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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. 657, L.D. 933, Bill, “An Act To Establish a Separate Regulatory Board for Dental Hygienists”

Amend the bill by striking out the title and substituting the following:

'An Act To Establish a State Board of Dental Hygiene'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 5 MRSA §12004-A, sub-§10-A is enacted to read:

10-A.

State Board of Dental Hygiene Legislative Per Diem 32 MRSA §19121

Sec. 2. 10 MRSA §8001-A, sub-§3-A is enacted to read:

3-A. State Board of Dental Hygiene. Dental Hygiene, State Board of:

Amend the bill in section 18 in §1100-A in the first paragraph in the 4th line (page 4, line 30 in L.D.) by striking out the following: "19169" and inserting the following: '19168'

Amend the bill in section 21 in the 3rd line (page 5, line 3 in L.D.) by striking out the following: "DENTAL HYGIENISTS" and inserting the following: 'DENTAL HYGIENE PRACTICE'

Amend the bill in section 21 in §19101 in subsection 1 in the first line (page 5, line 9 in L.D.) by striking out the following: "Hygienists" and inserting the following: 'Hygiene'

Amend the bill in section 21 in §19102 in subsection 1 in paragraph A in the first line (page 5, line 17 in L.D.) by striking out the following: "the secretary of"

Amend the bill in section 21 in §19102 in subsection 1 in paragraph B in the first line (page 5, line 19 in L.D.) by striking out the following: "the secretary of"

COMMITTEE AMENDMENT

1 Amend the bill in section 21 in §19102 in subsection 2 in the 2nd line (page 5, line 22
2 in L.D.) by striking out the following: "imposed by the board of not more than \$25" and
3 inserting the following: 'set by the board pursuant to section 19123'

4 Amend the bill in section 21 in subchapter 2 in the 2nd line (page 6, line 1 in L.D.) by
5 striking out the following: "**HYGIENISTS**" and inserting the following: '**HYGIENE**'

6 Amend the bill in section 21 in §19121 in the first paragraph in the first line (page 6,
7 line 3 in L.D.) by striking out the following: "Hygienists" and inserting the following:
8 'Hygiene'

9 Amend the bill in section 21 in §19122 in the first paragraph in the first line (page 6,
10 line 8 in L.D.) by striking out the following: "a citizen of the United States and"

11 Amend the bill in section 21 in §19122 in subsection 1 in the blocked paragraph in
12 the first line (page 6, line 14 in L.D.) by striking out the following: "active" and inserting
13 the following: 'an active instructor'

14 Amend the bill in section 21 in §19122 by striking out all of subsections 2 to 4 (page
15 6, lines 16 to 32 in L.D.) and inserting the following:

16 **2. Public health dental hygienist.** One dental hygienist with public health
17 supervision status as described in section 19148 who holds a current state license to
18 practice dental hygiene;

19 **3. Independent practice dental hygienist.** One independent practice dental
20 hygienist who holds a current state license as an independent practice dental hygienist;
21 and

22 **4. Public member.** One public member as defined in Title 5, section 12004-A.'

23 Amend the bill in section 21 in §19123 in the first paragraph in the 2nd line (page 6,
24 line 35 in L.D.) by striking out the following: "and a secretary"

25 Amend the bill in section 21 in §19123 in the first paragraph in the 3rd line (page 7,
26 line 1 in L.D.) by striking out the following: "must be called by the secretary on" and
27 inserting the following: 'may be called at'

28 Amend the bill in section 21 in §19123 in the 2nd paragraph in the first line (page 7,
29 line 3 in L.D.) by striking out the following: "perform an initial review of" and inserting
30 the following: 'review'

31 Amend the bill in section 21 in §19123 in the 2nd paragraph in the 3rd line (page 7,
32 line 5 in L.D.) by striking out the following: "secretary of the"

33 Amend the bill in section 21 in §19123 in the 3rd paragraph in the first line (page 7,
34 line 8 in L.D.) by striking out the following: "perform an initial review of" and inserting
35 the following: 'review'

