CHAPTER 143

DENTAL PROFESSIONS

SUBCHAPTER 1

GENERAL PROVISIONS

§18301. Short title

This chapter may be known and cited as "the Dental Practice Act." [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 429, §21 (NEW).]

1. Board. "Board" means the Board of Dental Practice established in Title 5, section 12004-A, subsection 10.
[PL 2015, c. 429, §21 (NEW).]

2. Charitable dentist license.
[PL 2017, c. 388, §1 (RP).]

3. Clinical dentist educator license.
[PL 2017, c. 388, §1 (RP).]

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.
[PL 2015, c. 429, §21 (NEW).]

5. Dental auxiliary. "Dental auxiliary" means a dental radiographer, expanded function dental assistant, dental hygienist, independent practice dental hygienist, public health dental hygienist, dental therapist or denturist.
[PL 2019, c. 388, §5 (AMD).]

6. Dental hygiene. "Dental hygiene" means the delivery of preventative, educational and clinical services supporting total health for the control of oral disease and the promotion of oral health provided by a dental hygienist in accordance with this chapter.
[PL 2015, c. 429, §21 (NEW).]

6-A. Dental hygiene diagnosis. "Dental hygiene diagnosis" means the identification of an existing oral health problem that a dental hygienist is qualified and licensed to treat.
[PL 2023, c. 354, §1 (NEW).]

7. Dental therapist. "Dental therapist" means a person who holds a valid license as a dental hygienist issued by the board and is authorized to practice dental therapy under this chapter.
[PL 2019, c. 388, §5 (AMD).]

8. Dental therapy. "Dental therapy" means the delivery of dental hygiene services, including performance of certain dental procedures in accordance with this chapter.
[PL 2019, c. 388, §5 (AMD).]

9. Dental hygienist. "Dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board.
[PL 2015, c. 429, §21 (NEW).]

10. Dental radiographer. "Dental radiographer" means a person who holds a valid license as a dental radiographer issued by the board.
[PL 2015, c. 429, §21 (NEW).]

11. Dental radiography. "Dental radiography" means the use of ionizing radiation on the maxilla, mandible and adjacent structures of human beings for diagnostic purposes while under the general supervision of a dentist or an independent practice dental hygienist in accordance with this chapter.
[PL 2017, c. 388, §2 (AMD).]

12. Dentist. "Dentist" means a person who holds a valid dentist license issued by the board.
[PL 2015, c. 429, §21 (NEW).]

13. Dentistry. "Dentistry" means the scope of practice for a dentist as described in section 18371.
[PL 2015, c. 429, §21 (NEW).]

14. 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.
[PL 2015, c. 429, §21 (NEW).]

15. Denturism. "Denturism" means the process of obtaining denture impressions and bite registrations for the purpose of making, producing, reproducing, constructing, finishing, supplying, altering or repairing a denture to be fitted to an edentulous or partially edentulous arch or arches and 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, in accordance with this chapter.
[PL 2017, c. 388, §3 (AMD).]

16. Denturist. "Denturist" means a person who holds a valid denturist license issued by the board.
[PL 2015, c. 429, §21 (NEW).]

17. Department. "Department" means the Department of Professional and Financial Regulation.
[PL 2015, c. 429, §21 (NEW).]

18. Direct supervision. "Direct supervision" means the supervision required of those tasks and procedures requiring the physical presence of the supervisor in the practice setting at the time such tasks or procedures are being performed. In order to provide direct supervision of patient treatment, the supervisor must at least identify or diagnose the condition to be treated and authorize the treatment procedure prior to implementation.
[PL 2021, c. 223, §1 (AMD).]

18-A. Director. "Director" means the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation.
[PL 2023, c. 17, Pt. P, §5 (NEW).]

19. Expanded function dental assistant. "Expanded function dental assistant" means a person who holds a valid expanded function dental assistant license issued by the board.
[PL 2015, c. 429, §21 (NEW).]

20. Expanded function dental assisting. "Expanded function dental assisting" means performing certain dental procedures under the supervision of a dentist in accordance with this chapter.
[PL 2015, c. 429, §21 (NEW).]

21. Faculty. "Faculty" means, when used in conjunction with a license issued under this chapter, the authority granted to an individual who is authorized to practice only within the school setting,

including any satellite locations approved by the board, and who teaches dentistry, dental hygiene or denturism as part of a clinical and didactic program.
[PL 2015, c. 429, §21 (NEW).]

22. General supervision. "General supervision" means the supervision of those tasks and procedures that do not require the physical presence of the supervisor in the practice setting while procedures are being performed but do require the tasks and procedures to be performed with the prior knowledge and consent of the supervisor.
[PL 2021, c. 223, §2 (AMD).]

23. Independent practice dental hygienist. "Independent practice dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice independent dental hygiene.
[PL 2015, c. 429, §21 (NEW).]

24. License.
[PL 2023, c. 17, Pt. P, §6 (RP).]

25. Limited dentist. "Limited dentist" means a dentist who has retired from the regular practice of dentistry and who holds a valid license issued by the board to practice only in a nonprofit clinic without compensation for work performed at the clinic. Services provided by a limited dentist must be in accordance with this chapter.
[PL 2015, c. 429, §21 (NEW).]

26. Local anesthesia. "Local anesthesia" means a drug, element or other material that results in a state of insensibility of a circumscribed area or the loss of sensation in some definite, localized area without inhibition of conscious processes.
[PL 2015, c. 429, §21 (NEW).]

27. Nitrous oxide analgesia. "Nitrous oxide analgesia" means a gas containing nitrous oxide used to induce a controlled state of relative analgesia with the goal of controlling anxiety.
[PL 2015, c. 429, §21 (NEW).]

28. Practice setting. "Practice setting" means the physical location where services authorized under this chapter are provided to the public.
[PL 2015, c. 429, §21 (NEW).]

29. Provisional dental therapist. "Provisional dental therapist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice dental therapy under the supervision of a dentist in accordance with this chapter.
[PL 2019, c. 388, §6 (AMD).]

30. Public health dental hygiene. "Public health dental hygiene" means the delivery of certain dental hygiene services under a written supervision agreement with a dentist for the purpose of providing services in a public health setting in accordance with this chapter.
[PL 2015, c. 429, §21 (NEW).]

31. Public health dental hygienist. "Public health dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice public health dental hygiene in accordance with this chapter.
[PL 2015, c. 429, §21 (NEW).]

32. Public health setting. "Public health setting" means a place where the practice of public health dental hygiene occurs, and includes, but is not limited to, public and private schools, medical facilities, nursing homes, residential care facilities, mobile units, nonprofit organizations and community health centers.
[PL 2015, c. 429, §21 (NEW).]

33. Resident dentist license. "Resident dentist license" means the authority granted to an individual who is a graduate of an approved dental school or college, who is not licensed to practice dentistry in this State and is authorized to practice under the direct or general supervision and direction of a dentist in a board-approved setting in accordance with this chapter.
[PL 2015, c. 429, §21 (NEW).]

34. Reversible intraoral procedures.
[PL 2017, c. 388, §4 (RP).]

35. Supervision. "Supervision" means either direct supervision or general supervision as determined by the tasks and procedures that are being performed in accordance with this chapter.
[PL 2021, c. 223, §3 (NEW).]

36. Supervisor. "Supervisor" means an individual licensed by the board and authorized to provide supervision under this chapter.
[PL 2021, c. 223, §4 (NEW).]

37. Teledentistry. "Teledentistry," as it pertains to the delivery of oral health care services, means the use of interactive, real-time visual, audio or other electronic media for the purposes of education, assessment, examination, diagnosis, treatment planning, consultation and directing the delivery of treatment by individuals licensed under this chapter and includes synchronous encounters, asynchronous encounters, remote patient monitoring and mobile oral health care in accordance with practice guidelines specified in rules adopted by the board.
[PL 2021, c. 223, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§1-4 (AMD). PL 2019, c. 388, §§5, 6 (AMD). PL 2021, c. 223, §§1-5 (AMD). PL 2023, c. 17, Pt. P, §§5, 6 (AMD). PL 2023, c. 354, §1 (AMD).

§18303. Individual license

Only an individual may be licensed under this chapter and only a licensed individual may provide services for which a license is required under this chapter. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18304. License required

1. Unlicensed practice. Except as provided in section 18305 and section 18371, subsections 3 and 6, a person may not practice or profess to be authorized to practice the activities described in this chapter without a license or during any period when that person's license has expired or has been suspended or revoked.
[PL 2015, c. 429, §21 (NEW).]

2. Unlawful practice. A person may not:

A. Practice dentistry under a false or assumed name; [PL 2015, c. 429, §21 (NEW).]

B. Practice dentistry under the name of a corporation, company, association, parlor or trade name; [PL 2015, c. 429, §21 (NEW).]

C. 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 18371; [PL 2015, c. 429, §21 (NEW).]

D. While manager, proprietor, operator or conductor of a place for performing dental operations, permit a person to practice dentistry under a false name; [PL 2015, c. 429, §21 (NEW).]

E. Assume a title or append a prefix or letters following that person's name that falsely represent the person as having a degree from a dental college; [PL 2015, c. 429, §21 (NEW).]

F. Impersonate another at an examination held by the board; [PL 2015, c. 429, §21 (NEW).]

G. Knowingly make a false application or false representation in connection with an examination held by the board; or [PL 2015, c. 429, §21 (NEW).]

H. Employ an unlicensed person to provide services for which a license is required by this chapter. [PL 2017, c. 388, §5 (AMD).]

[PL 2017, c. 388, §5 (AMD).]

3. Penalties. 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.
[PL 2015, c. 429, §21 (NEW).]

4. Injunction.
[PL 2023, c. 17, Pt. P, §7 (RP).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §5 (AMD). PL 2023, c. 17, Pt. P, §7 (AMD).

§18305. Persons and practices not affected; exemptions

1. Persons and practices not affected. Nothing in this chapter may be construed to limit, enlarge or affect the practice of persons licensed to practice medicine, osteopathy or dentistry in this State. Nothing in this chapter may be construed to prohibit a duly qualified dental surgeon or dental hygienist from performing work or services performed by a denturist licensed under this chapter to the extent those persons are authorized to perform the same services under other state law.
[PL 2015, c. 429, §21 (NEW).]

2. Exemptions. The requirement of a license under this chapter does not apply to:

A. A resident physician or a student enrolled in and attending a school or college of medicine or osteopathy; [PL 2015, c. 429, §21 (NEW).]

B. A licensed physician or surgeon who practices under the laws of this State, unless that person practices dentistry as a specialty; [PL 2015, c. 429, §21 (NEW).]

C. A qualified anesthetist or nurse anesthetist who provides an anesthetic for a dental operation; a certified registered nurse under the direct supervision of either a licensed dentist who holds a valid sedation or general anesthesia permit or a licensed physician who provides an anesthetic for a dental operation; a certified registered nurse under the direct supervision of a licensed dentist or physician who removes sutures, dresses wounds or applies dressings and bandages; and a certified registered nurse under the direct supervision of a licensed dentist or physician who injects drugs subcutaneously or intravenously; [PL 2015, c. 429, §21 (NEW).]

D. A person serving in the United States Armed Forces or the United States Department of Health and Human Services, Public Health Service or employed by the United States Department of Veterans Affairs or other federal agency while performing official duties, if the duties are limited to that service or employment; [PL 2015, c. 429, §21 (NEW).]

E. A graduate dentist or dental surgeon in the United States Army, Navy or Air Force; the United States Department of Health and Human Services, Public Health Service; the United States Coast Guard; or United States Department of Veterans Affairs who practices dentistry in the discharge of official duties; [PL 2015, c. 429, §21 (NEW).]

F. A person having a current license to perform radiologic technology pursuant to section 9854 and who is practicing dental radiography under the general supervision of a dentist or physician; [PL 2015, c. 429, §21 (NEW).]

G. A dentist licensed in another state or country at meetings of the Maine Dental Association or its affiliates or other like dental organizations approved by the board, while appearing as a clinician; [PL 2015, c. 429, §21 (NEW).]

H. Any person, association, corporation or other entity who fills a prescription from a dentist for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth; [PL 2015, c. 429, §21 (NEW).]

I. A dental laboratory technician constructing, altering, repairing or duplicating a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance with a prescription as set forth in section 18371, subsection 6; [PL 2015, c. 429, §21 (NEW).]

J. A student enrolled in a dental assisting program or a board-approved dental program, dental hygiene program, dental therapy program, expanded function dental assisting program, dental radiography program or denturism program practicing under the direct or general supervision of that student's instructors; and [PL 2017, c. 388, §6 (AMD).]

