

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Date: (Filing No. H-)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND 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 2 in subsection 4 in the 4th line (page 1, line 11 in L.D.) by striking out the following: "141" and inserting the following: '143'

Amend the bill in section 4 in subsection 1 in the 4th line (page 2, line 6 in L.D.) by striking out the following: "141" and inserting the following: '143'

Amend the bill in section 5 in subsection 1 in the 4th line (page 2, line 14 in L.D.) by striking out the following: "141" and inserting the following: '143'

Amend the bill in section 6 in subsection 1 in the 4th line (page 2, line 22 in L.D.) by striking out the following: "141" and inserting the following: '143'

Amend the bill in section 14 in paragraph H in the first line (page 3, line 33 in L.D.) by striking out the following: "141" and inserting the following: '143'

Amend the bill in section 16 in subsection 6 in the 2nd line (page 4, line 19 in L.D.) by striking out the following: "141" and inserting the following: '143'

COMMITTEE AMENDMENT

1 Amend the bill in section 18 in §1100-A in the first paragraph in the 4th line (page 4,
2 line 30 in L.D.) by striking out the following: "19169" and inserting the following:
3 '19168'

4 Amend the bill in section 19 in paragraph A in the first line (page 4, line 36 in L.D.)
5 by striking out the following: "141" and inserting the following: '143'

6 Amend the bill in section 20 in paragraph A in the first line (page 4, line 39 in L.D.)
7 by striking out the following: "141" and inserting the following: '143'

8 Amend the bill in section 21 in the first line (page 5, line 1 in L.D.) by striking out
9 the following: "**c. 141**" and inserting the following: '**c. 143**'

10 Amend the bill in section 21 in the 2nd line (page 5, line 2 in L.D.) by striking out the
11 following: "**CHAPTER 141**" and inserting the following: '**CHAPTER 143**'

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

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

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

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

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

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

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

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

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

35 Amend the bill in section 21 in §19122 by striking out all of subsections 2 to 4 (page
36 6, lines 16 to 32 in L.D.) and inserting the following:

37 '2. Public health dental hygienist. One dental hygienist with public health
38 supervision status as described in section 19148 who holds a current state license to
39 practice dental hygiene;

1 **3. Independent practice dental hygienist.** One independent practice dental
2 hygienist who holds a current state license as an independent practice dental hygienist;
3 and

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

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

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

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

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

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

18 Amend the bill in section 21 in §19123 in the 3rd paragraph in the 4th line (page 7,
19 line 11 in L.D.) by striking out the following: "19146" and inserting the following:
20 '19145'

21 Amend the bill in section 21 in §19123 in the 3rd paragraph in the 5th line (page 7,
22 line 12 in L.D.) by striking out the following: "19168" and inserting the following:
23 '19167'

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

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

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

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

32 '**10. Budget and staffing.** Shall submit to the Commissioner of Professional and
33 Financial Regulation its budgetary requirements in the same manner as provided in Title
34 5, section 1665, and the commissioner shall transmit these requirements to the Bureau of
35 the Budget without any revision, alteration or change unless alterations are mutually
36 agreed upon by the Department of Professional and Financial Regulation and the board or
37 the board's designee. The administrative expenses of staff and infrastructure of the Board
38 of Dental Examiners must be shared on a pro rata basis with the State Board of Dental
39 Hygiene. The board shall charge sufficient licensure fees to finance this pro rata sharing
40 of costs. The budget submitted by the board to the commissioner must be sufficient to
41 enable the board to comply with this chapter;

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

3 12. Fees. Shall establish by rule fees for purposes authorized under this chapter in
4 amounts that are reasonable and necessary for the respective purposes, except that the fee
5 for any one purpose may not exceed \$175. Rules adopted pursuant to this subsection are
6 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and'

7 Amend the bill in section 21 in §19123 by renumbering the subsections to read
8 consecutively.

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

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

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

20 Amend the bill in section 21 in §19124 in subsection 1 in paragraph C in the 2nd and
21 3rd lines (page 9, lines 16 and 17 in L.D.) by striking out the following: "refer the
22 complaint to a dental hygienist adjudicatory panel, convened pursuant to section 19129,
23 for the purpose of holding" and inserting the following: 'hold'

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

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

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

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

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

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

1 **'§19128. Disposition of fees**

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

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

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

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

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

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

21 Amend the bill in section 21 in §19144 in the first paragraph in the 4th line from the
22 end (page 13, line 13 in L.D.) by striking out the following: "determined by the board of
23 not more than \$175" and inserting the following: 'set by the board pursuant to section
24 19123'

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

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

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

30 **'§19148. Licensure requirements for graduates of accredited programs**

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

35 **1. Licensure requirements; option 1.** An applicant for licensure under option 1
36 must:

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

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

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

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

7 **2. Licensure requirements; option 2.** An applicant for licensure under option 2
8 must:

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

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

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

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

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

21 F. Have completed with a passing grade the jurisprudence examination given by the
22 board.

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

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

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

32 Amend the bill in section 21 in §19150 in the first paragraph in the last 2 lines (page
33 15, lines 17 and 18 in L.D.) by striking out the following: "determined by the board, but
34 may not be more than \$175" and inserting the following: 'as set by the board pursuant to
35 section 19123'

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

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

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

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

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

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

11 Amend the bill in section 21 in §19168 in the 2nd paragraph in the first line (page 17,
12 line 35 in L.D.) by striking out the following: "19146" and inserting the following:
13 '19145'

14 Amend the bill in section 21 in §19168 in the 3rd paragraph in the 2nd line (page 17,
15 line 39 in L.D.) by striking out the following: "19146" and inserting the following:
16 '19145'

17 Amend the bill in section 21 in §19170 in the first paragraph in the last line (page 18,
18 line 33 in L.D.) by striking out the following: "19169" and inserting the following:
19 '19168'

20 Amend the bill in section 21 in chapter 141 by renumbering the sections to read
21 consecutively.

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

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

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

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

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

33 **Sec. 24. Transfer.** Notwithstanding any other provision of law, the State
34 Controller shall transfer \$211,820 from available balances in the Board of Dental
35 Examiners, Other Special Revenue Funds account to the State Board of Dental Hygiene,
36 Other Special Revenue Funds account no later than August 15, 2014 to cover the initial
37 start-up costs of the State Board of Dental Hygiene.

38 **Sec. 25. Appropriations and allocations.** The following appropriations and
39 allocations are made.

40 ATTORNEY GENERAL, DEPARTMENT OF THE

1 **Administration - Attorney General 0310**

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

4	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
5	POSITIONS - LEGISLATIVE COUNT	0.000	0.500
6	Personal Services	\$0	\$40,603
7	All Other	\$0	\$4,346
8			
9	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$44,949

10 **ATTORNEY GENERAL, DEPARTMENT OF**
11 **THE**
12 **DEPARTMENT TOTALS**

12		2013-14	2014-15
13			
14	OTHER SPECIAL REVENUE FUNDS	\$0	\$44,949
15			
16	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$44,949

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

18 **Dental Examiners - Board of 0384**

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

22	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
23	Personal Services	\$0	(\$53,821)
24	All Other	\$0	(\$28,559)
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$82,380)

27 **State Board of Dental Hygiene N149**

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

30	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
31	Personal Services	\$0	\$53,425
32	All Other	\$0	\$61,595
33			
34	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$115,020

1 **State Board of Dental Hygiene N149**
 2 Initiative: Provides funding for the per diem costs for the members of the State Board of
 3 Dental Hygiene.

4	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
5	Personal Services	\$0	\$3,245
6			
7	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$3,245</u>

8	PROFESSIONAL AND FINANCIAL		
9	REGULATION, DEPARTMENT OF		
10	DEPARTMENT TOTALS	2013-14	2014-15
11			
12	OTHER SPECIAL REVENUE FUNDS	\$0	\$35,885
13			
14	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$35,885</u>

15	SECTION TOTALS	2013-14	2014-15
16			
17	OTHER SPECIAL REVENUE FUNDS	\$0	\$80,834
18			
19	SECTION TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$80,834</u>
20			

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

23 **SUMMARY**

24 This amendment makes the following changes to the bill:

25 1. It changes the name of the State Board of Dental Hygienists to the State Board of
 26 Dental Hygiene;

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

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

34 4. It removes all references in the bill that add an executive and assistant executive
 35 director and a secretary to the board and removes other technical provisions relating to

1 the board's powers and duties that are not necessary to the board's primary
2 responsibilities;

3 5. It removes provisions in the bill that establish dental hygienist adjudicatory
4 panels;

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

10 7. It establishes that any fees set by the board may not exceed \$175;

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

15 9. It adds 2 unallocated transition provisions to provide that the rules of the Board of
16 Dental Examiners applicable to dental hygienists that are in effect on the effective date of
17 this legislation remain in effect until amended or repealed by the State Board of Dental
18 Hygiene and establishes staggered terms for initial appointments to that board;

19 10. It requires the State Controller to transfer \$211,820 from available balances in
20 the Board of Dental Examiners, Other Special Revenue Funds account to the State Board
21 of Dental Hygiene, Other Special Revenue Funds account no later than August 15, 2014
22 to cover the initial start-up costs of the State Board of Dental Hygiene;

23 11. It changes the allocation of the provisions establishing the State Board of Dental
24 Hygiene to the Maine Revised Statutes, Title 32, chapter 143 to avoid a numbering
25 conflict; and

26 12. It adds an appropriations and allocations section.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**