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TESTIMONY OF PENNY VAILLANCOURT
EXECUTIVE DIRECTOR, BOARD OF DENTAL PRACTICE

NEITHER FOR NOR AGAINST L.D. 2137

“An Act to Join the Dentist and Dental Hygienist Compact”

Sponsored by Representative Joshua Morris

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

Public Hearing: February 6, 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 2137.

The Board of Dental Practice (“the Board”) is a professional licensing board within the Office of Professional and Occupational 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.

LD 2137 is model compact legislation for dentists and dental hygienists (“DDH compact”) developed by the Council of State Governments (“CSG”) in partnership with the Department of Defense, the American Dental Association, the American Dental Hygienists’ Association and other partners with a stated purpose to support mobility and reduce barriers to licensure portability. As is with other licensure compacts, states must enact the model compact legislation to participate.

The DDH Compact has been adopted by three states (Washington, Iowa and Tennessee) and legislation is pending in 13 states, including Maine (Minnesota, Wisconsin, Nebraska, Kansas, Missouri, Ohio, Pennsylvania, New Jersey, Virginia, Colorado, Illinois, and Indiana). See DDH map: <https://ddhcompact.org/compact-map/>.

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At this time, the Board is offering the following considerations as you examine the proposed language and feasibility of implementing this legislation:

1. **Concerns raised by the American Association of State Dental Boards (“AADB”):** the Board is a member state of a non-profit state dental board association identified as the AADB. The AADB has issued concerns regarding the DDH compact and has announced its own licensure compact initiative that is gaining national traction. The AADB model differs from the DDH model and both entities have issued statements highlighting the differences.

Below are links to the Council of State Government DDH Compact and the AADB Compact:

DDH Compact: <https://ddhcompact.org/resources/>

AADB Compact: <https://aadbcompact.org/compact-fact-sheets/>

2. **Section 2(D) “Clinical Assessment”** is defined as an “examination *or process*, required for licensure as a Dentist or Dental Hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene. (emphasis added) The Board has concerns with this definition as it is very broad and could include almost anything a state subjectively deems appropriate. Although most states (including Maine) rely on a third party to administer a uniform clinical competency test known as a “regional examination” to ensure clinical tasks and dental procedures are performed competently,¹ the compact would allow an individual to obtain a compact privilege without taking a regional examination. This would be contrary to what most states identify as a minimum standard.
3. **Section 2(I)** requires that member states implement procedures for criminal background checks which must include FBI fingerprint-based criminal background check. Currently, the Board only requires a Maine State Bureau of Identification criminal history record check based on an individual’s birthdate as part of the application process for all applicants.
4. **Section 3, subsections A(8) and A(9)** identify the educational requirements to be a program accredited by the Commission on Dental Accreditation. Maine’s Dental Practice Act has successfully implemented several pathways to licensure such as endorsement, temporary, foreign-trained, and military/veterans’ preference so the question posed is whether participating in a licensure compact that does not recognize all applicants in the same manner is contrary to the state’s successful efforts to date to reduce barriers to license without delay otherwise qualified dental professionals. While the compact does not exclude states from joining if they have alternative pathways, it is unclear whether excluding non-CODA accredited programs is consistent with goals of the Maine State Legislature.
5. **Section 7, subsection B(1)** identifies that each member state is limited to one delegate that serves on the Commission to represent both the dentist and dental hygiene licensure categories. Maine has one board regulating both dentists and dental hygienists and limiting membership to only one delegate may result in inadequate representation of each profession.

¹ These tests are performed on live patients and in some cases the use of advanced technologies or manikins are also used. Currently, there are several different regional examination organizations recognized as an approved clinical competency examination that are not required by the compact. See MBDP Regional Examination Charts for Dentist and Dental Hygienists

6. Other considerations – fiscal impact: The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff. Below are concerns regarding the Board's ability to pay:

- a. Additional staffing: additional resources anticipated to review and process applications, perform data entry and reporting requirements into a coordinated database to facilitate information sharing.
- b. Incidental costs: anticipated per diem and travel expenses associated with serving as a delegate.
- c. Dental Board's fiscal status: the Board does not have current funding available nor does it collect sufficient fees to support the additional costs needed to implement this bill and anticipates that licensing fees will need to be increased. The amount and timing of the fee increase cannot be determined at this time.

