

(Including Amendments to Resolve Conflicts)

C-Engrossed Senate Bill 1509

Ordered by the House February 24
Including Senate Amendments dated February 14 and February 20 and
House Amendments dated February 24

Sponsored by Senator BATES (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes dentists and dental hygienists who are licensed in another state and in good standing to practice dentistry without compensation for specified period of time.

Prohibits fully capitated health plan, physician care organization or coordinated care organization from discriminating against health care provider who is acting within scope of provider's license or certification. Removes prohibition for fully capitated health plans and physician care organizations on July 1, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health; creating new provisions; amending ORS 679.025 and 680.020; repealing sections
3 7, 8, 9 and 10, chapter ___, Oregon Laws 2012 (Enrolled Senate Bill 1580); and declaring an
4 emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 679.025 is amended to read:

7 679.025. (1) A person may not practice dentistry or purport to be a dentist without a valid li-
8 cense to practice dentistry issued by the Oregon Board of Dentistry.

9 (2) The requirements of this section do not apply to:

10 (a) Dentists licensed in another state making a clinical presentation sponsored by a bona fide
11 dental society or association or an accredited dental educational institution approved by the board.

12 (b) Bona fide full-time students of dentistry who, during the period of their enrollment and as a
13 part of the course of study in an Oregon accredited dental education program, engage in clinical
14 studies on the premises of such institution or in a clinical setting located off the premises of the
15 institution if the facility, the instructional staff and the course of study to be pursued at the off-
16 premises location meet minimum requirements prescribed by the rules of the board and the clinical
17 study is performed under the direct supervision of a member of the faculty.

18 (c) Bona fide full-time students of dentistry who, during the period of their enrollment and as a
19 part of the course of study in a dental education program located outside of Oregon that is accred-
20 ited by the Commission on Dental Accreditation of the American Dental Association or its successor
21 agency, engage in community-based or clinical studies as an elective or required rotation in a clin-
22 ical setting located in Oregon if the community-based or clinical studies meet minimum requirements
23 prescribed by the rules of the board and are performed under the direct supervision of a member

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 of the faculty of the Oregon Health and Science University School of Dentistry.

2 (d) Candidates who are preparing for a licensure examination to practice dentistry and whose
3 application has been accepted by the board or its agent, if such clinical preparation is conducted in
4 a clinic located on premises approved for that purpose by the board and if the procedures are lim-
5 ited to examination only. This exception shall exist for a period not to exceed two weeks imme-
6 diately prior to a regularly scheduled licensure examination.

7 (e) Dentists practicing in the discharge of official duties as employees of the United States
8 Government and any of its agencies.

9 (f) Instructors of dentistry, whether full- or part-time, while exclusively engaged in teaching ac-
10 tivities and while employed in accredited dental educational institutions.

11 (g) Dentists employed by public health agencies who are not engaged in the direct delivery of
12 clinical dental services to patients.

13 (h) Persons licensed to practice medicine in the State of Oregon in the regular discharge of their
14 duties.

15 (i) Persons qualified to perform services relating to general anesthesia or sedation under the
16 direct supervision of a licensed dentist.

17 **(j) Dentists licensed in another state and in good standing, while practicing dentistry**
18 **without compensation for no more than five consecutive days in any 12-month period, pro-**
19 **vided the dentist submits an application to the board at least 10 days before practicing**
20 **dentistry under this paragraph and the application is approved by the board.**

21 [(j)] (k) Persons practicing dentistry upon themselves as the patient.

22 [(k)] (L) Dental hygienists, dental assistants or dental technicians performing services under the
23 supervision of a licensed dentist in accordance with the rules adopted by the board.

24 [(L)] (m) A person licensed as a denturist under ORS 680.500 to 680.565 engaged in the practice
25 of denture technology.

26 [(m)] (n) An expanded practice dental hygienist who renders services authorized by a permit
27 issued by the board pursuant to ORS 680.200.

28 **SECTION 2.** ORS 680.020 is amended to read:

29 680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental
30 hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued
31 by the Oregon Board of Dentistry.

32 (2) The requirements of this section do not apply to:

33 (a) Dental hygienists licensed in another state making a clinical presentation sponsored by a
34 bona fide dental or dental hygiene society or association or an accredited dental or dental hygiene
35 education program approved by the board.

36 (b) Bona fide students of dental hygiene who engage in clinical studies during the period of their
37 enrollment and as a part of the course of study in an Oregon dental hygiene education program. The
38 program must be accredited by the Commission on Dental Accreditation of the American Dental
39 Association, or its successor agency, if any, and approved by the board. The clinical study may be
40 conducted on the premises of the program or in a clinical setting located off the premises. The fa-
41 cility, the instructional staff, and the course of study at the off-premises location must meet mini-
42 mum requirements prescribed by the rules of the board, and the clinical study at the off-premises
43 location must be performed under the direct supervision of a member of the faculty.

