



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

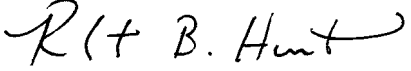
No. 1581

H.P. 1026

House of Representatives, April 11, 2023

An Act Regarding Dental Hygienists and Dental Therapists

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MASTRACCIO of Sanford.
Cosponsored by Senator GROHOSKI of Hancock.

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

2 **Sec. 1. 32 MRSA §18374, sub-§1**, as amended by PL 2021, c. 223, §12, is further
3 amended to read:

4 **1. Scope of practice; direct supervision.** A dental hygienist and faculty dental
5 hygienist may perform the following under the direct supervision of a dentist:

6 A. Administer ~~local anesthesia or~~ nitrous oxide analgesia, as long as the dental
7 hygienist or faculty dental hygienist has authority to administer the ~~relevant~~ medication
8 pursuant to section 18345, subsection 2, paragraph ~~D or~~ E.

9 **Sec. 2. 32 MRSA §18374, sub-§2**, as amended by PL 2021, c. 223, §12, is further
10 amended to read:

11 **2. Scope of practice; general supervision.** A dental hygienist and faculty dental
12 hygienist may perform under the general supervision of a dentist all of the activities that
13 may be delegated to an unlicensed person pursuant to section 18371, subsection 3. A dental
14 hygienist and faculty dental hygienist may also perform the following procedures under the
15 general supervision of a dentist:

16 ~~A. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1%~~
17 ~~or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium~~
18 ~~fluoride, as well as chlorhexidine gluconate oral rinse;~~

19 A-1. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial
20 solutions for mouth rinsing, other nonsystemic antimicrobial agents, desensitizing
21 agents and resorbable antimicrobial agents;

22 ~~C. Apply desensitizing agents to teeth;~~

23 ~~D. Apply fluoride to control caries;~~

24 F. Apply sealants;

25 J. Expose and process radiographs;

26 S. Perform all procedures necessary for a complete prophylaxis, including but not
27 limited to scaling and root planing and periodontal maintenance;

28 ~~U. Perform complete periodontal and dental restorative charting;~~

29 ~~X. Perform oral inspections, recording all conditions that should be called to the~~
30 ~~attention of the dentist;~~

31 ~~GG. Place localized delivery of chemotherapeutic agents when treatment is planned~~
32 ~~by the dentist;~~

33 JJ. Place temporary restorations as an emergency procedure, as long as the patient is
34 informed of the temporary nature of the restoration in compliance with the protocol
35 adopted by the board; and

36 TT. Smooth and polish amalgam restorations;:

37 ZZ. Administer local anesthesia, as long as the dental hygienist or faculty dental
38 hygienist has authority to administer the medication pursuant to section 18345,
39 subsection 2, paragraph D;

1 AAA. Perform dental hygiene assessment, dental hygiene diagnosis and dental
2 hygiene treatment planning for dental hygiene services; and

3 BBB. Obtain impressions for and deliver athletic mouth guards and custom fluoride
4 trays.

5 **Sec. 3. 32 MRSA §18375, sub-§1**, as amended by PL 2017, c. 388, §§20 and 21,
6 is further amended to read:

7 **1. Scope of practice.** An independent practice dental hygienist may perform only the
8 following duties without supervision by a dentist:

9 ~~A. Interview patients and record complete medical and dental histories;~~

10 ~~B. Take and record the vital signs of blood pressure, pulse and temperature;~~

11 ~~C. Perform oral inspections, recording all conditions that should be called to the~~
12 ~~attention of a dentist;~~

13 ~~D. Perform complete periodontal and dental restorative charting;~~

14 E. Perform all procedures necessary for a complete prophylaxis, including but not
15 limited to scaling and root planing and periodontal maintenance;

16 F. Apply fluoride to control caries;

17 G. Apply desensitizing agents to teeth;

18 H. Apply topical anesthetics;

19 I. Apply sealants;

20 J. Smooth and polish amalgam restorations, ~~limited to slow speed application only;~~

21 L. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays;

22 ~~M. Place and remove rubber dams;~~

23 N. Place temporary restorations in compliance with the protocol adopted by the board;

24 ~~O. Apply topical antimicrobials, including fluoride but excluding antibiotics, for the~~
25 ~~purposes of bacterial reduction, caries control and desensitization in the oral cavity.~~
26 ~~The independent practice dental hygienist shall follow current manufacturer's~~
27 ~~instructions in the use of these medicaments;~~