36 Amend the bill in section 21 in §19123 in the 3rd paragraph in the 4th line (page 7,
37 line 11 in L.D.) by striking out the following: "19146" and inserting the following:
38 '19145'

1 Amend the bill in section 21 in §19123 in the 3rd paragraph in the 5th line (page 7,
2 line 12 in L.D.) by striking out the following: "19168" and inserting the following:
3 '19167'

4 Amend the bill in section 21 in §19123 by striking out all of subsections 1 and 2
5 (page 7, lines 18 to 22 in L.D.)

6 Amend the bill in section 21 in §19123 by striking out all of subsection 4 (page 7,
7 lines 25 and 26 in L.D.)

8 Amend the bill in section 21 in §19123 by striking out all of subsection 8 (page 7,
9 lines 34 and 35 in L.D.)

10 Amend the bill in section 21 in §19123 by striking out all of subsections 10 to 15
11 (page 8, lines 1 to 22 in L.D.) and inserting the following:

12 **10. Budget and staffing.** Shall submit to the Commissioner of Professional and
13 Financial Regulation its budgetary requirements in the same manner as provided in Title
14 5, section 1665, and the commissioner shall transmit these requirements to the Bureau of
15 the Budget without any revision, alteration or change unless alterations are mutually
16 agreed upon by the Department of Professional and Financial Regulation and the board or
17 the board's designee. The administrative expenses of staff and infrastructure of the Board
18 of Dental Examiners must be shared on a pro rata basis with the State Board of Dental
19 Hygiene. The board shall charge sufficient licensure fees to finance this pro rata sharing
20 of costs. The budget submitted by the board to the commissioner must be sufficient to
21 enable the board to comply with this chapter;

22 **11. Contracts.** May enter into contracts to ensure the provision of goods and
23 services necessary to perform regulatory functions and to fulfill statutory responsibilities;

24 **12. Fees.** Shall establish by rule fees for purposes authorized under this chapter in
25 amounts that are reasonable and necessary for the respective purposes, except that the fee
26 for any one purpose may not exceed \$250. Rules adopted pursuant to this subsection are
27 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and'

28 Amend the bill in section 21 in §19123 by renumbering the subsections to read
29 consecutively.

30 Amend the bill in section 21 in §19124 in subsection 1 in the 2nd line (page 8, line 28
31 in L.D.) by striking out the following: "shall" and inserting the following: 'may'

32 Amend the bill in section 21 in §19124 in subsection 1 in paragraph A in the last line
33 (page 9, line 9 in L.D.) by inserting after the following: "office" the following: '. In
34 consideration for acceptance of a voluntary surrender of the license, if a consent
35 agreement is signed by the board, the licensee and the Attorney General's office, may
36 negotiate stipulations, including terms and conditions for reinstatement, that ensure
37 protection of the public health and safety and that serve to rehabilitate or educate the
38 licensee'

39 Amend the bill in section 21 in §19124 in subsection 1 by striking out all of
40 paragraph B (page 9, lines 10 to 14 in L.D.)

41 Amend the bill in section 21 in §19124 in subsection 1 in paragraph C in the 2nd and
42 3rd lines (page 9, lines 16 and 17 in L.D.) by striking out the following: "refer the

1 complaint to a dental hygienist adjudicatory panel, convened pursuant to section 19129,
2 for the purpose of holding" and inserting the following: 'hold'

3 Amend the bill in section 21 in §19124 in subsection 1 in the last blocked paragraph
4 in the first and 2nd lines (page 9, lines 22 and 23 in L.D.) by striking out the following:
5 "Notwithstanding Title 10, section 8003, subsection 5, any nonconsensual revocation of a
6 license by a dental hygienist adjudicatory panel" and inserting the following: 'Any
7 nonconsensual revocation of a license by the board'

8 Amend the bill in section 21 in §19124 in subsection 1 by relettering the paragraphs
9 to read consecutively.

10 Amend the bill in section 21 in §19124 in subsection 2 by striking out all of
11 paragraph B (page 9, lines 34 to 36 in L.D.) and inserting the following:

12 'B. Misuse of alcohol, drugs or other substances that has resulted or may result in the
13 licensee's performing services in a manner that endangers the health or safety of
14 patients.'

