Maine Board of Dental Practice – Board Policy

Limited Delegation of Authority to Board Chair and Board Staff

Effective Date:	**Expiration Date**:
November 14, 2025	June 30, 2027, unless rescinded earlier

I. Background

Pursuant to 10 M.R.S. § 8003(5-A)(D)(6) and (6-A), the Maine Board of Dental Practice adopts the following policy delegating to the Board Chair and/or Board staff certain actions, including but not limited to the review and approval of certain applications, issuance of subpoenas, and not docketing certain complaints.

This policy expires on June 30, 2027, but may be revisited by the Board at any time.

II. Relevant Law

Pursuant to 10 M.R.S. § 8003(5-A)(D)(6), the Board may "[d]elegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule."

Pursuant to 32 M.R.S. § 18325, the Board may "suspend, revoke or refuse to issue or renew" the license of a dentist, dental radiographer, expanded function dental assistant, dental hygienist, or denturist.

Pursuant to 32 M.R.S. § 18325(1)(A), the Board has the authority to impose discipline on or deny licensure or license renewal to an applicant or licensee who makes a misrepresentation in obtaining a license from the Board.

Pursuant to 32 M.R.S. § 18325(1)(E), the Board has the authority to impose discipline on or deny licensure or license renewal to an applicant or licensee who has been convicted of certain crimes to the extent permitted by 5 M.R.S. §§ 5301-5303.

Pursuant to 5 M.R.S. §§ 5301-5303, the Board may refuse to approve an application for licensure if the applicant was convicted of a crime described in 5 M.R.S. § 5301(2) and the application was submitted within 10 years of the applicant's discharge from the correctional system. For purposes of this Delegation Order, such crimes will be referred to as "Potentially Disqualifying Crimes."

Pursuant to 10 M.R.S. § 8003(5-A)(A)(11), the Board has the authority to impose discipline against an applicant or licensee for any violation of the requirements imposed pursuant to 10 M.R.S. § 8003-G(2).

Pursuant to 10 M.R.S. § 8003(5-A)(B), the forms of discipline that the Board may impose include: the denial or refusal to renew a license; a warning, censure, or reprimand; imposition of probation; suspension of a license; revocation of a license or registration; and civil penalties of up to $1,500 for each violation.

Pursuant to 10 M.R.S. § 8003(5-A)(C), the Board "may execute a consent agreement that resolves a complaint or investigation without further proceedings."

Pursuant to 32 M.R.S. § 18341(3), the Board may deny an application for licensure or license renewal to an applicant or licensee who fails to submit requested materials within 90 days after being notified of the needed materials.

Pursuant to 10 M.R.S. § 8003(6-A), the Board may "[d]elegate to staff the authority to determine if a pending complaint describes a violation of law or rule that is not within the authority" of the Board to enforce.

III. Limited delegation of authority to Board Chair and Board staff

The Board delegates limited authority to the Board Chair and Board staff as outlined below and itemized on Attachment 1:

1. Application Reviews:
   - Except for applications involving programs or courses of study not previously approved by the Board, Board staff may conduct reviews of applications as identified on Attachment 1.

2. Criminal Conviction – Disclosure:
   - Board staff may issue a license to an otherwise qualified applicant who discloses a criminal conviction on an application for licensure that is neither a Potentially Disqualifying Crime nor a crime related to substance use or misuse.

3. Criminal Conviction – Non-disclosure:
   - If an initial applicant fails to disclose a criminal conviction on the application that is neither a Potentially Disqualifying Crime nor a crime related to substance use or misuse, Board staff may preliminarily deny the application for licensure and offer a consent agreement to the applicant on terms and conditions as outlined in Attachment 1.

4. Criminal Conviction – Failure to report:
   - If a licensee discloses on a renewal application a criminal conviction that is neither a Potentially Disqualifying Crime nor a crime related to substance use or misuse, but which the licensee failed to previously report within 10 days of the conviction, Board staff may offer a consent agreement to the licensee on the terms and conditions outlined in Attachment 1 and approve the application and renew the license upon receipt of the signed consent agreement.

5. Disclosures:
   - Disclosures of criminal convictions that have been previously reviewed and approved by the Board and/or a Subcommittee can be reviewed and approved by Board staff in subsequent filings.

6. Unlicensed practice:
   - Reinstatement applications that include admissions of practicing after the expiration of a license or permit but otherwise meet all other application requirements may be processed by Board staff, who will generate a Board-initiated complaint and offer a consent agreement to the applicant on the terms and conditions outlined in Attachment 1. Should the applicant reject the consent agreement Board Staff may prepare the matter for adjudicatory hearing.

7. Waiver of Regional Examination:
    - Board staff may waive the regional examination requirements in connection with reinstatement applications if the regional examination waiver was previously granted by the Board.

8. Interim Consent Agreement – Pending Criminal Charge:
    - If a licensee has a pending criminal charge the Board Chair may sign an Interim Consent Agreement to which the licensee agrees to stop practicing pending final disposition of the criminal charge(s). Board staff will coordinate with legal counsel in generating a Board-initiated complaint to further investigate the criminal conduct.