28 P. Expose and process radiographs, including but not limited to vertical and horizontal
29 bitewing films, periapical films, panoramic images and full-mouth series, ~~under~~
30 ~~protocols developed by the board as long as the independent practice dental hygienist~~
31 ~~has a written agreement with a licensed dentist that provides that the dentist is available~~
32 ~~to interpret all dental radiographs within 21 days from the date the radiograph is taken~~
33 ~~and that the dentist will sign a radiographic review and findings form and provide the~~
34 ~~radiographs to a dentist as needed; and~~

35 Q. Prescribe, dispense or administer ~~anticavity toothpastes or topical gels with 1.1%~~
36 ~~or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium~~
37 ~~fluoride, as well as chlorhexidine gluconate oral rinse. For the purposes of this~~
38 ~~paragraph, "topical" includes superficial and intraoral application. fluoride, silver~~
39 ~~diamine fluoride, antimicrobial solutions for mouth rinsing, other nonsystemic~~
40 ~~antimicrobial agents, desensitizing agents and resorbable antimicrobial agents;~~

1 R. Administer local anesthesia, as long as the independent practice dental hygienist
2 has authority to administer the medication pursuant to section 18345, subsection 2,
3 paragraph D; and

4 S. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene
5 treatment planning for dental hygiene services.

6 **Sec. 4. 32 MRSA §18376, sub-§1**, as amended by PL 2017, c. 388, §§22 and 23,
7 is further amended to read:

8 **1. Scope of practice.** A public health dental hygienist may perform the following
9 procedures in a public health setting under a supervision agreement with a dentist that
10 outlines the roles and responsibilities of the collaboration:

11 A. ~~Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1%~~
12 ~~or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium~~
13 ~~fluoride, as well as chlorhexidine gluconate oral rinse fluoride, silver diamine fluoride,~~
14 ~~antimicrobial solutions for mouth rinsing, other nonsystemic antimicrobial agents,~~
15 ~~desensitizing agents and resorbable antimicrobial agents;~~

16 B. ~~Apply cavity varnish;~~

17 C. ~~Apply desensitizing agents to teeth;~~

18 D. ~~Apply fluoride to control caries;~~

19 E. ~~Apply liquids, pastes or gel topical anesthetics;~~

20 F. ~~Apply sealants;~~

21 G. ~~Apply topical antimicrobials, including fluoride but excluding antibiotics, for the~~
22 ~~purposes of bacterial reduction, caries control and desensitization in the oral cavity.~~
23 ~~The public health dental hygienist shall follow current manufacturer's instructions in~~
24 ~~the use of these medicaments. For the purposes of this paragraph, "topical" includes~~
25 ~~superficial and intramuscular application;~~

26 I. ~~Expose and process radiographs upon written standing prescription orders from a~~
27 ~~dentist who is available to interpret all dental radiographs within 21 days and who will~~
28 ~~complete and sign a radiographic review and findings form;~~

29 J. ~~For instruction purposes, demonstrate to a patient how the patient should place and~~
30 ~~remove removable prostheses, appliances or retainers;~~

31 K. ~~For the purposes of eliminating pain or discomfort, remove loose, broken or~~
32 ~~irritating orthodontic appliances;~~

33 L. ~~Give oral health instruction;~~

34 M. ~~Interview patients and record complete medical and dental histories;~~

35 N. ~~Irrigate and aspirate the oral cavity;~~

36 O. ~~Isolate operative fields;~~

37 P. ~~Perform all procedures necessary for a complete prophylaxis, including but not~~
38 ~~limited to scaling and root planing and periodontal maintenance;~~

