the hospital, and the intern's work is limited to patients admitted to the hospital. The intern is not eligible to receive a fee or compensation in addition to the salary or other remuneration received from the hospital. [1993, c. 600, Pt. A, §69 (AMD).]

A special permit may be issued by the board to a licensed dentist practicing outside this State when the request for the dentist comes from a charitable or social organization within the State and when the purpose for that permit is to provide free dental care for the public when resident dental service is not available. The board may provide an expiration date for a permit issued, except that a permit may not be valid for more than one year. [1993, c. 2, §33 (COR).]

The board has the authority, upon presentation of satisfactory proof of academic affiliation and good academic standing, and providing, in the board's judgment, a violation of a provision of this chapter or of the board's rules has not occurred, to issue a permit to a bona fide dental student of a school or university acceptable to the board, after the completion of satisfactory training to perform limited dental service in institutional and public health service programs within the State, commensurate with the student's level of training under the supervision and control of a licensed dentist or a teaching school. The board must, prior to the issuance of this permit, determine that the supervision and control of the services to be performed by the student are adequate and that the performance of these services by the student adds to the student's knowledge and skill in dentistry. Permits expire at the end of each month and may be renewed by the board. [1993, c. 2, §33 (COR).]

Specialists in particular fields of dentistry practicing outside the State may be issued a permit to practice within the State for a period not to exceed 6 months. [1993, c. 600, Pt. A, §69 (AMD).]

The board may charge a fee up to \$50 for licenses issued pursuant to this section. [1993, c. 600, Pt. A, §69 (NEW).]

The board has the authority, upon the presentation of credentials and other information satisfactory to it, to issue a temporary permit for practice of dentistry in the State as part of a board-approved program of clinical education for Maine practitioners. An individual who is not currently licensed to practice dentistry in another state may not receive a temporary permit. An individual may not receive a temporary permit for more than 7 days in any calendar year. [1997, c. 107, §7 (NEW).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1969, c. 197, §4 (AMD). 1975, c. 484, §7 (AMD). 1977, c. 694, §560 (RPR). 1993, c. 600, §A69 (AMD). RR 1993, c. 2, §33 (COR). 1997, c. 107, §7 (AMD).

32 §1087. FEE FOR DUPLICATE LICENSE

An applicant for a duplicate license granted upon proof of loss of the original shall pay a fee of no more than \$50. [2003, c. 285, §3 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1981, c. 440, §9 (AMD). 1993, c. 600, §A70 (AMD). 2003, c. 285, §3 (AMD).

32 §1088. LAWFUL PRACTITIONERS

(REPEALED)

SECTION HISTORY

1967, c. 544, §80 (NEW). 1983, c. 378, §12 (RP).

32 §1089. DRUGS AND DENTAL PROCEDURE

A dentist may prescribe drugs or medicines, perform surgical operations, administer local anesthetics and use appliances as may be necessary for proper dental treatment. A dentist may also, with the appropriate permit issued by the board, administer general anesthetics and conscious sedation. A dentist is authorized to 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 general or local anesthetics. 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. [2005, c. 45, §3 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1975, c. 293, §4 (AMD). 1975, c. 484, §8 (RPR). 1985, c. 748, §42 (AMD). 1993, c. 600, §A71 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 45, §3 (AMD).

32 §1090. PRESCRIPTION REQUIRED FOR DENTAL LABORATORY

1. Prescription. A dentist who uses the services of a person not licensed to practice dentistry in this State to construct, alter, repair or duplicate a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance shall first furnish the unlicensed person with a written prescription, which must contain:

- A. The name and address of the unlicensed person; [1993, c. 600, Pt. A, §72 (AMD).]
- B. The patient's name or number. In the event the number is used, the name of the patient must be written upon the duplicate copy of the prescription retained by the dentist; [1993, c. 600, Pt. A, §72 (AMD).]
- C. The date on which it was written; [1967, c. 544, §80 (NEW).]
- D. A prescription of the work to be done, with diagrams if necessary; [1967, c. 544, §80 (NEW).]
- E. A specification of the type and quality of materials to be used; and [1993, c. 600, Pt. A, §72 (AMD).]
- F. The signature of the dentist and the number of the dentist's state license. [1993, c. 600, Pt. A, §72 (AMD).]

The unlicensed person shall retain the original prescription and the dentist shall retain for 2 years a duplicate copy for inspection by the board or its agent. For purposes of this subsection, "unlicensed person" includes all legal entities.

[1993, c. 600, Pt. A, §72 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1993, c. 600, §A72 (AMD).

32 §1091. REVOCATION OF LICENSE

(REPEALED)

SECTION HISTORY

1967, c. 544, §80 (NEW). 1973, c. 303, §3 (AMD). 1975, c. 484, §9 (AMD). 1977, c. 458, §§4,4A (AMD). 1983, c. 378, §13 (RP).

32 §1092. UNLAWFUL PRACTICE

1. Unlawful practice. A person may not:

A. Practice dentistry without obtaining a license; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Practice dentistry under a false or assumed name; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Practice dentistry under the license of another person of the same name; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. Practice dentistry under the name of a corporation, company, association, parlor or trade name; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

E. While manager, proprietor, operator or conductor of a place for performing dental operations, employ a person who is not a lawful practitioner of dentistry in this State to perform dental practices as described in section 1081; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

F. While manager, proprietor, operator or conductor of a place for performing dental operations, permit a person to practice dentistry under a false name; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

G. Assume a title or append or prefix to that person's name the letters that falsely represent the person as having a degree from a dental college; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

H. Impersonate another at an examination held by the board; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

I. Knowingly make a false application or false representation in connection with an examination held by the board; [2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

J. Practice as a dental hygienist or independent practice dental hygienist without having a license to do so; or [2007, c. 620, Pt. C, §7 (AMD).]

K. Employ a person as a dental hygienist or independent practice dental hygienist who is not licensed to practice. [2007, c. 620, Pt. C, §8 (AMD).]

[2007, c. 620, Pt. C, §§7, 8 (AMD) .]

2. Penalty. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2003, c. 452, Pt. R, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1975, c. 484, §10 (AMD). 1993, c. 600, §A73 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §R1 (RPR). 2007, c. 620, Pt. C, §§7, 8 (AMD).

32 §1092-A. CONFIDENTIALITY

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Confidential communication" means a communication not intended to be disclosed to 3rd persons other than those present to further the interest of the patient in the consultation, examination or interview or persons who are participating in the diagnosis and treatment under the direction of the dentist, including members of the patient's family. [1981, c. 211, §2 (NEW).]

B. "Patient" means a person who consults or is examined or interviewed by a dentist or dental auxiliary. [1981, c. 211, §2 (NEW).]

[1981, c. 211, §2 (NEW) .]

2. General rule of privilege. A patient has a privilege to refuse to disclose and to prevent another person from disclosing confidential communications made for the purpose of diagnosis or treatment of the patient's physical, mental or emotional conditions, including alcohol or drug addiction, among the patient, the patient's dentist and persons who are participating in the diagnosis or treatment under the direction of the dentist, including members of the patient's family.

[1993, c. 600, Pt. A, §74 (AMD) .]

