

CHAPTER 143
DENTAL PROFESSIONS
SUBCHAPTER 1
GENERAL PROVISIONS

§18301. Short title

This chapter may be known and cited as "the Dental Practice Act." [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 429, §21 (NEW).]

1. Board. "Board" means the Board of Dental Practice established in Title 5, section 12004-A, subsection 10.

[PL 2015, c. 429, §21 (NEW).]

2. Charitable dentist license.

[PL 2017, c. 388, §1 (RP).]

3. Clinical dentist educator license.

[PL 2017, c. 388, §1 (RP).]

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[PL 2015, c. 429, §21 (NEW).]

5. Dental auxiliary. "Dental auxiliary" means a dental radiographer, expanded function dental assistant, dental hygienist, independent practice dental hygienist, public health dental hygienist, dental therapist or denturist.

[PL 2019, c. 388, §5 (AMD).]

6. Dental hygiene. "Dental hygiene" means the delivery of preventative, educational and clinical services supporting total health for the control of oral disease and the promotion of oral health provided by a dental hygienist in accordance with this chapter.

[PL 2015, c. 429, §21 (NEW).]

6-A. Dental hygiene diagnosis. "Dental hygiene diagnosis" means the identification of an existing oral health problem that a dental hygienist is qualified and licensed to treat.

[PL 2023, c. 354, §1 (NEW).]

7. Dental therapist. "Dental therapist" means a person who holds a valid license as a dental hygienist issued by the board and is authorized to practice dental therapy under this chapter.

[PL 2019, c. 388, §5 (AMD).]

8. Dental therapy. "Dental therapy" means the delivery of dental hygiene services, including performance of certain dental procedures in accordance with this chapter.

[PL 2019, c. 388, §5 (AMD).]

9. Dental hygienist. "Dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board.

[PL 2015, c. 429, §21 (NEW).]

10. Dental radiographer. "Dental radiographer" means a person who holds a valid license as a dental radiographer issued by the board.

[PL 2015, c. 429, §21 (NEW).]

11. Dental radiography. "Dental radiography" means the use of ionizing radiation on the maxilla, mandible and adjacent structures of human beings for diagnostic purposes while under the general supervision of a dentist or an independent practice dental hygienist in accordance with this chapter.

[PL 2017, c. 388, §2 (AMD).]

12. Dentist. "Dentist" means a person who holds a valid dentist license issued by the board.

[PL 2015, c. 429, §21 (NEW).]

13. Dentistry. "Dentistry" means the scope of practice for a dentist as described in section 18371.

[PL 2015, c. 429, §21 (NEW).]

14. Denture. "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be worn in the human mouth to replace any missing natural teeth.

[PL 2015, c. 429, §21 (NEW).]

15. Denturism. "Denturism" means the process of obtaining denture impressions and bite registrations for the purpose of making, producing, reproducing, constructing, finishing, supplying, altering or repairing a denture to be fitted to an edentulous or partially edentulous arch or arches and the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure, in accordance with this chapter.

[PL 2017, c. 388, §3 (AMD).]

16. Denturist. "Denturist" means a person who holds a valid denturist license issued by the board.

[PL 2015, c. 429, §21 (NEW).]

17. Department. "Department" means the Department of Professional and Financial Regulation.

[PL 2015, c. 429, §21 (NEW).]

18. Direct supervision. "Direct supervision" means the supervision required of those tasks and procedures requiring the physical presence of the supervisor in the practice setting at the time such tasks or procedures are being performed. In order to provide direct supervision of patient treatment, the supervisor must at least identify or diagnose the condition to be treated and authorize the treatment procedure prior to implementation.

[PL 2021, c. 223, §1 (AMD).]

18-A. Director. "Director" means the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation.

[PL 2023, c. 17, Pt. P, §5 (NEW).]

19. Expanded function dental assistant. "Expanded function dental assistant" means a person who holds a valid expanded function dental assistant license issued by the board.

[PL 2015, c. 429, §21 (NEW).]

20. Expanded function dental assisting. "Expanded function dental assisting" means performing certain dental procedures under the supervision of a dentist in accordance with this chapter.

[PL 2015, c. 429, §21 (NEW).]

21. Faculty. "Faculty" means, when used in conjunction with a license issued under this chapter, the authority granted to an individual who is authorized to practice only within the school setting,

including any satellite locations approved by the board, and who teaches dentistry, dental hygiene or denturism as part of a clinical and didactic program.

[PL 2015, c. 429, §21 (NEW).]

22. General supervision. "General supervision" means the supervision of those tasks and procedures that do not require the physical presence of the supervisor in the practice setting while procedures are being performed but do require the tasks and procedures to be performed with the prior knowledge and consent of the supervisor.

[PL 2021, c. 223, §2 (AMD).]

23. Independent practice dental hygienist. "Independent practice dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice independent dental hygiene.

[PL 2015, c. 429, §21 (NEW).]

24. License.

[PL 2023, c. 17, Pt. P, §6 (RP).]

25. Limited dentist. "Limited dentist" means a dentist who has retired from the regular practice of dentistry and who holds a valid license issued by the board to practice only in a nonprofit clinic without compensation for work performed at the clinic. Services provided by a limited dentist must be in accordance with this chapter.

[PL 2015, c. 429, §21 (NEW).]

26. Local anesthesia. "Local anesthesia" means a drug, element or other material that results in a state of insensibility of a circumscribed area or the loss of sensation in some definite, localized area without inhibition of conscious processes.

[PL 2015, c. 429, §21 (NEW).]

27. Nitrous oxide analgesia. "Nitrous oxide analgesia" means a gas containing nitrous oxide used to induce a controlled state of relative analgesia with the goal of controlling anxiety.

[PL 2015, c. 429, §21 (NEW).]

28. Practice setting. "Practice setting" means the physical location where services authorized under this chapter are provided to the public.

[PL 2015, c. 429, §21 (NEW).]

29. Provisional dental therapist. "Provisional dental therapist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice dental therapy under the supervision of a dentist in accordance with this chapter.

[PL 2019, c. 388, §6 (AMD).]

30. Public health dental hygiene. "Public health dental hygiene" means the delivery of certain dental hygiene services under a written supervision agreement with a dentist for the purpose of providing services in a public health setting in accordance with this chapter.

[PL 2015, c. 429, §21 (NEW).]

31. Public health dental hygienist. "Public health dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice public health dental hygiene in accordance with this chapter.

[PL 2015, c. 429, §21 (NEW).]

32. Public health setting. "Public health setting" means a place where the practice of public health dental hygiene occurs, and includes, but is not limited to, public and private schools, medical facilities, nursing homes, residential care facilities, mobile units, nonprofit organizations and community health centers.

[PL 2015, c. 429, §21 (NEW).]

33. Resident dentist license. "Resident dentist license" means the authority granted to an individual who is a graduate of an approved dental school or college, who is not licensed to practice dentistry in this State and is authorized to practice under the direct or general supervision and direction of a dentist in a board-approved setting in accordance with this chapter.

[PL 2015, c. 429, §21 (NEW).]

34. Reversible intraoral procedures.

[PL 2017, c. 388, §4 (RP).]

35. Supervision. "Supervision" means either direct supervision or general supervision as determined by the tasks and procedures that are being performed in accordance with this chapter.

[PL 2021, c. 223, §3 (NEW).]

36. Supervisor. "Supervisor" means an individual licensed by the board and authorized to provide supervision under this chapter.

[PL 2021, c. 223, §4 (NEW).]

37. Teledentistry. "Teledentistry," as it pertains to the delivery of oral health care services, means the use of interactive, real-time visual, audio or other electronic media for the purposes of education, assessment, examination, diagnosis, treatment planning, consultation and directing the delivery of treatment by individuals licensed under this chapter and includes synchronous encounters, asynchronous encounters, remote patient monitoring and mobile oral health care in accordance with practice guidelines specified in rules adopted by the board.

[PL 2021, c. 223, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§1-4 (AMD). PL 2019, c. 388, §§5, 6 (AMD). PL 2021, c. 223, §§1-5 (AMD). PL 2023, c. 17, Pt. P, §§5, 6 (AMD). PL 2023, c. 354, §1 (AMD).

§18303. Individual license

Only an individual may be licensed under this chapter and only a licensed individual may provide services for which a license is required under this chapter. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18304. License required

1. Unlicensed practice. Except as provided in section 18305 and section 18371, subsections 3 and 6, a person may not practice or profess to be authorized to practice the activities described in this chapter without a license or during any period when that person's license has expired or has been suspended or revoked.

[PL 2015, c. 429, §21 (NEW).]

2. Unlawful practice. A person may not:

A. Practice dentistry under a false or assumed name; [PL 2015, c. 429, §21 (NEW).]

B. Practice dentistry under the name of a corporation, company, association, parlor or trade name; [PL 2015, c. 429, §21 (NEW).]

C. While manager, proprietor, operator or conductor of a place for performing dental operations, employ a person who is not a lawful practitioner of dentistry in this State to perform dental practices as described in section 18371; [PL 2015, c. 429, §21 (NEW).]