44 (c) Bona fide students of dental hygiene who engage in community-based or clinical studies as
45 an elective or required rotation in a clinical setting located in Oregon during the period of their

1 enrollment and as a part of the course of study in a dental hygiene education program located out-
2 side of Oregon. The program must be accredited by the Commission on Dental Accreditation of the
3 American Dental Association or its successor agency. The community-based or clinical studies must:

4 (A) Meet minimum requirements prescribed by the rules of the board; and

5 (B) Be performed under the direct supervision of a member of the faculty of the Oregon Health
6 and Science University School of Dentistry or another Oregon institution with an accredited dental
7 hygiene education program approved by the board.

8 (d) Students of dental hygiene or graduates of dental hygiene programs who engage in clinical
9 studies as part of a course of study or continuing education course offered by an institution with a
10 dental or dental hygiene program. The program must be accredited by the Commission on Dental
11 Accreditation of the American Dental Association or its successor agency.

12 (e) Candidates who are preparing for licensure examination to practice dental hygiene and
13 whose application has been accepted by the board or its agent, if such clinical preparation is con-
14 ducted in a clinic located on premises approved for that purpose by the board and if the procedures
15 are limited to examination only.

16 (f) Dental hygienists practicing in the discharge of official duties as employees of the United
17 States Government and any of its agencies.

18 (g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teach-
19 ing activities and while employed in accredited dental hygiene educational programs.

20 (h) Dental hygienists employed by public health agencies who are not engaged in direct delivery
21 of clinical dental hygiene services to patients.

22 (i) Counselors and health assistants who have been trained in the application of fluoride
23 varnishes to the teeth of children and who apply fluoride varnishes only to the teeth of children
24 enrolled in or receiving services from the Women, Infants and Children Program, the Oregon
25 prekindergarten program or a federal Head Start grant program.

26 **(j) Dental hygienists licensed in another state and in good standing, while practicing**
27 **dental hygiene without compensation for no more than five consecutive days in any 12-month**
28 **period, provided the dental hygienist submits an application to the board at least 10 days**
29 **before practicing dental hygiene under this paragraph and the application is approved by the**
30 **board.**

31 **SECTION 3. Section 4 of this 2012 Act is added to and made a part of ORS chapter 414.**

32 **SECTION 4. (1) A fully capitated health plan, physician care organization or coordinated**
33 **care organization may not discriminate with respect to participation in the plan or organ-**
34 **ization or coverage against any health care provider who is acting within the scope of the**
35 **provider's license or certification under applicable state law. This section does not require**
36 **that a plan or organization contract with any health care provider willing to abide by the**
37 **terms and conditions for participation established by the plan or organization. This section**
38 **does not prevent a plan or organization from establishing varying reimbursement rates based**
39 **on quality or performance measures.**

40 **(2) A plan or organization may establish an internal review process for a provider**
41 **aggrieved under this section, including an alternative dispute resolution or peer review pro-**
42 **cess. An aggrieved provider may appeal the determination of the internal review to the**
43 **Oregon Health Authority.**

44 **(3) The authority shall adopt by rule a process for resolving claims of discrimination**
45 **under this section and, in making a determination of whether there has been discrimination,**

1 **must consider the plan's or organization's:**

- 2 (a) **Network adequacy;**
- 3 (b) **Provider types and qualifications;**
- 4 (c) **Provider disciplines; and**
- 5 (d) **Provider reimbursement rates.**

6 (4) **A prevailing party in an appeal under this section shall be awarded the costs of the**
7 **appeal.**

8 **SECTION 5.** Section 4 of this 2012 Act is amended to read:

9 **Sec. 4.** (1) A *[fully capitated health plan, physician care organization or]* coordinated care or-
10 ganization may not discriminate with respect to participation in the *[plan or]* organization or cov-
11 erage against any health care provider who is acting within the scope of the provider's license or
12 certification under applicable state law. This section does not require that *[a plan or]* **an** organiza-
13 tion contract with any health care provider willing to abide by the terms and conditions for par-
14 ticipation established by the *[plan or]* organization. This section does not prevent *[a plan or]* **an**
15 organization from establishing varying reimbursement rates based on quality or performance meas-
16 ures.

17 (2) *[A plan or]* **An** organization may establish an internal review process for a provider
18 aggrieved under this section, including an alternative dispute resolution or peer review process. An
19 aggrieved provider may appeal the determination of the internal review to the Oregon Health Au-
20 thority.

21 (3) The authority shall adopt by rule a process for resolving claims of discrimination under this
22 section and, in making a determination of whether there has been discrimination, must consider the
23 *[plan's or]* organization's:

- 24 (a) Network adequacy;
- 25 (b) Provider types and qualifications;
- 26 (c) Provider disciplines; and
- 27 (d) Provider reimbursement rates.

28 (4) A prevailing party in an appeal under this section shall be awarded the costs of the appeal.

29 **SECTION 6.** The amendments to section 4 of this 2012 Act by section 5 of this 2012 Act
30 become operative July 1, 2017.

31 **SECTION 7.** If Senate Bill 1580 becomes law, sections 7, 8, 9 and 10, chapter _____,
32 Oregon Laws 2012 (Enrolled Senate Bill 1580), are repealed.

33 **SECTION 8.** This 2012 Act being necessary for the immediate preservation of the public
34 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
35 on its passage.

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