39 Q. ~~Perform complete periodontal and dental restorative charting;~~

40 R. ~~Perform dietary analyses for dental disease control;~~

- 1 ~~S. Perform temporary filling procedures without a dentist present under protocols~~
- 2 ~~adopted by board rule;~~
- 3 ~~T. Perform oral inspections, recording all conditions that should be called to the~~
- 4 ~~attention of the dentist;~~
- 5 ~~U. Perform pulp vitality tests pursuant to the direction of a dentist;~~
- 6 ~~V. Place and remove gingival retraction cord without vasoconstrictor;~~
- 7 ~~W. Place and remove matrix bands for purposes of fabricating or placing temporary~~
- 8 ~~restorations;~~
- 9 ~~X. Place and remove rubber dams;~~
- 10 ~~Y. Place and remove wedges for purposes of fabricating or placing temporary~~
- 11 ~~restorations;~~
- 12 ~~Z. Place temporary restorations in compliance with the protocol adopted by board rule;~~
- 13 ~~AA. Remove excess cement from the supragingival surfaces of teeth;~~
- 14 ~~BB. Retract lips, cheek, tongue and other tissue parts;~~
- 15 ~~CC. Smooth and polish restorations, limited to slow speed application only;~~
- 16 ~~DD. Take and record the vital signs of blood pressure, pulse and temperature;~~
- 17 ~~EE. Take dental plaque smears for microscopic inspection and patient education;~~
- 18 ~~FF. Obtain impressions for and deliver athletic mouth guards and custom fluoride~~
- 19 ~~trays; and~~
- 20 ~~GG. Take intraoral photographs.~~
- 21 HH. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene
- 22 treatment planning for dental hygiene services; and
- 23 II. Administer local anesthesia, as long as the public health dental hygienist has
- 24 authority to administer the medication pursuant to section 18345, subsection 2,
- 25 paragraph D.

26 **Sec. 5. 32 MRSA §18377, sub-§1**, as amended by PL 2021, c. 223, §13, is further
 27 amended to read:

28 **1. Scope of practice.** A dental therapist may perform the following procedures in
 29 limited practice settings, if authorized by a written practice agreement ~~with~~ under the
 30 general supervision of a supervising dentist licensed in this State pursuant to subsection 3.

31 A. To the extent permitted in a written practice agreement, a dental therapist may
 32 provide the care and services listed in this paragraph only under the ~~direct~~ general
 33 supervision of the supervising dentist:

- 34 (1) Perform oral health assessments, pulpal disease assessments for primary and
- 35 young teeth, simple cavity preparations and restorations and simple extractions;
- 36 (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for
- 37 primary incisors and prepare, place and remove space maintainers;
- 38 (4) Administer local anesthesia and nitrous oxide analgesia;

1 (6) Conduct urgent management of dental trauma, perform suturing, extract
2 primary teeth and perform nonsurgical extractions of periodontally diseased
3 permanent teeth if authorized in advance by the supervising dentist; and

4 (7) Provide, dispense and administer anti-inflammatories, nonprescription
5 analgesics, antimicrobials, antibiotics and anticaries materials.

6 B. To the extent permitted in a written practice agreement, a dental therapist may
7 provide the care and services identified in section 18371, subsection 3 and section
8 18374 under the general supervision of the supervising dentist.

9 **Sec. 6. 32 MRSA §18377, sub-§3, ¶B,** as amended by PL 2019, c. 388, §10, is
10 further amended to read:

11 B. A dental therapist may practice ~~only~~ under the ~~direct~~ general supervision of a dentist
12 through a written practice agreement signed by both parties. A written practice
13 agreement is a signed document that outlines the functions that the dental therapist is
14 authorized to perform, which may not exceed the scopes of practice specified in
15 subsections 1 and 2. A dental therapist may practice only under the standing order of
16 the supervising dentist, may provide only care that follows written protocols and may
17 provide only services that the dental therapist is authorized to provide by the written
18 practice agreement.

19 **SUMMARY**

20 This bill changes the supervision required for dental hygienists, independent practice
21 dental hygienists and public health dental hygienists to administer local anesthesia from
22 direct to general supervision. The bill also changes the supervision for dental therapists
23 from direct to general supervision. The bill also makes other changes to the scope of
24 practice for dental hygienists, independent practice dental hygienists and public health
25 dental hygienists.