

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

H.P. 1267 - L.D. 1825

An Act To Implement the Recommendations of the Board of Dental Practice

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

Sec. 1. 32 MRSA §18302, sub-§§2 and 3, as enacted by PL 2015, c. 429, §21, are repealed.

Sec. 2. 32 MRSA §18302, sub-§11, as enacted by PL 2015, c. 429, §21, is amended to read:

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.

Sec. 3. 32 MRSA §18302, sub-§15, as enacted by PL 2015, c. 429, §21, is amended to read:

15. Denturism. "Denturism" means the process of ~~taking~~ obtaining denture impressions and bite registrations for the purpose of making, producing, reproducing, constructing, finishing, supplying, altering or repairing of 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.

Sec. 4. 32 MRSA §18302, sub-§34, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 5. 32 MRSA §18304, sub-§2, ¶H, as enacted by PL 2015, c. 429, §21, is amended to read:

H. Employ a an unlicensed person as a dental hygienist, independent practice dental hygienist, denturist or dental radiographer who is not licensed to practice to provide services for which a license is required by this chapter.

Sec. 6. 32 MRSA §18305, sub-§2, ¶J, as enacted by PL 2015, c. 429, §21, is amended to read:

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 a denturism program practicing under the direct or general supervision of that student's instructors; and

Sec. 7. 32 MRSA §18305, sub-§2, ¶K, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 8. 32 MRSA §18342, sub-§§4 and 5, as enacted by PL 2015, c. 429, §21, are repealed.

Sec. 9. 32 MRSA §18345, sub-§1, ¶A, as enacted by PL 2015, c. 429, §21, is amended to read:

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 school program accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization; 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.

Sec. 10. 32 MRSA §18348, sub-§1, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 11. 32 MRSA §18348, sub-§4, as enacted by PL 2015, c. 429, §21, is amended to read:

4. Denturist trainee registration. A denturist or dentist may register under that dentist's or denturist's license ~~a student~~ 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 student trainee has ~~an academic affiliation and good academic standing as a denturist student in~~ successfully completed a denturist denturism program approved by the board; and

B. ~~Verification from the denturist program that the student has completed satisfactory training and is ready to perform limited denturist services outside of the school setting under the supervision of a denturist or a dentist; and~~

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 ~~student~~ trainee will add to the ~~student's~~ trainee's knowledge and skill in denturism.

Sec. 12. 32 MRSA §18351, 2nd ¶, as enacted by PL 2015, c. 429, §21, is amended to read:

An individual who practices under a ~~clinical dentist educator license, a charitable dentist license~~ or a resident dentist license or as a provisional dental hygiene therapist may not apply for inactive status.

Sec. 13. 32 MRSA §18371, sub-§1, as enacted by PL 2015, c. 429, §21, is amended to read:

1. Scope of practice. A dentist, ~~charitable dentist, clinical dentist educator,~~ 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;
- B. ~~Take~~ 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;
- 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;
- D. Place dental appliances or structures in the human mouth and adjust or attempt or profess to adjust the same;
- 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;
- 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;
- G. Extract or attempt to extract human teeth;
- H. Correct or attempt to correct malformations of teeth and jaws;
- I. Repair or fill cavities in the human teeth;
- 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;
- 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;

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;

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

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.

Sec. 14. 32 MRSA §18371, sub-§2, ¶¶A and B, as enacted by PL 2015, c. 429, §21, are repealed.

