**02-313**

**BOARD OF DENTAL EXAMINERS**

Maine Administrative Procedure Act

2014-2015 Regulatory Agenda

August 11, 2014

*(includes May 29, June 11, and July 9, 2015 amendments)*

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Maine Board of Dental Examiners** *(affiliated with the Department of Professional and Financial Regulation)*

**CONTACT PERSON:** Teneale E. Johnson, Executive Secretary, 143 State House Station, Augusta, ME 04333-0143. Tel: (207) 287-3333/Fax (207) 287-8140. E-mail: Teneale.E.Johnson@Maine.gov .

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA**: None

**EXPECTED 2014 - 2015 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be amending the definition of “Teledentistry” to include dental hygiene and denturism; and amending the “Patient of Record” definition to clarify what procedures can be done by dental auxiliaries prior to an examination by a dentist.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Professionals

**CHAPTER 2**: Rules Relating to Dental Hygienists

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be reviewing and discussing whether it will allow a dental hygienist to do certain dentally related procedures under either direct or general supervision; clearly defining what is required for local anesthesia and nitrous permits when it has been more than one year since course completion; and amending the rule so that local anesthesia permit renewals coincide with dental hygiene licenses in order to decrease the number of individuals who fail to renew on time.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Hygienists

**CHAPTER 3**: Rules Relating to Dental Assistants

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be discussing various dentally related procedures and whether a dental assistant should be allowed to perform them under general or direct supervision; and considering whether there should be a mechanism in place for a dental school graduate to obtain an EFDA certification while waiting to complete national or regional exams.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Expanded Function Dental Assistants, Dental Assistants, Dentists

**CHAPTER 4**: Rules Relating to Practice of Denturism

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be removing the requirement of the certificate of oral condition for tooth-borne partial dentures as the Legislature deleted this requirement during the 126th First Regular Session.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Denturists

*Amended July 11, 2015*

*Original*

**CHAPTER 5**: Requirements for Licensure as a Denturist

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be removing the upgrade curriculum section as it is no longer valid.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Denturist License Applicants

*Amendment*

**CHAPTER 5**: Requirements for Licensure as a Denturist

STATUTORY AUTHORITY: Public Law 2015 ch. 192 of the 127th Legislature (First Regular Session); 32 MRSA §1073

PURPOSE: The Board is required to adopt rules to create a new licensure category, Denturist Externship Permit to permit those students enrolled in a board approved denturism school to lawfully gain clinically experience outside of the school setting.

ANTICIPATED SCHEDULE: September 2015 – January 2016

AFFECTED PARTIES: denturism students

**CHAPTER 7**: Licensing/Certification/Late Fees

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be waiving the license renewal for active duty military licensees; amending the rule to add the application fees; reducing fees for a local anesthesia permit due to the change to a two-year renewal cycle; and making minor housekeeping changes.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Professionals

**CHAPTER 8**: Advertising

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be making minor housekeeping changes.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Professionals

**CHAPTER 9**: Complaints/Investigations/Unprofessional Conduct

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: Independent Practice Dental Hygienist needs to be added to item L.9 of this chapter; the Board will be discussing whether there should be a fine for licensees who knowingly or unknowingly allow their dental auxiliaries to practice without a license; the Board will discuss whether to amend its rule to allow dogs in non-treatment areas of a dental, denturist, or IPDH practice; any reference made to the certificate of oral condition will be removed; and the Board will amend its rule to allow a licensed dentist to administer Botox and dermal fillers when the licensee has completed training within a board-approved program.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Professionals

**CHAPTER 10**: Licensure Requirements for Dental Radiographers

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be amending the rule to state that for initial licensure, an applicant must complete the dental assisting national board, radiation health and safety exam, or an equivalent as determined by the Board; the Board will also offer an option for licensure by endorsement.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Dental Radiographers

**CHAPTER 11**: Requirements for Licensure as Dental Hygienists

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will make amendments to reference the ADEX examination.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Applicants for Dental Hygiene Licensure

**CHAPTER 12**: Requirements for Dental Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073; 1086

PURPOSE: The Board will amend the rule to waive the interview when the dental applicant has gone directly from dental school to an approved residency program; the Board will also review its rules for changes that are required due to the NERB making the periodontal portion of its exam optional; minor housekeeping; and amend the rule to require an applicant for a temporary license to obtain a report from the national practitioner data bank.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Applicants for Dental Licensure

**CHAPTER 13**: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will be discussing what types of continuing education will be allowed; determine whether the number of credits needed to renew a license should be increased; consider whether there should be a requirement for emergency management training for dentists, denturists and IPDH’s; further discuss whether confirmation of nitrous oxide training should be obtained for dental license applicants; and determine whether there should be a minimum amount of continuing education required for applicants for licensure by endorsement.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Professionals and Applicants for Licensure

**CHAPTER 14**: Rules for Use of Sedation and General Anesthesia by Dentists

STATUTORY AUTHORITY: 32 M.R.S.A. §1073

PURPOSE: The Board will discuss whether to amend the rule to take away the clause about incremental dosing and allow the dentist to dose incrementally up to the MRD; discuss whether to require CO2 monitoring in offices that provide IV sedation or general anesthesia; and further discuss the possibility of amending the rule to remove the three live patient requirements for moderate sedation permits.

ANTICIPATED SCHEDULE: October 2014 – July 2015

AFFECTED PARTIES: Licensed Dental Professionals

*Added by amendment June 11, 2015*

**CHAPTER 16**: Rules for Independent Practice Dental Hygienists to Process Dental Radiographs

STATUTORY AUTHORITY: Public Law 2015, Chapter 2 of the 127th Legislature (First Regular Session) and 32 M.R.S.A. §1073

PURPOSE: The Board was mandated to adopt rules that allow Independent Practice Dental Hygienists to process dental radiographs under practice standards developed by the Board.

ANTICIPATED SCHEDULE: August 2015 – December 2015

AFFECTED PARTIES: Licensed Independent Practice Dental Hygienists

*Added by amendment May 29, 2015*

**CHAPTER 17**: Requirements for Establishing a Board Approved Dental Hygiene Therapy Program

STATUTORY AUTHORITY: Public Law 2014 ch. 575 of the 126th

Legislature (Second Regular Session) and 32 M.R.S.A. §1073

PURPOSE: The Board was mandated to adopt rules setting the requirements for dental hygiene therapy education programs until such as time that dental hygiene therapy programs are accredited by the Commission on Dental Accreditation.

ANTICIPATED SCHEDULE: August 2014 – July 2015

AFFECTED PARTIES: Prospective Dental Hygiene Therapy Students and other

Licensed Dental Professionals