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STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "B" to H.P. 1037, L.D. 1514, Bill, "An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation"

Amend the amendment by striking out everything after the title and before the summary and inserting the following:

'Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §3174-XX, sub-§1, as amended by PL 2015, c. 429, §5, is further amended to read:

1. Reimbursement. By October 1, 2015, the department shall provide for the reimbursement under the MaineCare program of dental hygiene therapists and advanced dental therapists practicing as authorized under Title 32, section 18377 for the procedures identified in their scope of practice. Reimbursement must be provided to dental hygiene therapists and advanced dental therapists directly or to a federally qualified health center pursuant to section 3174-V when a dental hygiene therapist or an advanced dental therapist is employed as a core provider at the center.

Sec. 2. 24-A MRSA §2765-A, sub-§1, as amended by PL 2015, c. 429, §12, is further amended to read:

1. Services provided by dental therapists and advanced dental therapists. An insurer that issues individual dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist or an advanced dental therapist licensed under Title 32, chapter 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist or advanced dental therapist.

Sec. 3. 24-A MRSA §2847-U, sub-§1, as amended by PL 2015, c. 429, §14, is further amended to read:

1. Services provided by dental therapists and advanced dental therapists. An insurer that issues group dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist or an advanced dental therapist licensed under Title 32, chapter 143 when those

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1 services are covered services under the contract and when they are within the lawful
2 scope of practice of the dental hygiene therapist or advanced dental therapist.

3 **Sec. 4. 32 MRSA §18302, sub-§§1-A and 1-B** are enacted to read:

4 **1-A. Advanced dental therapist.** "Advanced dental therapist" means a person who
5 holds a valid license as a dental hygienist issued by the board and is authorized to practice
6 advanced dental therapy under this chapter.

7 **1-B. Advanced dental therapy.** "Advanced dental therapy" means the delivery of
8 dental hygiene services, including performance of certain dental procedures under the
9 general supervision of a dentist in accordance with this chapter.

10 **Sec. 5. 32 MRSA §18302, sub-§5,** as enacted by PL 2015, c. 429, §21, is
11 amended to read:

12 **5. Dental auxiliary.** "Dental auxiliary" means a dental radiographer, expanded
13 function dental assistant, dental hygienist, independent practice dental hygienist, public
14 health dental hygienist, dental hygiene therapist, advanced dental therapist or dentist.

15 **Sec. 6. 32 MRSA §18345, sub-§2, ¶C,** as enacted by PL 2015, c. 429, §21, is
16 amended to read:

17 C. For dental hygiene therapist authority:

18 (1) Verification of having successfully completed a bachelor's degree or higher
19 in dental hygiene therapy from an educational program that:

20 (a) Is accredited by the American Dental Association Commission on Dental
21 Accreditation or a successor organization approved by the board; or

22 (b) ~~Is a minimum of 4 semesters;~~

23 (c) ~~Is consistent with the model curriculum for educating dental hygiene~~
24 ~~therapists adopted by the American Association of Public Health Dentistry or~~
25 ~~a successor organization;~~

26 (d) ~~Is consistent with existing dental hygiene therapy programs in other~~
27 ~~states approved by the board; and~~

28 (e) Meets the requirements for dental hygiene therapy education programs
29 adopted by board rule;

30 (2) ~~Verification of a bachelor's degree or higher in dental hygiene, dental~~
31 ~~hygiene therapy or dental therapy from a school accredited by the American~~
32 ~~Dental Association Commission on Dental Accreditation or a successor~~
33 ~~organization;~~

34 (3) Verification of passing a clinical examination and all other examinations
35 required by board rule. The clinical examination must be a comprehensive,
36 competency-based clinical examination approved by the board and administered
37 independently of an institution providing dental hygiene therapy education;

38 (4) Verification of having engaged in 2,000 hours of supervised clinical practice
39 under the supervision of a dentist and in conformity with rules adopted by the

1 board, during which supervised clinical practice the applicant is authorized to
2 practice pursuant to paragraph F.