D. While manager, proprietor, operator or conductor of a place for performing dental operations, permit a person to practice dentistry under a false name; [PL 2015, c. 429, §21 (NEW).]

E. Assume a title or append a prefix or letters following that person's name that falsely represent the person as having a degree from a dental college; [PL 2015, c. 429, §21 (NEW).]

F. Impersonate another at an examination held by the board; [PL 2015, c. 429, §21 (NEW).]

G. Knowingly make a false application or false representation in connection with an examination held by the board; or [PL 2015, c. 429, §21 (NEW).]

H. Employ an unlicensed person to provide services for which a license is required by this chapter. [PL 2017, c. 388, §5 (AMD).]

[PL 2017, c. 388, §5 (AMD).]

3. Penalties. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2015, c. 429, §21 (NEW).]

4. Injunction.

[PL 2023, c. 17, Pt. P, §7 (RP).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §5 (AMD). PL 2023, c. 17, Pt. P, §7 (AMD).

§18305. Persons and practices not affected; exemptions

1. Persons and practices not affected. Nothing in this chapter may be construed to limit, enlarge or affect the practice of persons licensed to practice medicine, osteopathy or dentistry in this State. Nothing in this chapter may be construed to prohibit a duly qualified dental surgeon or dental hygienist from performing work or services performed by a denturist licensed under this chapter to the extent those persons are authorized to perform the same services under other state law.

[PL 2015, c. 429, §21 (NEW).]

2. Exemptions. The requirement of a license under this chapter does not apply to:

A. A resident physician or a student enrolled in and attending a school or college of medicine or osteopathy; [PL 2015, c. 429, §21 (NEW).]

B. A licensed physician or surgeon who practices under the laws of this State, unless that person practices dentistry as a specialty; [PL 2015, c. 429, §21 (NEW).]

C. A qualified anesthetist or nurse anesthetist who provides an anesthetic for a dental operation; a certified registered nurse under the direct supervision of either a licensed dentist who holds a valid sedation or general anesthesia permit or a licensed physician who provides an anesthetic for a dental operation; a certified registered nurse under the direct supervision of a licensed dentist or physician who removes sutures, dresses wounds or applies dressings and bandages; and a certified registered nurse under the direct supervision of a licensed dentist or physician who injects drugs subcutaneously or intravenously; [PL 2015, c. 429, §21 (NEW).]

D. A person serving in the United States Armed Forces or the United States Department of Health and Human Services, Public Health Service or employed by the United States Department of Veterans Affairs or other federal agency while performing official duties, if the duties are limited to that service or employment; [PL 2015, c. 429, §21 (NEW).]

E. A graduate dentist or dental surgeon in the United States Army, Navy or Air Force; the United States Department of Health and Human Services, Public Health Service; the United States Coast Guard; or United States Department of Veterans Affairs who practices dentistry in the discharge of official duties; [PL 2015, c. 429, §21 (NEW).]

F. A person having a current license to perform radiologic technology pursuant to section 9854 and who is practicing dental radiography under the general supervision of a dentist or physician; [PL 2015, c. 429, §21 (NEW).]

G. A dentist licensed in another state or country at meetings of the Maine Dental Association or its affiliates or other like dental organizations approved by the board, while appearing as a clinician; [PL 2015, c. 429, §21 (NEW).]

H. Any person, association, corporation or other entity who fills a prescription from a dentist for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth; [PL 2015, c. 429, §21 (NEW).]

I. A dental laboratory technician constructing, altering, repairing or duplicating a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance with a prescription as set forth in section 18371, subsection 6; [PL 2015, c. 429, §21 (NEW).]

J. A student enrolled in a dental assisting program or a board-approved dental program, dental hygiene program, dental therapy program, expanded function dental assisting program, dental radiography program or denturism program practicing under the direct or general supervision of that student's instructors; and [PL 2017, c. 388, §6 (AMD).]

K. [PL 2017, c. 388, §7 (RP).]

L. An individual licensed under this chapter who is registered and practicing under the direct supervision of a dentist as set forth in section 18348, subsection 2 or 3 for the purpose of obtaining clinical experience needed for meeting the requirements to administer sedation, local anesthesia or general anesthesia. [PL 2015, c. 429, §21 (NEW).]

[PL 2017, c. 388, §§6, 7 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§6, 7 (AMD).

§18306. Fraudulent sale or alteration of diplomas or licenses

1. Fraudulent or altered diploma or license; bribery. A person may not:

A. Sell or offer to sell a diploma conferring a dental degree or license granted pursuant to the laws of this State; [PL 2015, c. 429, §21 (NEW).]

B. Procure a license or diploma with intent that it be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or license was conferred; [PL 2015, c. 429, §21 (NEW).]

C. With fraudulent intent alter a diploma or license to practice dentistry; [PL 2015, c. 429, §21 (NEW).]

D. Use or attempt to use an altered diploma or license; or [PL 2015, c. 429, §21 (NEW).]

E. Attempt to bribe a member of the board by the offer or use of money or other pecuniary reward or by other undue influence. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

2. Penalty. A person who violates this section commits a Class E crime. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18307. Review committee immunity

A dentist who is a member of a peer review committee of a state or local association or society composed of doctors of dentistry, a staff member of such an association or society assisting a peer review committee and a witness or consultant appearing before or presenting information to the peer review committee are immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18308. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing. Except as provided in subsection 2, an individual licensed under this chapter whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100 morphine milligram equivalents of opioid medication per day; [PL 2015, c. 488, §32 (NEW).]

B. To a patient who, on the effective date of this section, has an active prescription for opioid medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day; [PL 2015, c. 488, §32 (NEW).]

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. For purposes of this paragraph, "chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or [PL 2015, c. 488, §32 (NEW).]

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid medication to a patient under treatment for acute pain unless the opioid product is labeled by the federal Food and Drug Administration to be dispensed only in a stock bottle that exceeds a 7-day supply as prescribed, in which case the amount dispensed may not exceed a 14-day supply. For purposes of this paragraph, "acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A. [PL 2017, c. 213, §20 (AMD).]

[PL 2017, c. 213, §20 (AMD).]

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

(1) Pain associated with active and aftercare cancer treatment;

(2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;

(3) End-of-life and hospice care;

(4) Medication-assisted treatment for substance use disorder; or

(5) Other circumstances determined in rule by the Department of Health and Human Services pursuant to Title 22, section 7254, subsection 2; and [PL 2015, c. 488, §32 (NEW).]

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility or in connection with a surgical procedure.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B. [PL 2017, c. 213, §21 (AMD).]
[PL 2017, c. 213, §21 (AMD).]

3. Electronic prescribing. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication and who has the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

[PL 2015, c. 488, §32 (NEW).]

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 488, §32 (NEW).]

5. Penalties. An individual who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

[PL 2015, c. 488, §32 (NEW).]

6. Opioid medication policy. No later than January 1, 2018, a health care entity that includes an individual licensed under this chapter whose scope of practice includes prescribing opioid medication must have in place an opioid medication prescribing policy that applies to all prescribers of opioid medications employed by the entity. The policy must include, but is not limited to, procedures and practices related to risk assessment, informed consent and counseling on the risk of opioid use. For the purposes of this subsection, "health care entity" has the same meaning as in Title 22, section 1718-B, subsection 1, paragraph B.

[PL 2017, c. 186, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 488, §32 (NEW). PL 2017, c. 186, §5 (AMD). PL 2017, c. 213, §§20, 21 (AMD).

SUBCHAPTER 2

BOARD OF DENTAL PRACTICE

§18321. Board creation; declaration of policy; compensation

1. Board creation; declaration of policy. The Board of Dental Practice, as established in Title 5, section 12004-A, subsection 10, is created within this subchapter, its sole purpose being to protect the public health and welfare. The board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the

professions regulated by the board by testing, licensing, regulating and disciplining practitioners of those regulated professions.

[PL 2015, c. 429, §21 (NEW).]

2. Compensation.

[PL 2023, c. 17, Pt. P, §8 (RP).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §8 (AMD).

§18322. Board membership

1. Membership; terms; removal. The board consists of 9 members appointed by the Governor as follows:

A. Five dentists. Each dentist member must hold a valid dental license under this chapter and must have been in the actual practice of dentistry in this State for at least 10 years immediately preceding appointment. A dentist is not eligible to serve as a member of the board while employing a dental hygienist or a denturist who is a member of the board; [PL 2015, c. 429, §21 (NEW).]

B. Two dental hygienists. Each dental hygienist member must hold a valid dental hygiene license under this chapter and must have practiced in the State for at least 6 years immediately preceding appointment. A dental hygienist is not eligible to serve as a member of the board while employed by a dentist who is a member of the board; [PL 2015, c. 429, §21 (NEW).]

C. One denturist. The denturist member must hold a valid denturist license under this chapter and must have practiced in the State for at least 6 years immediately preceding appointment. A denturist is not eligible to serve as a member of the board while employed by a dentist who is a member of the board; and [PL 2015, c. 429, §21 (NEW).]

D. One public member. The public member must be a person who has no financial interest in the dental profession and has never been licensed, certified or given a permit in this or any other state for the dental profession. [PL 2015, c. 429, §21 (NEW).]

The Governor may accept nominations from professional associations and from other organizations and individuals. A member of the board must be a legal resident of the State. A person who has been convicted of a violation of the provisions of this Act or any prior dental practice act, or who has been convicted of a crime punishable by more than one year's imprisonment, is not eligible for appointment to the board. Appointments of members must comply with Title 10, section 8009.

[PL 2015, c. 429, §21 (NEW).]

2. Terms. Terms of the members of the board are for 5 years. A person who has served 10 years or more on a dental examining board in this State is not eligible for appointment to the board. A member may be removed by the Governor for cause.

[PL 2015, c. 429, §21 (NEW).]

3. Quorum; chair; vice-chair.

[PL 2023, c. 17, Pt. P, §9 (RP).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §9 (AMD).

§18323. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter: [PL 2015, c. 429, §21 (NEW).]

1. Hearings and procedures.

[PL 2023, c. 17, Pt. P, §10 (RP).]

2. Complaints.

[PL 2023, c. 17, Pt. P, §11 (RP).]

3. Fees.

[PL 2023, c. 17, Pt. P, §12 (RP).]

4. Budget.

[PL 2023, c. 17, Pt. P, §13 (RP).]

5. Adequacy of budget, fees and staffing.

[PL 2023, c. 17, Pt. P, §14 (RP).]

6. Executive director; duties.

[PL 2023, c. 17, Pt. P, §15 (RP).]

7. Authority to delegate.

[PL 2023, c. 17, Pt. P, §16 (RP).]

8. Protocols for professional review committee. The authority to establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired licensee under this chapter from seeking alternative forms of treatment; and
[PL 2015, c. 429, §21 (NEW).]

9. Authority to order a mental or physical examination. The authority to direct a licensee, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination whenever the board determines the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that prevents the licensee from practicing competently and with safety to patients. A licensee examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. The board may petition the District Court for immediate suspension of a license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection.

[PL 2015, c. 429, §21 (NEW).]

10. Subpoena authority. In addition to the powers under Title 10, section 8003, subsection 5-A, the power to issue subpoenas in accordance with the terms of Title 5, section 9060, except that the authority applies to any stage of an investigation and is not limited to an adjudicatory proceeding.

[PL 2023, c. 17, Pt. P, §17 (NEW).]

11. Assessment of costs. When there is a finding of a violation, the power to assess the licensee for all or part of the actual expenses incurred by the board or its agents for investigations and enforcement duties performed. For the purposes of this subsection, "actual expenses" includes, but is not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record.

The board, as soon as feasible after a finding of a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board, which may not be less than 30 days after notice of the assessment.

[PL 2023, c. 17, Pt. P, §18 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2019, c. 92, §1 (AMD). PL 2023, c. 17, Pt. P, §§10-18 (AMD).

§18324. Rules

The board shall adopt rules that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, license renewal and license reinstatement as well as practice setting standards that apply to individuals licensed under this chapter relating to recordkeeping, infection control, supervision and administering sedation and anesthesia. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18325. Disciplinary action; judicial review

1. Disciplinary action. In addition to the powers under Title 10, section 8003, subsection 5-A, the board may suspend, revoke or refuse to issue or renew a license pursuant to Title 5, section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

- A. The practice of fraud, deceit or misrepresentation in obtaining a license or authority from the board or in connection with services within the scope of the license or authority; [PL 2015, c. 429, §21 (NEW).]
- B. Misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]
- C. A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2015, c. 429, §21 (NEW).]
- D. Incompetence in the practice for which the licensee is licensed or authorized by the board. A licensee is considered incompetent in the practice if the licensee has:
 - (1) Engaged in conduct that evidences a lack of ability or fitness to perform the duties owed by the licensee to a client or patient or the general public; or
 - (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed; [PL 2015, c. 429, §21 (NEW).]
- E. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed or authorized by the board; [PL 2015, c. 429, §21 (NEW).]
- F. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or authorized by the board, or conviction of a crime for which incarceration for one year or more may be imposed; [PL 2015, c. 429, §21 (NEW).]
- G. Engaging in false, misleading or deceptive advertising; [PL 2015, c. 429, §21 (NEW).]
- H. Aiding or abetting unlicensed practice by a person who is not licensed or authorized as required under this chapter; [PL 2015, c. 429, §21 (NEW).]
- I. Failure to provide supervision as required under this chapter or a rule adopted by the board; [PL 2015, c. 429, §21 (NEW).]

J. Engaging in any activity requiring a license or authority under this chapter or rule adopted by the board that is beyond the scope of acts authorized by the license or authority held; [PL 2015, c. 429, §21 (NEW).]

K. Continuing to act in a capacity requiring a license or authority under this chapter or a rule adopted by the board after expiration, suspension or revocation of that license or authority; [PL 2015, c. 429, §21 (NEW).]

L. Noncompliance with an order of or consent agreement executed by the board; [PL 2015, c. 429, §21 (NEW).]

M. Failure to produce any requested documents in the licensee's possession or under the licensee's control relevant to a pending complaint, proceeding or matter under investigation by the board; [PL 2015, c. 429, §21 (NEW).]

N. [PL 2023, c. 17, Pt. P, §19 (RP).]

O. A violation of this chapter or a rule adopted by the board; [PL 2021, c. 134, §1 (AMD).]

P. Failure to comply with the requirements of Title 22, section 7253; and [PL 2021, c. 134, §2 (AMD).]

Q. Administering botulinum toxins or dermal fillers to a patient when that administration is not supported by a diagnosed dental condition or is not part of a patient's dental treatment plan. This paragraph does not apply to a dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization. [PL 2021, c. 134, §3 (NEW).]

[PL 2023, c. 17, Pt. P, §19 (AMD).]

1-A. Authority to file in court.

[PL 2023, c. 17, Pt. P, §20 (RP).]

2. Judicial review. Notwithstanding any provision of Title 10, section 8003, subsection 5-A to the contrary, any nonconsensual revocation pursuant to Title 10, section 8003, subsection 5-A of a license or authority issued by the board may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

[PL 2023, c. 17, Pt. P, §21 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2015, c. 488, §§33, 34 (AMD). PL 2017, c. 210, Pt. J, §1 (AMD). PL 2021, c. 134, §§1-3 (AMD). PL 2023, c. 17, Pt. P, §§19-21 (AMD).

§18326. Subcommittee on Denturists

(REPEALED)

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §22 (RP).

§18327. Subcommittee on Dental Hygienists

(REPEALED)

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §23 (RP).

§18328. Executive director; duties

The commissioner, with the advice of the board and subject to the Civil Service Law, shall appoint an executive director who shall assist the board in carrying out its duties and responsibilities under this chapter. The executive director is responsible for the management of the board's affairs and policies and rules established by the board. [PL 2023, c. 17, Pt. P, §24 (NEW).]

SECTION HISTORY

PL 2023, c. 17, Pt. P, §24 (NEW).

SUBCHAPTER 3

LICENSING QUALIFICATIONS

§18341. Application; fees; general qualifications

1. Application. An applicant seeking an initial or a renewed license must submit an application with the fee established by rule adopted by the director and any other materials required by the board. [PL 2023, c. 17, Pt. P, §25 (AMD).]

2. Age. An applicant must be 18 years of age or older. [PL 2015, c. 429, §21 (NEW).]

3. Time limit. An applicant has 90 days after being notified of the materials needed to complete the application to submit those materials to the board. Failure to complete the application within that 90-day period may result in a denial of the application. [PL 2015, c. 429, §21 (NEW).]

4. Basic life support. An applicant seeking an initial or a renewed license must include evidence of basic life support certification. [PL 2023, c. 354, §2 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §25 (AMD). PL 2023, c. 354, §2 (AMD).

§18342. Dentist

1. Dentist license. Except as provided in section 18347, an applicant for licensure as a dentist must comply with the provisions of section 18341 and must provide:

A. Verification of either a doctoral degree in dentistry from a dental program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry, as determined by the board; and [PL 2021, c. 163, §1 (AMD).]

B. Verification of passing all examinations required by the board. [PL 2015, c. 429, §21 (NEW).] [PL 2021, c. 163, §1 (AMD).]

2. Faculty dentist license. An applicant for a faculty dentist license must comply with section 18341 and must provide:

A. Verification of an active dental license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and [PL 2021, c. 163, §2 (AMD).]

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach:

(1) Dentistry, dental hygiene or denturism in this State as part of a clinical and didactic program for professional education for dental students and dental residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board;

(2) Dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(3) Denturism in this State as part of a board-approved clinical and didactic program for professional education for denturism students. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §2 (AMD).]

3. Limited dentist license. An applicant for a limited dentist license must comply with section 18341 and must provide:

A. Verification of either a doctoral degree in dentistry from a dental program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry, as determined by the board; [PL 2021, c. 163, §3 (AMD).]