15 Amend the bill in section 21 by striking out all of §19126 (page 10, lines 24 to 26 in
16 L.D.)

17 Amend the bill in section 21 by striking out all of §19128 (page 10, lines 30 to 37 in
18 L.D.) and inserting the following:

19 **§19128. Disposition of fees**

20 All money received by the board under this chapter must be paid to the Treasurer of
21 State and credited to the account of the State Board of Dental Hygiene, which is
22 established as a nonlapsing, dedicated fund. Amounts paid into this account may be used
23 only for the expenses incurred in the performance of the purposes of this chapter and the
24 duties imposed by this chapter and the promotion of dental hygiene education and
25 standards of dental hygiene care in this State.'

26 Amend the bill in section 21 by striking out all of §19129 (page 11, lines 1 to 38 and
27 page 12, lines 1 to 15 in L.D.)

28 Amend the bill in section 21 in §19143 in the first paragraph in the 3rd line (page 12,
29 line 33 in L.D.) by striking out the following: "determined by the board not to exceed
30 \$175" and inserting the following: 'as set by the board pursuant to section 19123'

31 Amend the bill in section 21 in §19144 in the first paragraph in the 6th and 7th lines
32 (page 13, line 7 and 8 in L.D.) by striking out the following: "of not more than \$175 to
33 be determined by the board" and inserting the following: 'as set by the board pursuant to
34 section 19123'

35 Amend the bill in section 21 in §19144 in the first paragraph in the 8th line (page 13,
36 line 9 in L.D.) by striking out the following: "of not more than \$50"

37 Amend the bill in section 21 in §19144 in the first paragraph in the 4th line from the
38 end (page 13, line 13 in L.D.) by striking out the following: "secretary of the"

39 Amend the bill in section 21 in §19144 in the first paragraph in the 4th line from the
40 end (page 13, line 13 in L.D.) by striking out the following: "determined by the board of

1 not more than \$175" and inserting the following: 'set by the board pursuant to section
2 19123'

3 Amend the bill in section 21 by striking out all of §19145 (page 13, lines 20 to 22 in
4 L.D.)

5 Amend the bill in section 21 in §19146 in the first paragraph by striking out all of the
6 last sentence (page 13, lines 27 and 28 in L.D.)

7 Amend the bill in section 21 by striking out of §19148 and inserting the following:

8 **'§19148. Licensure requirements for graduates of accredited programs**

9 In order to be licensed as a dental hygienist under this subchapter, a person who is a
10 graduate of a dental hygiene program approved by the American Dental Association
11 Commission on Dental Accreditation or its successor organization must meet one of the
12 following 2 sets of requirements:

13 **1. Licensure requirements; option 1.** An applicant for licensure under option 1
14 must:

15 A. Have received, at least, an associate degree from a dental hygiene program
16 accredited by the American Dental Association Commission on Dental Accreditation
17 or its successor organization and submit a transcript from the program affirming that
18 the applicant has met all applicable degree requirements;

19 B. Have completed with a passing grade the National Board Dental Hygiene
20 Examination or the successor to that examination;

21 C. Have completed with a passing grade the North East Regional Board of Dental
22 Examiners, Inc. dental hygiene examination or the successor to that examination; and

23 D. Have completed with a passing grade the jurisprudence examination given by the
24 board; or

25 **2. Licensure requirements; option 2.** An applicant for licensure under option 2
26 must:

27 A. Have graduated from an accredited dental hygiene program;

28 B. If the applicant graduated after 1964, have completed with a passing grade the
29 National Board Dental Hygiene Examination or the successor to that examination if
30 such an examination was required;

31 C. Have furnished proof satisfactory to the board that the applicant has been duly
32 licensed to practice dental hygiene in another state after full compliance with that
33 state's laws;

34 D. If the applicant graduated after 1970, have completed with a passing grade the
35 North East Regional Board of Dental Examiners, Inc. dental hygiene examination or
36 the successor to that examination if such an examination was required;

37 E. Have engaged in active clinical practice for a minimum of 3 years prior to
38 application; and

1 F. Have completed with a passing grade the jurisprudence examination given by the
2 board.

3 The board may at its discretion waive the North East Regional Board Dental Hygiene
4 Examination or the successor to that examination if all other requirements have been met.'