Sec. 15. 32 MRSA §18371, sub-§3, ¶¶A and C, as enacted by PL 2015, c. 429, §21, are amended to read:

A. A dentist may delegate the following activities to an unlicensed person as long as these activities are conducted under the general supervision of the delegating dentist:

- (1) Changing or replacing dry socket packets after diagnosis and treatment planned by a dentist;
- (2) For instruction purposes, demonstrating to a patient how the patient should place and remove removable prostheses, appliances or retainers;
- (3) For the purpose of eliminating pain or discomfort, removing loose, broken or irritating orthodontic appliances;
- (4) Giving oral health instructions;
- (5) Irrigating and aspirating the oral cavity;
- (6) Performing dietary analyses for dental disease control;
- (7) Placing and recementing with temporary cement an existing crown that has fallen out as long as the ~~dental assistant promptly notifies the dentist~~ is promptly notified that this procedure was performed so that appropriate follow-up can occur;
- (8) Placing and removing periodontal dressing;
- (9) Pouring and trimming dental models;
- (10) Removing sutures and scheduling a follow-up appointment with the dentist within 7 to 10 days of suture removal;

- (11) Retracting lips, cheek, tongue and other tissue parts;
- (12) ~~Taking and pouring~~ Obtaining impressions for study casts;
- (13) Taking and recording the vital signs of blood pressure, pulse and temperature;
- (14) Taking dental plaque smears for microscopic inspection and patient education; and
- (15) Taking intraoral photographs.

C. A dentist may delegate to an unlicensed person the following intraoral activities, which must be conducted under the direct supervision of the delegating dentist:

- (1) Applying cavity varnish;
- (2) Applying liquids, pastes and gel topical anesthetics;
- (3) Assisting a dentist who provides orthodontic services in preparation of teeth for attaching, bonding and cementing fixed appliances in a manner appropriate and according to manufacturer's directions;
- (4) Delivering, but not condensing or packing, amalgam or composite restoration material;
- (5) Fabricating temporary crowns and bridges, limiting handpiece rotary instrumentation used in the fabrication to extraoral use only, as long as the dentist checks the occlusion and fit prior to releasing the patient;
- (6) Irrigating and drying root canals;
- (7) Isolating the operative field;
- (8) Performing ~~cold~~ pulp vitality testing with confirmation by the dentist;
- (9) Performing electronic vitality scanning with confirmation by the dentist;
- (10) Performing preliminary selection and fitting of orthodontic bands, with final placement and cementing in the patient's mouth by the dentist;
- (11) Placing and cementing temporary crowns with temporary cement;
- (12) Placing and removing matrix bands, rubber dams and wedges;
- (13) Placing elastics and instructing in their use;
- (14) Placing, holding or removing celluloid and other plastic strips prior to or subsequent to the placement of a filling by the dentist;
- (15) Placing or removing temporary separating devices;
- (16) Placing wires, pins and elastic ligatures to tie in orthodontic arch wires that have been fitted and approved by the dentist at the time of insertion;
- (17) Preparing tooth sites and surfaces with a rubber cup and pumice for banding or bonding of orthodontic brackets. This procedure may not be intended or interpreted as an oral prophylaxis, which is a procedure specifically reserved to be performed by dental hygienists or dentists. This procedure also may not be

intended or interpreted as a preparation for restorative material. A dentist or dental hygienist shall check and approve the procedure;

- (18) Reapplying, on an emergency basis only, orthodontic brackets;
- (19) Recording readings with a digital caries detector and reporting them to the dentist for interpretation and evaluation;
- (20) Removing composite material using slow-speed instrumentation for debonding brackets, as long as the dentist conducts a final check prior to release of the patient;
- (21) Removing excess cement from the supragingival surfaces of teeth;
- (22) Removing gingival retraction cord;
- (23) Removing orthodontic arch wires and tension devices and any loose bands or bonds, but only as directed by the dentist;
- (24) Selecting and trying in stainless steel or other preformed crowns for insertion by the dentist;
- (25) ~~Taking~~ Obtaining impressions for opposing models and retainers;
- (26) ~~Taking~~ Obtaining impressions for single-arch athletic mouth guards, bleaching trays, custom trays and fluoride trays; and
- (27) Taking intraoral measurements and making preliminary selection of arch wires and intraoral and extraoral appliances, including head gear.