3. Who may claim the privilege. The privilege may be claimed by the patient, by the patient's guardian or conservator or by the personal representative of a deceased patient. The dentist or dental auxiliary at the time of the communication is presumed to have authority to claim the privilege, but only on behalf of the patient.

[1993, c. 600, Pt. A, §74 (AMD) .]

4. Exceptions. Notwithstanding any other provisions of law, the following are exceptions.

A. If the court orders an examination of the physical, mental or emotional condition of a patient, whether a party or a witness, communications made in the course of the examination are not privileged under this section with respect to the particular purpose for which the examination is ordered unless the court orders otherwise. [1993, c. 600, Pt. A, §75 (AMD).]

B. There is not any privilege under this section as to communications relevant to an issue of the physical, mental or emotional condition of the patient in a proceeding in which the condition of the patient is an element of the claim or defense of the patient, or of a party claiming through or under the patient or because of the patient's condition or claiming as a beneficiary of the patient through a contract to which the patient is or was a party, or after the patient's death, in a proceeding in which a party puts the condition in issue. [1993, c. 600, Pt. A, §75 (AMD).]

C. There is not any privilege under this section as to information regarding a patient that is sought by the Chief Medical Examiner or the Chief Medical Examiner's designee in a medical examiner case, as defined by Title 22, section 3025, in which the Chief Medical Examiner or the Chief Medical Examiner's designee has reason to believe that information relating to dental treatment may assist in determining the identity of a deceased person. [1993, c. 600, Pt. A, §75 (AMD).]

D. There is not any privilege under this section as to disclosure of information concerning a patient when that disclosure is required by law and nothing in this section may modify or affect the provisions of Title 22, sections 4011-A to 4015 and Title 29-A, section 2405. [2001, c. 345, §8 (AMD).]

[2001, c. 345, §8 (AMD) .]

SECTION HISTORY

1981, c. 211, §2 (NEW). 1985, c. 296, §2 (AMD). 1993, c. 600, §§A74,75 (AMD). 1995, c. 65, §A131 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2001, c. 345, §8 (AMD).

32 §1093. FRAUDULENT SALE OR ALTERATION OF DIPLOMAS OR LICENSES

1. Fraudulent or altered diploma or license; bribery. A person may not:

A. Sell or offer to sell a diploma conferring a dental degree or license granted pursuant to the laws of this State; [2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Procure a license or diploma with intent that it be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or license was conferred; [2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. With fraudulent intent alter a diploma or license to practice dentistry; [2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. Use or attempt to use an altered diploma or license; or [2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

E. Attempt to bribe a member of the board by the offer or use of money or other pecuniary reward or by other undue influence. [2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Penalty. A person who violates this section commits a Class E crime. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2003, c. 452, Pt. R, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1991, c. 797, §14 (AMD). 1993, c. 600, §A76 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §R2 (RPR).

32 §1094. PENALTIES

A person who violates a provision of this chapter, for the violation of which a penalty has not been prescribed, commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. [2001, c. 421, Pt. B, §94 (AMD); 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1991, c. 797, §14 (AMD). 1993, c. 600, §A77 (AMD). 2001, c. 421, §B94 (AMD). 2001, c. 421, §C1 (AFF).

32 §1094-A. REVIEW COMMITTEE IMMUNITY

Any dentist who is a member of a peer review committee of a state or local association or society composed of doctors of dentistry, any staff member of such an association or society assisting a peer review committee and any witness or consultant appearing before or presenting information to the peer review committee is immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee. [1987, c. 646, §8 (RPR).]

SECTION HISTORY

1975, c. 484, §11 (NEW). 1987, c. 646, §8 (RPR).

32 §1094-B. REMOVABLE DENTAL PROSTHESES; OWNER IDENTIFICATION

1. Identification required. Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist licensed under this chapter, or fabricated pursuant to the dentist's work order or under the dentist's direction or supervision, must be marked with the name and social security number of the patient for whom the prosthesis is intended. The markings must be done during fabrication and must be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant the markings must be determined by the dentist or dental laboratory fabricating the prosthesis. If, in the professional judgment of the dentist or dental laboratory, this identification is not practical, identification must be provided as follows:

A. The social security number of the patient may be omitted if the name of the patient is shown; [1983, c. 21, (NEW).]

B. The initials of the patient may be shown alone, if use of the name of the patient is impracticable; or [1983, c. 21, (NEW).]

C. The identification marks may be omitted in their entirety if none of the forms of identification specified in paragraphs A and B are practicable or clinically safe. [1983, c. 21, (NEW).]

[1993, c. 600, Pt. A, §78 (AMD) .]

2. Dentures already in existence. A removable dental prosthesis in existence prior to the effective date of this section that was not marked in accordance with subsection 1 at the time of its fabrication must be marked in accordance with subsection 1 at the time of a subsequent rebasing.

[1993, c. 600, Pt. A, §78 (AMD) .]

3. Technical assistance.

[1993, c. 600, Pt. A, §78 (RP) .]

4. Violations. Failure of a dentist to comply with this section is a violation for which the dentist is subject to proceedings pursuant to section 1077, provided that the dentist is charged with the violation within 2 years of initial insertion of the dental prosthetic device.

[1993, c. 600, Pt. A, §78 (AMD) .]

SECTION HISTORY

1983, c. 21, (NEW). 1985, c. 748, §42 (AMD). 1993, c. 600, §A78 (AMD).

32 §1094-C. BROCHURE AND POSTER

1. Display. Beginning July 1, 2002, a dentist who uses mercury or a mercury amalgam in any dental procedure shall display the poster adopted by the Department of Health and Human Services, Bureau of Health under this section in the public waiting area of that dentist's office and must provide each patient with a copy of the brochure adopted by the bureau under this section. The Department of Health and Human Services shall also post on its publicly accessible site on the Internet a copy of the brochure that is suitable for downloading and printing by dentists, patients and other interested parties.

[2001, c. 710, §17 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

2. Rules. The Director of the Bureau of Health within the Department of Health and Human Services shall develop a brochure that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using mercury or mercury amalgam in dental procedures. The brochure must describe what alternatives are available to mercury amalgam in various dental procedures and what

potential advantages and disadvantages are posed by the use of those alternatives. The brochure may also include other information that contributes to the patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the mercury amalgam and alternative materials. The director shall also develop a poster that informs patients of the availability of the brochure.

The Director of the Bureau of Health shall, in consultation with the Department of Environmental Protection, adopt the brochure and the poster described in this subsection as major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. The brochure and poster must be provisionally adopted and submitted to the Legislature for consideration during the Second Regular Session of the 120th Legislature.

[2001, c. 710, §17 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

SECTION HISTORY

2001, c. 385, §1 (NEW). 2001, c. 710, §17 (AMD). 2003, c. 689, §B6 (REV).