3 For purposes of meeting the clinical requirements of this subparagraph, an
4 applicant's hours of supervised clinical experience while enrolled in the dental
5 ~~hygiene~~ therapy program under subparagraph (1) may be included as well as
6 hours completed under the supervision of a dentist licensed in another state or a
7 Canadian province, ~~provided that~~ as long as the applicant was operating lawfully
8 under the laws and rules of that state or province; and

9 (5) A copy of the written practice agreement and standing orders required by
10 section 18377, subsection 3;

11 **Sec. 7. 32 MRSA §18345, sub-§2, ¶C-1** is enacted to read:

12 C-1. For advanced dental therapist authority:

13 (1) Verification of having successfully completed a master of science degree or
14 higher in dental therapy from an educational program that:

15 (a) Is accredited by the American Dental Association Commission on Dental
16 Accreditation or a successor organization approved by the board; or

17 (b) Meets the requirements for dental therapy education programs adopted
18 by board rule;

19 (2) Verification of passing a clinical examination and all other examinations
20 required by board rule. The clinical examination must be a comprehensive,
21 competency-based clinical examination approved by the board and administered
22 independently of an institution providing dental therapy education;

23 (3) Verification of having engaged in 2,000 hours of supervised clinical practice
24 under the supervision of a dentist and in conformity with rules adopted by the
25 board, during which supervised clinical practice the applicant is authorized to
26 practice pursuant to paragraph F.

27 For purposes of meeting the clinical requirements of this subparagraph, an
28 applicant's hours of supervised clinical experience while enrolled in the dental
29 therapy program under subparagraph (1) may be included as well as hours
30 completed under the supervision of a dentist licensed in another state or a
31 Canadian province, as long as the applicant was operating lawfully under the
32 laws and rules of that state or province; and

33 (4) A copy of the written practice agreement and standing orders required by
34 section 18377, subsection 3;

35 **Sec. 8. 32 MRSA §18345, sub-§2, ¶F**, as enacted by PL 2015, c. 429, §21, is
36 amended to read:

37 F. For provisional dental ~~hygiene~~ therapist or advanced dental therapist authority:

38 (1) Verification of meeting the requirements of paragraph C, subparagraphs (1)
39 to (3) or paragraph C-1, subparagraphs (1) and (2); and

1 (2) A copy of the written agreement between the applicant and a dentist who will
2 provide levels of supervision consistent with the scope of practice outlined in
3 section 18377 and in conformity with rules adopted by the board.

4 During the period of provisional authority the applicant may be compensated for
5 services performed as a dental ~~hygiene~~ therapist or advanced dental therapist. The
6 period of provisional authority may not exceed 3 years.

7 **Sec. 9. 32 MRSA §18371, sub-§5**, as enacted by PL 2015, c. 429, §21, is
8 amended to read:

9 **5. Supervision of dental therapists and advanced dental therapists.** A dentist,
10 referred to in this section as the "supervising dentist," who employs or supervises a dental
11 ~~hygiene~~ therapist or advanced dental therapist shall comply with this subsection.

12 A. A supervising dentist shall arrange for another dentist or specialist to provide any
13 services needed by a patient of a dental ~~hygiene~~ therapist or an advanced dental
14 therapist supervised by that dentist that are beyond the scope of practice of the dental
15 ~~hygiene~~ therapist or advanced dental therapist and that the supervising dentist is
16 unable to provide.

17 B. The supervising dentist is responsible for all authorized services and procedures
18 performed by the dental ~~hygiene~~ therapist or advanced dental therapist pursuant to a
19 written practice agreement executed by the dentist pursuant to section 18377.

20 C. Revisions to a written practice agreement must be documented in a new written
21 practice agreement signed by the supervising dentist and the dental ~~hygiene~~ therapist
22 or advanced dental therapist.

23 D. A supervising dentist who signs a written practice agreement shall file a copy of
24 the agreement with the board, keep a copy for the dentist's own records and make a
25 copy available to patients of the dental ~~hygiene~~ therapist or advanced dental therapist
26 upon request.

27 E. A dentist may not supervise more than a total of 5 dental therapists and advanced
28 dental therapists at one time.

29 **Sec. 10. 32 MRSA §18377**, as enacted by PL 2015, c. 429, §21, is amended to
30 read:

31 **§18377. Dental therapist; advanced dental therapist**

32 **1. Scope of practice; dental therapist.** A dental ~~hygiene~~ therapist may perform the
33 following procedures in limited practice settings, if authorized by a written practice
34 agreement with a dentist licensed in this State pursuant to subsection 3.

35 A. To the extent permitted in a written practice agreement, a dental ~~hygiene~~ therapist
36 may provide the care and services listed in this paragraph only under the direct
37 supervision of the supervising dentist:

38 (1) Perform oral health assessments, pulpal disease assessments for primary and
39 young teeth, simple cavity preparations and restorations and simple extractions;

- 1 (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for
2 primary incisors and prepare, place and remove space maintainers;
- 3 (3) Provide referrals;
- 4 (4) Administer local anesthesia and nitrous oxide analgesia;
- 5 (5) Perform preventive services;
- 6 (6) Conduct urgent management of dental trauma, perform suturing, extract
7 primary teeth and perform nonsurgical extractions of periodontally diseased
8 permanent teeth if authorized in advance by the supervising dentist;
- 9 (7) Provide, dispense and administer anti-inflammatories, nonprescription
10 analgesics, antimicrobials, antibiotics and anticaries materials;
- 11 (8) Administer radiographs; and
- 12 (9) Perform other related services and functions authorized by the supervising
13 dentist and for which the dental ~~hygiene~~ therapist is trained.

14 B. To the extent permitted in a written practice agreement, a dental ~~hygiene~~ therapist
15 may provide the care and services listed in section 18374, subsections 1 and 2 under
16 the general supervision of the supervising dentist.

17 **1-A. Scope of practice; advanced dental therapist.** An advanced dental therapist
18 may perform the procedures listed in subsection 1, paragraphs A and B in limited practice
19 settings, if authorized by a written practice agreement with a dentist licensed in this State
20 pursuant to subsection 3. To the extent permitted in the written practice agreement, the
21 advanced dental therapist may perform these procedures under the general supervision of
22 the supervising dentist.

23 **2. Supervision responsibilities.** A dental ~~hygiene~~ therapist or an advanced dental
24 therapist may be delegated a dentist’s responsibility to supervise up to 2 dental hygienists
25 and 3 unlicensed persons in any one practice setting through a written practice agreement
26 pursuant to subsection 3.

27 **3. Practice requirements.** A dental ~~hygiene~~ therapist and an advanced dental
28 therapist must comply with the following practice limitations.

29 A. A dental ~~hygiene~~ therapist and an advanced dental therapist may provide services
30 only in a hospital; a public school, as defined in Title 20-A, section 1, subsection 24;
31 a nursing facility licensed under Title 22, chapter 405; a residential care facility
32 licensed under Title 22, chapter 1663; a clinic; a health center reimbursed as a
33 federally qualified health center as defined in 42 United States Code, Section
34 1395x(aa)(4) (1993) or that has been determined by the federal Department of Health
35 and Human Services, Centers for Medicare and Medicaid Services to meet the
36 requirements for funding under Section 330 of the Public Health Service Act, 42
37 United States Code, Section 254(b); a federally qualified health center licensed in this
38 State; a public health setting that serves underserved populations as recognized by the
39 federal Department of Health and Human Services; or a private dental practice in
40 which at least 50% of the patients who are provided services by that dental ~~hygiene~~

1 therapist or advanced dental therapist are covered by the MaineCare program under
2 Title 22 or are underserved adults.

3 B. A dental ~~hygiene~~ therapist and an advanced dental therapist may practice only
4 under the ~~direct~~ supervision of a dentist through a written practice agreement signed
5 by both parties. A written practice agreement is a signed document that outlines the
6 functions that the dental ~~hygiene~~ therapist or advanced dental therapist is authorized
7 to perform, which may not exceed the scopes of practice specified in subsections 1,
8 1-A and 2. A dental ~~hygiene~~ therapist or advanced dental therapist may practice only
9 under the standing order of the supervising dentist, may provide only care that
10 follows written protocols and may provide only services that the dental ~~hygiene~~
11 therapist or advanced dental therapist is authorized to provide by the written practice
12 agreement.

