

A-Engrossed
House Bill 2867

Ordered by the House April 6
Including House Amendments dated April 6

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

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.

Modifies definition of "dental hygiene." Modifies educational requirements for obtaining permit as limited access permit dental hygienist. Authorizes permit holder to assess need for **and appropriateness of dental sealants** and to apply dental sealants.

Provides that supervision of dentist is not required when dental hygienist determines need for and appropriateness of sealants or fluoride and applies sealants or fluoride at certain locations and for certain persons.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to dental hygiene; amending ORS 679.010, 680.150, 680.200 and 680.205; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 679.010 is amended to read:

6 679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-
7 wise:

8 (1) "Board" means the Oregon Board of Dentistry.

9 (2) "Dental assistant" means a person who, under the supervision of a dentist, renders assistance
10 to a dentist, dental hygienist, dental technician or another dental assistant or renders assistance
11 under the supervision of a dental hygienist providing dental hygiene.

12 (3) "Dental hygiene" means that portion of dentistry that includes the rendering of educational,
13 preventive and therapeutic dental services [*in general, but specifically,*] **and diagnosis and treat-**
14 **ment planning for such services. "Dental hygiene" includes, but is not limited to,** scaling, root
15 planing, curettage, **the application of sealants and fluoride** and any related intraoral or extraoral
16 procedure required in the performance of such services.

17 (4) "Dental hygienist" means a person who, under the supervision of a dentist, practices dental
18 hygiene.

19 (5) "Dental technician" means that person who, at the authorization of a dentist, makes, pro-
20 vides, repairs or alters oral prosthetic appliances and other artificial materials and devices which
21 are returned to a dentist and inserted into the human oral cavity or which come in contact with its
22 adjacent structures and tissues.

23 (6) "Dentist" means a person who may perform any intraoral or extraoral procedure required
24 in the practice of dentistry.

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 (7) "Dentistry" means the healing art which is concerned with the examination, diagnosis,
2 treatment planning, treatment, care and prevention of conditions within the human oral cavity and
3 maxillofacial region and conditions of adjacent or related tissues and structures. The practice of
4 dentistry includes but is not limited to the cutting, altering, repairing, removing, replacing or repo-
5 sitioning of hard or soft tissues and other acts or procedures as determined by the board and in-
6 cluded in the curricula of dental schools accredited by the Commission on Dental Accreditation of
7 the American Dental Association, post-graduate training programs or continuing education courses.

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

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

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

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

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

21 **SECTION 2.** ORS 680.200 is amended to read:

22 680.200. (1) Upon application accompanied by the fee established by the Oregon Board of
23 Dentistry, the board shall grant a permit to practice as a limited access permit dental hygienist to
24 any applicant who:

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

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

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

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

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

36 (A) General medicine and physical diagnosis;

37 (B) Pharmacology;

38 (C) Oral pathology;

39 (D) Patient management and psychology; and

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

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

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

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

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

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

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

12 **SECTION 3.** ORS 680.205 is amended to read:

13 680.205. (1) A dental hygienist issued a permit to act as a limited access permit dental hygienist
14 under ORS 680.200 shall be authorized to render all services within the scope of practice of dental
15 hygiene, as defined in ORS 679.010, without the supervision of a dentist and as authorized by the
16 limited access permit to:

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

19 (A) Nursing homes as defined in ORS 678.710;

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

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

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

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

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

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

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

30 (I) Public and nonprofit community health clinics.

31 (b) Homebound adults.

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

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

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

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

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

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

6 **SECTION 4.** ORS 680.150 is amended to read:

7 680.150. (1) Any dentist may employ a dental hygienist who may engage in the practice of dental
8 hygiene in the office of such dentist under the general supervision of a dentist.

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

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

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

17 **(5) Notwithstanding ORS 679.010 (4), supervision by a dentist is not required when a**
18 **dental hygienist determines the need for and appropriateness of sealants or fluoride, and**
19 **applies sealants or fluoride at the locations and for persons described in ORS 680.205 (1) and**
20 **(2).**

21 **SECTION 5.** This 2007 Act being necessary for the immediate preservation of the public
22 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
23 on its passage.
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