K. [PL 2017, c. 388, §7 (RP).]

L. An individual licensed under this chapter who is registered and practicing under the direct supervision of a dentist as set forth in section 18348, subsection 2 or 3 for the purpose of obtaining clinical experience needed for meeting the requirements to administer sedation, local anesthesia or general anesthesia. [PL 2015, c. 429, §21 (NEW).]

[PL 2017, c. 388, §§6, 7 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§6, 7 (AMD).

§18306. 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; [PL 2015, c. 429, §21 (NEW).]

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; [PL 2015, c. 429, §21 (NEW).]

C. With fraudulent intent alter a diploma or license to practice dentistry; [PL 2015, c. 429, §21 (NEW).]

D. Use or attempt to use an altered diploma or license; or [PL 2015, c. 429, §21 (NEW).]

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. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

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.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18307. Review committee immunity

A dentist who is a member of a peer review committee of a state or local association or society composed of doctors of dentistry, a staff member of such an association or society assisting a peer review committee and a witness or consultant appearing before or presenting information to the peer review committee are immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18308. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing. Except as provided in subsection 2, an individual licensed under this chapter whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100 morphine milligram equivalents of opioid medication per day; [PL 2015, c. 488, §32 (NEW).]

B. To a patient who, on the effective date of this section, has an active prescription for opioid medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day; [PL 2015, c. 488, §32 (NEW).]

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. For purposes of this paragraph, "chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or [PL 2015, c. 488, §32 (NEW).]

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid medication to a patient under treatment for acute pain unless the opioid product is labeled by the federal Food and Drug Administration to be dispensed only in a stock bottle that exceeds a 7-day supply as prescribed, in which case the amount dispensed may not exceed a 14-day supply. For purposes of this paragraph, "acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A. [PL 2017, c. 213, §20 (AMD).]

[PL 2017, c. 213, §20 (AMD).]

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

(1) Pain associated with active and aftercare cancer treatment;

(2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;

(3) End-of-life and hospice care;

(4) Medication-assisted treatment for substance use disorder; or

(5) Other circumstances determined in rule by the Department of Health and Human Services; and [PL 2025, c. 37, §10 (AMD).]

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility or in connection with a surgical procedure.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B. [PL 2017, c. 213, §21 (AMD).]

[PL 2025, c. 37, §10 (AMD).]

3. Electronic prescribing. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication and who has the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

[PL 2015, c. 488, §32 (NEW).]

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 488, §32 (NEW).]

5. Penalties. An individual who violates this section commits a civil violation for which a fine of $250 per violation, not to exceed $5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

[PL 2015, c. 488, §32 (NEW).]

6. Opioid medication policy. No later than January 1, 2018, a health care entity that includes an individual licensed under this chapter whose scope of practice includes prescribing opioid medication must have in place an opioid medication prescribing policy that applies to all prescribers of opioid medications employed by the entity. The policy must include, but is not limited to, procedures and practices related to risk assessment, informed consent and counseling on the risk of opioid use. For the purposes of this subsection, "health care entity" has the same meaning as in Title 22, section 1718-B, subsection 1, paragraph B.

[PL 2017, c. 186, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 488, §32 (NEW). PL 2017, c. 186, §5 (AMD). PL 2017, c. 213, §§20, 21 (AMD). PL 2025, c. 37, §10 (AMD).

§18309. Fees

1. Fee establishment. The director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that:

A. The fee for any one purpose may not exceed $550 unless another fee is authorized by paragraph B or C; [PL 2025, c. 71, §1 (NEW); PL 2025, c. 71, §2 (AFF).]

B. The fee for an initial license or a license renewal under section 18342 or a permit under section 18379 may not exceed $1,000; and [PL 2025, c. 71, §1 (NEW); PL 2025, c. 71, §2 (AFF).]

C. The fee for an initial license or a license renewal under section 18345 may not exceed $200. [PL 2025, c. 71, §1 (NEW); PL 2025, c. 71, §2 (AFF).]

[PL 2025, c. 71, §1 (NEW); PL 2025, c. 71, §2 (AFF).]

2. Rules. Rules adopted pursuant to subsection 1 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 71, §1 (NEW); PL 2025, c. 71, §2 (AFF).]

SECTION HISTORY

PL 2025, c. 71, §1 (NEW). PL 2025, c. 71, §2 (AFF).

SUBCHAPTER 2

BOARD OF DENTAL PRACTICE

§18321. Board creation; declaration of policy; compensation

1. Board creation; declaration of policy. The Board of Dental Practice, as established in Title 5, section 12004-A, subsection 10, is created within this subchapter, its sole purpose being to protect the public health and welfare. The board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the professions regulated by the board by testing, licensing, regulating and disciplining practitioners of those regulated professions.
[PL 2015, c. 429, §21 (NEW).]

2. Compensation.
[PL 2023, c. 17, Pt. P, §8 (RP).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §8 (AMD).

§18322. Board membership

1. Membership; terms; removal. The board consists of 9 members appointed by the Governor as follows:

A. Five dentists. Each dentist member must hold a valid dental license under this chapter and must have been in the actual practice of dentistry in this State for at least 10 years immediately preceding appointment. A dentist is not eligible to serve as a member of the board while employing a dental hygienist or a denturist who is a member of the board; [PL 2015, c. 429, §21 (NEW).]

B. Two dental hygienists. Each dental hygienist member must hold a valid dental hygiene license under this chapter and must have practiced in the State for at least 6 years immediately preceding appointment. 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; [PL 2015, c. 429, §21 (NEW).]

C. One denturist. The denturist member must hold a valid denturist license under this chapter and must have practiced in the State for at least 6 years immediately preceding appointment. 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; and [PL 2015, c. 429, §21 (NEW).]

D. One public member. The public member must be a person who has no financial interest in the dental profession and has never been licensed, certified or given a permit in this or any other state for the dental profession. [PL 2015, c. 429, §21 (NEW).]

The Governor may accept nominations from professional associations and from other organizations and individuals. A member of the board must be a legal resident of the State. A person who has been convicted of a violation of the provisions of this Act or any prior dental practice act, or who has been

convicted of a crime punishable by more than one year's imprisonment, is not eligible for appointment to the board. Appointments of members must comply with Title 10, section 8009.
[PL 2015, c. 429, §21 (NEW).]

2. Terms. Terms of the members of the board are for 5 years. A person who has served 10 years or more on a dental examining board in this State is not eligible for appointment to the board. A member may be removed by the Governor for cause.
[PL 2015, c. 429, §21 (NEW).]

3. Quorum; chair; vice-chair.
[PL 2023, c. 17, Pt. P, §9 (RP).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §9 (AMD).

§18323. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter: [PL 2015, c. 429, §21 (NEW).]

1. Hearings and procedures.
[PL 2023, c. 17, Pt. P, §10 (RP).]

2. Complaints.
[PL 2023, c. 17, Pt. P, §11 (RP).]

3. Fees.

[PL 2023, c. 17, Pt. P, §12 (RP).]

4. Budget.
[PL 2023, c. 17, Pt. P, §13 (RP).]

5. Adequacy of budget, fees and staffing.
[PL 2023, c. 17, Pt. P, §14 (RP).]

6. Executive director; duties.
[PL 2023, c. 17, Pt. P, §15 (RP).]

7. Authority to delegate.
[PL 2023, c. 17, Pt. P, §16 (RP).]

8. Protocols for professional review committee. The authority to 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, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired licensee under this chapter from seeking alternative forms of treatment; and
[PL 2015, c. 429, §21 (NEW).]

9. Authority to order a mental or physical examination. The authority to direct a licensee, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination whenever the board determines the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that prevents the licensee from practicing competently and with safety to patients. A licensee 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. The board may petition the District Court for immediate suspension

of a license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection.
[PL 2015, c. 429, §21 (NEW).]

10. Subpoena authority. In addition to the powers under Title 10, section 8003, subsection 5-A, the power to issue subpoenas in accordance with the terms of Title 5, section 9060, except that the authority applies to any stage of an investigation and is not limited to an adjudicatory proceeding.
[PL 2023, c. 17, Pt. P, §17 (NEW).]

11. Assessment of costs. When there is a finding of a violation, the power to assess the licensee for all or part of the actual expenses incurred by the board or its agents for investigations and enforcement duties performed. For the purposes of this subsection, "actual expenses" includes, but is not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

The board, as soon as feasible after a finding of a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board, which may not be less than 30 days after notice of the assessment.
[PL 2023, c. 17, Pt. P, §18 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2019, c. 92, §1 (AMD). PL 2023, c. 17, Pt. P, §§10-18 (AMD).

§18324. Rules

The board shall adopt rules that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, license renewal and license reinstatement as well as practice setting standards that apply to individuals licensed under this chapter relating to recordkeeping, infection control, supervision and administering sedation and anesthesia. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18325. Disciplinary action; judicial review

1. Disciplinary action. In addition to the powers under Title 10, section 8003, subsection 5-A, the board may suspend, revoke or refuse to issue or renew 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, deceit or misrepresentation in obtaining a license or authority from the board or in connection with services within the scope of the license or authority; [PL 2015, c. 429, §21 (NEW).]

B. Misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]

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; [PL 2015, c. 429, §21 (NEW).]

D. Incompetence in the practice for which the licensee is licensed or authorized by the board. 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; [PL 2015, c. 429, §21 (NEW).]

E. 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 or authorized by the board; [PL 2015, c. 429, §21 (NEW).]

F. 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 authorized by the board, or conviction of a crime for which incarceration for one year or more may be imposed; [PL 2015, c. 429, §21 (NEW).]

G. Engaging in false, misleading or deceptive advertising; [PL 2015, c. 429, §21 (NEW).]

H. Aiding or abetting unlicensed practice by a person who is not licensed or authorized as required under this chapter; [PL 2015, c. 429, §21 (NEW).]

I. Failure to provide supervision as required under this chapter or a rule adopted by the board; [PL 2015, c. 429, §21 (NEW).]

J. Engaging in any activity requiring a license or authority under this chapter or rule adopted by the board that is beyond the scope of acts authorized by the license or authority held; [PL 2015, c. 429, §21 (NEW).]

K. Continuing to act in a capacity requiring a license or authority under this chapter or a rule adopted by the board after expiration, suspension or revocation of that license or authority; [PL 2015, c. 429, §21 (NEW).]

L. Noncompliance with an order of or consent agreement executed by the board; [PL 2015, c. 429, §21 (NEW).]

M. Failure to produce any requested documents in the licensee's possession or under the licensee's control relevant to a pending complaint, proceeding or matter under investigation by the board; [PL 2015, c. 429, §21 (NEW).]

N. [PL 2023, c. 17, Pt. P, §19 (RP).]

O. A violation of this chapter or a rule adopted by the board; [PL 2021, c. 134, §1 (AMD).]

P. Failure to comply with the requirements of Title 22, section 7253; and [PL 2021, c. 134, §2 (AMD).]

Q. Administering botulinum toxins or dermal fillers to a patient when that administration is not supported by a diagnosed dental condition or is not part of a patient's dental treatment plan. This paragraph does not apply to a dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization. [PL 2021, c. 134, §3 (NEW).]

[PL 2023, c. 17, Pt. P, §19 (AMD).]

1-A. Authority to file in court.
[PL 2023, c. 17, Pt. P, §20 (RP).]

2. Judicial review. Notwithstanding any provision of Title 10, section 8003, subsection 5-A to the contrary, any nonconsensual revocation pursuant to Title 10, section 8003, subsection 5-A of a license or authority issued by the board may be imposed only after a hearing conforming to the

requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.
[PL 2023, c. 17, Pt. P, §21 (AMD).]

3. Letters of guidance. In addition to the authority conferred under Title 10, section 8003, subsection 5-A, the board may issue a letter of guidance or concern to a licensee or registrant. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any provision of law to the contrary, a letter of guidance or concern is not confidential. The board may place a letter of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are only confidential to the extent that confidentiality is required pursuant to Title 24, chapter 21.
[PL 2023, c. 515, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2015, c. 488, §§33, 34 (AMD). PL 2017, c. 210, Pt. J, §1 (AMD). PL 2021, c. 134, §§1-3 (AMD). PL 2023, c. 17, Pt. P, §§19-21 (AMD). PL 2023, c. 515, §2 (AMD).

§18326. Subcommittee on Denturists

(REPEALED)

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §22 (RP).

§18327. Subcommittee on Dental Hygienists

(REPEALED)

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §23 (RP).

