

Enrolled House Bill 2867

Sponsored by Representative GREENLICK; Representatives BRUUN, CAMERON, KOMP, KOTEK, TOMEL, Senators BATES, CARTER, DEVLIN, FERRIOLI, G GEORGE, MORRISETTE, WALKER (at the request of Oregon Dental Hygienists' Association)

CHAPTER

AN ACT

Relating to dental hygiene; creating new provisions; amending ORS 679.010, 680.020, 680.150, 680.200 and 680.205; and declaring an emergency.

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

SECTION 1. ORS 679.010 is amended to read:

679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires otherwise:

- (1) "Board" means the Oregon Board of Dentistry.
- (2) "Dental assistant" means a person who, under the supervision of a dentist, renders assistance to a dentist, dental hygienist, dental technician or another dental assistant or renders assistance under the supervision of a dental hygienist providing dental hygiene.
- (3) "Dental hygiene" means that portion of dentistry that includes the rendering of educational, preventive and therapeutic dental services [*in general, but specifically,*] **and diagnosis and treatment planning for such services. "Dental hygiene" includes, but is not limited to,** scaling, root planing, curettage, **the application of sealants and fluoride** and any related intraoral or extraoral procedure required in the performance of such services.
- (4) "Dental hygienist" means a person who, under the supervision of a dentist, practices dental hygiene.
- (5) "Dental technician" means that person who, at the authorization of a dentist, makes, provides, repairs or alters oral prosthetic appliances and other artificial materials and devices which are returned to a dentist and inserted into the human oral cavity or which come in contact with its adjacent structures and tissues.
- (6) "Dentist" means a person who may perform any intraoral or extraoral procedure required in the practice of dentistry.
- (7) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning, treatment, care and prevention of conditions within the human oral cavity and maxillofacial region and conditions of adjacent or related tissues and structures. The practice of dentistry includes but is not limited to the cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues and other acts or procedures as determined by the board and included in the curricula of dental schools accredited by the Commission on Dental Accreditation of the American Dental Association, post-graduate training programs or continuing education courses.

(8) "Direct supervision" means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(9) "General supervision" means supervision requiring that a dentist authorize the procedures, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

(10) "Indirect supervision" means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

(11) "Limited access permit dental hygienist" means a dental hygienist who renders dental hygiene services in accordance with ORS 680.205 as authorized by a limited access permit issued by the board pursuant to ORS 680.200.

(12) "State" means any state or territory of the United States and the District of Columbia.

SECTION 2. ORS 680.200 is amended to read:

680.200. (1) Upon application accompanied by the fee established by the Oregon Board of Dentistry, the board shall grant a permit to practice as a limited access permit dental hygienist to any applicant who:

(a) Holds a valid, unrestricted Oregon dental hygiene license;

(b) Presents evidence satisfactory to the board of at least 2,500 hours of supervised dental hygiene practice;

[(b) Presents evidence satisfactory to the board of at least 5,000 hours of supervised dental hygiene clinical practice within the previous five years;]

(c) Presents proof of current professional liability insurance coverage;

(d) Presents documentation satisfactory to the board of successful completion of a total of 40 hours of [*courses*] **course content** from a formal, post-secondary educational program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency or other appropriate health professional program accreditation agency and approved by the board, including but not limited to:

(A) General medicine and physical diagnosis;

(B) Pharmacology;

(C) Oral pathology;

(D) Patient management and psychology; and

(E) Jurisprudence relating to unsupervised practice with limited access patients; and

(e) Presents documentation satisfactory to the board of successful completion of an emergency life support course for health professionals, including cardiopulmonary resuscitation, from an agency or educational institution approved by the board.

(2) All permits issued pursuant to subsection (1) of this section expire two years following the date of issuance unless renewed on or before that date by:

(a) Payment of the renewal fee as set by the board;

(b) Submission to the board of satisfactory evidence of completion of at least 36 hours of continuing education, 12 hours of which shall be in the [*coursework*] **course content** areas required in subsection (1) of this section; and

(c) Presentation to the board of proof of professional liability insurance coverage.

(3) The board may refuse to issue or renew a limited access permit or may suspend or revoke the permit of a limited access permit dental hygienist who has been convicted of an offense or been disciplined by a dental licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant to practice limited access permit dental hygiene in accordance with the provisions of this chapter or ORS chapter 679, or who has falsified an application for permit, or any person for any cause described under ORS 679.140 or 679.170.