Subchapter 3-A: EXPANDED FUNCTION DENTAL ASSISTANT ASSISTANT HEADING: PL 2005, C. 322, §1 (NEW)

32 §1094-D. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, "expanded function dental assistant" means an individual who holds a current valid certification under this subchapter to perform reversible intraoral procedures authorized by this subchapter under the direct supervision of a licensed dentist and under an assignment of duties by a dentist. As used in this subchapter, unless the context otherwise indicates, "reversible intraoral procedures" means placing and removing rubber dams and matrices; placing and contouring amalgam, composite and other restorative materials; applying sealants; supra gingival polishing; and other reversible procedures defined by the board not designated by this chapter to be performed only by licensed dentists, dental hygienists or independent practice dental hygienists. [2007, c. 620, Pt. C, §9 (AMD) .]

SECTION HISTORY

2005, c. 322, §1 (NEW). 2007, c. 620, Pt. C, §9 (AMD).

32 §1094-E. PROCEDURES NOT AUTHORIZED

An expanded function dental assistant may not perform the following procedures: [2005, c. 322, §1 (NEW) .]

1. Examination, diagnosis and treatment planning. Complete or limited examination, diagnosis or treatment planning;

[2005, c. 322, §1 (NEW) .]

2. Surgical or cutting procedures. Surgical or cutting procedures of hard or soft tissue;

[2005, c. 322, §1 (NEW) .]

3. Prescribing drugs. Prescribing drugs, medicaments or work authorizations;

[2005, c. 322, §1 (NEW) .]

4. Performing pulp capping. Performing pulp capping, pulpotomy or other endodontic procedures;

[2005, c. 322, §1 (NEW) .]

5. Placement and adjustment of prosthetic appliances. Placement and intraoral adjustments of fixed or removable prosthetic appliances; or

[2005, c. 322, §1 (NEW) .]

6. Administration of anesthesia or sedation. Administration of local anesthesia, parenteral or inhalation sedation or general anesthesia.

[2005, c. 322, §1 (NEW) .]

SECTION HISTORY

2005, c. 322, §1 (NEW) .

32 §1094-F. SUPERVISION

An expanded function dental assistant shall perform under the direct supervision of a dentist. As used in this section, "direct supervision" means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the condition to be treated and remains in the dental office or treatment facility while the procedure is being performed by the expanded function dental assistant and, before dismissal of the patient, evaluates the work performed by the expanded function dental assistant. [2005, c. 322, §1 (NEW) .]

SECTION HISTORY

2005, c. 322, §1 (NEW) .

32 §1094-G. QUALIFICATIONS

The board may certify as an expanded function dental assistant a person 18 years of age or older who submits an application on forms furnished by the board together with the required fee to be determined by the board, not to exceed \$100, and: [2005, c. 322, §1 (NEW) .]

1. Holds certified dental assistant certificate or registered dental hygiene license and has completed training. Holds a current certified dental assistant certification or a current registered dental hygienist license and has successfully completed training in a school or program approved by the board; or

[2005, c. 322, §1 (NEW) .]

2. Is credentialed by another state or province. Is credentialed to perform as an expanded function dental assistant by another state or Canadian province, the standards of which are acceptable to the board.

[2005, c. 322, §1 (NEW) .]

The board may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section. [2005, c. 322, §1 (NEW) .]

SECTION HISTORY

2005, c. 322, §1 (NEW) .

32 §1094-H. CERTIFICATION; RENEWAL

Certificates must be renewed every 5 years. On or before the expiration of the certificate, the expanded function dental assistant must pay to the board a certification renewal fee of not more than \$100 to be determined by the board. Expanded function dental assistants who have not paid the renewal fee on or before the expiration of the 5-year certificate must be reinstated upon payment of a late fee of not more than \$50 to be determined by the board if paid within 30 days of the certificate's expiration date. Failure to be properly certified within 30 days results in automatic suspension of a certificate to practice. Reinstatement may be made, if approved by the board, by payment to the secretary-treasurer of the board of a fee determined by the board of not more than \$100. [2005, c. 322, §1 (NEW).]

The board may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section. [2005, c. 322, §1 (NEW).]

SECTION HISTORY

2005, c. 322, §1 (NEW).

Subchapter 3-B: INDEPENDENT PRACTICE DENTAL HYGIENISTS

32 §1094-I. INDEPENDENT PRACTICE

An independent practice dental hygienist licensed by the board pursuant to this subchapter may practice without supervision by a dentist to the extent permitted by this subchapter. Any licensee of the board may be the proprietor of a place where independent practice dental hygiene is performed and may purchase, own or lease equipment necessary for the performance of independent practice dental hygiene. [2007, c. 620, Pt. B, §1 (NEW).]

A person practicing independent practice dental hygiene as an employee of another shall cause that person's name to be conspicuously displayed at the entrance of the place where the practice is conducted. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-J. QUALIFICATIONS FOR LICENSURE

To qualify for licensure under this subchapter as an independent practice dental hygienist, a person must: [2007, c. 620, Pt. B, §1 (NEW).]

1. Eighteen years of age. Be 18 years of age or older;

[2007, c. 620, Pt. B, §1 (NEW) .]

2. Licensure as dental hygienist. Possess a valid license to practice dental hygiene issued by the board pursuant to subchapter 4 or qualify for licensure as an independent practice dental hygienist by endorsement pursuant to section 1094-L; and

[2007, c. 620, Pt. B, §1 (NEW) .]

3. Education and experience. Meet the educational and experience requirements described in section 1094-K.

[2007, c. 620, Pt. B, §1 (NEW) .]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-K. EDUCATION AND EXPERIENCE

An applicant for licensure under this subchapter as an independent practice dental hygienist must:
[2007, c. 620, Pt. B, §1 (NEW).]

1. Bachelor's degree and 2,000 hours experience. Possess a bachelor's degree in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization, and document 2,000 work hours of clinical practice in a private dental practice or nonprofit dental clinic under direct or general supervision of a dentist during the 4 years preceding application; or

[2009, c. 318, §1 (AMD) .]

2. Associate degree and 5,000 hours experience. Possess an associate degree in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization, and document 5,000 work hours of clinical practice in a private dental practice or nonprofit dental clinic under direct or general supervision of a dentist during the 6 years preceding application.

[2009, c. 318, §1 (AMD) .]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW). 2009, c. 318, §1 (AMD).

32 §1094-L. LICENSURE BY ENDORSEMENT

A person eligible for licensure as a dental hygienist by endorsement pursuant to section 1098-D, subsection 2 or 1099 is also eligible for licensure under this subchapter as an independent practice dental hygienist by endorsement if the applicant meets the education and experience requirements set forth in section 1094-K. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-M. APPLICATION

An applicant for licensure as an independent practice dental hygienist shall apply to the board on forms provided by the board. The applicant shall include as part of the application such information and documentation as the board may require to act on the application. The application must be accompanied by the application fee set under section 1094-O. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-N. LICENSE; BIENNIAL RENEWAL; DISCONTINUATION OF DENTAL HYGIENIST LICENSE

The board shall issue a license to practice as an independent practice dental hygienist to a person who has met the requirements for licensure set forth in this subchapter and has paid the application fee under section 1094-O. There is an initial license fee only for independent practice dental hygienists licensed by endorsement. The license must be exhibited publicly at the person's place of business or employment. The initial date of expiration of the license is the original expiration date of the person's dental hygienist license issued by the board pursuant to subchapter 4 or, for independent practice dental hygienists licensed by endorsement, January 1st of the first odd-numbered year following initial licensure. On or before January 1st of each odd-numbered year, the independent practice dental hygienist shall pay to the board a license

renewal fee. Independent practice dental hygienists who have not paid the renewal fee on or before January 1st must be reinstated upon payment of a late fee before February 1st of the year in which license renewal is due. Failure to be properly licensed by February 1st results in automatic suspension of a license to practice as an independent practice dental hygienist. Reinstatement of the independent practice dental hygienist license may be made, if approved by the board, by payment of a reinstatement fee to the board. [2007, c. 620, Pt. B, §1 (NEW).]