B. Verification that the applicant has been licensed as a dentist in good standing issued under the laws of this State or has an active dental license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; [PL 2021, c. 163, §4 (AMD).]

C. Verification of passing all examinations required by board rule; and [PL 2015, c. 429, §21 (NEW).]

D. Verification that the applicant will be practicing dentistry in a nonprofit dental clinic without compensation for work performed at the clinic. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §§3, 4 (AMD).]

4. Clinical dentist educator license.

[PL 2017, c. 388, §8 (RP).]

5. Charitable dentist license.

[PL 2017, c. 388, §8 (RP).]

6. Resident dentist license. An applicant for a resident dentist license must comply with section 18341 and must provide:

A. Verification of a doctoral degree in dentistry from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry as required by board rule; [PL 2021, c. 88, §1 (AMD).]

B. Verification of passing a jurisprudence examination as required by board rule; [PL 2021, c. 88, §2 (AMD).]

C. Verification that the applicant will be practicing dentistry in a board-approved practice setting within the State; and [PL 2015, c. 429, §21 (NEW).]

D. A statement from the supervising dentist that demonstrates that the level of supervision and control of the services to be performed by the applicant are adequate and that the performance of these services are within the applicant's dental knowledge and skill. [PL 2021, c. 223, §6 (AMD).]
[PL 2021, c. 88, §§1, 2 (AMD); PL 2021, c. 223, §6 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §8 (AMD). PL 2021, c. 88, §§1, 2 (AMD). PL 2021, c. 163, §§1-4 (AMD). PL 2021, c. 223, §6 (AMD).

§18343. Dental radiographer

1. Dental radiographer license. Except as provided in section 18347, an applicant for a dental radiographer license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; and [PL 2015, c. 429, §21 (NEW).]

B. Verification of passing an examination in dental radiologic technique and safety required by board rule. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18344. Expanded function dental assistant

1. Expanded function dental assistant license. Except as provided in section 18347, an applicant for an expanded function dental assistant license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; [PL 2015, c. 429, §21 (NEW).]

B. Verification of one of the following:

(1) A current certificate as a certified dental assistant from a board-approved certificate program;

(2) An active dental hygiene license in good standing issued under the laws of this State; or

(3) An active dental hygiene license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; [PL 2021, c. 163, §5 (AMD).]

C. Verification of having successfully completed training in a school or program required by board rule; and [PL 2015, c. 429, §21 (NEW).]

D. Verification of passing all examinations required by board rule. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §5 (AMD).]

SECTION HISTORY

RR 2015, c. 2, §22 (COR). PL 2015, c. 429, §21 (NEW). PL 2021, c. 163, §5 (AMD).

§18345. Dental hygienist

1. Dental hygienist license. Except as provided in section 18347, an applicant for a dental hygienist license must comply with section 18341 and must provide:

A. Verification of having successfully passed all examinations required by board rule and one of the following:

(1) Verification of an associate degree or higher in dental hygiene from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a dental hygiene degree, as determined by the board; or

(2) Verification of having completed at least 1/2 of the prescribed course of study in an accredited dental college as a dental student. [PL 2021, c. 163, §6 (AMD).]
[PL 2021, c. 163, §6 (AMD).]

2. Additional authority. A dental hygienist licensed under this section or section 18347 who applies for additional authority must comply with section 18341 and must provide:

A. For independent practice dental hygienist authority, verification of 2,000 work hours of clinical practice.

For purposes of meeting the clinical practice requirements of this paragraph, the applicant's hours in a private dental practice or nonprofit setting under the supervision of a dentist may be included as well as the applicant's hours as a public health dental hygienist or, prior to July 29, 2016, as a dental hygienist with public health supervision status; [PL 2017, c. 139, §1 (AMD).]

B. For public health dental hygienist authority:

(1) A copy of the written agreement between the applicant and a supervising dentist that outlines the roles and responsibilities of the parties, which must include, but is not limited to, the level of supervision provided by the dentist, the practice settings, the standing orders and the coordination and collaboration that each party must undertake if additional patient care is needed; and

(2) Verification that the services will be offered in a public health setting; [PL 2015, c. 429, §21 (NEW).]

C. For dental therapist authority:

(2) Verification of a master's degree in dental therapy from a school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or a master's degree in dental therapy from a program that meets the requirements adopted by board rule consistent with the accreditation standards identified by the American Dental Association Commission on Dental Accreditation or its successor organization;

(3) Verification of passing a clinical examination and all other examinations required by board rule. The clinical examination must be a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental therapy education;

(4) Verification of having engaged in 2,000 hours of supervised clinical practice under the supervision of a dentist and in conformity with rules adopted by the board, during which supervised clinical practice the applicant is authorized to practice pursuant to paragraph F.

For purposes of meeting the clinical requirements of this subparagraph, an applicant's hours of supervised clinical experience completed under the supervision of a dentist licensed in another state or a Canadian province may be included, as long as the applicant was operating lawfully under the laws and rules of that state or province; and

(5) A copy of the written practice agreement and standing orders required by section 18377, subsection 3. [PL 2021, c. 44, §§1-3 (AMD).]

D. For local anesthesia authority:

(1) Verification of having successfully completed a course of study required by board rule; and

(2) Verification of passing all examinations required by board rule; [PL 2015, c. 429, §21 (NEW).]

E. For nitrous oxide analgesia authority:

(1) Verification of having successfully completed a course of study required by board rule; and

(2) Verification of passing all examinations required by board rule; and [PL 2015, c. 429, §21 (NEW).]

F. For provisional dental therapist authority:

(1) Verification of meeting the requirements of paragraph C, subparagraphs (2) and (3); and

(2) A copy of the written agreement between the applicant and a dentist who will provide direct supervision for the procedures outlined in section 18377, subsection 1, paragraph A and general supervision for the procedures outlined in section 18377, subsection 1, paragraph B in conformity with rules adopted by the board.

During the period of provisional authority the applicant may be compensated for services performed as a dental therapist. The period of provisional authority may not exceed 3 years. [PL 2023, c. 354, §3 (AMD).]

[PL 2023, c. 354, §3 (AMD).]

3. Faculty dental hygiene license. An applicant for a faculty dental hygienist license must comply with section 18341 and must provide:

A. Verification of an active dental hygiene license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and [PL 2021, c. 163, §7 (AMD).]

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach:

(1) Dental hygiene or denturism in this State as part of a clinical and didactic program for professional education for dental students and dental residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board;

(2) Dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(3) Denturism in this State as part of a board-approved clinical and didactic program for professional education for denturism students. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §7 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 139, §1 (AMD). PL 2017, c. 388, §9 (AMD). PL 2019, c. 388, §7 (AMD). PL 2021, c. 44, §§1-4 (AMD). PL 2021, c. 163, §§6, 7 (AMD). PL 2023, c. 354, §3 (AMD).

§18346. Denturist

1. Denturist license. Except as provided in section 18347, an applicant for a denturist license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; [PL 2015, c. 429, §21 (NEW).]

B. Verification of a diploma from a board-approved denturism postsecondary institution; and [PL 2015, c. 429, §21 (NEW).]

C. Verification of passing all examinations required by board rule. The content of one examination must have a clinical component and a written component concerning, but not limited to, dental materials, denture technology, United States Department of Health and Human Services, Centers for Disease Control and Prevention guidelines, basic anatomy and basic pathology. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

2. Faculty denturist license. An applicant for a faculty denturist license must comply with section 18341 and must provide:

A. Verification of an active denturist license in good standing issued under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and [PL 2021, c. 163, §8 (AMD).]

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school. [PL 2015, c. 429, §21 (NEW).]

[PL 2021, c. 163, §8 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2021, c. 163, §8 (AMD).

§18347. Endorsement; applicants authorized to practice in another jurisdiction

The board is authorized, at its discretion, to waive the examination requirements and issue a license or grant an authority to an applicant who is licensed under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions who furnishes proof, satisfactory to the board, that the requirements for licensure under this chapter have been met. Applicants must comply with the provisions set forth in section 18341. [PL 2021, c. 163, §9 (AMD).]

1. Applicants licensed in another jurisdiction. An applicant for licensure or seeking authority under this chapter who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed in good standing at the time of application to the board under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions may qualify for licensure by submitting evidence to the board that the applicant has held a substantially equivalent, valid license for at least 3 consecutive years immediately preceding the application to the board at the level of licensure applied for in this State. [PL 2021, c. 163, §9 (AMD).]

B. An applicant who does not meet the requirements of paragraph A but is licensed in good standing at the time of application to the board under the laws of another state, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions may qualify for licensure by submitting evidence satisfactory to the board that the applicant's qualifications for licensure are substantially similar to the requirements in this chapter for the relevant license. [PL 2021, c. 163, §9 (AMD).]

[PL 2021, c. 163, §9 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2021, c. 163, §9 (AMD).