§18328. Executive director; duties

The commissioner, with the advice of the board and subject to the Civil Service Law, shall appoint an executive director who shall assist the board in carrying out its duties and responsibilities under this chapter. The executive director is responsible for the management of the board's affairs and policies and rules established by the board. [PL 2023, c. 17, Pt. P, §24 (NEW).]

SECTION HISTORY

PL 2023, c. 17, Pt. P, §24 (NEW).

SUBCHAPTER 3

LICENSING QUALIFICATIONS

§18341. Application; fees; general qualifications

1. Application. An applicant seeking an initial or a renewed license must submit an application with the fee established by rule adopted by the director and any other materials required by the board.

[PL 2023, c. 17, Pt. P, §25 (AMD).]

2. Age. An applicant must be 18 years of age or older.
[PL 2015, c. 429, §21 (NEW).]

3. Time limit. An applicant has 90 days after being notified of the materials needed to complete the application to submit those materials to the board. Failure to complete the application within that 90-day period may result in a denial of the application.
[PL 2015, c. 429, §21 (NEW).]

4. Basic life support. An applicant seeking an initial or a renewed license must include evidence of basic life support certification.
[PL 2023, c. 354, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §25 (AMD). PL 2023, c. 354, §2 (AMD).

§18341-A. Criminal history record information; fees

1. Background check. The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement as a dentist or a dental hygienist under this chapter. The board shall request a background check for each licensed dentist or licensed dental hygienist who applies for an initial compact privilege and designates this State as the applicant's home state. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System, established in Title 16, section 631, and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2025, c. 366, §21 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2025, c. 366, §21 (NEW).]

C. An applicant or licensee shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of a fee established by the board, shall take or cause to be taken the applicant's or licensee's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Bureau of State Police for purposes of this paragraph must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550. [PL 2025, c. 366, §21 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2025, c. 366, §21 (NEW).]

E. State and federal criminal history record information of an applicant for a dentist license or a dental hygienist license may be used by the board for the purpose of screening the applicant. State and federal criminal history record information of a licensed dentist or licensed dental hygienist

seeking an initial compact privilege may be used by the board for the purpose of taking disciplinary action against the licensee. A board action against an applicant for licensure or a licensee under this subsection is subject to the provisions of Title 5, chapter 341. [PL 2025, c. 366, §21 (NEW).]

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the dentist and dental hygienist compact commission established under section 18438 or to any other person. [PL 2025, c. 366, §21 (NEW).]

G. An individual whose license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, Bureau of State Police, State Bureau of Identification remove the individual's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the individual's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2025, c. 366, §21 (NEW).]

[PL 2025, c. 366, §21 (NEW).]

2. Rules. The board, following consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2025, c. 366, §21 (NEW).]

SECTION HISTORY

PL 2025, c. 366, §21 (NEW).

§18342. Dentist

1. Dentist license. Except as provided in section 18347, an applicant for licensure as a dentist must comply with the provisions of section 18341 and must provide:

A. Verification of either a doctoral degree in dentistry from a dental program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry, as determined by the board; and [PL 2021, c. 163, §1 (AMD).]

B. Verification of passing all examinations required by the board. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §1 (AMD).]

2. Faculty dentist license. An applicant for a faculty dentist license must comply with section 18341 and must provide:

A. Verification of an active dental license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and [PL 2021, c. 163, §2 (AMD).]

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach:

(1) Dentistry, dental hygiene or denturism in this State as part of a clinical and didactic program for professional education for dental students and dental residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board;

(2) Dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(3) Denturism in this State as part of a board-approved clinical and didactic program for professional education for denturism students. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §2 (AMD).]

3. Limited dentist license. An applicant for a limited dentist license must comply with section 18341 and must provide:

A. Verification of either a doctoral degree in dentistry from a dental program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry, as determined by the board; [PL 2021, c. 163, §3 (AMD).]

B. Verification that the applicant has been licensed as a dentist in good standing issued under the laws of this State or has an active dental license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; [PL 2021, c. 163, §4 (AMD).]

C. Verification of passing all examinations required by board rule; and [PL 2015, c. 429, §21 (NEW).]

D. Verification that the applicant will be practicing dentistry in a nonprofit dental clinic without compensation for work performed at the clinic. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §§3, 4 (AMD).]

4. Clinical dentist educator license.

[PL 2017, c. 388, §8 (RP).]

5. Charitable dentist license.

[PL 2017, c. 388, §8 (RP).]

6. Resident dentist license. An applicant for a resident dentist license must comply with section 18341 and must provide:

A. Verification of a doctoral degree in dentistry from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry as required by board rule; [PL 2021, c. 88, §1 (AMD).]

B. Verification of passing a jurisprudence examination as required by board rule; [PL 2021, c. 88, §2 (AMD).]

C. Verification that the applicant will be practicing dentistry in a board-approved practice setting within the State; and [PL 2015, c. 429, §21 (NEW).]

D. A statement from the supervising dentist that demonstrates that the level of supervision and control of the services to be performed by the applicant are adequate and that the performance of these services are within the applicant's dental knowledge and skill. [PL 2021, c. 223, §6 (AMD).]

[PL 2021, c. 88, §§1, 2 (AMD); PL 2021, c. 223, §6 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §8 (AMD). PL 2021, c. 88, §§1, 2 (AMD). PL 2021, c. 163, §§1-4 (AMD). PL 2021, c. 223, §6 (AMD).

§18343. Dental radiographer

1. Dental radiographer license. Except as provided in section 18347, an applicant for a dental radiographer license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; and [PL 2015, c. 429, §21 (NEW).]

B. Verification of passing an examination in dental radiologic technique and safety required by board rule. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18344. Expanded function dental assistant

1. Expanded function dental assistant license. Except as provided in section 18347, an applicant for an expanded function dental assistant license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; [PL 2015, c. 429, §21 (NEW).]

B. Verification of one of the following:

(1) A current certificate as a certified dental assistant from a board-approved certificate program;

(2) An active dental hygiene license in good standing issued under the laws of this State; or

(3) An active dental hygiene license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; [PL 2021, c. 163, §5 (AMD).]

C. Verification of having successfully completed training in a school or program required by board rule; and [PL 2015, c. 429, §21 (NEW).]

D. Verification of passing all examinations required by board rule. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §5 (AMD).]

SECTION HISTORY

RR 2015, c. 2, §22 (COR). PL 2015, c. 429, §21 (NEW). PL 2021, c. 163, §5 (AMD).

§18345. Dental hygienist

1. Dental hygienist license. Except as provided in section 18347, an applicant for a dental hygienist license must comply with section 18341 and must provide:

A. Verification of having successfully passed all examinations required by board rule and one of the following:

(1) Verification of an associate degree or higher in dental hygiene from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a dental hygiene degree, as determined by the board; or

(2) Verification of having completed at least 1/2 of the prescribed course of study in an accredited dental college as a dental student. [PL 2021, c. 163, §6 (AMD).]

[PL 2021, c. 163, §6 (AMD).]

2. Additional authority. A dental hygienist licensed under this section or section 18347 who applies for additional authority must comply with section 18341 and must provide:

A. For independent practice dental hygienist authority, verification of 2,000 work hours of clinical practice.

For purposes of meeting the clinical practice requirements of this paragraph, the applicant's hours in a private dental practice or nonprofit setting under the supervision of a dentist may be included as well as the applicant's hours as a public health dental hygienist or, prior to July 29, 2016, as a dental hygienist with public health supervision status; [PL 2017, c. 139, §1 (AMD).]

B. For public health dental hygienist authority:

(1) A copy of the written agreement between the applicant and a supervising dentist that outlines the roles and responsibilities of the parties, which must include, but is not limited to, the level of supervision provided by the dentist, the practice settings, the standing orders and the coordination and collaboration that each party must undertake if additional patient care is needed; and

(2) Verification that the services will be offered in a public health setting; [PL 2015, c. 429, §21 (NEW).]

C. For dental therapist authority:

(2) Verification of a master's degree in dental therapy from a school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or a master's degree in dental therapy from a program that meets the requirements adopted by board rule consistent with the accreditation standards identified by the American Dental Association Commission on Dental Accreditation or its successor organization;

(3) Verification of passing a clinical examination and all other examinations required by board rule. The clinical examination must be a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental therapy education;

(4) Verification of having engaged in 2,000 hours of supervised clinical practice under the supervision of a dentist and in conformity with rules adopted by the board, during which supervised clinical practice the applicant is authorized to practice pursuant to paragraph F.

For purposes of meeting the clinical requirements of this subparagraph, an applicant's hours of supervised clinical experience completed under the supervision of a dentist licensed in another state or a Canadian province may be included, as long as the applicant was operating lawfully under the laws and rules of that state or province; and

(5) A copy of the written practice agreement and standing orders required by section 18377, subsection 3. [PL 2021, c. 44, §§1-3 (AMD).]

D. For local anesthesia authority:

(1) Verification of having successfully completed a course of study required by board rule; and

(2) Verification of passing all examinations required by board rule; [PL 2015, c. 429, §21 (NEW).]

E. For nitrous oxide analgesia authority:

(1) Verification of having successfully completed a course of study required by board rule; and

(2) Verification of passing all examinations required by board rule; and [PL 2015, c. 429, §21 (NEW).]

F. For provisional dental therapist authority:

(1) Verification of meeting the requirements of paragraph C, subparagraphs (2) and (3); and

(2) A copy of the written agreement between the applicant and a dentist who will provide direct supervision for the procedures outlined in section 18377, subsection 1, paragraph A and general supervision for the procedures outlined in section 18377, subsection 1, paragraph B in conformity with rules adopted by the board.

During the period of provisional authority the applicant may be compensated for services performed as a dental therapist. The period of provisional authority may not exceed 3 years. [PL 2023, c. 354, §3 (AMD).]

[PL 2023, c. 354, §3 (AMD).]

3. Faculty dental hygiene license. An applicant for a faculty dental hygienist license must comply with section 18341 and must provide:

A. Verification of an active dental hygiene license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and [PL 2021, c. 163, §7 (AMD).]

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach:

(1) Dental hygiene or denturism in this State as part of a clinical and didactic program for professional education for dental students and dental residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board;

(2) Dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(3) Denturism in this State as part of a board-approved clinical and didactic program for professional education for denturism students. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §7 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 139, §1 (AMD). PL 2017, c. 388, §9 (AMD). PL 2019, c. 388, §7 (AMD). PL 2021, c. 44, §§1-4 (AMD). PL 2021, c. 163, §§6, 7 (AMD). PL 2023, c. 354, §3 (AMD).

§18346. Denturist

1. Denturist license. Except as provided in section 18347, an applicant for a denturist license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; [PL 2015, c. 429, §21 (NEW).]

B. Verification of a diploma from a board-approved denturism postsecondary institution; and [PL 2015, c. 429, §21 (NEW).]

C. Verification of passing all examinations required by board rule. The content of one examination must have a clinical component and a written component concerning, but not limited to, dental materials, denture technology, United States Department of Health and Human Services, Centers for Disease Control and Prevention guidelines, basic anatomy and basic pathology. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

2. Faculty denturist license. An applicant for a faculty denturist license must comply with section 18341 and must provide:

A. Verification of an active denturist license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and [PL 2021, c. 163, §8 (AMD).]

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §8 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2021, c. 163, §8 (AMD).

§18347. Endorsement; applicants authorized to practice in another jurisdiction

The board is authorized, at its discretion, to waive the examination requirements and issue a license or grant an authority to an applicant who is licensed under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions who furnishes proof, satisfactory to the board, that the requirements for licensure under this chapter have been met. Applicants must comply with the provisions set forth in section 18341. [PL 2021, c. 163, §9 (AMD).]

1. Applicants licensed in another jurisdiction. An applicant for licensure or seeking authority under this chapter who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed in good standing at the time of application to the board under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions may qualify for licensure by submitting evidence to the board that the applicant has held a substantially equivalent, valid license for at least 3 consecutive years immediately preceding the application to the board at the level of licensure applied for in this State. [PL 2021, c. 163, §9 (AMD).]

B. An applicant who does not meet the requirements of paragraph A but is licensed in good standing at the time of application to the board under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions may qualify for licensure by submitting evidence satisfactory to the board that the applicant's qualifications for licensure are substantially similar to the requirements in this chapter for the relevant license. [PL 2021, c. 163, §9 (AMD).]

[PL 2021, c. 163, §9 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2021, c. 163, §9 (AMD).

