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TESTIMONY OF PENNY VAILLANCOURT
EXECUTIVE DIRECTOR, BOARD OF DENTAL PRACTICE
IN SUPPORT OF L.D. 2040

**“An Act to Restore the Board of Dental Practice’s Authority to Issue Letters of Guidance”
Emergency Preamble**

Sponsored by Representative Anne-Marie Mastracchio

**BEFORE THE JOINT STANDING COMMITTEE ON
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Public Hearing: January 9, 2024, 1:00 PM

Good afternoon, Senator Bailey, Representative Perry, and Members of the Committee. My name is Penny Vaillancourt and I am the Executive Director of the Maine Board of Dental Practice. Thank you for the opportunity to provide testimony on LD 2040.

The Board of Dental Practice (“the Board”) is a professional licensing board within the Office of Professional and Financial Regulation (“OPOR”) an umbrella agency which supports 37 other licensing boards and programs, and its sole purpose is to protect the public health and welfare of Maine citizens. The Board accomplishes this mission by ensuring that the public is served by competent and honest dental professionals through its licensure process, conducting investigations into allegations of unprofessional conduct or incompetent practice, and imposing sanctions when deemed appropriate.

This bill was submitted at the request of the Board once it became known that the authority to issue letters of guidance in non-disciplinary matters no longer existed when it transitioned from an “affiliated” status to a board within OPOR during the 131st First Regular Session (*see P.L. 2023, c. 17, Pt. P* effective June 29, 2023).

More specifically, the regulatory tools available to the Board now as an OPOR board are located in 10 M.R.S. § 8003(5-A)(F), as opposed to the provision for affiliated boards located in Section 8003(5)(E). There are a few distinctions between these sections, but relevant for this proposal is the loss of the use of the letter of guidance as a tool to educate licensees, even if not to resolve a complaint.

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Since 2017, the Board has issued more than 71 letters of guidance in matters outside of the complaint process. As identified in the emergency preamble, the Board utilizes letters of guidance primarily to educate licensees in matters involving licensure applications, supervision responsibilities, and compliance matters without filing formal complaints. More importantly, the Board has many cases aging on its formal complaint docket. Requiring a formal complaint to be filed to resolve any matter necessitating a letter of guidance would be an inefficient use of limited resources, and unnecessarily create delays in the Board's processes.

Again, thank you for the opportunity to comment. I would be happy to answer any questions now or at work session.