§18347-A. Temporary license; applicants authorized to work in another jurisdiction

Notwithstanding any provision of law to the contrary, the board may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees unless otherwise provided in this section, to any applicant upon a showing that the applicant holds a valid license in that profession

issued by another state. The board may waive the fee for a temporary license if the purpose of the temporary license is to provide free dental care in conjunction with a charitable nonprofit organization. [PL 2023, c. 165, §1 (AMD).]

SECTION HISTORY

PL 2023, c. 17, Pt. P, §26 (NEW). PL 2023, c. 165, §1 (AMD).

§18348. Registration requirements

1. Dentist externship registration.

[PL 2017, c. 388, §10 (RP).]

2. Sedation and general anesthesia registration. A dentist who holds a permit to administer sedation pursuant to section 18379 may register another dentist under that dentist's license for the purpose of providing clinical supervision in administering sedation or general anesthesia under direct supervision. A registration under this subsection expires one year from the date the registration is granted. Applicants must comply with section 18341 and must submit a letter from the supervising dentist describing the practice settings in which supervision will occur as well as attesting that these arrangements are commensurate with the registrant's education, training and competency. [PL 2015, c. 429, §21 (NEW).]

3. Local anesthesia/nitrous oxide analgesia registration. A dentist may register a dentist or dental hygienist under that dentist's license for the purpose of providing clinical supervision in administering local anesthesia or nitrous oxide analgesia under direct supervision. A registration under this section expires one year from the date the registration is granted. Applicants must comply with section 18341 and must submit a letter from the supervising dentist describing the practice settings in which supervision will occur as well as attesting that these arrangements are commensurate with the registrant's education, training and competency. [PL 2015, c. 429, §21 (NEW).]

4. Denturist trainee registration. A denturist or dentist may register under that dentist's or denturist's license an individual who has completed a board-approved denturism postsecondary program for the purpose of providing additional clinical supervision outside of the academic setting. A registration under this section expires one year from the date the registration is granted, but may be renewed for an additional year. An applicant must comply with section 18341 and must provide:

A. Verification that the trainee has successfully completed a denturism program approved by the board; and [PL 2017, c. 388, §11 (AMD).]

B. [PL 2017, c. 388, §11 (RP).]

C. A letter from the supervising denturist or dentist that describes the level of supervision that the denturist or dentist will provide and that attests that the performance of these services by the trainee will add to the trainee's knowledge and skill in denturism. [PL 2017, c. 388, §11 (AMD).]

[PL 2017, c. 388, §11 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§10, 11 (AMD).

§18349. License renewal; reinstatement

1. Renewal. Licenses under this chapter expire at such times as the commissioner may designate. In the absence of any reason or condition that might warrant the refusal of granting a license, the board shall issue a renewal license to each applicant who meets the requirements of sections 18341 and 18350. [PL 2015, c. 429, §21 (NEW).]

2. Late renewals. Licenses may be renewed up to 90 days after the date of expiration if the applicant meets the requirements of subsection 1 and pays a late fee established by rule adopted by the director.

[PL 2023, c. 17, Pt. P, §27 (AMD).]

3. Reinstatement. A person who submits an application for reinstatement more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the penalty fee established by rule adopted by the director, within 2 years from the date of the license expiration.

[PL 2023, c. 17, Pt. P, §28 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §§27, 28 (AMD).

§18350. Continuing education

As a condition of renewal of a license to practice, an applicant must have a current basic life support certification and complete continuing education during the licensing cycle prior to application for renewal. The board may prescribe by rule the content and types of continuing education activities that meet the requirements of this section. [PL 2023, c. 354, §4 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 354, §4 (AMD).

§18351. Inactive status

A licensee who wants to retain licensure while not practicing may apply for an inactive status license. During inactive status, the licensee must renew the license and pay the renewal fee set by rule adopted by the director, but is not required to meet the continuing education requirements under section 18350. The board shall adopt rules by which an inactive status license may be reinstated. [PL 2023, c. 17, Pt. P, §29 (AMD).]

An individual who practices under a resident dentist license or as a provisional dental therapist may not apply for inactive status. [PL 2019, c. 388, §8 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §12 (AMD). PL 2019, c. 388, §8 (AMD). PL 2023, c. 17, Pt. P, §29 (AMD).

§18352. Duty to require certain information from applicants and licensees

(REPEALED)

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2023, c. 17, Pt. P, §30 (RP).

SUBCHAPTER 4

SCOPE OF PRACTICE; SUPERVISION; PRACTICE REQUIREMENTS

§18371. Dentist

1. Scope of practice. A dentist, faculty dentist, limited dentist or resident dentist may:

A. Perform a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other compensation paid, or to be paid, directly or indirectly to the person or

to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed; [PL 2015, c. 429, §21 (NEW).]

B. Obtain impressions of a human tooth, teeth or jaws and perform a phase of an operation incident to the replacement of a part of a tooth; [PL 2017, c. 388, §13 (AMD).]

C. Supply artificial substitutes for the natural teeth and furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth; [PL 2015, c. 429, §21 (NEW).]

D. Place dental appliances or structures in the human mouth and adjust or attempt or profess to adjust the same; [PL 2015, c. 429, §21 (NEW).]

E. Furnish, supply, construct, reproduce or repair or profess to the public to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth; [PL 2015, c. 429, §21 (NEW).]

F. Diagnose or profess to diagnose, prescribe for and treat or profess to prescribe for and treat disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure; [PL 2015, c. 429, §21 (NEW).]

G. Extract or attempt to extract human teeth; [PL 2015, c. 429, §21 (NEW).]

H. Correct or attempt to correct malformations of teeth and jaws; [PL 2015, c. 429, §21 (NEW).]

I. Repair or fill cavities in the human teeth; [PL 2015, c. 429, §21 (NEW).]

J. Diagnose malposed teeth and make and adjust appliances or artificial casts for treatment of the malposed teeth in the human mouth with or without instruction; [PL 2015, c. 429, §21 (NEW).]

K. Use an x-ray machine for the purpose of taking dental x-rays and interpret or read or profess to interpret or read dental x-rays; [PL 2015, c. 429, §21 (NEW).]

L. Use the words dentist, dental surgeon or oral surgeon and the letters D.D.S. or D.M.D. and any other words, letters, title or descriptive matter that represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structures and state, profess or permit to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations; [PL 2015, c. 429, §21 (NEW).]

M. Prescribe drugs or medicine and administer local anesthesia, analgesia including nitrous oxide and oxygen inhalation and, with the appropriate permit issued by the board, administer sedation and general anesthesia necessary for proper dental treatment; [PL 2021, c. 134, §4 (AMD).]

N. Take case histories and perform physical examinations to the extent the activities are necessary in the exercise of due care in conjunction with the provision of dental treatment or the administration of anesthesia. A dentist is not permitted to perform physical examinations within a hospital licensed by the Department of Health and Human Services unless this activity is permitted by the hospital; and [PL 2021, c. 134, §5 (AMD).]

O. Administer botulinum toxin or dermal fillers to a patient with a diagnosed dental condition or when that administration is identified as part of a patient's dental treatment plan. A dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization may administer botulinum toxin or dermal fillers in the course of treatment for oral or maxillofacial disease, disfigurement or disjunction. [RR 2021, c. 1, Pt. A, §35 (COR).]

[RR 2021, c. 1, Pt. A, §35 (COR).]

2. Limitations. Individuals practicing dentistry as described in this section who possess one of the following licenses shall adhere to the restrictions in this subsection.

A. [PL 2017, c. 388, §14 (RP).]

B. [PL 2017, c. 388, §14 (RP).]

C. An individual with a faculty dentist license may provide dental services only as part of the education program for which the license was issued by the board. [PL 2015, c. 429, §21 (NEW).]

D. An individual with a limited dentist license may provide dental services only in the nonprofit dental clinic for which the license was issued by the board and may not accept remuneration for those services. [PL 2015, c. 429, §21 (NEW).]

E. An individual with a resident dentist license may provide dental services only under the supervision of a dentist in a board-approved setting and in accordance with the level of supervision and control for which the license was issued by the board. [PL 2021, c. 676, Pt. A, §47 (RPR).]
[PL 2021, c. 676, Pt. A, §47 (AMD).]

3. Delegation authorized. A dentist may delegate to an unlicensed person or a licensed person activities related to dental care and treatment that are delegated by custom and usage as long as those activities are under the supervision or control of the dentist. A dentist who delegates activities to an unlicensed person as described is legally liable for the activities of that unlicensed person and the unlicensed person in this relationship is considered the dentist's agent.

A. [PL 2021, c. 223, §8 (RP).]

B. [PL 2021, c. 223, §8 (RP).]

C. [PL 2021, c. 223, §8 (RP).]
[PL 2021, c. 223, §8 (RPR).]

4. Delegation not authorized. A dentist may not delegate to an unlicensed person activities related to dental care or treatment that require a license under this chapter. A dentist may not delegate to a licensed person activities related to dental care or treatment that are outside the scope of practice of that licensed person.

[PL 2021, c. 223, §9 (AMD).]

5. Supervision of dental therapists. A dentist, referred to in this section as the "supervising dentist," who employs a dental therapist shall comply with this subsection.