§18347-A. Temporary license; applicants authorized to work in another jurisdiction

Notwithstanding any provision of law to the contrary, the board may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees unless otherwise provided in this section, to any applicant upon a showing that the applicant holds a valid license in that profession issued by another state. The board may waive the fee for a temporary license if the purpose of the temporary license is to provide free dental care in conjunction with a charitable nonprofit organization. [PL 2023, c. 165, §1 (AMD).]

SECTION HISTORY

PL 2023, c. 17, Pt. P, §26 (NEW). PL 2023, c. 165, §1 (AMD).

§18348. Registration requirements

1. Dentist externship registration.

[PL 2017, c. 388, §10 (RP).]

2. Sedation and general anesthesia registration. A dentist who holds a permit to administer sedation pursuant to section 18379 may register another dentist under that dentist's license for the purpose of providing clinical supervision in administering sedation or general anesthesia under direct supervision. A registration under this subsection expires one year from the date the registration is granted. Applicants must comply with section 18341 and must submit a letter from the supervising dentist describing the practice settings in which supervision will occur as well as attesting that these arrangements are commensurate with the registrant's education, training and competency.
[PL 2015, c. 429, §21 (NEW).]

3. Local anesthesia/nitrous oxide analgesia registration. A dentist may register a dentist or dental hygienist under that dentist's license for the purpose of providing clinical supervision in administering local anesthesia or nitrous oxide analgesia under direct supervision. A registration under this section expires one year from the date the registration is granted. Applicants must comply with section 18341 and must submit a letter from the supervising dentist describing the practice settings in which supervision will occur as well as attesting that these arrangements are commensurate with the registrant's education, training and competency.
[PL 2015, c. 429, §21 (NEW).]

4. Denturist trainee registration. A denturist or dentist may register under that dentist's or denturist's license an individual who has completed a board-approved denturism postsecondary program for the purpose of providing additional clinical supervision outside of the academic setting. A registration under this section expires one year from the date the registration is granted, but may be renewed for an additional year. An applicant must comply with section 18341 and must provide:

A. Verification that the trainee has successfully completed a denturism program approved by the board; and [PL 2017, c. 388, §11 (AMD).]

B. [PL 2017, c. 388, §11 (RP).]

C. A letter from the supervising denturist or dentist that describes the level of supervision that the denturist or dentist will provide and that attests that the performance of these services by the trainee will add to the trainee's knowledge and skill in denturism. [PL 2017, c. 388, §11 (AMD).]
[PL 2017, c. 388, §11 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§10, 11 (AMD).

§18349. License renewal; reinstatement

1. Renewal. Licenses under this chapter expire at such times as the commissioner may designate. In the absence of any reason or condition that might warrant the refusal of granting a license, the board shall issue a renewal license to each applicant who meets the requirements of sections 18341 and 18350.
[PL 2015, c. 429, §21 (NEW).]

2. Late renewals. Licenses may be renewed up to 90 days after the date of expiration if the applicant meets the requirements of subsection 1 and pays a late fee established by rule adopted by the director.
[PL 2023, c. 17, Pt. P, §27 (AMD).]

3. Reinstatement. A person who submits an application for reinstatement more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination

if that renewal application is received, together with the penalty fee established by rule adopted by the director, within 2 years from the date of the license expiration.
[PL 2023, c. 17, Pt. P, §28 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §§27, 28 (AMD).

§18350. Continuing education

As a condition of renewal of a license to practice, an applicant must have a current basic life support certification and complete continuing education during the licensing cycle prior to application for renewal. The board may prescribe by rule the content and types of continuing education activities that meet the requirements of this section. [PL 2023, c. 354, §4 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 354, §4 (AMD).

§18351. Inactive status

A licensee who wants to retain licensure while not practicing may apply for an inactive status license. During inactive status, the licensee must renew the license and pay the renewal fee set by rule adopted by the director, but is not required to meet the continuing education requirements under section 18350. The board shall adopt rules by which an inactive status license may be reinstated. [PL 2023, c. 17, Pt. P, §29 (AMD).]

An individual who practices under a resident dentist license or as a provisional dental therapist may not apply for inactive status. [PL 2019, c. 388, §8 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §12 (AMD). PL 2019, c. 388, §8 (AMD). PL 2023, c. 17, Pt. P, §29 (AMD).

§18352. Duty to require certain information from applicants and licensees

(REPEALED)

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §30 (RP).

SUBCHAPTER 4

SCOPE OF PRACTICE; SUPERVISION; PRACTICE REQUIREMENTS

§18371. Dentist

1. Scope of practice. A dentist, faculty dentist, limited dentist or resident dentist may:

A. Perform a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other compensation 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; [PL 2015, c. 429, §21 (NEW).]

B. Obtain impressions of a human tooth, teeth or jaws and perform a phase of an operation incident to the replacement of a part of a tooth; [PL 2017, c. 388, §13 (AMD).]

C. Supply artificial substitutes for the natural teeth and furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth; [PL 2015, c. 429, §21 (NEW).]

D. Place dental appliances or structures in the human mouth and adjust or attempt or profess to adjust the same; [PL 2015, c. 429, §21 (NEW).]

E. Furnish, supply, construct, reproduce or repair or profess to the public to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth; [PL 2015, c. 429, §21 (NEW).]

F. Diagnose or profess to diagnose, prescribe for and treat or profess to prescribe for and treat disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure; [PL 2015, c. 429, §21 (NEW).]

G. Extract or attempt to extract human teeth; [PL 2015, c. 429, §21 (NEW).]

H. Correct or attempt to correct malformations of teeth and jaws; [PL 2015, c. 429, §21 (NEW).]

I. Repair or fill cavities in the human teeth; [PL 2015, c. 429, §21 (NEW).]

J. Diagnose malposed teeth and make and adjust appliances or artificial casts for treatment of the malposed teeth in the human mouth with or without instruction; [PL 2015, c. 429, §21 (NEW).]

K. Use an x-ray machine for the purpose of taking dental x-rays and interpret or read or profess to interpret or read dental x-rays; [PL 2015, c. 429, §21 (NEW).]

L. Use the words dentist, dental surgeon or oral surgeon and the letters D.D.S. or D.M.D. and any other words, letters, title or descriptive matter that represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structures and state, profess or permit 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; [PL 2015, c. 429, §21 (NEW).]

M. Prescribe drugs or medicine and administer local anesthesia, analgesia including nitrous oxide and oxygen inhalation and, with the appropriate permit issued by the board, administer sedation and general anesthesia necessary for proper dental treatment; [PL 2021, c. 134, §4 (AMD).]

N. Take case histories and perform physical examinations to the extent the activities are necessary in the exercise of due care in conjunction with the provision of dental treatment or the administration of anesthesia. A dentist is not permitted to perform physical examinations within a hospital licensed by the Department of Health and Human Services unless this activity is permitted by the hospital; and [PL 2021, c. 134, §5 (AMD).]

O. Administer botulinum toxin or dermal fillers to a patient with a diagnosed dental condition or when that administration is identified as part of a patient's dental treatment plan. A dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization may administer botulinum toxin or dermal fillers in the course of treatment for oral or maxillofacial disease, disfigurement or disjunction. [RR 2021, c. 1, Pt. A, §35 (COR).]

[RR 2021, c. 1, Pt. A, §35 (COR).]

2. Limitations. Individuals practicing dentistry as described in this section who possess one of the following licenses shall adhere to the restrictions in this subsection.

A. [PL 2017, c. 388, §14 (RP).]

B. [PL 2017, c. 388, §14 (RP).]

C. An individual with a faculty dentist license may provide dental services only as part of the education program for which the license was issued by the board. [PL 2015, c. 429, §21 (NEW).]

D. An individual with a limited dentist license may provide dental services only in the nonprofit dental clinic for which the license was issued by the board and may not accept remuneration for those services. [PL 2015, c. 429, §21 (NEW).]

E. An individual with a resident dentist license may provide dental services only under the supervision of a dentist in a board-approved setting and in accordance with the level of supervision and control for which the license was issued by the board. [PL 2021, c. 676, Pt. A, §47 (RPR).]
[PL 2021, c. 676, Pt. A, §47 (AMD).]

3. Delegation authorized. A dentist may delegate to an unlicensed person or a licensed person activities related to dental care and treatment that are delegated by custom and usage as long as those activities are under the supervision or control of the dentist. A dentist who delegates activities to an unlicensed person as described is legally liable for the activities of that unlicensed person and the unlicensed person in this relationship is considered the dentist's agent.

A. [PL 2021, c. 223, §8 (RP).]

B. [PL 2021, c. 223, §8 (RP).]

C. [PL 2021, c. 223, §8 (RP).]
[PL 2021, c. 223, §8 (RPR).]

4. Delegation not authorized. A dentist may not delegate to an unlicensed person activities related to dental care or treatment that require a license under this chapter. A dentist may not delegate to a licensed person activities related to dental care or treatment that are outside the scope of practice of that licensed person.
[PL 2021, c. 223, §9 (AMD).]

5. Supervision of dental therapists. A dentist, referred to in this section as the "supervising dentist," who employs a dental therapist shall comply with this subsection.

A. A supervising dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist supervised by that dentist that are beyond the scope of practice of the dental therapist and that the supervising dentist is unable to provide. [PL 2019, c. 388, §9 (AMD).]

B. The supervising dentist is responsible for all authorized services and procedures performed by the dental therapist pursuant to a written practice agreement executed by the dentist pursuant to section 18377. [PL 2019, c. 388, §9 (AMD).]

C. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental therapist. [PL 2019, c. 388, §9 (AMD).]

D. A supervising dentist who signs a written practice agreement shall file a copy of the agreement with the board, keep a copy for the dentist's own records and make a copy available to patients of the dental therapist upon request. [PL 2019, c. 388, §9 (AMD).]
[PL 2019, c. 388, §9 (AMD).]

6. Prescription for laboratory services. 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; [PL 2015, c. 429, §21 (NEW).]

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; [PL 2015, c. 429, §21 (NEW).]

C. The date on which the prescription was written; [PL 2015, c. 429, §21 (NEW).]

D. A description of the work to be done, with diagrams if necessary; [PL 2015, c. 429, §21 (NEW).]

E. A specification of the type and quality of materials to be used; and [PL 2015, c. 429, §21 (NEW).]

F. The signature of the dentist and the number of the dentist's state license. [PL 2015, c. 429, §21 (NEW).]

The dentist shall retain for 2 years a duplicate copy of all prescriptions issued pursuant to this subsection for inspection by the board.
[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 288, Pt. A, §35 (AMD). PL 2017, c. 388, §§13-15 (AMD). PL 2019, c. 388, §9 (AMD). PL 2021, c. 88, §3 (AMD). PL 2021, c. 134, §§4-6 (AMD). PL 2021, c. 223, §§7-9 (AMD). RR 2021, c. 1, Pt. A, §35 (COR). PL 2021, c. 676, Pt. A, §47 (AMD).

§18372. Dental radiographer

1. Scope of practice. A licensed dental radiographer may practice dental radiography under the general supervision of a dentist or an independent practice dental hygienist.
[PL 2017, c. 388, §16 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §16 (AMD).

§18373. Expanded function dental assistant

1. Scope of practice. An expanded function dental assistant may perform under the general supervision of a dentist all of the activities that may be delegated by a dentist to an unlicensed person pursuant to section 18371, subsection 3. An expanded function dental assistant may also perform the following activities authorized under the general supervision of a dentist:

A. Apply cavity liners and bases as long as the dentist:

(1) Has ordered the cavity liner or base; and

(2) Has checked the cavity liner or base prior to the placement of the restoration; [PL 2021, c. 223, §10 (AMD).]

B. Apply pit and fissure sealants after an evaluation of the teeth by the dentist at the time of sealant placement; [PL 2015, c. 429, §21 (NEW).]

C. Apply supragingival desensitizing agents to an exposed root surface or dentinal surface of teeth; [PL 2015, c. 429, §21 (NEW).]

D. Apply topical fluorides recognized for the prevention of dental caries; [PL 2015, c. 429, §21 (NEW).]

E. [PL 2021, c. 223, §10 (RP).]

F. [PL 2021, c. 223, §10 (RP).]

G. Place and contour amalgam, composite and other restorative materials prior to the final setting or curing of the material; [PL 2015, c. 429, §21 (NEW).]

H. [PL 2017, c. 388, §17 (RP).]

I. Place and remove gingival retraction cord; [PL 2017, c. 388, §17 (AMD).]

J. [PL 2017, c. 388, §17 (RP).]

K. Size, place and cement or bond orthodontic bands and brackets with final inspection by the dentist; [PL 2015, c. 429, §21 (NEW).]

