



Sunrise Review: Request for Information from Interested Parties

LD 1129 “Resolve, Directing the Commissioner of Professional and Financial Regulation to Conduct a Sunrise Review of Oral Health Care Issues”

**Department of Professional and Financial Regulation
Office of the Commissioner
June 21, 2007**

Sunrise Review Survey: Oral Health Issues

Please return the completed survey to the Commissioner's Office by July 20, 2007. You may respond to any or all questions. The survey should be e-mailed to Doug Dunbar, Assistant to the Commissioner. The address is doug.dunbar@maine.gov. An electronic version of the survey is available by contacting the Commissioner's Office.

General Information

1. Group or organization you represent (if any):

Maine Society of Denturists
81 Webster St.
Lewiston, ME

2. Position on proposed legislation. Does this group or organization support or oppose:

- Expanding the scope of practice of dental hygienists by creating a mid-level dental hygienist* license category (LD 1246):
- Permitting dental hygienists to practice independently without supervision of a licensed dentist (LD 550):

SUPPORT

- Permitting dental graduates of foreign universities to become licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners (LD 1129):

SUPPORT

- Creating a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners (LD 1462):

The Maine Society of Denturists strongly supports the formation of a new licensing board within the Department of Professional and Financial Regulation ("DPFR") for denturists and dental hygienists separate from the Board of Dental Examiners. In the alternative, the Maine Society of Denturists would also support direct administration by DPFR much like the structure recently implemented for massage therapists. DPFR would provide administrative services to allow denturists to self-regulate and would receive technical support from an advisory committee of denturists. The hygienists could be regulated in much the same way.

* In this sunrise review, "mid-level dental hygienist" means a dental hygienist with an expanded scope of practice similar to the scope of practice proposed in LD 1246.

Much like the medical profession, dental professionals deserve to be regulated by a board of their peers. Medical doctors, osteopathic doctors, podiatrists, nurses, optometrists, acupuncturists, chiropractors, massage therapists, naturopathic doctors, and radiologic technicians each have their own board. Denturists and hygienists deserve also to have boards of their own or at least to be self-regulated.

Denturists currently are an independent profession regulated by a licensing board on which they have one member. What cannot continue to occur is for the denturists to be regulated by their competition—dentists—or for hygienists to be regulated by their employers—dentists. Each profession understands best its own training, standard of care, and proper extent of its scope of practice. No other profession should be making these decisions in place of the profession being regulated.

Importantly, an independent board (Board of Regulatory Fairness) created by the Legislature to review regulatory fairness issued a report to the Legislature in March of this year, which highly recommended the formation of a separate board to regulate denturists and hygienists. After undertaking a rigorous fact-finding process—much like the Department’s sunrise review process—the Board concluded, among other things, that the formation of such a board “should be considered a highest and urgent priority in the Legislature.” See Attachment A, “First Annual Report of the Maine Regulatory Fairness Board,” March 2007, p. 1.

No matter what the composition of this new licensing board, if it will regulate both denturists and hygienists, it must have an equal number of these professions on the board. Importantly, it must also have a strong public presence and no more than one dentist. The focus should always be on protecting the public and doing what is in the best interest of the public.

A proposal acceptable to us would be a board composed of three (3) denturists, three (3) dental hygienists, two (2) members of the public, and one (1) dentist. Each profession could also have a subcommittee charged with all discipline and scope of practice issues.

Because of rapidly rising costs in dental health care and lack of access, Maine should consider all available options in order to increase access and lower costs. A prime opportunity is before us – denturists can independently practice in certain areas and provide the same services at a lower cost than dentists. A realignment of the dental professions in Maine could provide wider access to affordable dental health. As a result, Maine should follow the wisdom of the Board of Regulatory Fairness and the lead of all the Canadian provinces, Washington, Oregon, and Idaho, which already have independent denturist licensing boards, and provide a proper licensing board for denturists and hygienists.

Evaluation Criteria (32 M.R.S.A. § 60-J)

1. Data on group proposed for regulation. Please provide a description of the professional or occupational groups proposed for regulation, including:

(a) The number of individuals or business entities that would be subject to regulation;

Over 50 denturists are licensed in the State of Maine, with 15 actively practicing in Maine.

- (b) The names and addresses of associations, organizations and other groups representing potential licensees; and

National Denturist Association/USA
PO Box 308
Tonawanda, PA 18848

International Federation of Denturists
P.O. Box 46132 RPO Westdale
Winnipeg MB
R3R 3S3
Canada

- (c) An estimate of the number of potential licensees in each group.

- 2. Specialized skill.** Please describe whether the proposed law changes in the areas of oral health care outlined below require such a specialized skill that the public is not qualified to select a competent individual or entity without assurances that minimum qualifications have been met:

- a mid-level dental hygienist license category (LD 1246):
- dental hygienists practicing independently without supervision of a licensed dentist (LD 550):
- dental graduates of foreign universities becoming licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners (LD 1129):

- 3. Threat to public health, safety, or welfare.** Please describe:

- (a) The nature and extent of potential harm to the public, if any, if regulation of the practitioners listed below is not expanded:

- a mid-level dental hygienist:
- dental hygienists practicing independently without supervision of a licensed dentist:

- dental graduates of foreign universities licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners:

- (b) The extent to which there is a threat to the public's health, safety or welfare (*Please provide evidence of the potential harm, including: a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against dental hygienists or dental graduates of foreign universities in this State within the past 5 years*).