A dental hygienist license issued by the board pursuant to subchapter 4 of this chapter automatically expires upon issuance under this subchapter of an independent practice dental hygienist license to the same person. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-O. FEES

The board may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$275. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-P. CONTINUING EDUCATION

As a condition of renewal under this subchapter of a license to practice, an independent practice dental hygienist must submit evidence of successful completion of 30 hours of continuing education consisting of board-approved courses in the 2 years preceding the application for renewal. The board and the independent practice dental hygienist shall follow and are bound by the provisions of section 1084-A in the implementation of this section. [2007, c. 620, Pt. B, §1 (NEW).]

Continuing education completed pursuant to section 1098-B may be recognized for purposes of this section in connection with the first renewal of an independent practice dental hygienist license. [2007, c. 620, Pt. B, §1 (NEW).]

The board may refuse to issue a license under this subchapter to a person who has not completed continuing education required by section 1098-B or may issue the license on terms and conditions set by the board. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-Q. SCOPE OF PRACTICE

1. Independent practice. An independent practice dental hygienist licensed under this subchapter may perform only the following duties without supervision by a dentist:

A. Interview patients and record complete medical and dental histories; [2007, c. 620, Pt. B, §1 (NEW).]

B. Take and record the vital signs of blood pressure, pulse and temperature; [2007, c. 620, Pt. B, §1 (NEW).]

C. Perform oral inspections, recording all conditions that should be called to the attention of a dentist; [2007, c. 620, Pt. B, §1 (NEW).]

- D. Perform complete periodontal and dental restorative charting; [2007, c. 620, Pt. B, §1 (NEW).]
- E. Perform all procedures necessary for a complete prophylaxis, including root planing; [2007, c. 620, Pt. B, §1 (NEW).]
- F. Apply fluoride to control caries; [2007, c. 620, Pt. B, §1 (NEW).]
- G. Apply desensitizing agents to teeth; [2007, c. 620, Pt. B, §1 (NEW).]
- H. Apply topical anesthetics; [2007, c. 620, Pt. B, §1 (NEW).]
- I. Apply sealants; [2007, c. 620, Pt. B, §1 (NEW).]
- J. Smooth and polish amalgam restorations, limited to slow speed application only; [2007, c. 620, Pt. B, §1 (NEW).]
- K. Cement pontics and facings outside the mouth; [2007, c. 620, Pt. B, §1 (NEW).]
- L. Take impressions for athletic mouth guards and custom fluoride trays; [2007, c. 620, Pt. B, §1 (NEW).]
- M. Place and remove rubber dams; [2007, c. 620, Pt. B, §1 (NEW).]
- N. Place temporary restorations in compliance with the protocol adopted by the board; and [2007, c. 620, Pt. B, §1 (NEW).]
- O. Apply topical antimicrobials, excluding antibiotics, including fluoride, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medicaments. [2007, c. 620, Pt. B, §1 (NEW).]

For the purposes of this subsection, "topical" includes superficial and intraoral application.

[2007, c. 620, Pt. B, §1 (NEW) .]

2. Practice under supervision. An independent practice dental hygienist licensed under this subchapter may perform duties under the supervision of a dentist as set forth in the rules of the board pursuant to section 1095.

[2007, c. 620, Pt. B, §1 (NEW) .]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-R. RESPONSIBILITIES

An independent practice dental hygienist licensed under this subchapter has the duties and responsibilities set out in this section with respect to each patient seen in an independent capacity pursuant to section 1094-Q, subsection 1. [2007, c. 620, Pt. B, §1 (NEW).]

1. Acknowledgment. Prior to an initial patient visit, an independent practice dental hygienist licensed under this subchapter shall obtain from the patient or the parent or guardian of a minor patient written acknowledgment of the patient's or parent's or guardian's understanding that the independent practice dental hygienist is not a dentist and that the service to be rendered does not constitute restorative care or treatment.

[2007, c. 620, Pt. B, §1 (NEW) .]

2. Referral plan. An independent practice dental hygienist licensed under this subchapter shall provide to a patient or the parent or guardian of a minor patient a written plan for referral to a dentist for any necessary dental care. The referral plan must identify all conditions that should be called to the attention of the dentist.

[2007, c. 620, Pt. B, §1 (NEW) .]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-S. MENTAL OR PHYSICAL EXAMINATION

For the purposes of this section, by application for and acceptance of a license to practice under this subchapter, an independent practice dental hygienist is considered to have given consent to a mental or physical examination when directed by the board. The board may direct an independent practice dental hygienist to submit to an examination whenever the board determines the independent practice dental hygienist may be suffering from a mental illness that may be interfering with the competent independent practice of dental hygiene or from the use of intoxicants or drugs to an extent that they are preventing the independent practice dental hygienist from practicing dental hygiene competently and with safety to patients. An independent practice dental hygienist examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. Failure to comply with an order of the board to submit to a mental or physical examination results in the immediate suspension of the license to practice independent dental hygiene by order of the District Court until the independent practice dental hygienist submits to the examination. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

32 §1094-T. USE OF FORMER EMPLOYERS' LISTS

An independent practice dental hygienist may not use or attempt to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of those lists, records or reprints, or information gathered from these materials, of the names of patients whom the independent practice dental hygienist might have served in the office of a prior employer, unless these names appear on the bona fide call or prophylactic list of the present employer and were caused to so appear through the independent practice of dentistry, denturism or independent practice dental hygiene as provided for in this chapter. A dentist, denturist or independent practice dental hygienist who employs an independent practice dental hygienist may not aid or abet or encourage an independent practice dental hygienist employed by such person to make use of a so-called prophylactic call list, or to call by telephone or to use written letters transmitted through the mails to solicit patronage from patients formerly served in the office of a dentist, denturist or independent practice dental hygienist that formerly employed the independent practice dental hygienist. [2007, c. 620, Pt. B, §1 (NEW).]

SECTION HISTORY

2007, c. 620, Pt. B, §1 (NEW).

Subchapter 4: DENTAL HYGIENISTS

32 §1095. DEFINITION

The dental hygienist who practices under the supervision of a dentist of record may perform duties as defined and set forth in the rules of the Board of Dental Examiners, except that nothing in this subchapter may be construed to affect the practice of medicine or dentistry or to prevent students of a dental college, university or school of dental hygiene from practicing dental hygiene under the supervision of their instructors. [1993, c. 600, Pt. A, §79 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1971, c. 159, §3 (RPR). 1981, c. 440, §10 (AMD). 1993, c. 600, §A79 (AMD).