5 Amend the bill in section 21 in §19150 in the first line (page 15, line 8 in L.D.) by
6 striking out the following: "**Endorsement**" and inserting the following: '**Licensure by**
7 **endorsement**'

8 Amend the bill in section 21 in §19150 in the first paragraph in the 6th to 8th lines
9 (page 15, lines 14 to 16 in L.D.) by striking out the following: "An applicant for
10 licensure by endorsement who meets the requirements of this section must be interviewed
11 in person by the board prior to being issued a license."

12 Amend the bill in section 21 in §19150 in the first paragraph in the last 2 lines (page
13 15, lines 17 and 18 in L.D.) by striking out the following: "determined by the board, but
14 may not be more than \$175" and inserting the following: 'as set by the board pursuant to
15 section 19123'

16 Amend the bill in section 21 in §19164 in the first paragraph in the first line (page 16,
17 line 29 in L.D.) by striking out the following: "by endorsement"

18 Amend the bill in section 21 in §19164 in the first paragraph in the 2nd line (page 16,
19 line 30 in L.D.) by striking out the following: "19148, subsection 2 or section 19150"
20 and inserting the following: '19147, subsection 2 or section 19149'

21 Amend the bill in section 21 in §19165 in the first paragraph in the last 2 lines (page
22 17, lines 1 and 2 in L.D.) by striking out the following: "set under section 19167" and
23 inserting the following: 'as set by the board pursuant to section 19123'

24 Amend the bill in section 21 in §19166 in the first paragraph in the 3rd line (page 17,
25 line 6 in L.D.) by striking out the following: "19167" and inserting the following:
26 '19123'

27 Amend the bill in section 21 by striking out all of §19167 (page 17, lines 23 to 27 in
28 L.D.)

29 Amend the bill in section 21 in §19168 in the first paragraph by striking out all of the
30 last sentence (page 17, lines 32 to 34 in L.D.)

31 Amend the bill in section 21 in §19168 in the 2nd paragraph in the first line (page 17,
32 line 35 in L.D.) by striking out the following: "19146" and inserting the following:
33 '19145'

34 Amend the bill in section 21 in §19168 in the 3rd paragraph in the 2nd line (page 17,
35 line 39 in L.D.) by striking out the following: "19146" and inserting the following:
36 '19145'

37 Amend the bill in section 21 in §19170 in the first paragraph in the last line (page 18,
38 line 33 in L.D.) by striking out the following: "19169" and inserting the following:
39 '19168'

40 Amend the bill in section 21 by renumbering the sections to read consecutively.

1 Amend the bill in section 23 in subsection 1 in the last line (page 20, line 4 in L.D.)
 2 by striking out the following: "Hygienists" and inserting the following: 'Hygiene'

3 Amend the bill in section 23 by inserting at the end the following:

4 **3. Rules.** The rules of the Board of Dental Examiners applicable to dental
 5 hygienists that are in effect on the effective date of this Act remain in effect until
 6 amended or repealed by the State Board of Dental Hygiene.

7 **4. Staggered terms.** The terms of initial appointments to the State Board of Dental
 8 Hygiene pursuant to the Maine Revised Statutes, Title 32, section 19121 are staggered as
 9 follows: two members serve for 5-year terms; 2 members serve for 4-year terms; and one
 10 member serves for a 3-year term.'

11 Amend the bill by inserting after section 23 the following:

12 **'Sec. 24. Appropriations and allocations.** The following appropriations and
 13 allocations are made.