L. Supragingival polishing using a slow-speed rotary instrument and rubber cup; [PL 2025, c. 83, §2 (AMD).]

M. [PL 2021, c. 223, §10 (RP).]

N. [PL 2017, c. 388, §17 (RP).]

O. [PL 2017, c. 388, §17 (RP).]

P. [PL 2017, c. 388, §17 (RP).]

Q. [PL 2017, c. 388, §17 (RP).]

R. [PL 2017, c. 388, §17 (RP).]

S. [PL 2017, c. 388, §17 (RP).]

T. [PL 2017, c. 388, §17 (RP).]

U. [PL 2017, c. 388, §17 (RP).]

V. [PL 2017, c. 388, §17 (RP).]

W. [PL 2017, c. 388, §17 (RP).]

X. [PL 2017, c. 388, §17 (RP).]

Y. [PL 2017, c. 388, §17 (RP).]

Z. [PL 2017, c. 388, §17 (RP).]

AA. [PL 2017, c. 388, §17 (RP).]

BB. [PL 2017, c. 388, §17 (RP).]

CC. [PL 2017, c. 388, §17 (RP).]

DD. [PL 2017, c. 388, §17 (RP).]

EE. [PL 2017, c. 388, §17 (RP).]

FF. [PL 2017, c. 388, §17 (RP).]

GG. [PL 2017, c. 388, §17 (RP).]

HH. Contour or finish restorative materials using a high-speed, power-driven handpiece or instrument; and [PL 2025, c. 83, §3 (AMD).]

II. Expose and process radiographs. [PL 2025, c. 83, §4 (NEW).]

[PL 2025, c. 83, §§2-4 (AMD).]

2. Scope of practice; general supervision.

[PL 2021, c. 223, §11 (RP).]

3. Procedures not authorized. An expanded function dental assistant may not engage in the following activities:

A. Complete or limited examination, diagnosis or treatment planning; [PL 2015, c. 429, §21 (NEW).]

B. Surgical or cutting procedures of hard or soft tissue; [PL 2015, c. 429, §21 (NEW).]

C. Prescribing drugs, medicaments or work authorizations; [PL 2015, c. 429, §21 (NEW).]

D. Pulp capping, pulpotomy or other endodontic procedures; [PL 2015, c. 429, §21 (NEW).]

E. Placement and intraoral adjustments of fixed or removable prosthetic appliances; or [PL 2015, c. 429, §21 (NEW).]

F. Administration of local anesthesia, parenteral or inhalation sedation or general anesthesia. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §17 (AMD). PL 2021, c. 223, §§10, 11 (AMD). PL 2025, c. 83, §§2-4 (AMD).

§18374. Dental hygienist

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

A. Administer nitrous oxide analgesia, as long as the dental hygienist or faculty dental hygienist has authority to administer the medication pursuant to section 18345, subsection 2, paragraph E. [PL 2023, c. 354, §5 (AMD).]

B. [PL 2021, c. 223, §12 (RP).]

C. [PL 2021, c. 223, §12 (RP).]

D. [PL 2021, c. 223, §12 (RP).]

E. [PL 2021, c. 223, §12 (RP).]

F. [PL 2021, c. 223, §12 (RP).]

[PL 2023, c. 354, §5 (AMD).]

1-A. Scope of practice; general supervision. Under the general supervision of a dentist, a dental hygienist and faculty dental hygienist may administer local anesthesia, as long as the dental hygienist or faculty dental hygienist has authority to administer the medication pursuant to section 18345, subsection 2, paragraph D.

[PL 2023, c. 354, §6 (NEW).]

2. Scope of practice. A dental hygienist and faculty dental hygienist may perform all of the activities that may be delegated to an unlicensed person pursuant to section 18371, subsection 3. A dental hygienist and faculty dental hygienist may also perform the following procedures:

A. [PL 2023, c. 354, §7 (RP).]

A-1. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; [PL 2023, c. 354, §7 (NEW).]

B. [PL 2017, c. 388, §19 (RP).]

C. [PL 2023, c. 354, §7 (RP).]

D. [PL 2023, c. 354, §7 (RP).]

E. [PL 2017, c. 388, §19 (RP).]

F. Apply sealants; [PL 2017, c. 388, §19 (AMD).]

G. [PL 2017, c. 388, §19 (RP).]

H. [PL 2017, c. 388, §19 (RP).]

I. [PL 2017, c. 388, §19 (RP).]

J. Expose and process radiographs; [PL 2015, c. 429, §21 (NEW).]

K. [PL 2017, c. 388, §19 (RP).]

L. [PL 2017, c. 388, §19 (RP).]

M. [PL 2017, c. 388, §19 (RP).]

N. [PL 2017, c. 388, §19 (RP).]

O. [PL 2021, c. 223, §12 (RP).]

P. [PL 2017, c. 388, §19 (RP).]

Q. [PL 2017, c. 388, §19 (RP).]

R. [PL 2021, c. 223, §12 (RP).]

S. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance; [PL 2023, c. 354, §7 (AMD).]

T. [PL 2017, c. 388, §19 (RP).]

U. [PL 2023, c. 354, §7 (RP).]

V. [PL 2017, c. 388, §19 (RP).]

W. [PL 2017, c. 388, §19 (RP).]

X. [PL 2023, c. 354, §7 (RP).]

Y. [PL 2021, c. 223, §12 (RP).]

Z. [PL 2017, c. 388, §19 (RP).]

AA. [PL 2017, c. 388, §19 (RP).]

BB. [PL 2017, c. 388, §19 (RP).]

CC. [PL 2021, c. 223, §12 (RP).]

DD. [PL 2017, c. 388, §19 (RP).]

EE. [PL 2017, c. 388, §19 (RP).]

FF. [PL 2017, c. 388, §19 (RP).]

GG. [PL 2023, c. 354, §7 (RP).]

HH. [PL 2017, c. 388, §19 (RP).]

II. [PL 2017, c. 388, §19 (RP).]

JJ. Place temporary restorations in compliance with the protocol adopted by the board; [PL 2023, c. 354, §7 (AMD).]

KK. [PL 2017, c. 388, §19 (RP).]

LL. [PL 2021, c. 223, §12 (RP).]

MM. [PL 2017, c. 388, §19 (RP).]

NN. [PL 2017, c. 388, §19 (RP).]

OO. [PL 2017, c. 388, §19 (RP).]

PP. [PL 2017, c. 388, §19 (RP).]

QQ. [PL 2017, c. 388, §19 (RP).]

RR. [PL 2017, c. 388, §19 (RP).]

SS. [PL 2017, c. 388, §19 (RP).]

TT. Smooth and polish restorations; [PL 2023, c. 354, §7 (AMD).]

UU. [PL 2017, c. 388, §19 (RP).]

VV. [PL 2021, c. 223, §12 (RP).]

WW. [PL 2017, c. 388, §19 (RP).]

XX. [PL 2017, c. 388, §19 (RP).]

YY. [PL 2017, c. 388, §19 (RP).]

ZZ. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease; and [PL 2023, c. 354, §7 (NEW).]

AAA. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays. [PL 2023, c. 354, §7 (NEW).]

[PL 2023, c. 354, §7 (AMD).]

3. Limitation. An individual with a faculty dental hygienist license may provide the services described in this section only as part of the education program for which the license was issued by the board.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§18, 19 (AMD). PL 2021, c. 223, §12 (AMD). PL 2023, c. 354, §§5-7 (AMD).

§18375. Independent practice dental hygienist

1. Scope of practice. An independent practice dental hygienist may perform the following duties:

A. [PL 2023, c. 354, §8 (RP).]

B. [PL 2023, c. 354, §8 (RP).]

C. [PL 2023, c. 354, §8 (RP).]

D. [PL 2023, c. 354, §8 (RP).]

E. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance; [PL 2023, c. 354, §8 (AMD).]

F. [PL 2023, c. 354, §8 (RP).]

G. [PL 2023, c. 354, §8 (RP).]

H. [PL 2023, c. 354, §8 (RP).]

I. Apply sealants; [PL 2015, c. 429, §21 (NEW).]

J. Smooth and polish restorations; [PL 2023, c. 354, §8 (AMD).]

K. [PL 2017, c. 388, §20 (RP).]

L. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; [PL 2023, c. 354, §8 (AMD).]

M. [PL 2023, c. 354, §8 (RP).]

N. Place temporary restorations in compliance with the protocol adopted by the board; [PL 2015, c. 429, §21 (NEW).]

O. [PL 2023, c. 354, §8 (RP).]

P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series; [PL 2023, c. 354, §8 (AMD).]

Q. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; and [PL 2023, c. 354, §8 (AMD).]

R. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease. [PL 2023, c. 354, §8 (NEW).]

[PL 2023, c. 354, §8 (AMD).]

2. Practice standards. An independent practice dental hygienist has the duties and responsibilities set out in this subsection with respect to each patient seen in an independent capacity.

A. Prior to an initial patient visit, an independent practice dental hygienist 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. [PL 2015, c. 429, §21 (NEW).]

B. An independent practice dental hygienist 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. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§20, 21 (AMD). PL 2023, c. 354, §8 (AMD).

§18376. Public health dental hygienist

1. Scope of practice. A public health dental hygienist may perform the following procedures in a public health setting:

A. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; [PL 2023, c. 354, §9 (AMD).]

B. [PL 2023, c. 354, §9 (RP).]

C. [PL 2023, c. 354, §9 (RP).]

D. [PL 2023, c. 354, §9 (RP).]

E. [PL 2023, c. 354, §9 (RP).]

F. Apply sealants; [PL 2015, c. 429, §21 (NEW).]

G. [PL 2023, c. 354, §9 (RP).]

H. [PL 2017, c. 388, §22 (RP).]

I. Expose and process radiographs; [PL 2023, c. 354, §9 (AMD).]

J. [PL 2023, c. 354, §9 (RP).]

K. [PL 2023, c. 354, §9 (RP).]

L. [PL 2023, c. 354, §9 (RP).]

M. [PL 2023, c. 354, §9 (RP).]

N. [PL 2023, c. 354, §9 (RP).]

O. [PL 2023, c. 354, §9 (RP).]

P. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance; [PL 2023, c. 354, §9 (AMD).]

Q. [PL 2023, c. 354, §9 (RP).]

R. [PL 2023, c. 354, §9 (RP).]

S. [PL 2023, c. 354, §9 (RP).]

T. [PL 2023, c. 354, §9 (RP).]

U. [PL 2023, c. 354, §9 (RP).]

V. [PL 2023, c. 354, §9 (RP).]

W. [PL 2023, c. 354, §9 (RP).]

X. [PL 2023, c. 354, §9 (RP).]

Y. [PL 2023, c. 354, §9 (RP).]

Z. Place temporary restorations in compliance with the protocol adopted by board rule; [PL 2015, c. 429, §21 (NEW).]

AA. [PL 2023, c. 354, §9 (RP).]

BB. [PL 2023, c. 354, §9 (RP).]

CC. Smooth and polish restorations; [PL 2023, c. 354, §9 (AMD).]

DD. [PL 2023, c. 354, §9 (RP).]

EE. [PL 2023, c. 354, §9 (RP).]

FF. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; and [PL 2017, c. 388, §23 (AMD).]

GG. [PL 2023, c. 354, §9 (RP).]

HH. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease. [PL 2023, c. 354, §9 (NEW).]

[PL 2023, c. 354, §9 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§22, 23 (AMD). PL 2023, c. 354, §9 (AMD).

§18377. Dental therapist

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

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

(1) Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;

(2) Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;

(4) Administer local anesthesia and nitrous oxide analgesia;

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

(7) Provide, dispense and administer anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials. [PL 2023, c. 354, §10 (AMD).]

B. To the extent permitted in a written practice agreement, a dental therapist may provide the care and services identified in section 18371, subsection 3 and section 18374 under the general supervision of the supervising dentist. [PL 2021, c. 223, §13 (AMD).]

[PL 2023, c. 354, §10 (AMD).]

2. Supervision responsibilities. A dental therapist may be delegated a dentist's responsibility to supervise up to 2 dental hygienists and 3 unlicensed persons in any one practice setting through a written practice agreement pursuant to subsection 3.

[PL 2019, c. 388, §10 (AMD).]