Sec. 16. 32 MRSA §18372, sub-§1, as enacted by PL 2015, c. 429, §21, is amended to read:

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.

Sec. 17. 32 MRSA §18373, sub-§§1 and 2, as enacted by PL 2015, c. 429, §21, are amended to read:

1. Scope of practice; direct supervision. An expanded function dental assistant may perform under the direct 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, paragraph C. An expanded function dental assistant may also perform the following ~~reversible intraoral procedures~~ activities authorized under the direct supervision of a dentist:

- A. Apply cavity liners and bases as long as the dentist:
 - (1) Has ordered the cavity liner or base;
 - (2) Has checked the cavity liner or base prior to the placement of the restoration; and
 - (3) Has checked the final restoration prior to patient dismissal;

- B. Apply pit and fissure sealants after an evaluation of the teeth by the dentist at the time of sealant placement;
- C. Apply supragingival desensitizing agents to an exposed root surface or dentinal surface of teeth;
- D. Apply topical fluorides recognized for the prevention of dental caries;
- E. Cement provisional or temporary crowns and bridges and remove excess cement;
- F. Perform ~~tooth~~ pulp vitality tests;
- G. Place and contour amalgam, composite and other restorative materials prior to the final setting or curing of the material;
- ~~H. Place and remove periodontal dressing;~~
- I. Place and remove gingival retraction cord;
- ~~J. Record readings with a digital caries detector and report them to the dentist for interpretation and evaluation;~~
- K. Size, place and cement or bond orthodontic bands and brackets with final inspection by the dentist;
- L. Supragingival polishing. A dentist or a dental hygienist must first determine that the teeth to be polished are free of calculus or other extraneous material prior to polishing. Dentists may permit an expanded function dental assistant to use only a slow-speed rotary instrument and rubber cup. Dentists may allow an expanded function dental assistant to use high-speed, power-driven handpieces or instruments to contour or finish newly placed composite materials; and
- ~~M. Take and pour~~ Obtain impressions for ~~bleaching trays,~~ athletic mouth guards, provisional or temporary crowns, and bridges, ~~custom trays and fluoride trays;~~
- ~~N. Apply cavity varnish;~~
- ~~O. Apply liquids, pastes and gel topical anesthetics;~~
- ~~P. Assist a dentist who provides orthodontic services in preparation of teeth for attaching, bonding and cementing fixed appliances in a manner appropriate and according to the manufacturer's directions;~~
- ~~Q. Fabricate temporary crowns and bridges, limiting handpiece rotary instrumentation used in the fabrication to extraoral use only, as long as the dentist checks the occlusion and fit prior to releasing the patient;~~
- ~~R. Irrigate and dry root canals;~~
- ~~S. Isolate the operative field;~~
- ~~T. Perform cold vitality testing with confirmation by the dentist;~~
- ~~U. Perform electronic vitality scanning with confirmation by the dentist;~~
- ~~V. Place and remove matrix bands, rubber dams and wedges;~~
- ~~W. Place elastics and instruct in their use;~~

~~X. Place, hold or remove celluloid and other plastic strips prior to or subsequent to the placement of a filling by the dentist;~~

~~Y. Place or remove temporary separating devices;~~

~~Z. Place wires, pins and elastic ligatures to tie in orthodontic arch wires that have been fitted and approved by the dentist at the time of insertion;~~

~~AA. Prepare tooth sites and surfaces with a rubber cup and pumice for banding or bonding of orthodontic brackets. This procedure may not be intended or interpreted as an oral prophylaxis, which is a procedure specifically reserved to be performed by dental hygienists or dentists. This procedure also may not be intended or interpreted as a preparation for restorative material. A dentist or dental hygienist shall check and approve the procedure;~~

~~BB. Reapply, on an emergency basis only, orthodontic brackets;~~

~~CC. Remove composite material using slow-speed instrumentation for debonding brackets, as long as the dentist conducts a final check prior to release of the patient;~~

~~DD. Remove orthodontic arch wires and tension devices and any loose bands or bonds, but only as directed by the dentist;~~

~~EE. Select and try in stainless steel or other preformed crowns for insertion by the dentist;~~

~~FF. Take impressions for opposing models and retainers; and~~

~~GG. Take intraoral measurements and make preliminary selection of arch wires and intraoral and extraoral appliances, including head gear.~~

2. Scope of practice; general supervision. An expanded function dental assistant may perform the following procedures 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, paragraphs A and B.