14 **ATTORNEY GENERAL, DEPARTMENT OF THE**

15 **Administration - Attorney General 0310**

16 Initiative: Provides funds for one part-time Assistant Attorney General position and
 17 related costs.

18	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
19	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
20	Personal Services	\$31,494	\$44,294
21	All Other	\$3,920	\$2,559
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$35,414</u>	<u>\$46,853</u>

24 **ATTORNEY GENERAL, DEPARTMENT OF**
 25 **THE**
 26 **DEPARTMENT TOTALS**

26		2013-14	2014-15
27			
28	OTHER SPECIAL REVENUE FUNDS	\$35,414	\$46,853
29			
30	DEPARTMENT TOTAL - ALL FUNDS	<u>\$35,414</u>	<u>\$46,853</u>

31 **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

32 **Dental Examiners - Board of 0384**

33 Initiative: Reduces funding for staff support and all other related costs as a result of
 34 sharing administrative and infrastructure costs on a pro rata basis with the Board of
 35 Dental Hygiene.

1	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
2	Personal Services	(\$42,104)	(\$59,601)
3	All Other	(\$24,456)	(\$29,606)
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$66,560)</u>	<u>(\$89,207)</u>

6 **State Board of Dental Hygiene N149**

7 Initiative: Provides funding for the pro rata share of administrative and infrastructure cost
8 to support the State Board of Dental Hygiene.

9	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
10	Personal Services	\$41,004	\$58,281
11	All Other	\$52,154	\$65,151
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$93,158</u>	<u>\$123,432</u>

14 **State Board of Dental Hygiene N149**

15 Initiative: Provides funding for the per diem costs for the members of the State Board of
16 Dental Hygiene.

17	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
18	Personal Services	\$2,750	\$3,520
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,750</u>	<u>\$3,520</u>

21 **State Board of Dental Hygiene N149**

22 Initiative: Provides funding for the initial start-up costs of the State Board of Dental
23 Hygiene.

24	GENERAL FUND	2013-14	2014-15
25	All Other	\$114,024	\$0
26			
27	GENERAL FUND TOTAL	<u>\$114,024</u>	<u>\$0</u>

28 **PROFESSIONAL AND FINANCIAL**
29 **REGULATION, DEPARTMENT OF**
30 **DEPARTMENT TOTALS**

31		2013-14	2014-15
32	GENERAL FUND	\$114,024	\$0
33	OTHER SPECIAL REVENUE FUNDS	\$29,348	\$37,745
34		<u></u>	<u></u>

1	DEPARTMENT TOTAL - ALL FUNDS	\$143,372	\$37,745
2	SECTION TOTALS	2013-14	2014-15
3			
4	GENERAL FUND	\$114,024	\$0
5	OTHER SPECIAL REVENUE FUNDS	\$64,762	\$84,598
6			
7	SECTION TOTAL - ALL FUNDS	\$178,786	\$84,598
8			

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
10 section number to read consecutively.

11 **SUMMARY**

12 This amendment makes the following changes to the bill:

13 1. It changes the name of the State Board of Dental Hygienists to the State Board of
14 Dental Hygiene;

15 2. It establishes the State Board of Dental Hygiene as an affiliated board with the
16 Department of Professional and Financial Regulation that shares resources with the Board
17 of Dental Examiners;

18 3. It adds provisions that explain that the administrative expenses for staff and
19 infrastructure of the Board of Dental Examiners must be shared on a pro rata basis with
20 the State Board of Dental Hygiene and provides that the State Board of Dental Hygiene is
21 required to charge sufficient licensure fees to finance the pro rata sharing of costs;

22 4. It removes all references in the bill that add an executive and assistant executive
23 director and a secretary to the board and removes other technical provisions relating to
24 the board's powers and duties that are not necessary to the board's primary
25 responsibilities;

26 5. It removes provisions in the bill that establish dental hygienist adjudicatory
27 panels;

28 6. It amends provisions in the bill relating to appointments to the board of public
29 health hygienists and independent practice dental hygienists to ensure the qualifications
30 for appointment accurately reflect the current statutory licensure requirements. It also
31 adds the requirement that one dental hygienist on the board be an active instructor in an
32 approved educational program in dental hygiene;

33 7. It establishes that any fees set by the board may not exceed \$250;

34 8. It removes provisions that require an in-person interview for applicants who had
35 completed the North East Regional Board of Dental Examiners, Inc. dental hygiene
36 examination more than one year prior to application for licensure and for applicants
37 seeking licensure by endorsement;