Given the fact that there is a competing licensure model under consideration by other state dental boards, concerns regarding the compact language found in LD 2137 as noted above, and existing pathways to licensure currently implemented by the Board to avoid delays in licensing qualified dentists and dental hygienists, the Board would urge the Committee to further study whether the CSG compact model is ripe for Maine.

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

**MAINE BOARD OF DENTAL PRACTICE - August 2022
Examination Chart for Dentist Licensure**

NATIONAL EXAMINATION	TESTING AGENCY	LIST OF MODULES EXAMINED
<p>National Board of Dental Examinations (NBDE)</p> <ul style="list-style-type: none"> • NBDE Part I (discontinued December 2020) • NBDE Part II (Available until July, 2022) • NBDE - Integrated National Board Dental Examination (August, 2020) 	<p>Joint Commission on National Dental Examinations</p>	<p>Didactic - all sections required</p> <ul style="list-style-type: none"> • NBDE Parts I and II Board approved; and • NBDE - Integrated Board approved and will be fully integrated by August, 2022
REGIONAL EXAMINATION	TESTING AGENCY	LIST OF MODULES EXAMINED
<p>American Board of Dental Examiners (ADEX)</p>	<p>CDCA - WREB - CITA</p> <p><u>Note:</u> Commission on Dental Competency Assessments (CDCA), Western Regional Examining Board (WREB) combined in 2021. In August of 2022, The Council of Interstate Testing Agencies (CITA) joined.</p>	<p>Didactic - Objective Structured Clinical Examination (OSCE); and</p> <p>Clinical Skills - all sections required</p> <ul style="list-style-type: none"> • Diagnostic Skills Examination • Prosthodontic • Endodontic • Restorative (live patient cases)* • Periodontal (live patient cases)* <p>*Board approved the CompeDont™ Tooth as an alternative to the live patient cases for the Restorative section. Effective 4/17/2020.</p> <p>*Board approved the manikin-based examination as an alternative to the live patient cases for the Periodontal Assessment section. Effective 6/12/2020.</p>

REGIONAL EXAMINATION	TESTING AGENCY	LIST OF MODULES EXAMINED
Central Regional Dental Testing (CRDTS)	Prometrics	<p><u>Didactic</u> - Parts I and II of the NDBE; and</p> <p><u>Clinical Skills</u> - all sections required</p> <ul style="list-style-type: none"> • Endodontics • Fixed Prosthodontics • Periodontal (live patient cases) • Restorative (live patient cases)
Southern Regional Testing Agency, Inc. (SRTA)	SRTA	<p><u>Clinical Skills</u> - all sections required</p> <ul style="list-style-type: none"> • Endodontics • Fixed Prosthodontics • Anterior Restorative • Posterior Restorative (live patient cases) • Periodontal (live patient cases)
Western Regional Examining Board (WREB)	<p>WREB</p> <p>(WREB examination will continue to be administered through 2022.)</p>	<p><u>Didactic</u> - Objective Structured Clinical Examination (OSCE); and</p> <p><u>Clinical Skills</u> - all sections required</p> <ul style="list-style-type: none"> • Operative (live patient cases)* • Endodontics • Comprehensive Treatment Planning • Periodontal (live patient cases)* • Prosthodontic <p>*Board approved the Operative Simulation as an alternative to the live patient cases. Effective 4/9/2021.</p> <p>*Board approved the Periodontics Simulation as an alternative to the live patient cases. Effective 4/9/2021.</p>

STATE APPROVED EXAMINATIONS	STATE BOARD	LIST OF MODULES EXAMINED
<ul style="list-style-type: none">• Clinical - Dentist	Texas State Board	<ul style="list-style-type: none">• Board previously approved.
<ul style="list-style-type: none">• Clinical - Dentist	California State Board	<ul style="list-style-type: none">• Board previously approved.