SECTION 3. ORS 680.205 is amended to read:

680.205. (1) A dental hygienist issued a permit to act as a limited access permit dental hygienist under ORS 680.200 shall be authorized to render all services within the scope of practice of dental

hygiene, as defined in ORS 679.010, without the supervision of a dentist and as authorized by the limited access permit to:

(a) Patients or residents of the following facilities or programs who, due to age, infirmity or disability, are unable to receive regular dental hygiene treatment:

(A) Nursing homes as defined in ORS 678.710;

(B) Adult foster homes as defined in ORS 443.705;

(C) Residential care facilities as defined in ORS 443.400;

(D) Adult congregate living facilities as defined in ORS 441.525;

(E) Mental health residential programs administered by the Department of Human Services;

(F) Facilities for mentally ill persons, as defined in ORS 426.005;

(G) Facilities for persons with mental retardation, as defined in ORS 427.005;

(H) Local correctional facilities and juvenile detention facilities as those terms are defined in ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Corrections institutions as defined in ORS 421.005; or

(I) Public and nonprofit community health clinics.

(b) Homebound adults.

(c) Students or enrollees of nursery schools and day care programs and their siblings under 18 years of age, Job Corps and other similar employment training facilities, primary and secondary schools, including private schools and public charter schools, and persons entitled to benefits under the Women, Infants and Children Program.

(2) The Oregon Board of Dentistry may authorize the provision of dental hygiene services by a limited access permit dental hygienist at locations or to populations that are underserved or lack access to dental hygiene services.

(3) At least once each calendar year, a dental hygienist issued a permit to act as a limited access permit dental hygienist shall refer each patient or resident to a dentist who is available to treat the patient or resident.

(4) Nothing in this section shall be construed to authorize a limited access permit dental hygienist to administer local anesthesia, denture soft lines, temporary restorations and radiographs except under the general supervision of a dentist licensed under ORS chapter 679, or to administer nitrous oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

(5) A limited access permit dental hygienist may *[provide]* **assess the need for and appropriateness of sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is applied or supplied to patients.**

(6) A person granted a limited access permit under ORS 680.200 shall also procure all other permits or certificates required by the board under ORS 679.250.

SECTION 4. ORS 680.150 is amended to read:

680.150. (1) Any dentist may employ a dental hygienist who may engage in the practice of dental hygiene in the office of such dentist under the general supervision of a dentist.

(2) Any public institution, health care facility or health maintenance organizations, as those terms are defined in ORS 442.015, may employ a dental hygienist who may engage in the practice of dental hygiene under the general supervision of a dentist.

(3) A dental hygienist under the general supervision of a dentist may engage in the practice of dental hygiene in any place where limited access patients are located.

(4) The Oregon Board of Dentistry may adopt rules specifying other locations where dental hygienists may work and shall specify in its rules the degree of supervision a dentist must exercise over the procedures the hygienist performs.

(5) **Notwithstanding ORS 679.010 (4), supervision by a dentist is not required when a dental hygienist determines the need for and appropriateness of sealants or fluoride, and applies sealants or fluoride at the locations and for persons described in ORS 680.205 (1) and (2).**

SECTION 5. ORS 680.020 is amended to read:

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

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

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

(b) Bona fide full-time students of dental hygiene who, during the period of their enrollment and as a part of the course of study in an Oregon dental hygiene education program accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, if any, which must have been approved by the board, engage in clinical studies on the premises of such program or in a clinical setting located off the premises if the facility, the instructional staff, and the course of study at the off-premises location meet minimum requirements prescribed by the rules of the board and the clinical study is performed under the direct supervision of a member of the faculty.

(c) Bona fide full-time students of dental hygiene who, during the period of their enrollment and as a part of the course of study in a dental hygiene education program located outside of Oregon that is accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, engage in community-based or clinical studies as an elective or required rotation in a clinical setting located in Oregon if the community-based or clinical studies meet minimum requirements prescribed by the rules of the board and are performed under the direct supervision of a member of the faculty of the Oregon Health and Science University School of Dentistry or another Oregon university with an accredited dental hygiene education program approved by the board.

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

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

(f) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teaching activities and while employed in accredited dental hygiene educational programs.

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

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

SECTION 6. Counselors and health assistants who have been trained in the application of fluoride varnishes to the teeth of children may apply fluoride varnishes to the teeth of children enrolled in or receiving services or benefits from the Women, Infants and Children Program, the Oregon prekindergarten program or a federal Head Start grant program.

SECTION 7. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House April 11, 2007

Repassed by House May 22, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 18, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State