

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2020 to December 31, 2020**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Professional and Financial Regulation,  
**Maine Board of Dental Practice**

**Umbrella-Unit:** **02-313**

**Statutory authority:** 32 MRS §§ 18324, 18325(1), 18341, 18342, 18343, 18344, 18345, 18346, 18347, 18348, 18349, 18350, 18371, 18372, 18373, 18374, 18375, 18376, 18377, 18378, 18379, 18393, 10 MRS §8003(5)(G)

**Chapter numbers/titles:** **Ch. 1**, Definitions (*Repeal and replace*)  
**Ch. 2**, Rules Relating to Dental Hygienists (*Repeal*)  
**Ch. 2**, Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities (*New*)  
**Ch. 3**, Rules Relating to Dental Assistants (*Repeal*)  
**Ch. 3**, Qualifications for Expanded Function Dental Assistant Licensure (*New*)  
**Ch. 4**, Rules Relating to the Practice of Denturism (*Repeal*)  
**Ch. 4**, Qualifications for Dental Radiography Licensure (*New*)  
**Ch. 5**, Requirements for Licensure as a Denturist (*Repeal*)  
**Ch. 5**, Qualifications for Denturist Licensure (*New*)  
**Ch. 6**, Rules for Radiation Barriers (*Repeal*)  
**Ch. 6**, Qualifications for Dentist Licensure (*New*)  
**Ch. 8**, Advertising (*Repeal*)  
**Ch. 8**, Qualifications for Initial and Renewal Registrations (*New*)  
**Ch. 9**, Complaints / Investigations / Unprofessional Conduct (*Repeal*)  
**Ch. 9**, Unprofessional Conduct (*New*)  
**Ch. 10**, Licensure Requirements for Dental Radiographers (*Repeal*)  
**Ch. 10**, Sexual Misconduct (*New*)  
**Ch. 11**, Requirements for Licensure as Dental Hygienists (*Repeal*)  
**Ch. 11**, Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities (*New*)  
**Ch. 12**, Requirements for Dental Licensure (*Repeal*)  
**Ch. 12**, Practice Requirements (*New*)  
**Ch. 15**, Mortality or Significant Health Incidents in a Dental Office (*Repeal*)  
**Ch. 16**, Rules for Independent Practice Dental Hygienists to Process Dental Radiographers (*Repeal*)

**Filing numbers:** **2020-065 thru 087**

**Effective date:** 4/5/2020

**Type of rules:** Routine Technical

**Emergency rules:** No

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**Principal reason or purpose for rules:**

This is a complete repeal and replace of several existing rules governing the practice of dental professionals regulated under the *Maine Dental Practice Act*. The purpose of this rulemaking is as follows:

- Fully implements the provisions of the Maine Dental Practice Act which was repealed and replaced in 2016, and further amended in 2018 and 2019, in the following ways:
  - o Removes scope of practice provisions from rules
  - o Eliminates definitions identified in statute
  - o Repeals provisions were repealed in statute
  - o Clarifies the requirements for licensure, practice authorities, registrations, renewal and reinstatement requirements
  - o Identifies pathways for licensure by endorsement
  - o Identifies the process for dental hygienist to qualify, apply and obtain practice authorities in the following practice areas: administration of nitrous oxide analgesia, administration of local anesthesia, independent practice dental hygiene, public health hygiene and dental therapy.
- Revises existing rules to reflect practice standards applicable to all licensees such as infection control, radiation protection, safety and sanitary requirements, emergency protocols, dental adverse occurrence reporting, inventory control for controlled substances, patient records and recordkeeping requirements, informed consent provisions, practice and sale notification requirements, use of certain materials, lasers and digital equipment, after hours patient care and placement of temporary restorations without and without the use of dental radio graphs.
- Adopts national principles of ethics and codes of professional conduct specific to the dentists, dental hygienists and denturists.
- Eliminates regulations such as the advertising of personnel, limiting services of public health dental hygiene and prohibiting a denturist from inserting an immediate denture within 48 hours of extraction.

**Basis statement:**

The Maine Board of Dental Practice ("the Board") is charged by the Legislature with the regulation of dentists, dental hygienists, denturists, dental radiographers, and expanded function dental assistants in the State of Maine for the sole purpose to protect the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 MRS §18324 to fully implement its statutory mandates.

This rulemaking effort is a repeal and replace of several, existing rules governing the practice of dental professionals regulated under the *Maine Dental Practice Act*. In 2016, the *Maine Dental Practice Act* was repealed and replaced, resulting in the streamlining of licensure categories, licensure qualifications, dental hygiene practice authorities, as well as the identification of scopes of practice for each regulated dental professional. In 2018 and 2019, the *Maine Dental Practice Act* was further amended to clarify licensure categories, scopes of practice, and the qualifications to practice dental therapy.

This rulemaking effort repeals outdated rules and replaces the rules to align with the new statutory provisions in order to clarify the qualifications for licensure and registration, identify the requirements to renew and reinstate a license and practice authority, and delineate practice requirements of dental professionals to ensure public protection in areas such as infection control, radiation protection, safety and sanitary requirements, emergency protocols, dental adverse occurrence reporting, inventory control for controlled substances, patient records and recordkeeping requirements, informed consent provisions, practice and sale notification requirements, use of certain materials, lasers and digital equipment, after

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hours patient care, and placement of temporary restorations with and without the use of dental radiographs.

The Board held a public hearing on November 8, 2019, for the purpose of taking oral comments and accepted written comments through November 22, 2019. The public comments received were considered by the Board on December 6, 2019. At that meeting, the Board reviewed the public comments and voted to accept four comments specific to Board Rules, Ch. 2 and Board Rules, Ch. 11 requiring an additional 30-day public comment period.

The Board published the proposed, accepted changes to Board Rules, Ch. 2 and 11 on December 25, 2019, with a public comment deadline of January 25, 2020. The Board did not receive any additional public comments on the changes.

**Fiscal impact of rules:**

Not applicable.

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**Maine Board of Dental Practice**

**Umbrella-Unit:** **02-313**

**Statutory authority:** 32 MRS §§ 18323(3),18324

**Chapter numbers/titles:** **Ch. 7**, Establishment of Fees

**Filing numbers:** **2020-252**

**Effective date:** 12/26/2020

**Type of rules:** Routine Technical

**Emergency rules:** No

**Principal reason or purpose for rules:**

*(See Basis Statement)*

**Basis statement:**

The Maine Board of Dental Practice (“the Board” is charged by the Legislature with the regulation of dentists, dental hygienists, denturists, dental radiographers, and expanded function dental assistants in the State of Maine for the sole purpose to protect the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 MRS §18324 to fully implement its statutory mandates.

Additionally, 32 MRS §18323(3) authorizes the Board to establish by rule fees in amounts that are reasonable and necessary to sustain the operations of the Board on an ongoing basis. The amendment to Board rule ch. 7, “Establishment of Fees” continues the Board’s effort to stabilize its collection of fees. Based on financial projections, the fees adopted by this amended rule will generate additional revenue necessary to maintain the current level of services necessary for the Board to meet its statutory mandate.

Below is a summary of the various fee structure changes identified in the adopted rule:

- 1) Increases initial licensure and renewal of licensure fees in the following categories:
  - a) Dentist, faculty dentist, and limited dentist; and
  - b) Moderate sedation permits, deep sedation/general anesthesia permit, and itinerant dentist permit.

**Fiscal impact of rules:**

The fees established in this rule will generate additional revenue necessary to maintain the current level of services necessary to meet the Board’s statutory mandate. It is projected that an additional \$300,000 in revenue will be collected biennially.