



May 2, 2014

TO: ADEA Leadership Group

FROM: Richard W. Valachovic, D.M.D., M.P.H, ADEA President and CEO
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RE: Governor of Maine Signs the Dental Hygiene Therapist Bill into Law

On April 28, Gov. Paul LePage (R-ME) signed into law [L.D. 1230](#), "*An Act to Improve Access to Oral Health Care*," thereby creating the role of dental hygiene therapist in the State of Maine. The bill passed with bipartisan support. The new law authorizes dental hygiene therapists to perform both preventive and routine restorative dental care under the supervision of a licensed dentist in the State of Maine.

Background

L.D. 1230 was originally introduced during the 2013 legislative session and failed to pass the Maine Senate. As a result, the bill was carried over to the current legislative session for consideration. In the current session, the bill was sponsored by the Speaker of the House, Mark Eves (D-ME), and co-sponsored by 42 members of the state legislature, including Reps. Anne-Marie Mastraccio (D-ME) and Heather W. Sirocki (R-ME), both of whom are dental hygienists.

According to the legislature, the rationale for the legislation was that Maine faces a dental shortage in 15 of its 16 counties, with 55 percent of Maine's children lacking access to oral health care. They estimated that at least 180,000 residents find it difficult to access oral health care. In addition to the lack of access to care, they state that 40 percent of Maine's practicing dentists are approaching retirement. It is estimated that within the next five years, 23 percent of dentists in Maine plan to retire, and an additional 16 percent will reduce their practice hours. The aggregate of the challenges of access to dental care and the impending retirement of dentists were arguments that led to the passage of the bill.

Implementation

The following are excerpts from the law (using the language and terminology of the law) which delineate supervision, scope of practice and educational requirements to become and practice as a licensed dental hygiene therapist in the State of Maine:

1. Supervision

A dental hygiene therapist may practice only under the direct supervision of a dentist who is licensed in Maine. The new law refers to this individual as “the supervising dentist.” In addition, a written practice agreement is required which must be signed by both the dental hygiene therapist and the supervising dentist. The written practice agreement must include the following elements:

- The services and procedures and the practice settings for those services and procedures that the dental hygiene therapist may provide, together with any limitations on those services and procedures;
- Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;
- Procedures to be used with patients treated by the dental hygiene therapist for obtaining informed consent and for creating and maintaining dental records;
- A plan for review of patient records by the supervising dentist and the dental hygiene therapist;
- A plan for managing medical emergencies in each practice setting in which the dental hygiene therapist provides care;
- A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;
- Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;
- Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and
- 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 hygiene therapist.

Additionally, the law allows a dental hygiene therapist to supervise dental assistants and dental hygienists to the extent permitted in the written practice agreement entered into with a supervising licensed dentist. However, a dental hygiene therapist cannot supervise more than three dental assistants and two dental hygienists in any one practice setting.

2. Scope of Practice

A dental hygiene therapist may provide the care and services listed below only under the direct supervision of a dentist licensed in Maine:

- Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;
- Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;

- Provide referrals;
- Administer local anesthesia and nitrous oxide analgesia;
- Perform preventative services;
- Conduct urgent management of dental trauma, perform suturing and extract primary teeth and perform nonsurgical extractions of periodontally diseased permanent teeth if authorized in advance by the supervising dentist;
- Provide, dispense, and administer, within parameters of the written practice agreement and with the authorization of the supervising dentist, anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials;
- Administer radiographs; and
- Perform other related services and functions authorized by the supervising dentist and for which the dental hygiene therapist is trained.

Upon completion of 2,000 hours of supervised clinical practice, a dental hygiene therapist may provide services within their scope of practice under the direct supervision of a dentist licensed in Maine in the following health settings:

- hospitals,
- public schools,
- nursing facilities,
- residential care facilities,
- clinics,
- health centers,^[1]
- federally qualified health centers licensed in Maine,
- public health settings,^[2] or
- private dental practices^[3]

There are some limitations on the dental hygiene therapists practice; for instance, the supervising dentist is responsible for arranging another dentist to provide services needed by a patient of a dental hygiene therapist that are beyond their scope of practice and the dental hygiene therapist is required to refer patients to another dentist or other health care professionals for care that exceeds their scope of practice.

3. Licensure and Educational Requirements

To qualify for licensure as a dental hygiene therapist, a person must pay the application fee, complete the appropriate forms, and demonstrate to the Maine Board of Dental Examiners ([Board](#)) that the applicant:

^[1] Centers must be reimbursed as a Federally Qualified Health Center (FQHC) to qualify or determined by the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) to meet the requirements for funding under the *Public Health Service Act*.

^[2] The public health setting must serve underserved populations as recognized by the U.S. Department of Health and Human Services (HHS).

^[3] At least 50 percent of the patients who are provided services by the dental hygiene therapist must be covered by the [MaineCare](#) program.

- Possess a valid license to practice dental hygiene or independent practice dental hygiene or qualifies for licensure to practice by endorsement;
- Has successfully completed a dental hygiene therapy education program that is:
 - Accredited by the American Dental Association Commission on Dental Accreditation ([CODA](#)) or a successor organization;
 - A minimum of four semesters;
 - Consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry, or a successor organization,
 - Consistent with existing dental hygiene therapy programs in other states and is approved by the Board; and
 - Meets the requirements for dental hygiene therapy education programs adopted by the Board.
- Has been awarded a Bachelor of Science degree in dental hygiene. Note, in order to meet this requirement, an applicant must hold at least an associate degree in dental hygiene before entering a dental hygiene therapy education program, which may be completed concurrently or consecutively with a Bachelor of Science degree in dental hygiene.
- Has passed a comprehensive, competency-based clinical examination approved by the Board and administered independently by an institution providing dental hygiene therapy education and has passed an examination of the applicant's knowledge of Maine laws and rules relating to the practice of dentistry; and
- Has completed 2,000 hours of supervised clinical practice under the supervision of a licensed dentist.

Next Steps

The Maine Board of Professional and Financial Regulation, Board of Dental Examiners has until January 1, 2015 to adopt rules establishing requirements for the dental hygiene therapy education program. Also, the Board has the option to approve a dental hygiene therapy education program until an education program has been accredited by CODA or a successor organization.

Should you require additional information, please do not hesitate to let us know. Please contact Yvonne Knight, J.D., ADEA Senior Vice President for Advocacy and Governmental Relations, ADEA Policy Center at KnightY@adea.org.