

Annual List of Rulemaking Activity
Rules Adopted January 1, 2019 to December 31, 2019
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Professional and Financial Regulation,
Maine Board of Dental Practice

Umbrella-Unit: **02-313**

Statutory authority: 32 MRS §§ 18323(3), 18324

Chapter number/title: **Ch. 7, Establishment of Fees**

Filing number: **2019-109**

Effective date: 7/3/2019

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

The Maine Board of Dental Practice ("the Board") is charged by the Legislature with the regulation of dentists, dental hygienists, denturists, dental radiographers, and expanded function dental assistants in the State of Maine for the sole purpose to protect the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 MRS §18324 to fully implement its statutory mandates.

Additionally, 32 MRS §18323(3) authorizes the Board to establish by rule fees in amounts that are reasonable and necessary to sustain the operations of the Board on an ongoing basis. The repeal and replace of Board rule Ch. 7, *Establishment of Fees*, fully implements the various legislative changes to the *Dental Practice Act* since 2016, and stabilizes the Board's collection of fees. Based on financial projections, the fees established in this rule will generate additional revenue necessary to maintain the current level of services necessary for the Board to meet its statutory mandate. It is projected that an additional \$400,000 in revenue will be collected biennially.

Below is a summary of the various fee structure changes identified in the rule:

- 1) It establishes the Board's collection of fees to be consistent with the licensure categories, registration categories, sedation permits and dental hygiene practice authorities pursuant to Title 32 ch. 143, "Dental Professions."
- 2) It establishes the Board's collection of licensing fees to be consistent with the initial, renewal and reinstatement provisions pursuant to Title 32 ch. 143, "Dental Professions."
- 3) It streamlines the establishment of licensing fees to renew with an inactive status.
- 4) It streamlines the fee structure of sedation permits issued pursuant to Board rule Ch. 14.
- 5) It eliminates fees in the following categories:
 - a) Fees for failing to report a change of name, address, or practice location;
 - b) Reinstatement fees in the following licensing and permitting categories: dentist, dental hygienist, denturist, dental radiographer, expanded function dental assistant, sedation permits, local anesthesia permits and nitrous oxide analgesia permits; and
 - c) Biennial registration and late fees for independent practice dental hygiene, local anesthesia permit, and nitrous oxide analgesia permit.
- 6) It reduces fees in the following categories:
 - a) Faculty licensure for dental hygienist and denturist; and
 - b) Application fee for dental hygienist, denturist and expanded function dental assistant.
- 7) It increases and establishes fees in the following categories:

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- a) Dentist, faculty dentist, limited dentist, resident dentist, sedation and general anesthesia permits;
 - b) Denturist;
 - c) Expanded function dental assistant;
 - d) Dental radiographer;
 - e) Temporary license; and
 - f) Duplicate license, verification of licensure and data lists.
- 8) And it establishes fees in the following categories:
- a) Dental hygiene authority fees (local anesthesia, nitrous oxide analgesia, independent practice dental hygiene, public health dental hygiene, provisional dental hygiene therapy and dental hygiene therapy;
 - b) Registration to obtain additional clinical training in categories of sedation and general anesthesia, local anesthesia, nitrous oxide analgesia and denturist trainee; and
 - c) Application fees to accompany initial applications for licensure, registration, authority and sedation/general anesthesia permits.

Fiscal impact of rule:

The fees established in this rule will generate additional revenue necessary to maintain the current level of services necessary to meet the Board's statutory mandate. It is projected that an additional \$400,000 in revenue will be collected biennially.