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**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 829, L.D. 1211, Bill, “An Act To Provide Rule-making Powers and Increased Authority over Dental Hygienists to the Subcommittee on Dental Hygienists”

Amend the bill by striking out all of section 3 and inserting the following:

**Sec. 3. 32 MRSA §1079, sub-§1**, as amended by PL 2007, c. 620, Pt. A, §2, is further amended to read:

**1. Membership.** The subcommittee consists of 5 members:

A. A dental hygienist who is a member of the board;

B. ~~Two~~ Three dental hygienists, appointed by the Governor, who are qualified pursuant to subchapter ~~6~~ 4, are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and

~~C. Two dentists who are members of the board, appointed by the president of the board.~~

D. One dental hygienist, appointed by the Governor, who is involved in the education and training of dental hygienists at an accredited school of dental hygiene.

The subcommittee shall annually elect a chair and a secretary.

**Sec. 4. 32 MRSA §1079, sub-§2**, as enacted by PL 2003, c. 669, §3, is amended to read:

**2. Terms.** ~~Each of the 3 members~~ The member of the subcommittee who also ~~are members~~ is a member of the board shall serve on the subcommittee for the duration of that member's term on the board. The term of ~~a~~ each member of the subcommittee who is not a member of the board is 5 years.'

Amend the bill in section 4 in subsection 3 in paragraph B in the 3rd line (page 3, line 32 in L.D.) by inserting after the following: "1099" the following: ' , all applications for local anesthesia and nitrous oxide permits'

**COMMITTEE AMENDMENT**

1 Amend the bill in section 4 in subsection 3 in paragraph C in the first line (page 4,  
2 line 3 in L.D.) by striking out the following: "Adopt" and inserting the following: 'With  
3 oversight from the Commissioner of Professional and Financial Regulation, adopt'

4 Amend the bill by inserting after section 6 the following:

5 '**Sec. 7. 32 MRSA §1094-K, sub-§1**, as amended by PL 2009, c. 318, §1, is  
6 further amended to read:

7 **1. Bachelor's degree and clinical experience.** Possess a bachelor's degree in dental  
8 hygiene from a dental hygiene program accredited by the American Dental Association  
9 Commission on Dental Accreditation, or its successor organization, and document 2,000  
10 work hours of clinical practice in a private dental practice or nonprofit dental clinic under  
11 direct or general supervision of a dentist during the 4 years preceding application or 3,000  
12 hours of clinical practice under the general supervision of a dentist as a dental hygienist  
13 with public health supervision status; or

14 **Sec. 8. 32 MRSA §1094-Q, sub-§1, ¶O**, as amended by PL 2015, c. 2, §1, is  
15 further amended to read:

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

20 **Sec. 9. 32 MRSA §1094-Q, sub-§1, ¶P**, as enacted by PL 2015, c. 2, §2, is  
21 amended to read:

22 P. Expose and process radiographs, including but not limited to vertical and  
23 horizontal bitewing films, periapical films, panoramic images and full-mouth series,  
24 under protocols developed by the board as long as the independent practice dental  
25 hygienist has a written agreement with a licensed dentist providing that the dentist  
26 will be available to interpret all dental radiographs within 21 days from the date the  
27 radiograph is taken and that the dentist will sign a radiographic review and findings  
28 form; and

29 **Sec. 10. 32 MRSA §1094-Q, sub-§1, ¶Q** is enacted to read:

30 Q. Take impressions and fabricate teeth whitening trays and dispense teeth whitening  
31 solution.'

32 Amend the bill in section 14 in §1094-EE in the first paragraph in the 2nd line (page  
33 6, line 39 in L.D.) by striking out the following: "35" and inserting the following: '35 30'

34 Amend the bill by striking out all of section 28 and inserting the following:

35 '**Sec. 28. Transition provisions.**

36 **1. Subcommittee membership.** Notwithstanding the Maine Revised Statutes, Title  
37 32, section 1079, subsection 1, the members of the Board of Dental Examiners,  
38 Subcommittee on Dental Hygienists on the effective date of this Act continue to serve  
39 until appointments are made to implement this Act.

1           **2. Rules.** Until the Board of Dental Examiners, Subcommittee on Dental Hygienists  
 2 adopts rules relating to the operation of the subcommittee and the licensure and practice  
 3 of dental hygienists, independent practice dental hygienists, dental hygiene therapists,  
 4 registered dental hygienists and dental hygienists with public health supervision status, as  
 5 authorized by Title 32, section 1073, subsection 2 and sections 1094-KK and 1098-E, the  
 6 rules adopted by the board and in effect on the effective date of this Act remain in effect.

7           **Sec. 29. Appropriations and allocations.** The following appropriations and  
 8 allocations are made.

9           **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

10          **Dental Examiners - Board of 0384**

11          Initiative: Allocates funds for the per diem and All Other costs to support the additional  
 12 responsibilities of the Subcommittee on Dental Hygienists.

13	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
14	Personal Services	\$1,230	\$3,540
15	All Other	\$47,274	\$58,555
16			
17	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$48,504</u>	<u>\$62,095</u>

18          **Dental Examiners - Board of 0384**

19          Initiative: Allocates funds for one part-time Office Specialist I position and related All  
 20 Other costs to address the increased workload of the board and the Subcommittee on  
 21 Dental Hygienists.

22	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
23	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
24	Personal Services	\$24,431	\$33,332
25	All Other	\$4,732	\$2,943
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$29,163</u>	<u>\$36,275</u>

28          **PROFESSIONAL AND FINANCIAL**  
 29          **REGULATION, DEPARTMENT OF**  
 30          **DEPARTMENT TOTALS**

31		<b>2015-16</b>	<b>2016-17</b>
32	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$77,667</b>	<b>\$98,370</b>
33			
34	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$77,667</b></u>	<u><b>\$98,370</b></u>
35			

36          Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
 37 section number to read consecutively.

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**SUMMARY**

This amendment is the minority report of the committee. It makes the following changes to the bill.

1. It increases the number of dental hygienists and removes the dentists on the Board of Dental Examiners, Subcommittee on Dental Hygienists.
2. It requires the subcommittee to review all nitrous oxide and local anesthesia permits.
3. It changes the number of continuing education hours required for the renewal of a dental hygiene therapist license from 35 to 30.
4. It allows a dental hygienist with public health supervision status and 3,000 hours of clinical practice under general supervision of a dentist to apply for licensure as an independent practice dental hygienist.
5. It adds taking impressions and fabricating teeth whitening trays and dispensing teeth whitening solution to the scope of practice for an independent practice dental hygienist.
6. It requires the Commissioner of Professional and Financial Regulation to provide oversight over the subcommittee's routine technical rule-making process.
7. It adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**