

02-313
BOARD OF DENTAL PRACTICE
Maine Administrative Procedure Act
2023-2024 Regulatory Agenda
Prepared: June 6, 2023

AGENCY UMBRELLA-UNIT NUMBER: **02-313**

AGENCY NAME: **Board of Dental Practice** (Affiliated with the Department of Professional and Financial Regulation)

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EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2023 - 2024 RULE-MAKING ACTIVITY:

Public Law 2023, chapter 17 (Part P) moves the Board of Dental Practice from an affiliated board into a licensure program within the Office of Professional and Occupational Regulation (“OPOR”), Department of Professional and Financial Regulation. This law amends several provisions of Title 32, Chapter 143 “Dental Professions” to make consistent statutory terms as part of the organizational restructuring. It is anticipated that rulemaking will occur to further transition the Board of Dental Practice as a component board within OPOR.

In addition, the board may undergo a review of existing chapters that identifies the education and examination requirements for initial licensure and renewal of licensure; continuing education requirements for renewal of licensure, practice standards, teledentistry standards and sedation practice requirements. Additional rulemaking is anticipated because of newly enacted laws of the 131st legislative session.

CHAPTER 1: Definitions

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter defines certain specialized terms used throughout all rules adopted by the board. The Board is expected to review this chapter to ensure compliance with newly enacted laws and clarify existing rules.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 2: Qualifications for Dental Hygienist Licensure and Dental Hygienist Practice Authorities

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18345; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure and practice authorities as a dental hygienist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 3: Qualifications for Expanded Function Dental Assistant Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18344; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as an expanded function dental assistant. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 4: Qualifications for Dental Radiography Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18343; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dental radiographer.

The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 5: Qualifications for Denturist Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18346; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a denturist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 6: Qualifications for Dentist Licensure

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18342; 10 M.R.S. § 8003(5)(G)

PURPOSE: This chapter outlines the qualifications for licensure as a dentist. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 7: Establishment of Fees

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18323(3), 18324

PURPOSE: This chapter establishes fees for licenses, registrations and related services. The Board is expected to review this chapter as part of its fiscal responsibilities.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees, applicants, and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 8: Qualifications for Initial and Renewal Registrations

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18348

PURPOSE: This chapter identifies the requirements for initial and renewal registrations for the purpose of completing supervised, clinical experience. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 9: Unprofessional Conduct

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This chapter sets forth unprofessional conduct subject to disciplinary action pursuant to 32 M.R.S. § 18325(1)(E). The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 10: Sexual Misconduct

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325(1)

PURPOSE: This rule sets for unprofessional conduct by defining sexual misconduct and setting the range of sanctions and factors the Board should consider in imposing sanctions. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and general public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 11: Qualifications for Licensure by Endorsement; Requirements for Renewal, Late Renewal, and Reinstatement of Licensure and Authorities

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18341, 18347, 18349, 18350

PURPOSE: This chapter establishes the qualifications for licensure by endorsement and the requirements for renewal, late renewal and reinstatement for licenses and authorities. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 12: Practice Requirements

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18325, 18371, 18372, 18373, 18374, 18375, 18376, 18377, 18378, 18393

PURPOSE: This chapter establishes the practice requirements for individuals licensed or authorized to practice under the Dental Practice Act. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 13: Continuing Education

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18308(4), 18324, 18350, 18351

PURPOSE: This chapter establishes the continuing education required for licensees of the board, including provisions for inactive status. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and continuing education providers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 14: Rules for Use of Sedation and General Anesthesia by Dentists

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18379

PURPOSE: This chapter outlines the requirements under which dentists may administer minimal, moderate, deep sedation and general anesthesia. The Board is expected to review this chapter to ensure compliance with newly enacted laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

ANTICIPATED NEW CHAPTER 15 “Practice Guidelines When Utilizing Teledentistry”

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18394

PURPOSE: This chapter establishes the practice requirements when utilizing teledentistry. The Board is expected to review this chapter to ensure compliance with current laws, update current practices, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 17: Requirements for Establishing a Board Approved Dental Therapy Program

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 18324, 18345(2)(C)(2)

PURPOSE: This chapter establishes the requirements for dental therapy programs to be approved by the Board. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees and applicants.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CHAPTER 21: Use of Controlled Substances for Treatment of Pain

STATUTORY AUTHORITY: 32 M.R.S.A. § 18324

PURPOSE: This chapter is a joint rule to ensure adequate relief of pain in the practice of dentistry to the citizens of Maine. The Board is expected to review this chapter to ensure compliance with current laws, update outdated references, and provide clarification as necessary.

SCHEDULE FOR ADOPTION: Anticipated completion 2023-2024.

AFFECTED PARTIES: Licensees

CONSENSUS-BASED RULE DEVELOPMENT: N/A