

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

S.P. 319 - L.D. 918

An Act To Allow Licensed Independent Practice Dental Hygienists To Expose and Process Radiographs under Protocols Developed by the Board of Dental Examiners

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, pursuant to Resolve 2011, chapters 67 and 153, independent practice dental hygienists in certain underserved areas of the State are allowed to expose and process radiographs; and

Whereas, this authorization is set to expire on March 15, 2015; and

Whereas, this legislation, which continues the authorization and expands its application to the entire State, needs to take effect prior to March 15, 2015 to avoid an interruption in the services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §1094-Q, sub-§1, ¶¶N and O, as enacted by PL 2007, c. 620, Pt. B, §1, are amended to read:

N. Place temporary restorations in compliance with the protocol adopted by the board; ~~and~~

O. Apply topical antimicrobials, excluding antibiotics, including fluoride, 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; and

Sec. 2. 32 MRSA §1094-Q, sub-§1, ¶P is enacted to read:

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 providing that the dentist will be 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.

Sec. 3. 32 MRSA §1100-J, sub-§3, ¶¶C and D, as amended by PL 1993, c. 600, Pt. A, §96, are further amended to read:

C. A person serving in the United States Armed Forces or public health service or employed by the Veterans' Administration or other federal agency while performing official duties, if the duties are limited to that service or employment; ~~or~~

D. Those persons having a current license to perform radiologic technology pursuant to section 9854 and who are practicing dental radiography under the general supervision of a dentist or physician; or

Sec. 4. 32 MRSA §1100-J, sub-§3, ¶E is enacted to read:

E. An independent practice dental hygienist licensed pursuant to subchapter 3-B who meets the requirements of section 1094-Q, subsection 1, paragraph P.

Sec. 5. Resolve 2011, c. 67, as amended by Resolve 2011, c. 153, §§1 to 3, is repealed.

Sec. 6. Rules. The Department of Professional and Financial Regulation, Board of Dental Examiners shall adopt rules by July 30, 2015 to implement this Act. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Prior to adoption of rules by the board under this section, the rules adopted by the board in Rule Chapter 16 pursuant to Resolve 2011, chapter 67 in effect on March 11, 2015 apply to a licensed independent practice dental hygienist who wishes to expose and process radiographs pursuant to Title 32, section 1094-Q, subsection 1, paragraph P, except that the provisions of the rule contained in Chapter 16, Section 1, subsections A and B regarding notice to the board and location limitation do not apply.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.