3. Practice requirements. A dental therapist must comply with the following practice limitations.

A. [PL 2019, c. 388, §10 (RP).]

B. A dental therapist may practice under the general supervision of a dentist through a written practice agreement signed by both parties. A written practice agreement is a signed document that outlines the functions that the dental therapist is authorized to perform, which may not exceed the scopes of practice specified in subsections 1 and 2. A dental therapist may practice only under the standing order of the supervising dentist, may provide only care that follows written protocols and may provide only services that the dental therapist is authorized to provide by the written practice agreement. [PL 2023, c. 354, §11 (AMD).]

C. A written practice agreement between a supervising dentist and a dental therapist must include the following elements:

(1) The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures;

(2) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;

(3) Procedures to be used with patients treated by the dental therapist for obtaining informed consent and for creating and maintaining dental records;

(4) A plan for review of patient records by the supervising dentist and the dental therapist;

(5) A plan for managing medical emergencies in each practice setting in which the dental therapist provides care;

(6) A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;

(7) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;

(8) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and

(9) Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental therapist. [PL 2019, c. 388, §10 (AMD).]

D. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental therapist. [PL 2019, c. 388, §10 (AMD).]

E. A dental therapist shall file a copy of a written practice agreement with the board, keep a copy for the dental therapist's own records and make a copy available to patients of the dental therapist upon request. [PL 2019, c. 388, §10 (AMD).]

F. A dental therapist shall refer patients in accordance with a written practice agreement to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental therapist. [PL 2019, c. 388, §10 (AMD).]

G. A dental therapist who provides services or procedures beyond those authorized in a written agreement engages in unprofessional conduct and is subject to discipline pursuant to section 18325. [PL 2019, c. 388, §10 (AMD).]

[PL 2023, c. 354, §11 (AMD).]

4. Dental coverage and reimbursement. Notwithstanding Title 24-A, section 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in this State that is reimbursed by private insurance, a dental service corporation, the MaineCare program under Title 22 or the Children's Health Insurance Program under Title 22, section 3174-T must also be covered and reimbursed when performed by a dental therapist authorized to practice under this chapter.
[PL 2023, c. 597, §19 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2019, c. 388, §10 (AMD). PL 2021, c. 223, §13 (AMD). PL 2023, c. 354, §§10, 11 (AMD). PL 2023, c. 597, §19 (AMD).

§18378. Denturist

1. Scope of practice. A denturist and faculty denturist may:

A. Obtain denture impressions and bite registrations for the purpose of or with a view to making, producing, reproducing, constructing, finishing, supplying, altering or repairing a denture to be fitted to an edentulous or partially edentulous arch or arches; [PL 2017, c. 388, §24 (AMD).]

B. Fit a denture to an edentulous or partially edentulous arch or arches, including by making, producing, reproducing, constructing, finishing, supplying, altering or repairing dentures without performing alteration to natural or reconstructed tooth structure. A denturist may perform clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks; [PL 2015, c. 429, §21 (NEW).]

C. Perform procedures incidental to the procedures specified in paragraphs A and B, as specified by board rule; and [PL 2015, c. 429, §21 (NEW).]

D. Make, place, construct, alter, reproduce or repair nonorthodontic removable sports mouth guards and provide teeth whitening services, including by fabricating whitening trays, providing whitening solutions determined to be safe for public use and providing any required follow-up care and instructions for use of the trays and solutions at home. [PL 2015, c. 429, §21 (NEW).]

[PL 2017, c. 388, §24 (AMD).]

2. Limitation. An individual with a faculty denturist license may provide the services described in this section only as part of the education program for which the license was issued by the board.
[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §24 (AMD).

§18379. Sedation and general anesthesia permits

The board shall adopt by rule the qualifications a dentist must have to obtain a permit from the board authorizing the administration of sedation and general anesthesia. The board shall also adopt the guidelines for such administration, including but not limited to practice setting requirements. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

SUBCHAPTER 5

PRACTICE STANDARDS

§18391. Amalgam brochures; posters

1. Brochure; poster. 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 through major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2015, c. 429, §21 (NEW).]

2. Display. 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 the practice setting and shall provide each patient 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 website a copy of the brochure that is suitable for downloading and printing by dentists, patients and other interested parties.
[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18392. Removable dental prosthesis; owner identification

1. Identification required. Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist or denturist, or fabricated pursuant to the dentist's or denturist's work order or under the dentist's or denturist'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 made 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; [PL 2015, c. 429, §21 (NEW).]

B. The initials of the patient may be shown alone, if use of the name of the patient is impracticable; or [PL 2015, c. 429, §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. [PL 2015, c. 429, §21 (NEW).]
[PL 2015, c. 429, §21 (NEW).]

2. Applicability. A removable dental prosthesis in existence prior to September 23, 1983 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.
[PL 2015, c. 429, §21 (NEW).]

3. Violation. Failure of a dentist or denturist to comply with this section constitutes grounds for discipline pursuant to section 18325, as long as the dentist or denturist is charged with the violation within 2 years of initial insertion of the dental prosthetic device.
[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18393. 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. [PL 2015, c. 429, §21 (NEW).]

B. "Patient" means a person who consults or is examined or interviewed by a dentist or dental auxiliary. [PL 2015, c. 429, §21 (NEW).]
[PL 2015, c. 429, §21 (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 substance use disorder, 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.
[PL 2017, c. 407, Pt. A, §149 (AMD).]

3. Who may claim the privilege. The privilege under subsection 2 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.
[PL 2015, c. 429, §21 (NEW).]

4. Exceptions. Notwithstanding any other provision of law, the following are exceptions to the privilege under subsection 2.

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. [PL 2015, c. 429, §21 (NEW).]

B. There is not any privilege under this section as to communications relevant to an issue of the physical, mental or emotional condition of a 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. [PL 2015, c. 429, §21 (NEW).]

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. [PL 2015, c. 429, §21 (NEW).]

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. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 407, Pt. A, §149 (AMD).

§18394. Teledentistry

An individual licensed under this chapter may provide oral health care services and procedures authorized under this chapter or by rule using teledentistry. The board shall adopt by rule guidelines and practice standards for the use of teledentistry, including, but not limited to, practice requirements for protecting patient rights and protocols for referrals, quality and safety, informed consent, patient evaluation, treatment parameters, patient records, prescribing, supervision and compliance with data exchange standards for the security and confidentiality of patient information. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 223, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 223, §14 (NEW).

SUBCHAPTER 6

DENTIST AND DENTAL HYGIENIST COMPACT

§18431. Short title

This subchapter may be known and cited as "the Dentist and Dental Hygienist Compact." [PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18432. Purpose and objectives

1. Purpose. The purpose of the compact is to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists who are licensed in a participating state the ability to practice in participating states in which they are not licensed by establishing a pathway for dentists and dental hygienists who are licensed in a participating state to obtain a compact privilege that authorizes them to practice in

another participating state in which they are not licensed. The compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists, through the state's authority to regulate the practice of dentistry and dental hygiene in the state.
[PL 2023, c. 664, §1 (NEW).]

2. Objectives. The compact is designed to achieve the following objectives:

A. Enable dentists and dental hygienists who qualify for a compact privilege to practice in participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states; [PL 2023, c. 664, §1 (NEW).]

B. Promote mobility and address workforce shortages through each participating state's acceptance of a compact privilege to practice in that state; [PL 2023, c. 664, §1 (NEW).]

C. Increase public access to qualified, licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states; [PL 2023, c. 664, §1 (NEW).]

D. Enhance the ability of participating states to protect the public's health and safety; [PL 2023, c. 664, §1 (NEW).]

E. Operate without interfering with licensure requirements established by participating states; [PL 2023, c. 664, §1 (NEW).]

F. Facilitate the sharing of licensure and disciplinary information among participating states; [PL 2023, c. 664, §1 (NEW).]

G. Require dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state; [PL 2023, c. 664, §1 (NEW).]

H. Extend the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege; [PL 2023, c. 664, §1 (NEW).]

I. Promote the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states; and [PL 2023, c. 664, §1 (NEW).]

J. Facilitate the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18433. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 664, §1 (NEW).]

1. Active military member. "Active military member" means an individual with full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders.
[PL 2023, c. 664, §1 (NEW).]

2. Adverse action. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a dental or dental hygienist license, license application or privilege to practice, such as a license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.
[PL 2023, c. 664, §1 (NEW).]

3. Alternative program. "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed, including, but not limited to, programs to which licensees with substance use disorder or addiction issues are referred in lieu of adverse action.
[PL 2023, c. 664, §1 (NEW).]

4. Clinical assessment. "Clinical assessment" means an examination or process, required for licensure as a dentist or dental hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.
[PL 2023, c. 664, §1 (NEW).]

5. Commissioner. "Commissioner" means the individual appointed by a participating state to serve as the member of the commission for that participating state.
[PL 2023, c. 664, §1 (NEW).]

6. Compact. "Compact" means the Dentist and Dental Hygienist Compact enacted in this subchapter.
[PL 2023, c. 664, §1 (NEW).]

7. Compact privilege. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a dentist or dental hygienist in a remote state.
[PL 2023, c. 664, §1 (NEW).]

8. Continuing professional development. "Continuing professional development" means a requirement, as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.
[PL 2023, c. 664, §1 (NEW).]

9. Criminal background check. "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 Code of Federal Regulations, Section 20.3(d), from the state's criminal history record repository, as defined in 28 Code of Federal Regulations, Section 20.3(f).
[PL 2023, c. 664, §1 (NEW).]

10. Data system. "Data system" means the commission's repository of information about licensees, including, but not limited to, examination, licensure, investigative, compact privilege, adverse action and alternative program information.
[PL 2023, c. 664, §1 (NEW).]

11. Dental hygienist. "Dental hygienist" means an individual who is licensed by a state licensing authority to practice dental hygiene.
[PL 2023, c. 664, §1 (NEW).]

12. Dentist. "Dentist" means an individual who is licensed by a state licensing authority to practice dentistry.
[PL 2023, c. 664, §1 (NEW).]

13. Dentist and Dental Hygienist Compact Commission. "Dentist and Dental Hygienist Compact Commission" or "commission" means a joint government agency established by this compact comprised of each state that has enacted the compact and a national administrative body comprised of a commissioner from each state that has enacted the compact.
[PL 2023, c. 664, §1 (NEW).]

14. Encumbered license. "Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program.
[PL 2023, c. 664, §1 (NEW).]

15. Executive board. "Executive board" means the chair, vice-chair, secretary and treasurer and any other commissioners as may be determined by commission rules or bylaws.
[PL 2023, c. 664, §1 (NEW).]

16. Jurisprudence requirement. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.
[PL 2023, c. 664, §1 (NEW).]

17. License. "License" means the current authorization by a state other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice dentistry or dental hygiene, as applicable, in a state.
[PL 2023, c. 664, §1 (NEW).]

18. Licensee. "Licensee" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.
[PL 2023, c. 664, §1 (NEW).]

19. Licensing board. "Licensing board" means any state entity authorized to license and otherwise regulate dentists or dental hygienists, as applicable, in a state.
[PL 2023, c. 664, §1 (NEW).]

20. Model compact. "Model compact" means the model for the Dentist and Dental Hygienist Compact on file with the Council of State Governments, or its successor organization, or other entity designated by the commission.
[PL 2023, c. 664, §1 (NEW).]

21. Participating state. "Participating state" means a state that has enacted the compact and been admitted to the commission in accordance with this subchapter and commission rules.
[PL 2023, c. 664, §1 (NEW).]

22. Qualifying license. "Qualifying license" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.
[PL 2023, c. 664, §1 (NEW).]

23. Remote state. "Remote state" means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.
[PL 2023, c. 664, §1 (NEW).]

24. Rule. "Rule" means a regulation promulgated by an entity that has the force of law.
[PL 2023, c. 664, §1 (NEW).]

25. Scope of practice. "Scope of practice" means the procedures, actions and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law and other processes available to the state licensing board or other government agency.
[PL 2023, c. 664, §1 (NEW).]

26. Significant investigative information. "Significant investigative information" means information, records and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the

licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue adverse action against the licensee.
[PL 2023, c. 664, §1 (NEW).]

27. State. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practices of dentistry and dental hygiene.
[PL 2023, c. 664, §1 (NEW).]

28. State licensing authority. "State licensing authority" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18434. State participation in the compact

1. Participation requirements. To participate in the compact, a state shall:

A. Enact a compact that is not materially different from the model compact as determined in accordance with commission rules; [PL 2023, c. 664, §1 (NEW).]

B. Participate fully in the commission's data system; [PL 2023, c. 664, §1 (NEW).]

C. Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants; [PL 2023, c. 664, §1 (NEW).]

