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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "C" to H.P. 870, L.D. 1230, Bill, "An Act To Improve Access to Oral Health Care"

Amend the amendment in section 7 in §1094-AA by striking out all of subsection 2 (page 3, lines 13 to 23 in amendment) and inserting the following:

2. Educational program standards and requirements. Has successfully completed a dental hygiene therapy education program that:

A. Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization;

B. Is a minimum of 4 semesters; and

C. Is consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry, or a successor organization, is consistent with existing dental hygiene therapy programs in other states and is approved by the board.

3. Bachelor of Science degree. Has been awarded a Bachelor of Science degree in dental hygiene. In order to meet the requirements of this subsection, an applicant must hold at least an associate degree in dental hygiene before entering a dental hygiene therapy education program that meets the requirements of subsection 2, which may be completed concurrently or consecutively with a Bachelor of Science degree in dental hygiene.'

Amend the amendment in section 7 in §1094-AA in subsection 3 in the last line (page 3, line 27 in amendment) by inserting after the following: "dentistry" the following: ' An applicant who fails the clinical examination twice may not take the clinical examination again until further education and training, as specified by the board, are obtained'

Amend the amendment in section 7 in §1094-AA in subsection 4 in the first line (page 3, line 28 in amendment) by striking out the following: "1,000" and inserting the following: '2,000'

Amend the amendment in section 7 in §1094-AA in subsection 4 in the last line (page 3, line 31 in amendment) by inserting after the following: "1094-BB." the following: 'For purposes of meeting the requirements of this subsection, an applicant's hours of

1 supervised clinical experience while enrolled in the 4-semester dental training therapy
2 program may be included.'

3 Amend the amendment in section 7 in §1094-AA by renumbering the subsections to
4 read consecutively.

5 Amend the amendment in section 7 in §1094-BB in the first paragraph in the 3rd line
6 (page 3, line 35 in amendment) by striking out the following: "3" and inserting the
7 following: '4'

8 Amend the amendment in section 7 in §1094-FF in the first paragraph in the first line
9 (page 4, line 35 in amendment) by striking out the following: "1,000" and inserting the
10 following: '2,000'

11 Amend the amendment in section 7 in §1094-FF in the first paragraph in the 2nd line
12 (page 4, line 36 in amendment) by striking out the following: "4" and inserting the
13 following: '5'

14 Amend the amendment in section 7 in §1094-FF in the first paragraph in the 3rd line
15 (page 4, line 37 in amendment) by striking out the following: "general" and inserting the
16 following: 'direct'

17 Amend the amendment in section 7 in §1094-FF in the first paragraph in the 3rd line
18 (page 4, line 37 in amendment) by inserting after the following: "dentist" the following:
19 'who is licensed in this State'

20 Amend the amendment in section 7 in §1094-FF in the first paragraph by striking out
21 the last 3 lines (page 5, lines 4 to 6 in amendment) and inserting the following: 'Health
22 and Human Services; or a private dental practice in which at least 50% of the patients
23 who are provided services by that dental hygiene therapist are covered by the MaineCare
24 program under Title 22 or are underserved adults.'

25 Amend the amendment in section 7 in §1094-GG by striking out all of the first
26 indented paragraph (page 5, lines 8 to 15 in amendment) and inserting the following:

27 'A dental hygiene therapist may practice only under the direct supervision of a dentist
28 who is licensed in this State, referred to in this subchapter as the "supervising dentist,"
29 and through a written practice agreement signed by both parties. A supervising dentist
30 may not enter into a practice agreement with more than 10 dental hygiene therapists at
31 one time. For the purposes of this section, a written practice agreement is a signed
32 document that, in conformity with the legal scope of practice provided in section
33 1094-HH, outlines the functions that the dental hygiene therapist is authorized to perform.
34 A dental hygiene therapist may practice only under the standing order of a supervising
35 dentist, may provide only care that follows written protocols and may provide only
36 services that the dental hygiene therapist is authorized to provide by that supervising
37 dentist.'

38 Amend the amendment in section 7 in §1094-GG by striking out all of subsection 1
39 (page 5, lines 16 to 21 in amendment)

40 Amend the amendment in section 7 in §1094-GG by renumbering the subsections to
41 read consecutively.

1 Amend the amendment in section 7 in §1094-HH in the first paragraph in the 2nd line
2 (page 6, line 19 in amendment) by striking out the following: "general" and inserting the
3 following: 'direct'

4 Amend the amendment in section 7 in §1094-HH in the first paragraph in the 2nd line
5 (page 6, line 19 in amendment) by inserting after the following: "dentist" the following:
6 'licensed in this State'

7 Amend the amendment in section 7 in §1094-HH in the first paragraph in the 3rd line
8 (page 6, line 20 in amendment) by striking out the following: "general" and inserting the
9 following: 'direct'

10 Amend the amendment in section 7 in §1094-KK by striking out all of the first
11 indented paragraph (page 7, lines 19 and 20 in amendment) and inserting the following:

12 'The board shall adopt rules to implement this subchapter. Rules adopted pursuant to
13 this section prior to September 1, 2016 are major substantive rules as described in Title 5,
14 chapter 375, subchapter 2-A. Beginning September 1, 2016, rules adopted pursuant to
15 this section are routine technical rules as described in Title 5, chapter 375, subchapter
16 2-A.'

17 Amend the amendment by striking out all of section 8 (page 7, lines 21 to 25 in
18 amendment) and inserting the following:

19 **'Sec. 8. Board of Dental Examiners.** By January 1, 2015, the Department of
20 Professional and Financial Regulation, Board of Dental Examiners shall adopt rules
21 setting requirements for dental hygiene therapy education programs. Prior to adopting
22 rules, the board shall consult with:

- 23 1. A member of the Maine Dental Association;
- 24 2. A member of the Maine Dental Hygienists' Association;
- 25 3. A dentist who practices at a dental clinic at which at least 50% of that dentist's
26 patients are eligible for the MaineCare program;
- 27 4. A dental hygienist who practices at a dental clinic at which at least 50% of that
28 dental hygienist's patients are eligible for the MaineCare program;
- 29 5. A person whose area of expertise is in public health; and
- 30 6. A member of an organization that advocates for low-income persons.

31 Rules adopted pursuant to this section are routine technical rules as defined in the
32 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.'

33 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
34 or section number to read consecutively.

35 SUMMARY

36 This amendment incorporates the provisions of House Amendment "B" to Committee
37 Amendment "C" with the following changes:

1 1. It removes the requirement that a dental hygiene therapy education program meet
2 the requirements established by the Department of Professional and Financial Regulation,
3 Board of Dental Examiners and removes the ability of the board to approve a dental
4 hygiene therapy education program that has not been accredited by the American Dental
5 Association Commission on Dental Accreditation;

6 2. It limits the number of dental hygiene therapists with whom a supervising dentist
7 may enter into a written practice agreement at one time to 10;

8 3. It leaves the type of rules adopted by the board as major substantive, as was
9 specified in Committee Amendment "C," but only until September 1, 2016. Beginning
10 September 1, 2016, the rules adopted by the board are routine technical rules; and

11 4. It changes an occurrence of general supervision to direct supervision in
12 Committee Amendment "C" to correct an inadvertent omission.

13 **SPONSORED BY:** _____

14 **(Senator LACHOWICZ)**

15 **COUNTY: Kennebec**