~~A. Place temporary fillings on an emergency basis as long as the patient is informed of the temporary nature of the fillings;~~

~~B. Remove excess cement from the supragingival surfaces of teeth;~~

~~C. Change or replace dry socket packets after diagnosis and treatment planned by a dentist;~~

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

~~E. For the purpose of eliminating pain or discomfort, remove loose, broken or irritating orthodontic appliances;~~

~~F. Give oral health instructions;~~

~~G. Irrigate and aspirate the oral cavity;~~

~~H. Perform dietary analyses for dental disease control;~~

~~I. Place and recement with temporary cement an existing crown that has fallen out as long the dental assistant promptly notifies the dentist this procedure was performed so that appropriate follow-up can occur;~~

~~J. Place and remove periodontal dressing;~~

~~K. Pour and trim dental models;~~

~~L. Remove sutures and schedule a follow-up appointment with the dentist within 7 to 10 days of suture removal;~~

~~M. Retract lips, cheek, tongue and other tissue parts;~~

~~N. Take and pour impressions for study casts;~~

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

~~P. Take dental plaque smears for microscopic inspection and patient education; and~~

~~Q. Take intraoral photographs.~~

Sec. 18. 32 MRSA §18374, sub-§1, ¶F, as enacted by PL 2015, c. 429, §21, is amended to read:

F. Take Obtain impressions for nightguards and occlusal splints as long as the dentist takes all measurements and bite registrations.

Sec. 19. 32 MRSA §18374, sub-§2, as enacted by PL 2015, c. 429, §21, is amended to read:

2. Scope of practice; general supervision. A dental hygienist and faculty dental hygienist may perform under the general supervision of a dentist all of the activities that may be delegated to an unlicensed person pursuant to section 18371, subsection 3, except the activities in section 18371, subsection 3, paragraph C, subparagraphs (6), (17) and (19). A dental hygienist and faculty dental hygienist may also perform the following procedures under the general supervision of a dentist:

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

~~B. Apply cavity varnish;~~

C. Apply desensitizing agents to teeth;

D. Apply fluoride to control caries;

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

F. Apply sealants, ~~as long as a licensed dentist first makes the determination and diagnosis as to the surfaces on which the sealants are applied;~~

~~G. Cement pontics and facings outside the mouth;~~

~~H. Change or replace dry socket packets after diagnosis and treatment planned by a dentist;~~

