**02-313**

**BOARD OF DENTAL PRACTICE**

Maine Administrative Procedure Act

2020-2021 Regulatory Agenda

Prepared: June 16, 2020

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, Tel (207) 287-3333/Fax (207) 287-8140. Email – [Penny.Vaillancourt@Maine.gov](mailto:Penny.Vaillancourt@Maine.gov)

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

**EXPECTED 2020 - 2021 RULEMAKING ACTIVITY:** The board may undergo a review of existing chapters that identifies the education and examination requirements for initial licensure and renewal of licensure; continuing education requirements for renewal of licensure, practice standards, and sedation practice requirements. Additional rulemaking on the establishment of fees may be required, as well as anticipated rulemaking as a result of legislation enacted as part of the 129th Second Regular Session and the 130th First Regular Session. In addition, outdated or duplicative regulations that may exist in 10 MRSA, Part 9, Chapter 901 and other statutes governing dental practice will be updated or repealed.

**CHAPTER 1: Definitions**

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

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 clarify existing rules.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 2: Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18345; 10 M.R.S. §8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure and practice authorities as a dental hygienist. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 3: Qualifications for Expanded Function Dental Assistant Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18344

PURPOSE: This chapter outlines the qualifications for licensure as an expanded function dental assistant. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 4: Qualifications for Dental Radiography Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18343

PURPOSE: This chapter outlines the qualifications for licensure as a dental radiographer. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 5: Qualifications for Denturist Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18346; 10 M.R.S. §8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a denturist. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 6: Qualifications for Dentist Licensure**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18342; 10 M.R.S. §8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 7: Establishment of Fees**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18323(3), 18324

PURPOSE: This chapter establishes fess for licenses, registrations and related fees. The Board is expected to review this chapter as part of its fiscal responsibilities.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees, applicants, and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 8: Qualifications for Initial and Renewal Registrations**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18348

PURPOSE: This chapter identifies the requirements for initial and renewal registrations in the following categories: sedation, general anesthesia, local anesthesia, nitrous oxide analgesia and denturist trainee for the purpose of completing supervised, clinical experience. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 9: Unprofessional Conduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This chapter sets forth unprofessional conduct subject to disciplinary action pursuant to 32 M.R.S. §18325(1)(E). The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 10: Sexual Misconduct**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This rule sets for unprofessional conduct by defining sexual misconduct and setting the range of sanctions and factors the Board should consider in imposing sanctions. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18347, 18349, 18350

PURPOSE: This chapter establishes the qualifications for licensure by endorsement and the requirements for renewal, late renewal and reinstatement for licenses and authorities. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Practice Requirements**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325, 18371, 18372, 18373, 18374, 18375, 18376, 18377, 18378, 18393

PURPOSE: This chapter establishes the practice requirements for individuals licensed or authorized to practice under the Dental Practice Act. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Continuing Education**

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18308(4), 18324, 18350, 18351

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, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

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

PURPOSE: This chapter outlines the requirements under which dentists may administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345(2)(C)(2)

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, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY AUTHORITY: 32 M.R.S.A. §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, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2020-2021.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A