A. A supervising dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist supervised by that dentist that are beyond the scope of practice of the dental therapist and that the supervising dentist is unable to provide. [PL 2019, c. 388, §9 (AMD).]

B. The supervising dentist is responsible for all authorized services and procedures performed by the dental therapist pursuant to a written practice agreement executed by the dentist pursuant to section 18377. [PL 2019, c. 388, §9 (AMD).]

C. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental therapist. [PL 2019, c. 388, §9 (AMD).]

D. A supervising dentist who signs a written practice agreement shall file a copy of the agreement with the board, keep a copy for the dentist's own records and make a copy available to patients of the dental therapist upon request. [PL 2019, c. 388, §9 (AMD).]
[PL 2019, c. 388, §9 (AMD).]

6. Prescription for laboratory services. A dentist who uses the services of a person not licensed to practice dentistry in this State to construct, alter, repair or duplicate a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance shall first furnish the unlicensed person with a written prescription, which must contain:

- A. The name and address of the unlicensed person; [PL 2015, c. 429, §21 (NEW).]
- B. The patient's name or number. In the event the number is used, the name of the patient must be written upon the duplicate copy of the prescription retained by the dentist; [PL 2015, c. 429, §21 (NEW).]
- C. The date on which the prescription was written; [PL 2015, c. 429, §21 (NEW).]
- D. A description of the work to be done, with diagrams if necessary; [PL 2015, c. 429, §21 (NEW).]
- E. A specification of the type and quality of materials to be used; and [PL 2015, c. 429, §21 (NEW).]
- F. The signature of the dentist and the number of the dentist's state license. [PL 2015, c. 429, §21 (NEW).]

The dentist shall retain for 2 years a duplicate copy of all prescriptions issued pursuant to this subsection for inspection by the board.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 288, Pt. A, §35 (AMD). PL 2017, c. 388, §§13-15 (AMD). PL 2019, c. 388, §9 (AMD). PL 2021, c. 88, §3 (AMD). PL 2021, c. 134, §§4-6 (AMD). PL 2021, c. 223, §§7-9 (AMD). RR 2021, c. 1, Pt. A, §35 (COR). PL 2021, c. 676, Pt. A, §47 (AMD).

§18372. Dental radiographer

1. Scope of practice. A licensed dental radiographer may practice dental radiography under the general supervision of a dentist or an independent practice dental hygienist.

[PL 2017, c. 388, §16 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §16 (AMD).

§18373. Expanded function dental assistant

1. Scope of practice. An expanded function dental assistant may perform under the general supervision of a dentist all of the activities that may be delegated by a dentist to an unlicensed person pursuant to section 18371, subsection 3. An expanded function dental assistant may also perform the following activities authorized under the general supervision of a dentist:

- A. Apply cavity liners and bases as long as the dentist:
 - (1) Has ordered the cavity liner or base; and
 - (2) Has checked the cavity liner or base prior to the placement of the restoration; [PL 2021, c. 223, §10 (AMD).]
- B. Apply pit and fissure sealants after an evaluation of the teeth by the dentist at the time of sealant placement; [PL 2015, c. 429, §21 (NEW).]
- C. Apply supragingival desensitizing agents to an exposed root surface or dentinal surface of teeth; [PL 2015, c. 429, §21 (NEW).]

- D. Apply topical fluorides recognized for the prevention of dental caries; [PL 2015, c. 429, §21 (NEW).]
- E. [PL 2021, c. 223, §10 (RP).]
- F. [PL 2021, c. 223, §10 (RP).]
- G. Place and contour amalgam, composite and other restorative materials prior to the final setting or curing of the material; [PL 2015, c. 429, §21 (NEW).]
- H. [PL 2017, c. 388, §17 (RP).]
- I. Place and remove gingival retraction cord; [PL 2017, c. 388, §17 (AMD).]
- J. [PL 2017, c. 388, §17 (RP).]
- K. Size, place and cement or bond orthodontic bands and brackets with final inspection by the dentist; [PL 2015, c. 429, §21 (NEW).]
- L. Supragingival polishing using a slow-speed rotary instrument and rubber cup; and [PL 2021, c. 223, §10 (AMD).]
- M. [PL 2021, c. 223, §10 (RP).]
- N. [PL 2017, c. 388, §17 (RP).]
- O. [PL 2017, c. 388, §17 (RP).]
- P. [PL 2017, c. 388, §17 (RP).]
- Q. [PL 2017, c. 388, §17 (RP).]
- R. [PL 2017, c. 388, §17 (RP).]
- S. [PL 2017, c. 388, §17 (RP).]
- T. [PL 2017, c. 388, §17 (RP).]
- U. [PL 2017, c. 388, §17 (RP).]
- V. [PL 2017, c. 388, §17 (RP).]
- W. [PL 2017, c. 388, §17 (RP).]
- X. [PL 2017, c. 388, §17 (RP).]
- Y. [PL 2017, c. 388, §17 (RP).]
- Z. [PL 2017, c. 388, §17 (RP).]
- AA. [PL 2017, c. 388, §17 (RP).]
- BB. [PL 2017, c. 388, §17 (RP).]
- CC. [PL 2017, c. 388, §17 (RP).]
- DD. [PL 2017, c. 388, §17 (RP).]
- EE. [PL 2017, c. 388, §17 (RP).]
- FF. [PL 2017, c. 388, §17 (RP).]
- GG. [PL 2017, c. 388, §17 (RP).]
- HH. Contour or finish restorative materials using a high-speed, power-driven handpiece or instrument. [PL 2021, c. 223, §10 (NEW).]
[PL 2021, c. 223, §10 (AMD).]

2. Scope of practice; general supervision.

[PL 2021, c. 223, §11 (RP).]

3. Procedures not authorized. An expanded function dental assistant may not engage in the following activities:

- A. Complete or limited examination, diagnosis or treatment planning; [PL 2015, c. 429, §21 (NEW).]
- B. Surgical or cutting procedures of hard or soft tissue; [PL 2015, c. 429, §21 (NEW).]
- C. Prescribing drugs, medicaments or work authorizations; [PL 2015, c. 429, §21 (NEW).]
- D. Pulp capping, pulpotomy or other endodontic procedures; [PL 2015, c. 429, §21 (NEW).]
- E. Placement and intraoral adjustments of fixed or removable prosthetic appliances; or [PL 2015, c. 429, §21 (NEW).]
- F. Administration of local anesthesia, parenteral or inhalation sedation or general anesthesia. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §17 (AMD). PL 2021, c. 223, §§10, 11 (AMD).

§18374. Dental hygienist

1. Scope of practice; direct supervision. A dental hygienist and faculty dental hygienist may perform the following under the direct supervision of a dentist:

- A. Administer nitrous oxide analgesia, as long as the dental hygienist or faculty dental hygienist has authority to administer the medication pursuant to section 18345, subsection 2, paragraph E. [PL 2023, c. 354, §5 (AMD).]
- B. [PL 2021, c. 223, §12 (RP).]
- C. [PL 2021, c. 223, §12 (RP).]
- D. [PL 2021, c. 223, §12 (RP).]
- E. [PL 2021, c. 223, §12 (RP).]
- F. [PL 2021, c. 223, §12 (RP).]

[PL 2023, c. 354, §5 (AMD).]

1-A. Scope of practice; general supervision. Under the general supervision of a dentist, a dental hygienist and faculty dental hygienist may administer local anesthesia, as long as the dental hygienist or faculty dental hygienist has authority to administer the medication pursuant to section 18345, subsection 2, paragraph D.

[PL 2023, c. 354, §6 (NEW).]

2. Scope of practice. A dental hygienist and faculty dental hygienist may perform all of the activities that may be delegated to an unlicensed person pursuant to section 18371, subsection 3. A dental hygienist and faculty dental hygienist may also perform the following procedures:

- A. [PL 2023, c. 354, §7 (RP).]
- A-1. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; [PL 2023, c. 354, §7 (NEW).]
- B. [PL 2017, c. 388, §19 (RP).]
- C. [PL 2023, c. 354, §7 (RP).]