- ~~I. Deliver, but not condense or pack, amalgam or composite restoration material;~~
- J. Expose and process radiographs;
- ~~K. Fabricate temporary crowns and bridges, limiting handpiece rotary instrumentation used in the fabrication to extraoral use only, as long as the dentist checks the occlusion and fit prior to releasing the patient;~~
- ~~L. For instruction purposes, demonstrate to a patient how the patient should place and remove removable prostheses, appliances or retainers;~~
- ~~M. For the purpose of eliminating pain or discomfort, remove loose, broken or irritating orthodontic appliances;~~
- ~~N. Give oral health instruction;~~
- O. Interview patients and record complete medical and dental histories;
- ~~P. Irrigate and aspirate the oral cavity;~~
- ~~Q. Isolate operative fields;~~
- R. Obtain bacterial sampling when treatment is planned by the dentist;
- S. Perform all procedures necessary for a complete prophylaxis, including root planing;
- ~~T. Perform cold vitality testing with confirmation by the dentist;~~
- U. Perform complete periodontal and dental restorative charting;
- ~~V. Perform dietary analyses for dental disease control;~~
- ~~W. Perform electronic vitality scanning with confirmation by the dentist;~~
- X. Perform oral inspections, recording all conditions that should be called to the attention of the dentist;
- Y. Perform postoperative irrigation of surgical sites;
- ~~Z. Perform preliminary selection and fitting of orthodontic bands, as long as final placement and cementing in the patient's mouth are done by the dentist;~~
- ~~AA. Place and recement temporary crowns with temporary cement;~~
- ~~BB. Place and recement with temporary cement an existing crown that has fallen out;~~
- CC. Place and remove gingival retraction cord without vasoconstrictor;
- ~~DD. Place and remove matrix bands, periodontal dressing, rubber dams and wedges;~~
- ~~EE. Place elastics or instruct in their use;~~
- ~~FF. Place, hold or remove celluloid and other plastic strips prior to or subsequent to the placement of a filling by the dentist;~~
- GG. Place localized delivery of chemotherapeutic agents when treatment is planned by the dentist;
- ~~HH. Place or remove temporary separating devices;~~

~~H. Place wires, pins and elastic ligatures to tie in orthodontic arch wires that have been fitted and approved by the dentist at the time of insertion;~~

~~JJ. Place temporary restorations as an emergency procedure, as long as the patient is informed of the temporary nature of the restoration;~~

~~KK. Pour and trim dental models;~~

~~LL. Prepare tooth sites and surfaces with a rubber cup and pumice for banding or bonding of orthodontic brackets. This procedure may not be interpreted as a preparation for restorative material;~~

~~MM. Reapply, on an emergency basis only, orthodontic brackets;~~

~~NN. Remove composite material using slow speed instrumentation for debonding brackets, as long as the dentist conducts a final check prior to release of the patient;~~

~~OO. Remove excess cement from the supragingival surfaces of teeth;~~

~~PP. Remove orthodontic arch wires and tension devices and any loose bands or bonds, but only as directed by the dentist;~~

~~QQ. Remove sutures;~~

~~RR. Retract lips, cheek, tongue and other tissue parts;~~

~~SS. Select and try in stainless steel or other preformed crowns for insertion by the dentist;~~

~~TT. Smooth and polish amalgam restorations; and~~

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

~~VV. Take and pour Obtain impressions for study casts, athletic mouth guards, custom trays, bleaching trays, fluoride trays, opposing models, retainers and stents;~~

~~WW. Take dental plaque smears for microscopic inspection and patient education;~~

~~XX. Take intraoral measurements and make preliminary selection of arch wires and intraoral and extraoral appliances, including head gear; and~~

~~YY. Take intraoral photographs.~~

Sec. 20. 32 MRSA §18375, sub-§1, ¶K, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 21. 32 MRSA §18375, sub-§1, ¶L, as enacted by PL 2015, c. 429, §21, is amended to read:

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

Sec. 22. 32 MRSA §18376, sub-§1, ¶H, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 23. 32 MRSA §18376, sub-§1, ¶¶U and FF, as enacted by PL 2015, c. 429, §21, are amended to read:

U. Perform pulp vitality tests pursuant to the direction of a dentist;

FF. ~~Take~~ Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; and

Sec. 24. 32 MRSA §18378, sub-§1, ¶A, as enacted by PL 2015, c. 429, §21, is amended to read:

A. ~~Take~~ Obtain denture impressions and bite registrations for the purpose of or with a view to ~~the~~ making, producing, reproducing, ~~construction~~ constructing, finishing, supplying, altering or repairing a denture to be fitted to an edentulous or partially edentulous arch or arches;

Sec. 25. Charitable dentist licenses and clinical dentist educator licenses; expiration date. A charitable dentist license and a clinical dentist educator license issued by the Board of Dental Practice and in effect on the effective date of this Act remain in effect and authorize the license holder to practice until the date of expiration specified in the license.