13 C. A written practice agreement between a supervising dentist and a dental ~~hygiene~~
14 therapist or an advanced dental therapist must include the following elements:

15 (1) The services and procedures and the practice settings for those services and
16 procedures that the dental ~~hygiene~~ therapist or advanced dental therapist may
17 provide, together with any limitations on those services and procedures;

18 (2) Any age-specific and procedure-specific practice protocols, including case
19 selection criteria, assessment guidelines and imaging frequency;

20 (3) Procedures to be used with patients treated by the dental ~~hygiene~~ therapist or
21 advanced dental therapist for obtaining informed consent and for creating and
22 maintaining dental records;

23 (4) A plan for review of patient records by the supervising dentist and the dental
24 ~~hygiene~~ therapist or advanced dental therapist;

25 (5) A plan for managing medical emergencies in each practice setting in which
26 the dental ~~hygiene~~ therapist or advanced dental therapist provides care;

27 (6) A quality assurance plan for monitoring care, including patient care review,
28 referral follow-up and a quality assurance chart review;

29 (7) Protocols for administering and dispensing medications, including the
30 specific circumstances under which medications may be administered and
31 dispensed;

32 (8) Criteria for providing care to patients with specific medical conditions or
33 complex medical histories, including requirements for consultation prior to
34 initiating care; and

35 (9) Specific written protocols, including a plan for providing clinical resources
36 and referrals, governing situations in which the patient requires treatment that
37 exceeds the scope of practice or capabilities of the dental ~~hygiene~~ therapist or
38 advanced dental therapist.

1 D. Revisions to a written practice agreement must be documented in a new written
2 practice agreement signed by the supervising dentist and the dental ~~hygiene~~ therapist
3 or advanced dental therapist.

4 E. A dental ~~hygiene~~ therapist or an advanced dental therapist shall file a copy of a
5 written practice agreement with the board, keep a copy for the ~~dental hygiene~~
6 therapist's own records and make a copy available to patients of the ~~dental hygiene~~
7 therapist upon request.

8 F. A dental ~~hygiene~~ therapist or an advanced dental therapist shall refer patients in
9 accordance with a written practice agreement to another qualified dental or health
10 care professional to receive needed services that exceed the scope of practice of the
11 ~~dental hygiene~~ therapist.

12 G. A dental ~~hygiene~~ therapist or an advanced dental therapist who provides services
13 or procedures beyond those authorized in a written agreement engages in
14 unprofessional conduct and is subject to discipline pursuant to section 18325.

15 **4. Dental coverage and reimbursement.** Notwithstanding Title 24-A, section
16 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in
17 this State that is reimbursed by private insurance, a dental service corporation, the
18 MaineCare program under Title 22 or the Cub Care program under Title 22, section
19 3174-T must also be covered and reimbursed when performed by a dental ~~hygiene~~
20 therapist or an advanced dental therapist authorized to practice under this chapter.

21 **Sec. 11. Maine Revised Statutes amended; revision clause.** Wherever in the
22 Maine Revised Statutes the words "dental hygiene therapist" appear or reference is made
23 to those words, they are amended to read or mean, as appropriate, "dental therapist," and
24 the Revisor of Statutes shall implement this revision when updating, publishing or
25 republishing the statutes.

26 **Sec. 12. Maine Revised Statutes amended; revision clause.** Wherever in the
27 Maine Revised Statutes the words "dental hygiene therapy" appear or reference is made
28 to those words, they are amended to read or mean, as appropriate, "dental therapy," and
29 the Revisor of Statutes shall implement this revision when updating, publishing or
30 republishing the statutes.'

31 **SUMMARY**

32 This amendment makes the following changes to the Dental Practice Act enacted in
33 Public Law 2015, chapter 429:

- 34 1. It changes the term "dental hygiene therapist" to "dental therapist";
35 2. It changes the term "dental hygiene therapy" to "dental therapy";
36 3. It specifies that a dental hygienist seeking authority to practice as a dental
37 therapist must have received at least a bachelor's degree from a dental therapy education
38 program that is accredited by either the Board of Dental Practice or the American Dental
39 Association Commission on Dental Accreditation or a successor organization approved
40 by the board;