D. Notify the commission, in compliance with the terms of the compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee and license applicant; [PL 2023, c. 664, §1 (NEW).]

E. Fully implement a criminal background check requirement, within a time frame established by commission rule, by receiving the results of a qualifying criminal background check; [PL 2023, c. 664, §1 (NEW).]

F. Comply with the commission rules applicable to a participating state; [PL 2023, c. 664, §1 (NEW).]

G. Accept the national board examinations of the Joint Commission on National Dental Examinations or another examination accepted by commission rule as a licensure examination; [PL 2023, c. 664, §1 (NEW).]

H. Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree; [PL 2023, c. 664, §1 (NEW).]

I. Accept for licensure that applicants for a dental hygienist license graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs; [PL 2023, c. 664, §1 (NEW).]

J. Require for licensure that applicants successfully complete a clinical assessment; [PL 2023, c. 664, §1 (NEW).]

K. Have continuing professional development requirements as a condition for license renewal; and [PL 2023, c. 664, §1 (NEW).]

L. Pay a participation fee to the commission as established by commission rule. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

2. Alternative pathway for licensure. Providing an alternative pathway for an individual to obtain an unrestricted license does not disqualify a state from participating in the compact.
[PL 2023, c. 664, §1 (NEW).]

3. Criminal background check. When conducting a criminal background check, a state licensing authority shall:

A. Consider that information in making a licensure decision; [PL 2023, c. 664, §1 (NEW).]

B. Maintain documentation of completion of the criminal background check and background check information to the extent allowed by state and federal law; and [PL 2023, c. 664, §1 (NEW).]

C. Report to the commission whether the licensing authority has completed the criminal background check and whether the individual was granted or denied a license. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

4. Remote state issuance of compact privilege. A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state must be issued a compact privilege in a remote state in accordance with the terms of the compact and commission rules. If a remote state has a jurisprudence requirement, a compact privilege may not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18435. Compact privilege

1. Requirements. To obtain and exercise a compact privilege, a licensee must:

A. Have a qualifying license as a dentist or dental hygienist in a participating state; [PL 2023, c. 664, §1 (NEW).]

B. Be eligible for a compact privilege in any remote state in accordance with this subchapter; [PL 2023, c. 664, §1 (NEW).]

C. Submit to an application process whenever the licensee is seeking a compact privilege; [PL 2023, c. 664, §1 (NEW).]

D. Pay any applicable commission and remote state fees for a compact privilege in the remote state; [PL 2023, c. 664, §1 (NEW).]

E. Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege; [PL 2023, c. 664, §1 (NEW).]

F. Have passed a national board examination of the Joint Commission on National Dental Examinations or its successor organization or another examination accepted by commission rule; [PL 2023, c. 664, §1 (NEW).]

G. For a dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree; [PL 2023, c. 664, §1 (NEW).]

H. For a dental hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United

States Department of Education for the accreditation of dentistry and dental hygiene education programs; [PL 2023, c. 664, §1 (NEW).]

I. Have successfully completed a clinical assessment for licensure; [PL 2023, c. 664, §1 (NEW).]

J. Report to the commission adverse action taken by any nonparticipating state when applying for a compact privilege and, otherwise, within 30 days from the date the adverse action is taken; [PL 2023, c. 664, §1 (NEW).]

K. Report to the commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the commission any change in the address of the licensee's primary residence; and [PL 2023, c. 664, §1 (NEW).]

L. Consent to accept service of process by mail at the licensee's primary residence on record with the commission with respect to any action brought against the licensee by the commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the commission with respect to any action brought or investigation conducted by the commission or a participating state. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

2. Compliance. The licensee must comply with all of the requirements of subsection 1 to maintain the compact privilege in a remote state. If those requirements are met, the compact privilege continues as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees.
[PL 2023, c. 664, §1 (NEW).]

3. Scope of practice. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority.
[PL 2023, c. 664, §1 (NEW).]

4. Revocation or limitation of compact privilege by remote state. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is revoked or removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for revocation or removal of the compact privilege has passed and all encumbrance requirements are satisfied.
[PL 2023, c. 664, §1 (NEW).]

5. Encumbered license. If a license in a participating state is an encumbered license, the licensee loses the compact privilege in a remote state and is not eligible for a compact privilege in any remote state until the license is no longer encumbered.

A. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of subsection 1 to obtain a compact privilege in a remote state. [PL 2023, c. 664, §1 (NEW).]

B. If a licensee's compact privilege in a remote state is revoked or removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until the following occur:

(1) The specific period of time for which the compact privilege was revoked or removed has ended; and

(2) All conditions for revocation or removal of the compact privilege have been satisfied. [PL 2023, c. 664, §1 (NEW).]

C. Once the requirements of paragraph B have been met, the licensee must meet the requirements in subsection 1 to obtain a compact privilege in a remote state. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18436. Active military member and that member's spouse

An active military member and that member's spouse may not be required to pay to the commission for a compact privilege the fee otherwise charged by the commission. If a remote state chooses to charge a fee for a compact privilege, the remote state may choose to charge a reduced fee or no fee to an active military member and that member's spouse for a compact privilege. [PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18437. Adverse actions

1. Participating state authority. A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

[PL 2023, c. 664, §1 (NEW).]

2. Adverse action based on remote state findings. A participating state may take adverse action based on the significant investigative information of a remote state as long as the participating state follows its own procedures for taking the adverse action.

[PL 2023, c. 664, §1 (NEW).]

3. Alternative program in lieu of adverse action. Nothing in this compact overrides a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

[PL 2023, c. 664, §1 (NEW).]

4. Investigation by participating state. Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

[PL 2023, c. 664, §1 (NEW).]

5. Remote state authority. A remote state has the authority, in accordance with existing state due process law, to:

A. Take adverse action against a licensee's compact privilege within that state; [PL 2023, c. 664, §1 (NEW).]

B. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings

pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located; and [PL 2023, c. 664, §1 (NEW).]

C. Recover from the licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

6. Joint investigations. In addition to the authority granted to a participating state by its respective state dentist or dental hygienist licensure act or other applicable state law, any participating state may jointly investigate with other participating states. Participating states shall share any significant investigative information or litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.
[PL 2023, c. 664, §1 (NEW).]

7. Continuation of investigation. After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state. If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as if it was significant investigative information.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18438. Establishment of commission

1. Commission established. The participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the compact. The commission is an instrumentality of the compact states acting jointly and is not an instrumentality of any one state. The commission comes into existence on or after the effective date of the compact as set forth in section 18442.
[PL 2023, c. 664, §1 (NEW).]

2. Membership, voting and meetings. Membership, voting and meetings are governed by this subsection.

A. Each participating state has and is limited to one commissioner selected by that participating state's licensing board or, if the state has more than one licensing board, selected collectively by the participating state's licensing boards. [PL 2023, c. 664, §1 (NEW).]

B. The commissioner must be a member or designee of a participating state's licensing boards. [PL 2023, c. 664, §1 (NEW).]

C. The commission may by rule establish a term of office for commissioners and may by rule or bylaw establish term limits. [PL 2023, c. 664, §1 (NEW).]

D. The commission may recommend to a state licensing board or boards, as applicable, that a commissioner be removed or suspended as a participating state's commissioner. [PL 2023, c. 664, §1 (NEW).]

E. The participating state licensing board or boards, as applicable, shall fill any vacancy of its commissioner on the commission within 60 days of the vacancy. [PL 2023, c. 664, §1 (NEW).]

F. Each commissioner is entitled to one vote on all matters that are voted on by the commission. [PL 2023, c. 664, §1 (NEW).]

G. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunication, videoconference or other means of communication. [PL 2023, c. 664, §1 (NEW).]

H. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in this compact and the bylaws. The commission may meet by telecommunication, videoconferencing or other similar electronic means. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

3. Powers and duties. The commission has the following powers and duties:

A. Establish a code of ethics for the commission; [PL 2023, c. 664, §1 (NEW).]

B. Establish the fiscal year of the commission; [PL 2023, c. 664, §1 (NEW).]

C. Adopt rules and bylaws; [PL 2023, c. 664, §1 (NEW).]

D. Maintain its financial records in accordance with the bylaws; [PL 2023, c. 664, §1 (NEW).]

E. Meet and take actions that are consistent with the provisions of this compact, commission rules and the bylaws; [PL 2023, c. 664, §1 (NEW).]

F. Initiate and conclude legal proceedings or actions in the name of the commission, as long as the standing of any state licensing board to sue or be sued under applicable law is not affected; [PL 2023, c. 664, §1 (NEW).]

G. Maintain and certify records and information provided to a participating state as the authenticated business records of the commission and designate a person to do so on the commission's behalf; [PL 2023, c. 664, §1 (NEW).]

H. Purchase and maintain insurance and bonds; [PL 2023, c. 664, §1 (NEW).]

I. Borrow, accept or contract for services of personnel, including, but not limited to, employees of a participating state; [PL 2023, c. 664, §1 (NEW).]

J. Conduct an annual financial review; [PL 2023, c. 664, §1 (NEW).]

K. Hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters; [PL 2023, c. 664, §1 (NEW).]

L. Charge a fee, as provided in commission rules, to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. This paragraph may not be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege; [PL 2023, c. 664, §1 (NEW).]

M. Accept appropriate gifts, donations, grants of money or other sources of revenue or supplies, materials and services and receive, utilize and dispose of the same, as long as at all times the commission avoids any appearance of impropriety or conflict of interest; [PL 2023, c. 664, §1 (NEW).]

N. Lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed, or any undivided interest therein; [PL 2023, c. 664, §1 (NEW).]

O. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed; [PL 2023, c. 664, §1 (NEW).]

P. Establish a budget and make expenditures; [PL 2023, c. 664, §1 (NEW).]

Q. Borrow money; [PL 2023, c. 664, §1 (NEW).]

R. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws; [PL 2023, c. 664, §1 (NEW).]

S. Provide and receive information from, and cooperate with, law enforcement agencies; [PL 2023, c. 664, §1 (NEW).]

T. Elect a chair, vice-chair, secretary and treasurer and such other officers of the commission as provided in the bylaws; [PL 2023, c. 664, §1 (NEW).]

U. Establish and elect an executive board; [PL 2023, c. 664, §1 (NEW).]

V. Determine whether a state's enacted compact legislation is materially different from the model compact language such that a state would not qualify for participation in the compact; [PL 2023, c. 664, §1 (NEW).]

W. Adopt and provide to the participating states an annual report; and [PL 2023, c. 664, §1 (NEW).]

X. Perform any other functions as may be necessary or appropriate to achieve the purposes of this compact. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

4. Meetings of the commission. Meetings of the commission are governed by this subsection.

A. Except as provided in paragraphs B and C, all meetings must be open to the public, and public notice of meetings must be posted on the commission's publicly accessible website at least 30 days prior to a public meeting. [PL 2023, c. 664, §1 (NEW).]

B. The commission may convene a public meeting for any of the reasons it may dispense with notice of proposed rulemaking under section 18440 by providing at least 24 hours' notice on the commission's publicly accessible website and by any other means described in the rules. [PL 2023, c. 664, §1 (NEW).]

C. The commission may convene in a closed, nonpublic meeting or convene in a closed meeting for part of an otherwise public meeting to receive legal advice or to discuss:

(1) Noncompliance of a participating state with its obligations under the compact;

(2) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(3) Current or threatened discipline of a licensee or compact privilege holder by the commission or by a participating state's licensing authority;

(4) Current, threatened or reasonably anticipated litigation;

(5) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(6) Accusing any person of a crime or formally censuring any person;

(7) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(8) Disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(9) Disclosure of investigative records compiled for law enforcement purposes;

(10) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(11) Legal advice;

(12) Matters specifically exempted from disclosure by federal or participating state statute; or

(13) Other matters as promulgated by commission rule. [PL 2023, c. 664, §1 (NEW).]

D. If a meeting, or portion of a meeting, is closed pursuant to paragraph B, the presiding officer of the meeting shall state that the meeting is closed and shall reference each relevant exempting provision and that reference must be recorded in the minutes. [PL 2023, c. 664, §1 (NEW).]

E. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

5. Financing of the commission. Financing of the commission is governed by this subsection.

A. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities. [PL 2023, c. 664, §1 (NEW).]

B. The commission may receive revenue from any appropriate sources and accept donations and grants of money, equipment, supplies, materials and services. [PL 2023, c. 664, §1 (NEW).]