9. Student Loan Default Disclosures:
    - Board staff may review and approve applications that disclose a default on a student loan and submit a statement regarding a repayment plan if the applicant is otherwise qualified for licensure.

10. Incomplete Applications
    - Board staff may administratively close applications in which the applicants have failed to submit application materials within the time constraints set forth in 32 M.R.S. § 18341(3).

11. Subpoenas
    - The Board's executive director may, in the aid of the Board's investigative authority, issue subpoenas on behalf of the Board pursuant to 32 M.R.S. § 18323(10), and in accordance with the terms of Title 5, section 9060, only after consultation with a complaint officer and/or assistant attorney general assigned to the Board.
    - In the event a subpoenaed party fails to comply with a Board subpoena, the executive director may seek to compel compliance with that Board subpoena by seeking remedial sanctions under M.R. Civ. P. 66(d). The executive director, with the advice and assistance of Board counsel, may initiate contempt proceedings in the Board's name by filing the requisite motion in court. M.R. Civ. P. 66(d)(2)(A). Such initiation will be reported to the Board in the manner of a litigation update at the next Board meeting.

12. Requests to Withdraw application
    - If an applicant requests to withdraw an application for an authority, licensure, registration, or sedation permit for reasons other than to avoid the Board's preliminary denial based on a potential violation of either a statutory provision or a board rule then Board staff is authorized to grant such request for withdrawal.

13. Request Financial Records
    - When an adjudicatory hearing is scheduled, Board staff is authorized to request financial records from the applicant/licensee for the purpose of compiling evidence relevant to the applicant/licensee's ability to pay costs of the investigation and hearing. The records may include but are not limited to federal and state tax returns, including schedules; checkbooks, registers, bank books, bank statements; all evidence of income earned or unearned (wages, salary, commission, legacies, trust accounts, rents, dividends, retirement benefits, loans, gifts, etc.), account receivable if self-employed; evidence of ownership of real property; evidence of ownership of vehicles or other property (certificates of title); evidence of any debt owed to you by someone else; evidence of any debt owned by you to someone else; certificates relating to any

13. Request Financial Records (cont.)

stocks, bonds, securities, other similar assets, or brokerage reports; financial statements – audited and unaudited, balance sheets, income sheets and statements of cash flow; statement of assets, liabilities and net worth submitted to banks, credit unions or other financial institutions; and audit reports.

- Board Staff shall communicate to the applicant/licensee that if they agree in writing that they have the ability to pay costs, they will not have to comply with the request. If the applicant/licensee agrees in writing that they have the ability to pay costs, Board Staff shall withdraw its request for financial records.
- Board Staff shall communicate to the applicant/licensee that failure to produce the requested documents by a specified date, not less than twenty-one (21) days from the date of request, may subject the applicant/licensee to discipline pursuant to 32 M.R.S. § 18325(1)(M).

14. Docket informal and formal investigations
    - Board staff may docket informal and formal complaint investigations pursuant to 10 M.R.S. § 8003-A(2) in consultation with a complaint officer and/or assistant attorney general assigned to the board.

15. Western Regional Examining Board (WREB) examination scores
    - For applicants seeking licensure by endorsement, Board staff may accept an overall passing score as reported by WREB in meeting the regional examination requirements, if the examination was taken prior to score reporting on each individual examination section.

16. HIPPA Privacy Rule Attestation
    - When requesting protected health information that may relate to reproductive health care from covered entities pursuant to the HIPAA Privacy Rule, 45 C.F.R. § 164.502, Board staff may, on behalf of the Board, attest to the information required by § 164.502(c).

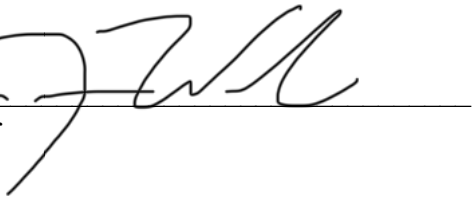
17. Approve amended renewal applications for licensees seeking "Inactive" status
    - For applicants filing renewal applications but wish to amend the application seeking "Inactive" status, Board staff is authorized to renew the license upon the condition that no other disclosure requires the Board's review.

18. Pending complaints not within the authority of the Board
    - Board staff, in consultation with the assistant attorney general assigned to the board, may determine if a pending complaint describes a violation of law or rule that is not within the authority of the Board to enforce (i.e. insurance grievance, billing dispute, etc.). Upon determination that the subject matter is not within the Board's authority, the complainant will be notified that the complaint will not be docketed.

Adoption

Adopted by the Board on November 14, 2025

Date: 11/19/25



Chair

Members of the Board voting:

Jeffrey Walawender, D.D.S., Chair
Kathryn Walker Norris, RDH, EFDA, Vice Chair
Lawrence Bossong, D.D.S.
Jacob Roskelley, D.M.D.
Nicole Wasilewski, RDH, IPDH