32 §1096. QUALIFICATIONS

A person 18 years old or over who has successfully completed 2 years' training in a school of dental hygiene approved by the board, or who is a full-time dental student who has satisfactorily completed at least half of the prescribed course of study in an accredited dental college, but who has not graduated from a dental college, is eligible to apply for examination. [1993, c. 600, Pt. A, §80 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1969, c. 197, §5 (RPR). 1975, c. 484, §12 (RPR). 1983, c. 378, §14 (AMD). 1993, c. 600, §A80 (AMD).

32 §1097. APPLICATION; FEE

An eligible person desiring to practice dental hygiene must make written application to the Board of Dental Examiners to take the examination. The application must be accompanied by a fee to be determined by the board not to exceed \$175. Applicants for licensure must pay a fee set by the board for the examination. The board may recognize a nationally or regionally administered examination for applicants to practice dental hygiene in the State. [2003, c. 669, §7 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1981, c. 440, §11 (AMD). 1993, c. 600, §A81 (AMD). 2003, c. 669, §7 (AMD).

32 §1098. LICENSE; BIENNIAL FEE

The board shall issue a license to practice as a dental hygienist in this State to an individual who has met the licensure requirements. The license must be exhibited publicly at the person's place of employment. The license authorizes practice as a dental hygienist in this State for the year in which it is issued until the expiration date that appears on the license. On or before January 1st of each odd-numbered year, the dental hygienist must pay to the board a license renewal fee of not more than \$175 to be determined by the board. Dental hygienists who have not paid the renewal fee on or before January 1st must be reinstated upon payment of a late fee of not more than \$50 to be determined by the board if paid before February 1st of the year in which license renewal is due. Failure to be properly licensed by February 1st results in automatic suspension of a license to practice dental hygiene. Reinstatement may be made, if approved by the board, by payment to the secretary-treasurer of the board of a fee determined by the board of not more than \$175. A new applicant who has paid the application fee shall pay the biennial licensure fee if the applicant applies in an odd-numbered year or half the biennial licensure fee if the applicant applies in an even-numbered year. [2005, c. 45, §4 (AMD).]

The board may issue temporary licenses to dental hygienists who present credentials satisfactory to the board. The board may charge a fee of up to \$25 for a temporary license. [1993, c. 600, Pt. A, §82 (NEW).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1975, c. 484, §13 (AMD). 1981, c. 440, §12 (AMD). 1993, c. 600, §A82 (AMD). 2003, c. 669, §8 (AMD). 2005, c. 45, §4 (AMD).

32 §1098-A. FEE FOR DUPLICATE LICENSE

An applicant for a duplicate license granted upon proof of loss of the original shall pay a fee of \$15. [1993, c. 600, Pt. A, §83 (AMD).]

SECTION HISTORY

1981, c. 440, §13 (NEW). 1993, c. 600, §A83 (AMD).

32 §1098-B. CONTINUING EDUCATION

As a condition of renewal of a license to practice, a dental hygienist must submit evidence of successful completion of 30 hours of continuing education consisting of board-approved courses in the 2 years preceding the application for renewal. The board and the dental hygienist shall follow and are bound by the provisions of section 1084-A in the implementation of this section. [2003, c. 669, §9 (AMD).]

SECTION HISTORY

1989, c. 90, §3 (NEW). 1993, c. 600, §A84 (AMD). 2003, c. 669, §9 (AMD).

32 §1098-C. MENTAL OR PHYSICAL EXAMINATION

For the purposes of this section, by application for and acceptance of a license to practice, a licensed dental hygienist is considered to have given consent to a mental or physical examination when directed by the board. The board may direct a dental hygienist to submit to an examination whenever the board determines the dental hygienist may be suffering from a mental illness that may be interfering with the competent practice of dental hygiene or from the use of intoxicants or drugs to an extent that they are preventing the dental hygienist from practicing dental hygiene competently and with safety to patients. A dental hygienist examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. Failure to comply with an order of the board to submit to a mental or physical examination results in the immediate suspension of the license of the dental hygienist by order of the District Court until the dental hygienist submits to the examination. [2003, c. 669, §10 (NEW).]

SECTION HISTORY

2003, c. 669, §10 (NEW).

32 §1098-D. LICENSURE REQUIREMENTS FOR GRADUATES OF ACCREDITED PROGRAMS

In order to be licensed as a dental hygienist under this chapter, a person who is a graduate of a dental hygiene program approved by the American Dental Association Commission on Dental Accreditation or its successor organization must meet one of the following 2 sets of requirements: [2003, c. 669, §10 (NEW).]

1. Standard licensure. For standard licensure, the applicant must:

A. Have received, at least, an associate degree from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization and have provided a notarized statement from the dean of the school affirming that the applicant has met all applicable degree requirements; [2003, c. 669, §10 (NEW).]

- B. Have completed with a passing grade the National Board Dental Hygiene Examination or the successor to that examination; [2003, c. 669, §10 (NEW).]
- C. Have completed with a passing grade the Northeast Regional Board Dental Hygiene Examination or the successor to that examination; [2003, c. 669, §10 (NEW).]
- D. Have completed with a passing grade the jurisprudence examination given by the board; and [2003, c. 669, §10 (NEW).]
- E. For any applicant who has completed the Northeast Regional Board Dental Hygiene Examination or the successor to that examination more than one year prior to application for licensure in the State, have successfully completed a personal interview before the board; or [2003, c. 669, §10 (NEW).]

[2003, c. 669, §10 (NEW) .]

2. Licensure by endorsement. For licensure by endorsement, the applicant must:

- A. Have graduated from an accredited dental hygiene program; [2003, c. 669, §10 (NEW).]
- B. If the candidate graduated subsequent to 1964, have completed with a passing grade the National Board Dental Hygiene Examination, or the successor to that examination, if such examination was required; [2003, c. 669, §10 (NEW).]
- C. Have furnished proof, satisfactory to the board, that the candidate has been duly licensed to practice dental hygiene in another state after full compliance with its laws; [2003, c. 669, §10 (NEW).]
- D. If the candidate graduated subsequent to 1970, have completed with a passing grade the Northeast Regional Board Dental Hygiene Examination, or the successor to that examination, if such examination was required, except that the board may at its discretion waive the Northeast Regional Board Dental Hygiene Examination, or the successor to that examination, if all other requirements of this subsection have been met; [2003, c. 669, §10 (NEW).]
- E. Have engaged in active clinical practice for a minimum of 3 years prior to application; [2005, c. 289, §2 (AMD).]
- F. Have completed with a passing grade the jurisprudence examination given by the board; and [2003, c. 669, §10 (NEW).]
- G. Have successfully completed a personal interview before the board. [2003, c. 669, §10 (NEW).]

The board may at its discretion waive the Northeast Regional Board Dental Examination, or the successor to that examination, if all other requirements have been met.

[2005, c. 289, §2 (AMD) .]

SECTION HISTORY

2003, c. 669, §10 (NEW). 2005, c. 289, §2 (AMD).

32 §1098-E. TEMPORARY FILLING PROCEDURES

A dental hygienist with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2005, c. 198, §1 (NEW).]