- 4. Voluntary and past regulatory efforts.** Please provide a description of the voluntary efforts made by dental hygienists or dental graduates of foreign universities to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.

- 5. Costs and benefits of regulation.** Please describe the extent to which regulation or expanded regulation of the occupations (or proposed occupations) listed below will increase the cost of services provided by those practitioners, and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

- a mid-level dental hygienist:
- dental hygienists practicing independently without supervision of a licensed dentist:
- dental graduates of foreign universities licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners:
- a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners:

The Maine Society of Denturists believes that the creation of a new board within DPFRR or direct administration by DPFRR can be accomplished by not significantly raising the licensing fees for denturists or hygienists. As a result, the denturists commit to not passing on to its patients any increase in licensing fees as a result of self-regulation.

Additionally, an independent board for denturists would most certainly attract more denturists to the State of Maine. Every profession desires to be self-regulated, and such

an opportunity would provide Maine licensees not practicing in Maine the means to come home. More denturists would provide a greater access to dental care, and more competition would provide lower costs for dental care to the citizens of Maine.

6. Service availability under regulation. Please describe the extent to which regulation or expanded regulation of the occupations (or proposed occupations) listed below would increase or decrease the availability of oral health services to the public.

- a mid-level dental hygienist:
- dental hygienists practicing independently without supervision of a licensed dentist:
- dental graduates of foreign universities licensed in Maine pursuant to standards acceptable to the Maine Board of Dental Examiners:
- a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners (LD 1462):

As stated in #5, an independent board for denturists would most certainly attract more denturists to the State of Maine. Every profession desires to be self-regulated, and such an opportunity would provide Maine licensees not practicing in Maine the means to come home. More denturists would provide a greater access to dental care, and more competition would provide lower costs for dental care to the citizens of Maine.

7. Existing laws and regulations. Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from non-regulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

The Maine Society of Denturists believes that existing law—the existing Board structure—is inadequate to prevent the harm that results from the denturists being regulated on a board dominated by the dentists. The subcommittees of the Board of Dental Examiners for denturists and hygienists were originally opposed by the Maine Dental Association before the Legislature decided that significant changes to the BODE were necessary. However, each of these subcommittees are limited in their scope—e.g., the denturist subcommittee is limited to disciplinary issues—and are therefore inadequate to serve the many needs of the denturist profession. Denturists desire a proper forum in which to deliberate not only disciplinary issues, but training, standard of care, scope of practice, and other critical issues.

In addition, inadequacies in denturist training and regulation exist, as a result of the existing Board of Dental Examiners. There is currently no approved educational program for training denturists.

- 8. Method of regulation.** Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.
- 9. Other states.** Please provide a list of other states that regulate the profession, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on commercial leasing agents in terms of a before-and-after analysis.

Oregon: Full scope of practice. Board of Denture Technology

Washington: Full scope of practice. Board of Denture Technology

Montana: Full dentures; Partial dentures with Oral Health Certificate. Board of Dentistry.

Idaho: Full dentures and partial denture repairs. Board of Denturistry

Arizona: Full scope of practice under general supervision. Board of Dentistry.

All Canadian provinces allow full scope of practice and have independent dentist regulating bodies.

- 10. Previous efforts to regulate.** Please provide the details of any previous efforts in *this State* to implement regulation or expand regulation of the occupations (or proposed occupations) listed below:

- a mid-level dental hygienist:

- dental hygienists practicing independently without supervision of a licensed dentist:

- dental graduates of foreign universities:

- a new licensing board within the Department of Professional and Financial Regulation for denturists and dental hygienists separate from the Board of Dental Examiners (LD 1462):

Efforts to create a licensing board for denturists and to expand the scope of practice for denturists have been ongoing since 1995. In 2001, a bill was killed that would have created an independent board for denturists. In 2003, sunset review of the BODE resulted in the development of the now existing subcommittees for denturists and hygienists. The sunset review legislative hearings also resulted in a bill providing for sunrise review to study the feasibility of expanding the scope of practice for denturists to provide partial dentures among other things.

Additionally, during the legislative hearings regarding the sunset review, the Maine Society of Denturists proposed various reforms to the structure of the Board of Dental Examiners. One of the changes was to equalize the Board, by having each dental

profession have equal representation on the Board. The Society, at that time, proposed a Board with two dentists, two hygienists, two denturists, and one member of the public. This proposal was rejected by the Business, Research, and Economic Development Committee.

11. Minimal competence. Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

12. Financial analysis. Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

License fees would cover the cost of a licensing board for denturists and hygienists, and the fees would also cover the costs if, in the alternative, denturists were directly administered by DPFRR.

13. Mandated benefits. Please describe whether the profession or occupation plans to apply for mandated benefits.

Date: August 19, 2007

Completed by:

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Title: President, Maine Society of Denturists

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