

Notice of Agency Rule-making Proposal

AGENCY: Board of Dental Examiners (Affiliated with the Department of Professional and Financial Regulation)

RULE TITLE OR SUBJECT: RULES TO IMPLEMENT A 2-YEAR PILOT PROJECT FOR INDEPENDENT PRACTICE DENTAL HYGIENISTS TO PROCESS DENTAL RADIOGRAPHS IN UNDERSERVED AREAS OF THE STATE

PROPOSED RULE NUMBER: Chapter 16

CONCISE SUMMARY: This Chapter implements Resolve 2011, Chapter 167 of the 125th Maine Legislature (First Regular Session)(LD 230), that required the Board to create and adopt rules for a 2-year pilot project that allows Independent Practice Dental Hygienists to Process Radiographs in Underserved Areas of the State under protocols developed by the Board. The Resolve also requires the Board to provide a report by January 15, 2013, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the projects ability to improve access to dental health services in federally designated dental health professional shortage areas and recommendations for the continuance, discontinuance or modification of the pilot project.

THIS RULE WILL WILLNOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: Resolve 2011, Chapter 167 of the 125th Maine Legislature (First Regular Session)(LD 230); 32 M.R.S.A. §§ 1073(2), 1094-Q, and 1100-A

PUBLIC HEARING: Anticipated hearing date: October 21, 2011 – 9:30 a.m.

DEADLINE FOR COMMENTS: November 17, 2011

AGENCY CONTACT PERSON: Teneale E. Johnson, Executive Secretary
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Please approve bottom portion of this form and
 assign appropriate MFASIS number.

APPROVED FOR PAYMENT *Teneale E. Johnson* Date: _____
Authorized signature

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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Chapter 16: RULES TO IMPLEMENT A 2-YEAR PILOT PROJECT FOR INDEPENDENT PRACTICE DENTAL HYGIENISTS TO PROCESS DENTAL RADIOGRAPHS IN UNDERSERVED AREAS OF THE STATE

Summary: This Chapter implements Resolve 2011, Chapter 167 of the 125th Maine Legislature (First Regular Session)(LD 230), that required the Board to create and adopt rules for a 2-year pilot project that allows Independent Practice Dental Hygienists to Process Radiographs in Underserved Areas of the State under protocols developed by the Board. The Resolve also requires the Board to provide a report by January 15, 2013, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the projects ability to improve access to dental health services in federally designated dental health professional shortage areas and recommendations for the continuance, discontinuance or modification of the pilot project.

Section I. REQUIREMENTS. ANY INDEPENDENT PRACTICE DENTAL HYGIENISTS (IPDHS) WHO EXPOSE AND PROCESS DENTAL RADIOGRAPHS MUST COMPLY WITH THE FOLLOWING:

- A. Notice to the Board. All IPDHs who intend to expose and process dental radiographs shall notify the Board in writing of their intent to do so and provide a physical address where the exposure and processing will take place.
- B. Location Limitation. IPDHs can only expose and process dental radiographs within areas of the State that have been designated by the United States Department of Health and Human Services as Federally Designated Dental Health Professional Shortage Areas. Information regarding these areas can be found on the Board's website: <http://www.mainedental.org/>.
- C. Dental Radiographic Equipment Inspection and Operation.
 - 1. The IPDH shall ensure that all x-ray equipment is installed, inspected, approved and operated in accordance with all applicable State of Maine Rules Relating to Radiation Protection effective November 10, 2009 (10-144A CMR 220). Copies of these rules are available at: <http://www.maine.gov/dhhs/eng/rad/rules09.htm>.
 - 2. The IPDH shall ensure that all inspection certificates of dental radiographic equipment are current and displayed on or about the units generating images.
 - 3. The IPDH shall provide all patients who will be exposed to dental radiation with a protective barrier (i.e. a lead apron or its non-lead equivalent) that includes a thyroid collar.

4. The IPDH shall ensure that all developing chemicals are disposed of with by licensed hazardous waste handlers, and in accordance with all applicable rules of the Maine Department of Environmental Protection and the “Handbook for Hazardous Waste Generators” dated June 2008. Copies of these rules and the handbook are available at: <http://www.maine.gov/dep/rwm/hazardouswaste/#wr>. In addition, the IPDH shall maintain copies of all records related to the disposal of developing chemicals.

D. Documentation.

1. Exposure Log. Each IPDH exposing radiographs pursuant to this rule shall create and maintain an exposure log on a template developed by the Board (attached as Appendix A to this rule).
2. Written Agreement. Each IPDH exposing radiographs must have a written agreement with a licensed dentist that provides that the licensed dentist will be available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form developed by the Board (attached as Appendix B to this rule).
3. Radiographic Review Findings Form. Each IPDH will forward a radiographic review and findings form developed by the Board (attached as Appendix B to this rule) to the licensed dentist reviewing the radiographs. Such review form shall be completed and signed by a licensed dentist within twenty-one (21) calendar days from the date that the dental x-ray was taken. The IPDH shall ensure that this form is returned to the IPDH and that, if indicated, the patient is referred for additional dental care in accordance with rules established pursuant to this chapter.
4. Referral Form. The Board expects every IPDH exposing radiographs pursuant to this chapter to make reasonable efforts to ensure that all patient referrals are completed in a timely fashion. The IPDH shall ensure that each patient referral includes: a.) the IPDH’s name; b.) the patient’s name; c.) radiographic finding and date of finding; d.) who the patient was referred to and date of referral; and e.) follow up on referred care provided and date of follow up care.

- E. Inspections. Each IPDH exposing or processing dental radiographs shall permit the Board, at its discretion and with proper notice, or its agent(s) to inspect the IPDH office for the purpose of records review, review of required forms, and documentation of patient referral (when indicated). Much of this information will be necessary to provide a report back to the Joint Standing Committee on Labor, Commerce, Research, and Economic Development.

- E. Supervision. An IPDH may not supervise a licensed dental radiographer.

Section II. TYPES OF DENTAL RADIOGRAPH EXPOSURES

A. Permissible. IPDHs may only expose patients to two types of dental radiography pursuant to this rule:

1. Bitewing films (vertical and/or horizontal); and
2. Periapical films (when necessary to check for subgingival calculus removal).

B. Impermissible. IPDHs may not expose patients to the any other type of dental radiography other than that identified in Section II(A) above, including:

1. Panoramic images; and/or
 2. Full mouth series.
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STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1073(2), 1100-A; RESOLVE 2011, Chapter 67, 125th Maine Legislature (LD 230).

EFFECTIVE DATE:

