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No. 671

H.P. 452

House of Representatives, March 3, 2015

**An Act To Allow Independent Practice Dental Hygienists To Take
X-rays**

(EMERGENCY)

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative SIROCKI of Scarborough.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** pursuant to Resolve 2011, chapters 67 and 153, independent practice
4 dental hygienists in certain underserved areas of the State are allowed to expose and
5 process radiographs; and

6 **Whereas,** this authorization is set to expire on March 15, 2015; and

7 **Whereas,** this legislation, which continues the authorization and expands its
8 application to the entire State, needs to take effect prior to March 15, 2015 to avoid an
9 interruption in the services; and

10 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
11 the meaning of the Constitution of Maine and require the following legislation as
12 immediately necessary for the preservation of the public peace, health and safety; now,
13 therefore,

14 **Be it enacted by the People of the State of Maine as follows:**

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

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

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

23 **Sec. 2. 32 MRSA §1094-Q, sub-§1, ¶P** is enacted to read:

24 P. Expose and process radiographs, including but not limited to vertical and
25 horizontal bitewing films, periapical films, panoramic images and full-mouth series,
26 under protocols developed by the board.

27 **Sec. 3. Rules.** The Department of Professional and Financial Regulation, Board of
28 Dental Examiners shall adopt rules to allow independent practice dental hygienists to
29 expose and process radiographs pursuant to the Maine Revised Statutes, Title 32, section
30 1094-Q, subsection 1, paragraph P. The rules must require that an independent practice
31 dental hygienist have a written agreement with a licensed dentist providing that the
32 dentist will be available to interpret all dental radiographs within 21 days from the date
33 the radiograph is taken and that the dentist will sign a radiographic review and findings
34 form. Rules adopted pursuant to this section are routine technical rules as defined in Title
35 5, chapter 375, subchapter 2-A.

36 **Emergency clause.** In view of the emergency cited in the preamble, this
37 legislation takes effect when approved.

1 **SUMMARY**

2 Under a pilot project that is scheduled to expire on March 15, 2015, independent
3 practice dental hygienists are allowed to expose and process radiographs in areas of the
4 State that have been designated by the United States Department of Health and Human
5 Services as dental health professional shortage areas.

6 This bill continues the authority of these independent practice dental hygienists to
7 expose and process radiographs indefinitely, under the same restrictions as imposed under
8 the pilot project, except that the authorization applies in the entire State.