**02-313**

**BOARD OF DENTAL PRACTICE**

Maine Administrative Procedure Act

2016-2017 Regulatory Agenda

Prepared: July 29, 2016

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

AGENCY NAME: **Board of Dental Practice** *(Affiliated with the Department of Professional and Financial Regulation)*

CONTACT PERSON**:** **Penny Vaillancourt, Executive Director**, 143 State House Station, Augusta, ME 04333-0143. Telephone: (207) 287-3333. Fax (207) 287-8140. E-mail: [Penny.Vaillancourt@Maine.gov](mailto:Penny.Vaillancourt@Maine.gov) .

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

**EXPECTED 2016 - 2017 RULE-MAKING ACTIVITY:** The board may undergo a complete repeal and replacement of its rules, which may include streamlining the licensing requirements and scopes of practice provisions, standards of practice, and continuing education requirements for dentists, denturists, dental hygienists, dental hygiene therapists, independent practice dental hygienists, public health supervision dental hygienists, expanded function dental assistants, dental radiographers, as well as the sedation inspection and permitting process. Outdated or duplicative rules that may exist in 10 MRS, Part 9, Chapter 901 and other statutes governing dental practice will be updated or repealed.

During the 127th Maine Legislature **Public Law 2016, c. 429** was enacted which repeals and replaces the Board’s authorizing statute. **Public Law 2016, c. 488** was also enacted which places new requirements when dentists prescribe opioid medications. The Board will need to review its current rules for consistency with the new *Dental Practice Act* and propose changes as necessary, including new rules to fully implement the new provisions.

**CHAPTER 1**: Definitions

STATUTORY AUTHORITY: 32 M.R.S. §18324

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary, and setting licensing standards, requirements, and practice standards.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18345

PURPOSE: This chapter outlines the scope of practice of a dental hygienist, procedures for notifying and practicing under public health supervision status, requirements for obtaining permits to administer nitrous oxide and local anesthesia, and other duties authorized under the direct and general supervision of a dentist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18371

PURPOSE: This chapter outlines the scope of practice of expanded function dental assistants, including duties that a dentist may delegate to dental assistants and certified dental assistants. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and unlicensed individuals

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18378

PURPOSE: This chapter establishes the general practice standards for denturists. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18346

PURPOSE: This chapter outlines the requirements for licensure as denturist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6**: Rules for Radiation Barriers

STATUTORY AUTHORITY: 32 M.R.S. §18324

PURPOSE: This chapter establishes the rules requiring the use of radiation barriers in dental procedures involving the exposure of patients to ionizing radiation. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18323(3), 10 M.R.S. §8003(5)(C)(4)

PURPOSE: This chapter establishes fess for licensure, permits, reinstatements, late filings, and duplicate license fees. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 8**: Advertising

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18325

PURPOSE: This chapter requires the identity of dental providers be included in advertisements made available to the public. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18323, 18324, 18325, and 10 M.R.S. §8003(5)

PURPOSE: This chapter describes the procedure by which the Board processes and/or initiates complaints and investigations, and defines acts or omissions that constitute “unprofessional conduct.” The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18343

PURPOSE: This rule establishes the qualifications for licensure as a dental radiographer. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18345

PURPOSE: This chapter establishes the requirements for licensure as a dental hygienist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 12**: Requirements for Dental Licensure

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18342

PURPOSE: This chapter establishes the requirements for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 13**: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18349, 18350, 18351, 10 M.R.S. §8003(5)

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016-2017.

AFFECTED PARTIES: Licensees and continuing education providers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18348, 18379

PURPOSE: This chapter outlines the requirements under which dentists may obtain permits to administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2016-2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 15**: Mortality or Significant Health Incidents in a Dental Office

STATUTORY AUTHORITY: 32 M.R.S. §18324

PURPOSE: This chapter requires licensees to report to the Board mortality or significant health incidents that occur in a dental office. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18375

PURPOSE: This chapter outlines the requirements under which independent practice dental hygienists may expose and process dental radiographs. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324, 18345(C) and 18345(F)

PURPOSE: This chapter establishes the requirements for dental hygiene therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees and applicants

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 21**: Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S. §§ 18324

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws and to update by addressing outdated references, providing clarification of certain rules as may be necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2017.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.