

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1026 - L.D. 1581

An Act Regarding Dental Hygienists and Dental Therapists

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

Sec. 1. 32 MRSA §18302, sub-§6-A is enacted to read:

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.

Sec. 2. 32 MRSA §18341, sub-§4 is enacted to read:

4. Basic life support. An applicant seeking an initial or a renewed license must include evidence of basic life support certification.

Sec. 3. 32 MRSA §18345, sub-§2, ¶F, as amended by PL 2021, c. 44, §4, is further amended by amending subparagraph (2) to read:

(2) A copy of the written agreement between the applicant and a dentist who will provide levels of direct supervision consistent with the scope of practice for the procedures outlined in section 18377 and, 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.

Sec. 4. 32 MRSA §18350, as enacted by PL 2015, c. 429, §21, is amended to read:

§18350. Continuing education

As a condition of renewal of a license to practice, an applicant must have a current ~~cardiopulmonary resuscitation~~ 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.

Sec. 5. 32 MRSA §18374, sub-§1, ¶A, as amended by PL 2021, c. 223, §12, is further amended to read:

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

Sec. 6. 32 MRSA §18374, sub-§1-A is enacted to read:

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.

Sec. 7. 32 MRSA §18374, sub-§2, as amended by PL 2021, c. 223, §12, is further 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. 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;~~

~~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;~~

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

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

~~F. Apply sealants;~~

~~J. Expose and process radiographs;~~

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

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

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

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

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

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

~~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~~

~~AAA. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays.~~

Sec. 8. 32 MRSA §18375, sub-§1, as amended by PL 2017, c. 388, §§20 and 21, is further amended to read:

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

- ~~A. Interview patients and record complete medical and dental histories;~~
- ~~B. Take and record the vital signs of blood pressure, pulse and temperature;~~
- ~~C. Perform oral inspections, recording all conditions that should be called to the attention of a dentist;~~
- ~~D. Perform complete periodontal and dental restorative charting;~~
- E. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance;
- ~~F. Apply fluoride to control caries;~~
- ~~G. Apply desensitizing agents to teeth;~~
- ~~H. Apply topical anesthetics;~~
- I. Apply sealants;
- ~~J. Smooth and polish amalgam restorations, limited to slow speed application only;~~
- L. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays;
- ~~M. Place and remove rubber dams;~~
- N. Place temporary restorations in compliance with the protocol adopted by the board;
- ~~O. Apply topical antimicrobials, including fluoride but excluding antibiotics, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medicaments;~~
- P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, ~~under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist that provides that the dentist is available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form; and~~
- Q. 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. For the purposes of this paragraph, "topical" includes superficial and intraoral application. fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; and
- R. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease.

Sec. 9. 32 MRSA §18376, sub-§1, as amended by PL 2017, c. 388, §§22 and 23, is further amended to read:

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

~~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 fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents;~~

~~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;~~

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

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

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

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

~~L. Give oral health instruction;~~

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

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

~~O. Isolate operative fields;~~

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

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

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

~~S. Perform temporary filling procedures without a dentist present under protocols adopted by board rule;~~

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

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

~~V. Place and remove gingival retraction cord without vasoconstrictor;~~

- ~~W. Place and remove matrix bands for purposes of fabricating or placing temporary restorations;~~
- ~~X. Place and remove rubber dams;~~
- ~~Y. Place and remove wedges for purposes of fabricating or placing temporary restorations;~~
- Z. Place temporary restorations in compliance with the protocol adopted by board rule;
- ~~AA. Remove excess cement from the supragingival surfaces of teeth;~~
- ~~BB. Retract lips, cheek, tongue and other tissue parts;~~
- CC. Smooth and polish restorations, ~~limited to slow speed application only;~~
- ~~DD. Take and record the vital signs of blood pressure, pulse and temperature;~~
- ~~EE. Take dental plaque smears for microscopic inspection and patient education;~~
- FF. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; and
- ~~GG. Take intraoral photographs.~~
- HH. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease.

Sec. 10. 32 MRSA §18377, sub-§1, as amended by PL 2021, c. 223, §13, is further amended to read:

1. Scope of practice. A dental therapist may perform the following procedures in limited practice settings, if authorized by a written practice agreement ~~with~~ 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 ~~only~~ under the direct 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.

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.

Sec. 11. 32 MRSA §18377, sub-§3, ¶B, as amended by PL 2019, c. 388, §10, is further amended to read:

B. A dental therapist may practice ~~only~~ under the ~~direct~~ 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.