- D. [PL 2023, c. 354, §7 (RP).]
- E. [PL 2017, c. 388, §19 (RP).]
- F. Apply sealants; [PL 2017, c. 388, §19 (AMD).]
- G. [PL 2017, c. 388, §19 (RP).]
- H. [PL 2017, c. 388, §19 (RP).]
- I. [PL 2017, c. 388, §19 (RP).]
- J. Expose and process radiographs; [PL 2015, c. 429, §21 (NEW).]
- K. [PL 2017, c. 388, §19 (RP).]
- L. [PL 2017, c. 388, §19 (RP).]
- M. [PL 2017, c. 388, §19 (RP).]
- N. [PL 2017, c. 388, §19 (RP).]
- O. [PL 2021, c. 223, §12 (RP).]
- P. [PL 2017, c. 388, §19 (RP).]
- Q. [PL 2017, c. 388, §19 (RP).]
- R. [PL 2021, c. 223, §12 (RP).]
- S. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance; [PL 2023, c. 354, §7 (AMD).]
- T. [PL 2017, c. 388, §19 (RP).]
- U. [PL 2023, c. 354, §7 (RP).]
- V. [PL 2017, c. 388, §19 (RP).]
- W. [PL 2017, c. 388, §19 (RP).]
- X. [PL 2023, c. 354, §7 (RP).]
- Y. [PL 2021, c. 223, §12 (RP).]
- Z. [PL 2017, c. 388, §19 (RP).]
- AA. [PL 2017, c. 388, §19 (RP).]
- BB. [PL 2017, c. 388, §19 (RP).]
- CC. [PL 2021, c. 223, §12 (RP).]
- DD. [PL 2017, c. 388, §19 (RP).]
- EE. [PL 2017, c. 388, §19 (RP).]
- FF. [PL 2017, c. 388, §19 (RP).]
- GG. [PL 2023, c. 354, §7 (RP).]
- HH. [PL 2017, c. 388, §19 (RP).]
- II. [PL 2017, c. 388, §19 (RP).]
- JJ. Place temporary restorations in compliance with the protocol adopted by the board; [PL 2023, c. 354, §7 (AMD).]
- KK. [PL 2017, c. 388, §19 (RP).]
- LL. [PL 2021, c. 223, §12 (RP).]

MM. [PL 2017, c. 388, §19 (RP).]

NN. [PL 2017, c. 388, §19 (RP).]

OO. [PL 2017, c. 388, §19 (RP).]

PP. [PL 2017, c. 388, §19 (RP).]

QQ. [PL 2017, c. 388, §19 (RP).]

RR. [PL 2017, c. 388, §19 (RP).]

SS. [PL 2017, c. 388, §19 (RP).]

TT. Smooth and polish restorations; [PL 2023, c. 354, §7 (AMD).]

UU. [PL 2017, c. 388, §19 (RP).]

VV. [PL 2021, c. 223, §12 (RP).]

WW. [PL 2017, c. 388, §19 (RP).]

XX. [PL 2017, c. 388, §19 (RP).]

YY. [PL 2017, c. 388, §19 (RP).]

ZZ. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease; and [PL 2023, c. 354, §7 (NEW).]

AAA. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays. [PL 2023, c. 354, §7 (NEW).]
[PL 2023, c. 354, §7 (AMD).]

3. Limitation. An individual with a faculty dental hygienist license may provide the services described in this section only as part of the education program for which the license was issued by the board.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§18, 19 (AMD). PL 2021, c. 223, §12 (AMD). PL 2023, c. 354, §§5-7 (AMD).

§18375. Independent practice dental hygienist

1. Scope of practice. An independent practice dental hygienist may perform the following duties:

A. [PL 2023, c. 354, §8 (RP).]

B. [PL 2023, c. 354, §8 (RP).]

C. [PL 2023, c. 354, §8 (RP).]

D. [PL 2023, c. 354, §8 (RP).]

E. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance; [PL 2023, c. 354, §8 (AMD).]

F. [PL 2023, c. 354, §8 (RP).]

G. [PL 2023, c. 354, §8 (RP).]

H. [PL 2023, c. 354, §8 (RP).]

I. Apply sealants; [PL 2015, c. 429, §21 (NEW).]

J. Smooth and polish restorations; [PL 2023, c. 354, §8 (AMD).]

- K. [PL 2017, c. 388, §20 (RP).]
- L. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; [PL 2023, c. 354, §8 (AMD).]
- M. [PL 2023, c. 354, §8 (RP).]
- N. Place temporary restorations in compliance with the protocol adopted by the board; [PL 2015, c. 429, §21 (NEW).]
- O. [PL 2023, c. 354, §8 (RP).]
- P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series; [PL 2023, c. 354, §8 (AMD).]
- Q. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; and [PL 2023, c. 354, §8 (AMD).]
- R. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease. [PL 2023, c. 354, §8 (NEW).]
[PL 2023, c. 354, §8 (AMD).]

2. Practice standards. An independent practice dental hygienist has the duties and responsibilities set out in this subsection with respect to each patient seen in an independent capacity.

A. Prior to an initial patient visit, an independent practice dental hygienist shall obtain from the patient or the parent or guardian of a minor patient written acknowledgment of the patient's or parent's or guardian's understanding that the independent practice dental hygienist is not a dentist and that the service to be rendered does not constitute restorative care or treatment. [PL 2015, c. 429, §21 (NEW).]

B. An independent practice dental hygienist shall provide to a patient or the parent or guardian of a minor patient a written plan for referral to a dentist for any necessary dental care. The referral plan must identify all conditions that should be called to the attention of the dentist. [PL 2015, c. 429, §21 (NEW).]
[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§20, 21 (AMD). PL 2023, c. 354, §8 (AMD).

§18376. Public health dental hygienist

1. Scope of practice. A public health dental hygienist may perform the following procedures in a public health setting:

A. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; [PL 2023, c. 354, §9 (AMD).]

B. [PL 2023, c. 354, §9 (RP).]

C. [PL 2023, c. 354, §9 (RP).]

D. [PL 2023, c. 354, §9 (RP).]

E. [PL 2023, c. 354, §9 (RP).]

F. Apply sealants; [PL 2015, c. 429, §21 (NEW).]

G. [PL 2023, c. 354, §9 (RP).]

- H. [PL 2017, c. 388, §22 (RP).]
- I. Expose and process radiographs; [PL 2023, c. 354, §9 (AMD).]
- J. [PL 2023, c. 354, §9 (RP).]
- K. [PL 2023, c. 354, §9 (RP).]
- L. [PL 2023, c. 354, §9 (RP).]
- M. [PL 2023, c. 354, §9 (RP).]
- N. [PL 2023, c. 354, §9 (RP).]
- O. [PL 2023, c. 354, §9 (RP).]
- P. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance; [PL 2023, c. 354, §9 (AMD).]
- Q. [PL 2023, c. 354, §9 (RP).]
- R. [PL 2023, c. 354, §9 (RP).]
- S. [PL 2023, c. 354, §9 (RP).]
- T. [PL 2023, c. 354, §9 (RP).]
- U. [PL 2023, c. 354, §9 (RP).]
- V. [PL 2023, c. 354, §9 (RP).]
- W. [PL 2023, c. 354, §9 (RP).]
- X. [PL 2023, c. 354, §9 (RP).]
- Y. [PL 2023, c. 354, §9 (RP).]
- Z. Place temporary restorations in compliance with the protocol adopted by board rule; [PL 2015, c. 429, §21 (NEW).]
- AA. [PL 2023, c. 354, §9 (RP).]
- BB. [PL 2023, c. 354, §9 (RP).]
- CC. Smooth and polish restorations; [PL 2023, c. 354, §9 (AMD).]
- DD. [PL 2023, c. 354, §9 (RP).]
- EE. [PL 2023, c. 354, §9 (RP).]
- FF. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; and [PL 2017, c. 388, §23 (AMD).]
- GG. [PL 2023, c. 354, §9 (RP).]
- HH. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease. [PL 2023, c. 354, §9 (NEW).]
[PL 2023, c. 354, §9 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §§22, 23 (AMD). PL 2023, c. 354, §9 (AMD).

§18377. Dental therapist

1. Scope of practice. A dental therapist may perform the following procedures in limited practice settings, if authorized by a written practice agreement under the general supervision of a supervising dentist licensed in this State pursuant to subsection 3.

A. To the extent permitted in a written practice agreement, a dental therapist may provide the care and services listed in this paragraph under the general supervision of the supervising dentist:

- (1) Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;
- (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;
- (4) Administer local anesthesia and nitrous oxide analgesia;
- (6) Conduct urgent management of dental trauma, perform suturing, extract primary teeth and perform nonsurgical extractions of periodontally diseased permanent teeth if authorized in advance by the supervising dentist; and
- (7) Provide, dispense and administer anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials. [PL 2023, c. 354, §10 (AMD).]

B. To the extent permitted in a written practice agreement, a dental therapist may provide the care and services identified in section 18371, subsection 3 and section 18374 under the general supervision of the supervising dentist. [PL 2021, c. 223, §13 (AMD).]

[PL 2023, c. 354, §10 (AMD).]

2. Supervision responsibilities. A dental therapist may be delegated a dentist's responsibility to supervise up to 2 dental hygienists and 3 unlicensed persons in any one practice setting through a written practice agreement pursuant to subsection 3.

[PL 2019, c. 388, §10 (AMD).]

3. Practice requirements. A dental therapist must comply with the following practice limitations.

A. [PL 2019, c. 388, §10 (RP).]

B. A dental therapist may practice under the general supervision of a dentist through a written practice agreement signed by both parties. A written practice agreement is a signed document that outlines the functions that the dental therapist is authorized to perform, which may not exceed the scopes of practice specified in subsections 1 and 2. A dental therapist may practice only under the standing order of the supervising dentist, may provide only care that follows written protocols and may provide only services that the dental therapist is authorized to provide by the written practice agreement. [PL 2023, c. 354, §11 (AMD).]