SECTION HISTORY

2005, c. 198, §1 (NEW).

32 §1099. ENDORSEMENT

The board may at its discretion, without examination, issue a license to an applicant to practice dental hygiene who furnishes proof satisfactory to the board that the dental hygienist has been duly licensed for at least 3 years to practice in another state or a Canadian province after full compliance with the requirements of its dental laws, except that the professional education may not be less than is required in this State. The board may require letters of reference as to ability. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the Subcommittee on Dental Hygienists, as established in section 1079 prior to being issued a license. Every license so given must state upon its face that it was granted on the basis of endorsement. The fee for that license must be determined by the board, but may not be more than \$175. [2007, c. 620, Pt. A, §3 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1981, c. 440, §14 (AMD). 1983, c. 378, §15 (AMD). 1993, c. 600, §A85 (AMD). 1995, c. 590, §2 (AMD). 2003, c. 557, §2 (AMD). 2003, c. 669, §11 (AMD). 2005, c. 289, §3 (AMD). 2007, c. 620, Pt. A, §3 (AMD).

32 §1100. USE OF FORMER EMPLOYERS' LISTS; SCOPE OF DUTIES

A dental hygienist may not use or attempt to use in any manner whatsoever any prophylactic lists, call lists, records, reprints or copies of those lists, records or reprints, or information gathered from these materials, of the names of patients whom the hygienist might have served in the office of a prior employer, unless these names appear on the bona fide call or prophylactic list of the present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. A dentist may not aid or abet or encourage a dental hygienist in the dentist's employ to make use of a so-called prophylactic call list, or to call by telephone or to use written letters transmitted through the mails to solicit patronage from patients formerly served in the office of a dentist formerly employing the hygienist. [1993, c. 600, Pt. A, §86 (AMD).]

A dentist may not permit a dental hygienist operating under the dentist's supervision to perform an operation other than that permitted under section 1095. [1993, c. 600, Pt. A, §86 (AMD).]

SECTION HISTORY

1967, c. 544, §80 (NEW). 1973, c. 303, §3 (AMD). 1981, c. 440, §15 (AMD). 1983, c. 378, §16 (RPR). 1993, c. 600, §A86 (AMD).

Subchapter 5: DENTAL AUXILIARIES**32 §1100-A. DEFINITION**

Duties of dental auxiliaries other than dental hygienists and expanded function dental assistants must be defined and governed by the rules of the Board of Dental Examiners, except that duties of independent practice dental hygienists set forth in section 1094-Q, subsection 1 may not be restricted or expanded by the board. Dental auxiliaries include, but are not limited to, dental hygienists, independent practice dental hygienists, dental assistants, expanded function dental assistants, dental laboratory technicians and denturists. [2007, c. 620, Pt. C, §10 (AMD).]

SECTION HISTORY

1971, c. 159, §4 (NEW). 1977, c. 484, §1 (AMD). 1993, c. 600, §A87 (AMD). 2005, c. 322, §2 (AMD). 2007, c. 620, Pt. C, §10 (AMD).

Subchapter 6: DENTURISTS

32 §1100-B. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings. [1977, c. 484, §2 (NEW).]

1. Board. "Board" means the Board of Dental Examiners.

[1977, c. 484, §2 (NEW) .]

1-A. Denture. "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be worn in the human mouth to replace any missing natural teeth.

[2009, c. 227, §1 (NEW) .]

2. Denturist. "Denturist" means a person engaging in the practice of denturism.

[1995, c. 590, §3 (AMD) .]

3. Practice of denturism. "Practice of denturism" means only:

A. The taking of denture impressions and bite registration for the purpose of or with a view to the making, producing, reproducing, construction, finishing, supplying, altering or repairing of a denture to be fitted to an edentulous or partially edentulous arch or arches; [2009, c. 227, §2 (AMD).]

B. The fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. Upon the receipt of a written statement of oral condition or oral health certificate as determined by the board by a licensed dentist, a denturist may complete clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks; and [2009, c. 227, §3 (AMD).]

C. The procedures incidental to the procedures specified in paragraphs A and B, as defined by the board. [1993, c. 600, Pt. A, §88 (AMD).]

[2009, c. 227, §§2, 3 (AMD) .]

SECTION HISTORY

1977, c. 484, §2 (NEW). 1981, c. 440, §16 (AMD). 1993, c. 600, §A88 (AMD). 1995, c. 590, §§3,4 (AMD). 2009, c. 227, §§1-3 (AMD).

32 §1100-C. RULES

1. Rules required. The board shall adopt rules necessary to implement this subchapter. Rules adopted may pertain, but are not limited to, continuing education, statement of oral conditions and other record retention requirements, prelicensure permits and the specification of other procedures incidental to the practice of denturism.

[1995, c. 590, §5 (AMD) .]

2. Contents.

[1995, c. 590, §5 (RP) .]

3. Public hearing on rules and regulations.

[1983, c. 378, §17 (RP) .]

4. Rules and regulations repealed or amended.

[1983, c. 378, §17 (RP) .]

5. Temporary denturist permit.

[2005, c. 45, §5 (RP) .]

SECTION HISTORY

1977, c. 484, §2 (NEW). 1977, c. 696, §381 (AMD). 1983, c. 378, §17 (AMD). 1995, c. 353, §§9,10 (AMD). 1995, c. 590, §5 (AMD). 2005, c. 45, §5 (AMD).

32 §1100-D. EXAMINATIONS

1. Authority. The board is authorized to prepare and give examinations in the area of denturism for the purpose of licensing denturists. All examinations prepared and given under this subchapter may be prepared and given by the full board, by an appointed subcommittee of the board or by an entity authorized by the board. The board may also recognize a nationally or regionally administered examination given at least annually for applicants to practice denturism in the State.

[1995, c. 590, §6 (AMD) .]

1-A. Examination content. Denturist examinations must consist of a clinical examination and a written examination concerning, but not limited to, dental materials, denture technology, United States Department of Health and Human Services Centers for Disease Control guidelines, basic anatomy and basic pathology.

[1995, c. 590, §6 (NEW) .]

2. Eligibility for examination.

[1995, c. 590, §6 (RP) .]

2-A. Eligibility for examination. Eligibility for taking the examination pursuant to subsection 1 is determined as follows:

A. [2001, c. 337, §3 (RP).]

B. A person is eligible to take the examination if that person:

(1) Is a high school graduate or has obtained high school equivalency; and

(2) Has a diploma from a board-approved denturism postsecondary institution or, until September 30, 2009, has completed an equivalent denturist educational program approved by the board.

[2009, c. 227, §4 (AMD) .]

[2009, c. 227, §4 (AMD) .]

3. Application for examination; fee. An eligible person desiring to take an examination in order to become licensed as a denturist must make a written application to the board to take the examination. This application must be accompanied by an application fee, to be determined by the board, but not to exceed \$175 and an examination fee to be determined by the board that may not exceed the actual cost of the examination. The application fee includes the fee for the initial license and is nonrefundable.

[2003, c. 669, §12 (AMD) .]