C. The commission may levy on and collect an annual assessment from each participating state or impose compact privilege fees on licensees of participating states to whom a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states must be allocated based upon a formula to be determined by commission rule. [PL 2023, c. 664, §1 (NEW).]

D. The commission may not incur obligations of any kind prior to securing the funds adequate to meet those obligations, and the commission may not pledge the credit of any of the participating states, except by and with the authority of the participating state. [PL 2023, c. 664, §1 (NEW).]

E. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the commission. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

6. Executive board. The establishment of an executive board is governed by this subsection.

A. The executive board has the power to act on behalf of the commission according to the terms of this compact and commission rules. [PL 2023, c. 664, §1 (NEW).]

B. The executive board is composed of up to 7 members:

(1) The chair, vice-chair, secretary and treasurer of the commission and any other members of the commission who serve on the executive board are voting members of the executive board; and

(2) Other than the chair, vice-chair, secretary and treasurer, the commission may elect up to 3 voting members from the current membership of the commission. [PL 2023, c. 664, §1 (NEW).]

C. The commission may remove any member of the executive board as provided in the bylaws. [PL 2023, c. 664, §1 (NEW).]

D. The executive board shall meet at least once annually. [PL 2023, c. 664, §1 (NEW).]

E. The executive board shall:

(1) Oversee the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules and bylaws;

(2) Recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to participating states, fees charged to licensees and other fees;

(3) Ensure compact administration services are appropriately provided, including by contract;

(4) Prepare and recommend the budget;

(5) Maintain financial records on behalf of the commission;

(6) Monitor compact compliance of participating states and provide compliance reports to the commission;

(7) Establish additional committees as necessary;

(8) Exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending commission rules or bylaws, or exercising any other powers and duties exclusively reserved to the commission by the commission's rules or bylaws; and

(9) Perform other duties as provided in rules or bylaws. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

7. Qualified immunity, defense and indemnification. Qualified immunity, defense and indemnification are governed by this subsection.

A. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted under this subsection. [PL 2023, c. 664, §1 (NEW).]

B. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to prohibit that person from retaining that person's own counsel, and as long as the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct. [PL 2023, c. 664, §1 (NEW).]

C. Notwithstanding paragraph A, if any member, officer, executive director, employee or representative of the commission is held liable for the amount of any settlement or judgment arising out of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, the commission shall indemnify and hold harmless that individual as long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person. [PL 2023, c. 664, §1 (NEW).]

D. This subsection may not be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws. [PL 2023, c. 664, §1 (NEW).]

E. This compact may not be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act or any other state or federal antitrust or anticompetitive law or regulation. [PL 2023, c. 664, §1 (NEW).]

F. This compact may not be construed to be a waiver of sovereign immunity by the participating states or by the commission. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18439. Data system

1. Data and reporting system. The commission shall provide for the development, maintenance, operation and utilization of a coordinated data and reporting system containing licensure, adverse action and the reporting of any significant investigative information on all licensees and applicants for a license in participating states.

[PL 2023, c. 664, §1 (NEW).]

2. Uniform dataset submission. Notwithstanding any provision of state law to the contrary, a participating state shall submit a uniform dataset to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

A. Identifying information; [PL 2023, c. 664, §1 (NEW).]

B. Licensure data; [PL 2023, c. 664, §1 (NEW).]

C. Adverse actions against a licensee, license applicant or compact privilege and any related information; [PL 2023, c. 664, §1 (NEW).]

D. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation; [PL 2023, c. 664, §1 (NEW).]

E. Any denial of application for licensure and the reasons for that denial, excluding the reporting of any criminal history record information when prohibited by law; [PL 2023, c. 664, §1 (NEW).]

F. The existence of significant investigative information; and [PL 2023, c. 664, §1 (NEW).]

G. Other information that may facilitate the administration of this compact, as determined by the rules of the commission. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

4. Significant investigative information availability. Significant investigative information pertaining to a licensee in any participating state may be made available only to other participating states.
[PL 2023, c. 664, §1 (NEW).]

5. Adverse action information. It is the responsibility of the participating states to monitor the data system to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state must be available to any other participating state.
[PL 2023, c. 664, §1 (NEW).]

6. Confidential information. Participating states contributing information to the data system may, in accordance with state or federal law, designate information that may not be shared with the public without the express permission of the contributing state.
[PL 2023, c. 664, §1 (NEW).]

7. Information expungement. Any information submitted to the data system that is subsequently required to be expunged pursuant to federal law or by the laws of the participating state contributing the information must be removed from the data system.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18440. Rulemaking

1. Promulgation. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer this compact and achieve its purpose. A commission is invalid and has no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.
[PL 2023, c. 664, §1 (NEW).]

2. Rule conflict with law. The rules of the commission have the force of law in each participating state, except that when the rules of the commission conflict with the laws of the participating state that establish the scope of practice as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.
[PL 2023, c. 664, §1 (NEW).]

3. Powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments become binding as of the date specified in each rule or amendment.
[PL 2023, c. 664, §1 (NEW).]

4. Rule rejection. If a majority of the legislatures of the participating states rejects a rule or a portion of a commission rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then that rule has no further force and effect in any participating state or to any state applying to participate in the compact.
[PL 2023, c. 664, §1 (NEW).]

5. Rule adoption procedure. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.
[PL 2023, c. 664, §1 (NEW).]

6. Public comment. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.
[PL 2023, c. 664, §1 (NEW).]

7. Notice of proposed rule. Prior to adoption of a proposed rule, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

A. On the publicly accessible website of the commission or other publicly accessible platform; [PL 2023, c. 664, §1 (NEW).]

B. To persons who have requested notice of the commission's notices of proposed rulemaking; and [PL 2023, c. 664, §1 (NEW).]

C. In any other ways the commission may specify by rule. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

8. Notice requirements. The notice of proposed rulemaking must include:

A. The time, date and location of the public hearing in which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting in which the commission will consider and vote upon the proposed rule; [PL 2023, c. 664, §1 (NEW).]

B. If the hearing is held via telecommunication, videoconference or other electronic means, the commission shall include the mechanism for access to the hearing; [PL 2023, c. 664, §1 (NEW).]

C. The text of the proposed rule and the reason for the proposed rule; [PL 2023, c. 664, §1 (NEW).]

D. A request for comments on the proposed rule from any interested person and the date by which written comments must be received; and [PL 2023, c. 664, §1 (NEW).]

E. The manner in which interested persons may submit written comments. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

9. Hearings. All hearings must be recorded. A copy of the recording and all written comments and documents received in response to the proposed rulemaking must be made available to the public. Nothing in this section may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
[PL 2023, c. 664, §1 (NEW).]

10. Final action. The commission shall, by majority vote of all members, take final action on the proposed rule based on the rule-making record.

A. The commission may adopt changes to the proposed rule as long as the changes do not enlarge the original purpose of the proposed rule. [PL 2023, c. 664, §1 (NEW).]

B. The commission shall provide on its publicly accessible website an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters. [PL 2023, c. 664, §1 (NEW).]

C. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 13, the effective date of the rule may not be sooner than 30 days after the commission issued the notice that it adopted the rule. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

11. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, without the opportunity for comment or hearing, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare; [PL 2023, c. 664, §1 (NEW).]

B. Prevent a loss of commission funds or participating state funds; [PL 2023, c. 664, §1 (NEW).]

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or [PL 2023, c. 664, §1 (NEW).]

D. Protect public health and safety. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

12. Rule revisions. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.
[PL 2023, c. 664, §1 (NEW).]

13. Application of participating state requirements. Notwithstanding any provision of law to the contrary, a participating state's rulemaking requirements do not apply under this compact.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18441. Oversight, dispute resolution and enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive, legislative and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact. [PL 2023, c. 664, §1 (NEW).]

B. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this paragraph affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any similar matter. [PL 2023, c. 664, §1 (NEW).]

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and has standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process renders a judgment or order in such proceeding void as to the commission, this compact, or commission rules. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

2. Default and technical assistance. Default and technical assistance are governed by this subsection.

A. If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall:

(1) Provide written notice to the defaulting state and other participating states. The notice must describe the default, the proposed means of curing the default and any other action that the commission may take; and

(2) Offer remedial training and specific technical assistance regarding the default. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

3. Termination from compact. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

[PL 2023, c. 664, §1 (NEW).]

4. Termination regulation. Termination of participation in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing boards and to the licensing boards of each of the participating states.

[PL 2023, c. 664, §1 (NEW).]

5. Responsibilities after termination. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

[PL 2023, c. 664, §1 (NEW).]

6. Costs. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

[PL 2023, c. 664, §1 (NEW).]

7. Appeal. The defaulting state may appeal its termination from the compact by the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees.

[PL 2023, c. 664, §1 (NEW).]

8. Notice of termination to licensees. Upon the termination of a state's participation in the compact, the state shall immediately provide notice to all licensees within that state and licensees of other participating states who have been issued a compact privilege within that state, of such termination that licensees who have been granted a compact privilege in that state retain the compact privilege for 180 days following the effective date of such termination.

[PL 2023, c. 664, §1 (NEW).]

9. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating and nonparticipating states. [PL 2023, c. 664, §1 (NEW).]

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

10. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions of the compact and rules of the commission. [PL 2023, c. 664, §1 (NEW).]

B. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices,

against a participating state in default to enforce compliance with the provisions of this compact and the commission's promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2023, c. 664, §1 (NEW).]

C. The remedies herein must not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

11. Legal action against the commission. Legal action against the commission is governed by this subsection.

A. A participating state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2023, c. 664, §1 (NEW).]

B. No individual or entity other than a participating state may enforce this compact against the commission. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18442. Effective date; withdrawal; amendment

1. Effective date. The compact takes effect on the date the compact statute is enacted into law in the 7th participating state.

A. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, referred to in this section as "the charter participating states," to determine if the statute enacted by each charter participating state is materially different than the model compact.

(1) A charter participating state whose enactment is found to be materially different from the model compact is entitled to the default process set forth in section 18441, subsection 2.

(2) If any participating state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact must remain in effect even if the number of participating states is less than 7. [PL 2023, c. 664, §1 (NEW).]

B. Participating states enacting the compact subsequent to the charter participating states are subject to the process set forth in section 18438, subsection 3, paragraph V to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact. [PL 2023, c. 664, §1 (NEW).]

C. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence must be considered to be actions of the commission unless specifically repudiated by the commission. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

2. Subsequent member states. Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as they exist on the date on

which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.
[PL 2023, c. 664, §1 (NEW).]

3. Withdrawal. Any participating state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

A. A participating state's withdrawal does not take effect until 180 days after enactment of the repealing statute. [PL 2023, c. 664, §1 (NEW).]

B. Withdrawal does not affect the continuing requirement of the state licensing board or boards of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. [PL 2023, c. 664, §1 (NEW).]

C. Upon the enactment of a statute withdrawing a state from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal. [PL 2023, c. 664, §1 (NEW).]
[PL 2023, c. 664, §1 (NEW).]

4. Other agreements or arrangements. Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this compact.
[PL 2023, c. 664, §1 (NEW).]

5. Amendment. This compact may be amended by the participating states. An amendment to this compact does not become effective and binding upon any participating state until it is enacted into the laws of all participating states.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18443. Construction and severability

1. Construction. This compact and the commission's rule-making authority must be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rule-making authority solely for those purposes.
[PL 2023, c. 664, §1 (NEW).]

2. Severability. The provisions of this compact are severable and, if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance may not be affected.
[PL 2023, c. 664, §1 (NEW).]

3. Denial of participation. Notwithstanding this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of section 18441, terminate a participating state's participation in the compact if it determines that a constitutional requirement of a participating state is a material departure from the compact. Otherwise, if this compact is held to be contrary to the constitution of any participating state, the compact remains in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18444. Consistent effect and conflict with other state laws

1. Enforcement. Nothing in this subchapter prevents or inhibits the enforcement of any law of a participating state that is not inconsistent with the compact.
[PL 2023, c. 664, §1 (NEW).]

2. Conflict. Any laws, rules or other legal requirements in a participating state in conflict with the compact are superseded to the extent of the conflict.
[PL 2023, c. 664, §1 (NEW).]

3. Binding agreements. All permissible agreements between the commission and the participating states are binding in accordance with the terms of the agreement.
[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

§18445. Legislative intent

This compact is the Maine enactment of the Dentist and Dental Hygienist Compact. The form, format and text of the compact have been changed minimally so as to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this compact be interpreted as substantively the same as the Dentist and Dental Hygienist Compact that is enacted by other participating states. [PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

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