C. A written practice agreement between a supervising dentist and a dental therapist must include the following elements:

- (1) The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures;
- (2) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;
- (3) Procedures to be used with patients treated by the dental therapist for obtaining informed consent and for creating and maintaining dental records;
- (4) A plan for review of patient records by the supervising dentist and the dental therapist;
- (5) A plan for managing medical emergencies in each practice setting in which the dental therapist provides care;
- (6) A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;

- (7) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;
- (8) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and
- (9) Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental therapist. [PL 2019, c. 388, §10 (AMD).]

D. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental therapist. [PL 2019, c. 388, §10 (AMD).]

E. A dental therapist shall file a copy of a written practice agreement with the board, keep a copy for the dental therapist's own records and make a copy available to patients of the dental therapist upon request. [PL 2019, c. 388, §10 (AMD).]

F. A dental therapist shall refer patients in accordance with a written practice agreement to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental therapist. [PL 2019, c. 388, §10 (AMD).]

G. A dental therapist who provides services or procedures beyond those authorized in a written agreement engages in unprofessional conduct and is subject to discipline pursuant to section 18325. [PL 2019, c. 388, §10 (AMD).]

[PL 2023, c. 354, §11 (AMD).]

4. Dental coverage and reimbursement. Notwithstanding Title 24-A, section 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in this State that is reimbursed by private insurance, a dental service corporation, the MaineCare program under Title 22 or the Cub Care program under Title 22, section 3174-T must also be covered and reimbursed when performed by a dental therapist authorized to practice under this chapter.

[PL 2019, c. 388, §10 (AMD).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2019, c. 388, §10 (AMD). PL 2021, c. 223, §13 (AMD). PL 2023, c. 354, §§10, 11 (AMD).

§18378. Denturist

1. Scope of practice. A denturist and faculty denturist may:

A. Obtain denture impressions and bite registrations for the purpose of or with a view to making, producing, reproducing, constructing, finishing, supplying, altering or repairing a denture to be fitted to an edentulous or partially edentulous arch or arches; [PL 2017, c. 388, §24 (AMD).]

B. Fit a denture to an edentulous or partially edentulous arch or arches, including by making, producing, reproducing, constructing, finishing, supplying, altering or repairing dentures without performing alteration to natural or reconstructed tooth structure. A denturist may perform clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks; [PL 2015, c. 429, §21 (NEW).]

C. Perform procedures incidental to the procedures specified in paragraphs A and B, as specified by board rule; and [PL 2015, c. 429, §21 (NEW).]

D. Make, place, construct, alter, reproduce or repair nonorthodontic removable sports mouth guards and provide teeth whitening services, including by fabricating whitening trays, providing whitening solutions determined to be safe for public use and providing any required follow-up care and instructions for use of the trays and solutions at home. [PL 2015, c. 429, §21 (NEW).]

[PL 2017, c. 388, §24 (AMD).]

2. Limitation. An individual with a faculty denturist license may provide the services described in this section only as part of the education program for which the license was issued by the board.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 388, §24 (AMD).

§18379. Sedation and general anesthesia permits

The board shall adopt by rule the qualifications a dentist must have to obtain a permit from the board authorizing the administration of sedation and general anesthesia. The board shall also adopt the guidelines for such administration, including but not limited to practice setting requirements. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

SUBCHAPTER 5

PRACTICE STANDARDS

§18391. Amalgam brochures; posters

1. Brochure; poster. The Director of the Bureau of Health within the Department of Health and Human Services shall develop a brochure that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using mercury or mercury amalgam in dental procedures. The brochure must describe what alternatives are available to mercury amalgam in various dental procedures and what potential advantages and disadvantages are posed by the use of those alternatives. The brochure may also include other information that contributes to the patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the mercury amalgam and alternative materials. The director shall also develop a poster that informs patients of the availability of the brochure.

The Director of the Bureau of Health shall, in consultation with the Department of Environmental Protection, adopt the brochure and the poster described in this subsection through major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 429, §21 (NEW).]

2. Display. A dentist who uses mercury or a mercury amalgam in any dental procedure shall display the poster adopted by the Department of Health and Human Services, Bureau of Health under this section in the public waiting area of the practice setting and shall provide each patient a copy of the brochure adopted by the bureau under this section. The Department of Health and Human Services shall also post on its publicly accessible website a copy of the brochure that is suitable for downloading and printing by dentists, patients and other interested parties.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18392. Removable dental prosthesis; owner identification

1. Identification required. Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist or denturist, or fabricated pursuant to the dentist's or denturist's work

order or under the dentist's or denturist's direction or supervision, must be marked with the name and social security number of the patient for whom the prosthesis is intended. The markings must be made during fabrication and must be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant the markings must be determined by the dentist or dental laboratory fabricating the prosthesis. If, in the professional judgment of the dentist or dental laboratory, this identification is not practical, identification must be provided as follows:

A. The social security number of the patient may be omitted if the name of the patient is shown; [PL 2015, c. 429, §21 (NEW).]

B. The initials of the patient may be shown alone, if use of the name of the patient is impracticable; or [PL 2015, c. 429, §21 (NEW).]

C. The identification marks may be omitted in their entirety if none of the forms of identification specified in paragraphs A and B are practicable or clinically safe. [PL 2015, c. 429, §21 (NEW).] [PL 2015, c. 429, §21 (NEW).]

2. Applicability. A removable dental prosthesis in existence prior to September 23, 1983 that was not marked in accordance with subsection 1 at the time of its fabrication must be marked in accordance with subsection 1 at the time of a subsequent rebasing. [PL 2015, c. 429, §21 (NEW).]

3. Violation. Failure of a dentist or denturist to comply with this section constitutes grounds for discipline pursuant to section 18325, as long as the dentist or denturist is charged with the violation within 2 years of initial insertion of the dental prosthetic device. [PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW).

§18393. Confidentiality

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Confidential communication" means a communication not intended to be disclosed to 3rd persons other than those present to further the interest of the patient in the consultation, examination or interview or persons who are participating in the diagnosis and treatment under the direction of the dentist, including members of the patient's family. [PL 2015, c. 429, §21 (NEW).]

B. "Patient" means a person who consults or is examined or interviewed by a dentist or dental auxiliary. [PL 2015, c. 429, §21 (NEW).] [PL 2015, c. 429, §21 (NEW).]

2. General rule of privilege. A patient has a privilege to refuse to disclose and to prevent another person from disclosing confidential communications made for the purpose of diagnosis or treatment of the patient's physical, mental or emotional conditions, including substance use disorder, among the patient, the patient's dentist and persons who are participating in the diagnosis or treatment under the direction of the dentist, including members of the patient's family. [PL 2017, c. 407, Pt. A, §149 (AMD).]

3. Who may claim the privilege. The privilege under subsection 2 may be claimed by the patient, by the patient's guardian or conservator or by the personal representative of a deceased patient. The dentist or dental auxiliary at the time of the communication is presumed to have authority to claim the privilege, but only on behalf of the patient. [PL 2015, c. 429, §21 (NEW).]

4. Exceptions. Notwithstanding any other provision of law, the following are exceptions to the privilege under subsection 2.

A. If the court orders an examination of the physical, mental or emotional condition of a patient, whether a party or a witness, communications made in the course of the examination are not privileged under this section with respect to the particular purpose for which the examination is ordered unless the court orders otherwise. [PL 2015, c. 429, §21 (NEW).]

B. There is not any privilege under this section as to communications relevant to an issue of the physical, mental or emotional condition of a patient in a proceeding in which the condition of the patient is an element of the claim or defense of the patient or of a party claiming through or under the patient or because of the patient's condition or claiming as a beneficiary of the patient through a contract to which the patient is or was a party or, after the patient's death, in a proceeding in which a party puts the condition in issue. [PL 2015, c. 429, §21 (NEW).]

C. There is not any privilege under this section as to information regarding a patient that is sought by the Chief Medical Examiner or the Chief Medical Examiner's designee in a medical examiner case, as defined by Title 22, section 3025, in which the Chief Medical Examiner or the Chief Medical Examiner's designee has reason to believe that information relating to dental treatment may assist in determining the identity of a deceased person. [PL 2015, c. 429, §21 (NEW).]

D. There is not any privilege under this section as to disclosure of information concerning a patient when that disclosure is required by law, and nothing in this section may modify or affect the provisions of Title 22, sections 4011-A to 4015 and Title 29-A, section 2405. [PL 2015, c. 429, §21 (NEW).]

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 407, Pt. A, §149 (AMD).

§18394. Teledentistry

An individual licensed under this chapter may provide oral health care services and procedures authorized under this chapter or by rule using teledentistry. The board shall adopt by rule guidelines and practice standards for the use of teledentistry, including, but not limited to, practice requirements for protecting patient rights and protocols for referrals, quality and safety, informed consent, patient evaluation, treatment parameters, patient records, prescribing, supervision and compliance with data exchange standards for the security and confidentiality of patient information. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 223, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 223, §14 (NEW).

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