4. Additional examinations; fee. An applicant failing to pass an examination is entitled to a reexamination upon payment of the examination fee set by the board. If an applicant has failed 3 examinations, the board may require the applicant to complete additional educational requirements prior to reexamination.

[1995, c. 590, §6 (AMD) .]

5. Timing of examination.

[1993, c. 600, Pt. A, §89 (RP) .]

SECTION HISTORY

1977, c. 484, §2 (NEW). 1981, c. 440, §§17,18 (AMD). 1993, c. 600, §A89 (AMD). 1995, c. 590, §6 (AMD). 2001, c. 337, §3 (AMD). 2003, c. 669, §12 (AMD). 2009, c. 227, §4 (AMD).

32 §1100-E. LICENSES; ENDORSEMENT

1. Authority. The board has the authority to issue licenses to qualified persons to practice denturism pursuant to this subchapter.

[1995, c. 590, §7 (AMD) .]

2. License issued. The board shall issue a license for the practice in this State to each person who has passed an examination under section 1100-D. This license authorizes the licensee to practice as a denturist in the State until the expiration date that appears on the license. Beginning October 1, 2009, the board shall require, in addition to passage of the examination, all applicants for licensure to have a diploma and be graduates of a board-approved denturism postsecondary institution. Denturists licensed in this State prior to October 1, 2009 that do not have a diploma from a board-approved denturism postsecondary institution shall successfully complete an upgraded curriculum approved by the board before a license may be issued or renewed.

[2009, c. 227, §5 (AMD) .]

3. Renewal; renewal fee. After a license has been issued under subsection 2, and on or before January 1st of odd-numbered years, a denturist must pay to the board a license renewal fee of not more than \$175 to be determined by the board in order to renew the license and to continue to be authorized to practice as a denturist in the State.

After the requirements for a license renewal, including any necessary continuing education, have been met, a renewal card of the denturist's license must be issued, which the denturist shall place beside or attach to the denturist's initial license. Denturists who have not paid the renewal fee on or before January 1st must be reinstated upon payment of a late fee, to be determined by the board, of not more than \$50 if paid by February 1st. A license to practice is automatically suspended on February 1st and may be reinstated, if approved by the board, on payment of a fee to be determined by the board of not more than \$175. A new applicant who has paid the application fee shall pay the biennial licensure fee if the applicant applies in an odd-numbered year or 1/2 the biennial licensure fee if the applicant applies in an even-numbered year.

[2005, c. 45, §6 (AMD) .]

4. Endorsement. The board, at its discretion, without examination, may issue a license to an applicant to practice as a denturist who furnishes proof satisfactory to the board that the denturist has been licensed to practice and has actively practiced for a period of 3 years in another state or Canadian province after full compliance with the requirements of its dental laws, if the licensure requirements are, in all essentials, at least equivalent to those of this State. The board may require letters of reference about the denturist. Applicants

for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board, or members of the board, prior to being issued a license. Every license so given must state upon its face that it was granted on the basis of endorsement. The fee for the license may not exceed \$175.

[2003, c. 669, §14 (AMD) .]

4-A. Duplicate license. A licensee must be issued a duplicate license by the board for a fee of \$15 upon attestation of loss of the original.

[1995, c. 590, §7 (AMD) .]

5. Additional prohibitions. A denturist may not:

A. Falsely claim to be a licensed dentist or allow another to falsely represent the denturist as a licensed dentist; [1993, c. 600, Pt. A, §90 (AMD).]

B. [1995, c. 590, §7 (RP).]

B-1. [2001, c. 337, §4 (RP).]

C. Perform a task beyond the denturist's competence; or [1993, c. 600, Pt. A, §90 (AMD).]

D. Administer, dispense or prescribe a medication or controlled substance. [1993, c. 600, Pt. A, §90 (AMD).]

[2001, c. 337, §4 (AMD) .]

6. Mental or physical examination. For the purposes of this subsection, by the application for and acceptance of the license, a licensed denturist is deemed to have given consent to a mental or physical examination when directed by the board. The board may direct the examination whenever it determines a denturist may be suffering from a mental illness that may be interfering with the competent practice of denturism or from the use of intoxicants or drugs to an extent that they are preventing the denturist from practicing denturism competently and with safety to the patients. A denturist examined pursuant to an order of the board does not have the privilege to prevent the testimony of the examining individual or to prevent the acceptance into evidence of the report of an examining individual. Failure to comply with an order of the board to submit to a mental or physical exam requires the District Court to immediately order the license of the denturist suspended until the denturist submits to the examination.

[1995, c. 590, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

SECTION HISTORY

1977, c. 484, §2 (NEW). 1977, c. 696, §236 (AMD). 1977, c. 696, §382 (AMD). 1981, c. 440, §§19-22 (AMD). 1983, c. 378, §§18,19 (AMD). 1993, c. 600, §A90 (AMD). 1995, c. 590, §7 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 260, §B4 (AMD). 2001, c. 337, §4 (AMD). 2003, c. 669, §§13,14 (AMD). 2005, c. 45, §6 (AMD). 2009, c. 227, §5 (AMD).

32 §1100-E-1. CONTINUING EDUCATION

As a condition of a license renewal, a denturist licensee shall submit evidence of successful completion of 20 hours of continuing education consisting of board-approved courses completed within the 2 years preceding the application for renewal. The board shall proportionally reduce the continuing education hours required for denturists who have been licensed for less than a 2-year period upon the date of renewal. [1995, c. 590, §8 (NEW).]

SECTION HISTORY

1995, c. 590, §8 (NEW).

32 §1100-F. PERSONS AND PRACTICES NOT AFFECTED

Nothing in this subchapter may be construed to prohibit a duly qualified dental surgeon, dental laboratory technician or dental hygienist from performing work or services performed by a denturist licensed under this subchapter to the extent those persons are authorized to perform the same services under existing state law. [1993, c. 600, Pt. A, §91 (AMD).]

Nothing in this subchapter may be construed to prevent students of a dental college, university or school of dental hygiene from practicing dental hygiene under the supervision of their instructors. [1993, c. 600, Pt. A, §91 (AMD).]

SECTION HISTORY

1977, c. 484, §2 (NEW). 1993, c. 600, §A91 (AMD).

32 §1100-G. LIABILITY OF DENTIST FOR DENTURIST'S ACTIONS

(REPEALED)

SECTION HISTORY

1977, c. 484, §2 (NEW). 1993, c. 600, §A91 (AMD). 1995, c. 590, §9 (RP).

32 §1100-H. LEGISLATIVE REVIEW

(REPEALED)

SECTION HISTORY

1977, c. 484, §2 (NEW). 1981, c. 440, §23 (AMD). 1993, c. 600, §A92 (RP). 1993, c. 685, §B5 (RP).

Subchapter 7: DENTAL RADIOGRAPHERS

32 §1100-I. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 331, §2 (NEW).]

1. Dental radiography. "Dental radiography" means the use of ionizing radiation on the maxilla, mandible and adjacent structures of human beings for diagnostic purposes.

[1983, c. 331, §2 (NEW) .]

2. Direct supervision.

[1993, c. 600, Pt. A, §93 (RP) .]

