

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in Part A in section 1 in §1078 in subsection 3 in paragraph A in the last line (page 1, line 36 in L.D.) by inserting after the following: "disposition;" the following: 'and'

Amend the bill in Part A in section 1 in §1078 in subsection 3 in paragraph B in the 7th and 8th lines (page 2, lines 7 and 8 in L.D.) by striking out the following: "disposition; and" and inserting the following: 'disposition.'

Amend the bill in Part A in section 1 in §1078 in subsection 3 by striking out all of paragraph C (page 2, lines 9 to 14 in L.D.)

Amend the bill in Part A by striking out all of section 2 and inserting the following:

'**Sec. A-2. 32 MRSA §1079**, as amended by PL 2005, c. 289, §1, is further amended to read:

### **§ 1079. Subcommittee on Dental Hygienists**

The Subcommittee on Dental ~~Hygienist Submissions~~Hygienists, referred to in this section as "the subcommittee," is established as follows:

**1. Membership.** The subcommittee consists of 5 members, as follows:

- A. A dental hygienist who is a member of the board;
- B. Two dental hygienists, appointed by the Governor, who are qualified pursuant to subchapter 6, are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and
- C. Two dentists who are members of the board, appointed by the president of the board.

The subcommittee shall annually elect a chair and a secretary.

**2. Terms.** Each of the 3 members of the subcommittee who also are members of the board shall serve on the subcommittee for the duration of that member's term on the board. The term of a member of the subcommittee who is not a member of the board is 5 years.

**3. Duties.** The subcommittee shall perform an initial review of all applications for licensure as a dental hygienist pursuant to section 1097, all submissions relating to continuing education of dental hygienists pursuant to sections 1098-B and 1099 and all submissions relating to public health supervision status of dental hygienists as defined by board rule. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or nonrenewal of a dental hygienist license. Notwithstanding the provisions of section 1098, the board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition.

A. Perform an initial review of all complaints initiated pursuant to section 1077 involving dental hygienists. Upon completion of its review of a complaint, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the complaint in accordance with those dispositions authorized by section 1077. Notwithstanding the provisions of section 1077, the board shall adopt the subcommittee's recommended disposition of a complaint unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition; and

B. Perform an initial review of all applications for licensure as a dental hygienist pursuant to section 1097, all submissions relating to continuing education of dental hygienists pursuant to sections 1098-B and 1099 and all submissions relating to public health supervision status of dental hygienists as defined by board rule. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or nonrenewal of a dental hygienist license. Notwithstanding the provisions of section 1098, the board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition.

**4. Compensation.** The members of the subcommittee are entitled to compensation according to the provisions of Title 5, chapter 379. Expenses of the subcommittee members must be certified by the secretary of the board.'

Amend the bill in Part A by inserting after section 2 the following:

'**Sec. A-3. 32 MRSA §1099**, as amended by PL 2005, c. 289, §3, is further amended to read:

### **§ 1099. Endorsement**

The board may at its discretion, without examination, issue a license to an applicant to practice dental hygiene who furnishes proof satisfactory to the board that the dental hygienist has been duly licensed for at least 3 years to practice in another state or a Canadian province after full compliance with the requirements of its dental laws, except that the professional education may not be less than is required in this State. The board may require letters of reference as to ability. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the Subcommittee on Dental Hygienist SubmissionsHygienists, as established in section 1079 prior to being issued a license. Every license so given must state upon its face that it was granted on the basis of endorsement. The fee for that license must be determined by the board, but may not be more than \$175.'

Amend the bill in Part B in section 1 in §1094-I in the first paragraph in the 3rd and 4th lines (page 2, lines 32 and 33 in L.D.) by striking out the following: "An independent practice dental hygienist, or a person employing one or more independent practice dental hygienists," and inserting the following: 'Any licensee of the board'

Amend the bill in Part C by striking out all of sections 11, 12 and 13.

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

## **SUMMARY**

This amendment provides the Subcommittee on Denturists and the Subcommittee on Dental Hygienists with equal authority to review applications for licensure and submissions relating to continuing education, as well as initial review of all complaints. It removes all references to the rule-making authority provided to these subcommittees in the bill. It also requires that a proprietor of a business where independent practice dental hygiene is performed be a licensee of the Board of Dental Examiners.