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Date: (Filing No. H- )

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
126TH LEGISLATURE  
FIRST REGULAR SESSION**

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 32 MRSA §1094-D**, as amended by PL 2007, c. 620, Pt. C, §9, is further amended to read:

**§1094-D. Definitions**

As used in this subchapter, unless the context otherwise indicates, "expanded function dental ~~assistant~~ auxiliary" means an individual who holds a current valid certification under this subchapter to perform reversible intraoral procedures, perform cementation of permanent crowns and onlays, administer final impressions and perform digital imaging as authorized by this subchapter under the direct supervision of a licensed dentist and under an assignment of duties by a dentist. As used in this subchapter, unless the context otherwise indicates, "reversible intraoral procedures" means placing and removing rubber dams and matrices; placing and contouring amalgam, composite and other restorative materials; applying sealants; supra gingival polishing; and other reversible procedures defined by the board not designated by this chapter to be performed only by licensed dentists, dental hygienists or independent practice dental hygienists.

**Sec. 2. 32 MRSA §1094-E, first ¶**, as enacted by PL 2005, c. 322, §1, is amended to read:

An expanded function dental ~~assistant~~ auxiliary may not perform the following procedures:

**Sec. 3. 32 MRSA §1094-F**, as enacted by PL 2005, c. 322, §1, is amended to read:

**COMMITTEE AMENDMENT**

1       **§1094-F. Supervision**

2           An expanded function dental ~~assistant~~ auxiliary shall perform under the direct  
3 supervision of a dentist. As used in this section, "direct supervision" means that a dentist  
4 is in the dental office or treatment facility, personally diagnoses the condition to be  
5 treated, personally authorizes the condition to be treated and remains in the dental office  
6 or treatment facility while the procedure is being performed by the expanded function  
7 dental ~~assistant~~ auxiliary and, before dismissal of the patient, evaluates the work  
8 performed by the expanded function dental ~~assistant~~ auxiliary.

9           **Sec. 4. 32 MRSA §1094-G, first ¶**, as enacted by PL 2005, c. 322, §1, is  
10 amended to read:

11           The board may certify as an expanded function dental ~~assistant~~ auxiliary a person 18  
12 years of age or older who submits an application on forms furnished by the board  
13 together with the required fee to be determined by the board, not to exceed \$100, and:

14           **Sec. 5. 32 MRSA §1094-G, sub-§2**, as enacted by PL 2005, c. 322, §1, is  
15 amended to read:

16           **2. Is credentialed by another state or province.** Is credentialed to perform as an  
17 expanded function dental ~~assistant~~ auxiliary by another state or Canadian province, the  
18 standards of which are acceptable to the board.

19           **Sec. 6. 32 MRSA §1094-H, first ¶**, as enacted by PL 2005, c. 322, §1, is  
20 amended to read:

21           Certificates must be renewed every 5 years. On or before the expiration of the  
22 certificate, the expanded function dental ~~assistant~~ auxiliary must pay to the board a  
23 certification renewal fee of not more than \$100 to be determined by the board. Expanded  
24 function dental ~~assistants~~ auxiliaries who have not paid the renewal fee on or before the  
25 expiration of the 5-year certificate must be reinstated upon payment of a late fee of not  
26 more than \$50 to be determined by the board if paid within 30 days of the certificate's  
27 expiration date. Failure to be properly certified within 30 days results in automatic  
28 suspension of a certificate to practice. Reinstatement may be made, if approved by the  
29 board, by payment to the secretary-treasurer of the board of a fee determined by the board  
30 of not more than \$100.

31           **Sec. 7. 32 MRSA §1094-Q, sub-§1, ¶¶N and O**, as enacted by PL 2007, c. 620,  
32 Pt. B, §1, are amended to read:

33           N. Place temporary restorations in compliance with the protocol adopted by the  
34 board; ~~and~~

35           O. Apply topical antimicrobials, excluding antibiotics, including fluoride, for the  
36 purposes of bacterial reduction, caries control and desensitization in the oral cavity.  
37 The independent practice dental hygienist shall follow current manufacturer's  
38 instructions in the use of these medicaments; and

39           **Sec. 8. 32 MRSA §1094-Q, sub-§1, ¶P** is enacted to read:

40           P. Perform atraumatic restorative technique, upon successful completion of  
41 additional training established by the board. For the purposes of this paragraph,

1 "atraumatic restorative technique" means a procedure to identify and remove tooth  
2 decay using a simple hand tool alone and restore the cavity with an adhesive  
3 restorative material.

4 **Sec. 9. 32 MRSA §1098-E**, as enacted by PL 2005, c. 198, §1, is amended to  
5 read:

6 **§1098-E. Temporary filling procedures; atraumatic restorative technique**

7 A dental hygienist with public health supervision status, as defined by rules adopted  
8 by the Board of Dental Examiners, may perform temporary filling procedures without a  
9 dentist present under protocols developed by the Board of Dental Examiners. Rules  
10 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter  
11 375, subchapter 2-A.

12 In addition to temporary filling procedures, a dental hygienist with public health  
13 supervision status who successfully completes additional training established by the  
14 board may perform atraumatic restorative technique. For the purposes of this paragraph,  
15 "atraumatic restorative technique" means a procedure to identify and remove tooth decay  
16 using a simple hand tool alone and restore the cavity with an adhesive restorative  
17 material.

18 **Sec. 10. 32 MRSA §1100-A**, as amended by PL 2007, c. 620, Pt. C, §10, is  
19 further amended to read:

20 **§1100-A. Definition**

21 Duties of dental auxiliaries other than dental hygienists and expanded function dental  
22 ~~assistants~~ auxiliaries must be defined and governed by the rules of the Board of Dental  
23 Examiners, except that duties of independent practice dental hygienists set forth in  
24 section 1094-Q, subsection 1 may not be restricted or expanded by the board. Dental  
25 auxiliaries include, but are not limited to, dental hygienists, independent practice dental  
26 hygienists, dental assistants, expanded function dental ~~assistants~~ auxiliaries, dental  
27 laboratory technicians and denturists.

28 **Sec. 11. Maine Revised Statutes headnote amended; revision clause.** In  
29 the Maine Revised Statutes, Title 32, chapter 16, subchapter 3-A, in the subchapter  
30 headnote, the words "expanded function dental assistant" are amended to read "expanded  
31 function dental auxiliary" and the Revisor of Statutes shall implement this revision when  
32 updating, publishing or republishing the statutes.'

33 **SUMMARY**

34 This amendment is the minority report of the committee. It replaces the bill and  
35 broadens the scope of practice for dental hygienists with public health supervision status  
36 and independent practice dental hygienists who have successfully completed additional  
37 training established by the Department of Professional and Financial Regulation, Board  
38 of Dental Examiners to include the performance of atraumatic restorative technique. It  
39 defines "atraumatic restorative technique" to mean a procedure to identify and remove  
40 tooth decay using a simple hand tool alone and restore the cavity with an adhesive  
41 restorative material. It also changes the designation of expanded function dental

1 assistants to "expanded function dental auxiliary" and broadens their scope of practice,  
2 which currently includes the performance of reversible intraoral procedures, to include  
3 the cementation of permanent crowns and onlays, the administering of final impressions  
4 and the performance of digital imaging under the direct supervision of a licensed dentist.

5

**FISCAL NOTE REQUIRED**

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**(See attached)**