MAINE BOARD OF DENTAL PRACTICE – August 2023
Examination Chart for Dental Hygiene Licensure and Practice Authorities

NATIONAL EXAMINATION	TESTING AGENCY	LIST OF MODULES EXAMINED
<u>RDH Licensure</u>		
National Dental Hygiene Board Examination (NDHBE) <ul style="list-style-type: none"> • Standard-length or Short form examination accepted 	Joint Commission on National Dental Examinations (JCNDE) (Note: The JCNDE will transition to the Standard-length examination beginning October 8, 2021.)	<u>Didactic</u> – all sections required <ul style="list-style-type: none"> • Discipline based 200/85 items – long/ short form • Scientific Basis for practice 61/25 items – long/ short form • Clinical dental hygiene services 115/50 items – long/ short form • Community health/ research 24/10 items – long/ short form • Case based 150/70 items – long/ short form
REGIONAL EXAMINATION	TESTING AGENCY	LIST OF MODULES EXAMINED
<u>RDH Licensure</u>		
American Board of Dental Examiners (ADEX); or	CDCA – WREB – CITA <u>Note:</u> Commission on Dental Competency Assessments (CDCA), Western Regional Examining Board (WREB) combined in 2021. In August of 2022, The Council of Interstate Testing Agencies (CITA) joined.	<u>Didactic</u> - Objective Structured Clinical Examination (OSCE); and <u>Clinical Skills</u> - Patient Treatment Clinical Examination (PTCE)* *Board approved the manikin-based examination as an alternative to the live patient cases. Effective 6/12/2020.

REGIONAL EXAMINATION	TESTING AGENCY	LIST OF MODULES EXAMINED
<u>RDH Licensure</u>		
Central Regional Dental Testing Service (CRDTS)	CRDTS	<u>Clinical Skills</u> - Hygiene Final Evaluation <ul style="list-style-type: none"> • Patient based clinical
Western Regional Examining Board (WREB)	WREB (WREB examination will continue to be administered through 2022.)	<u>Didactic</u> -Objective Structured Clinical Examination (OSCE) <u>Clinical Skills</u> -all sections required <ul style="list-style-type: none"> • Patient based clinical* <p>*Board approved the manikin-based examination as an alternative to the live patient cases. Effective 5/14/2021.</p>
STATE APPROVED EXAMINATIONS	STATE BOARD	LIST OF MODULES EXAMINED
<u>RDH Licensure</u>		
Clinical - Dental Hygiene	Texas State Board California State Board	<ul style="list-style-type: none"> • Board previously approved.

OTHER EXAMINATIONS	TESTING AGENCY	LIST OF MODULES EXAMINED
<u>Dental Therapy and Provisional Dental Therapy - Practice Authority</u>		
American Board of Dental Examiners (ADEX)	CDCA-WREB-CITA	<p><u>Didactic</u> - Objective Structured Clinical Examination (OSCE)</p> <p><u>Clinical Skills</u> - all sections required</p> <ul style="list-style-type: none"> • Patient based clinical examination* <p>*Board approved the manikin-based examination as an alternative to the live patient cases. Effective 8/18/2023.</p>
<u>Local Anesthesia - Practice Authority</u>		
American Board of Dental Examiners (ADEX)	CDCA-WREB-CITA	<u>Didactic</u> - Computer based examination
OTHER EXAMINATIONS	TESTING AGENCY	LIST OF MODULES EXAMINED
<u>Nitrous Oxide Analgesia</u>		
American Board of Dental Examiners (ADEX)	CDCA-WREB-CITA	<u>Didactic</u> - Computer based examination