2-A. General supervision. "General supervision" means the supervising dentist is not required to be physically present in the dental office while procedures are being performed on a patient of record.

[1993, c. 600, Pt. A, §94 (NEW) .]

3. Licensed dental radiographer. "Licensed dental radiographer" means a person who practices dental radiography and holds a valid license issued by the board.

[1983, c. 331, §2 (NEW) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1993, c. 600, §§A93,94 (AMD).

32 §1100-J. LICENSE REQUIRED; EXCEPTIONS

1. License required. It is unlawful for any person, not otherwise authorized by law, to practice dental radiography without having a current license issued by the board.

[1993, c. 600, Pt. A, §95 (AMD) .]

2. Medicine, osteopathy, dentistry. Nothing in the provisions of this subchapter may limit, enlarge or affect the practice of persons licensed to practice medicine, osteopathy or dentistry in this State.

[1983, c. 331, §2 (NEW) .]

3. Exceptions. The requirement of a license does not apply to:

A. Dental hygienists licensed pursuant to subchapter IV; [1983, c. 331, §2 (NEW).]

B. A resident physician or a student enrolled in and attending a school or college of medicine, osteopathy, dentistry, dental hygiene and dental assisting or radiologic technology; [1983, c. 331, §2 (NEW).]

C. A person serving in the United States Armed Forces or public health service or employed by the Veterans' Administration or other federal agency while performing official duties, if the duties are limited to that service or employment; or [1993, c. 600, Pt. A, §96 (AMD).]

D. Those persons having a current license to perform radiologic technology pursuant to section 9854 and who are practicing dental radiography under the general supervision of a dentist or physician. [1993, c. 600, Pt. A, §96 (AMD).]

[1993, c. 600, Pt. A, §96 (AMD) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1983, c. 712, §1 (AMD). 1993, c. 600, §§A95,96 (AMD).

32 §1100-K. SUPERVISION REQUIRED

1. Supervision. A licensed dental radiographer may practice dental radiography only under the general supervision of a dentist.

[1993, c. 600, Pt. A, §97 (AMD) .]

2. Prohibition.

[1993, c. 600, Pt. A, §97 (RP) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1993, c. 600, §A97 (AMD).

32 §1100-L. EMPLOYMENT OF DENTAL RADIOGRAPHERS

1. Dental radiographers; license. It is unlawful for a dentist to allow a person to practice dental radiography in the dentist's employment or under the dentist's supervision who does not hold a license to practice dental radiography issued by the board or who is otherwise authorized by law to practice dental radiography.

[1993, c. 600, Pt. A, §98 (AMD) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1983, c. 712, §2 (AMD). 1993, c. 600, §A98 (AMD).

32 §1100-M. QUALIFICATIONS

1. Requirements. To qualify for a license to practice dental radiography, an applicant shall meet the following requirements:

A. Be at least 18 years of age; [1983, c. 331, §2 (NEW).]

B. Have a high school diploma or its equivalent, as determined by the Department of Education; and [1989, c. 700, Pt. A, §138 (AMD).]

C. Have successfully passed a test in dental radiologic technique and safety approved by the board. [1983, c. 712, §3 (AMD).]

[1989, c. 700, Pt. A, §138 (AMD) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1983, c. 712, §3 (AMD). 1989, c. 700, §A138 (AMD).

32 §1100-N. APPLICATION

To apply for a license to practice dental radiography, an applicant must submit a written application with supporting documents to the board, on forms provided by the board, and must pay an application fee, which may not exceed \$125. [2003, c. 669, §15 (AMD).]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1993, c. 600, §A99 (AMD). 2003, c. 669, §15 (AMD).

32 §1100-O. RENEWAL

1. Term of license; renewal. All licenses to practice dental radiography issued by the board are valid for 5 years from the date of issuance and may be renewed upon application to the board and payment of a renewal fee, which may not exceed \$125.

[2003, c. 669, §16 (AMD) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1993, c. 600, §A99 (AMD). 2003, c. 669, §16 (AMD).

32 §1100-P. RULES

1. Rules. The board may make rules in accordance with Title 5, chapter 375, which are necessary for the implementation of this subchapter. The rules may include, but need not be limited to, licensure requirements, approved courses, application and renewal procedures and fees.

[1983, c. 331, §2 (NEW) .]

SECTION HISTORY

1983, c. 331, §2 (NEW).

32 §1100-Q. DISCIPLINARY ACTION

1. Suspension; revocation; refusal to issue or renew license. The board may suspend or revoke a license pursuant to Title 5, section 10004. In addition, the board may refuse to issue or renew a license or the District Court may revoke, suspend or refuse to renew a license issued under this subchapter for the following reasons:

A. The practice of fraud or deceit in obtaining a license under this subchapter or in connection with service rendered within the scope of the license issued; [1983, c. 331, §2 (NEW) .]

B. Habitual substance abuse that has resulted or is foreseeably likely to result in the licensed dental radiographer being unable to perform the duties of the profession or perform those duties in a manner that would endanger the health or safety of the patients to be served; [1993, c. 600, Pt. A, §99 (AMD) .]

C. Incompetence in the practice of dental radiography. A licensed dental radiographer is considered incompetent in the practice if the dental radiographer has:

(1) Engaged in conduct that evidenced a lack of ability or fitness to discharge the duty owed to a client or patient or the general public; or

(2) Engaged in conduct that evidenced a lack of knowledge or inability to apply principles or skills to carry out the practice of dental radiography; [1993, c. 600, Pt. A, §99 (AMD) .]

D. Unprofessional conduct. In this context, unprofessional conduct means the violation of a standard of professional behavior that through professional experience has been established in the practice of dental radiography; [1993, c. 600, Pt. A, §99 (AMD) .]

E. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice of dental radiography or conviction of a crime for which incarceration for one year or more may be imposed; or [1993, c. 600, Pt. A, §99 (AMD) .]

F. A violation of this chapter or a rule adopted by the board. [1993, c. 600, Pt. A, §99 (AMD).]

[1993, c. 600, Pt. A, §99 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

SECTION HISTORY

1983, c. 331, §2 (NEW). 1993, c. 600, §A99 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

32 §1100-R. PENALTIES; INJUNCTION

(REPEALED)

SECTION HISTORY

1983, c. 331, §2 (NEW). 1993, c. 600, §A100 (RP).

32 §1100-S. MENTAL OR PHYSICAL EXAMINATION

For the purposes of this section, by application for and acceptance of a license to practice, a licensed dental radiographer is considered to have given consent to a mental or physical examination when directed by the board. The board may direct a dental radiographer to submit to an examination whenever the board determines the dental radiographer may be suffering from a mental illness that may be interfering with the competent practice of dental radiography or from the use of intoxicants or drugs to an extent that they are preventing the dental radiographer from practicing dental radiography competently and with safety to patients. A dental radiographer examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. Failure to comply with an order of the board to submit to a mental or physical examination results in the immediate suspension of the license of the dental radiographer by order of the District Court until the dental radiographer submits to the examination. [2003, c. 669, §17 (NEW).]

SECTION HISTORY

2003, c. 669, §17 (NEW).

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