

House Bill 3095

Sponsored by COMMITTEE ON HEALTH CARE (at the request of Oregon State Denturist Association, United Seniors of Oregon, Oregon State Council for Retired Citizens, Gray Panthers of Oregon)

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 **as introduced**.

Exempts licensed denturist from certain requirements for owning or operating dental office or clinic.

A BILL FOR AN ACT

1
2 Relating to denturists; amending ORS 679.020.

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

4 **SECTION 1.** ORS 679.020 is amended to read:

5 679.020. (1) No person shall practice dentistry without a license.

6 (2) Before engaging, conducting, operating or maintaining any dental office in any way, every
7 individual shall obtain a license to practice dentistry in this state.

8 (3) The provisions of subsections (1) and (2) of this section as they relate to owning and oper-
9 ating a dental office or clinic do not apply to a dental office or clinic owned or operated by:

10 (a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organ-
11 ization formed by or on behalf of such labor organization for the purpose of providing dental ser-
12 vices. Such labor organization must have had an active existence for at least three years, have a
13 constitution and bylaws, and be maintained in good faith for purposes other than providing dental
14 services;

15 (b) The School of Dentistry of the Oregon Health and Science University;

16 (c) Local governments;

17 (d) Institutions or programs accredited by the Commission on Dental Accreditation of the
18 American Dental Association to provide education and training;

19 (e) Nonprofit corporations organized under Oregon law to provide dental services to rural areas
20 and medically underserved populations of migrant, rural community or homeless individuals under
21 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in com-
22 pliance with other applicable state and federal law; and

23 (f) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
24 Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer
25 licensed dentists to populations with limited access to dental care at no charge or a substantially
26 reduced charge.

27 (4) Any entity that owns or operates a dental office or clinic pursuant to subsection (3) of this
28 section must:

29 (a) Name an actively licensed dentist as its dental director who shall be subject to the pro-
30 visions of ORS 679.140 in the capacity as dental director. The dental director, or an actively licensed
31 dentist designated by the director, shall have responsibility for the clinical 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 which includes, but is not limited to:

2 (A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

3 (B) Prescribing drugs that are administered to patients in the practice of dentistry.

4 (C) The treatment plan of any dental patient.

5 (D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

6 (E) Supervision of dental hygienists, dental assistants or other personnel involved in direct pa-
7 tient care and the authorization for procedures performed by them in accordance with the standards
8 of supervision established by statute or by the rules of the board.

9 (F) Other specific services within the scope of clinical dental practice.

10 (G) Retention of patient dental records as required by statute or by rule of the board.

11 (H) Ensuring that each patient receiving services from the dental office or clinic has a dentist
12 of record.

13 (b) Maintain current records of the names of licensed dentists who supervise the clinical activi-
14 ties of dental hygienists, dental assistants or other personnel involved in direct patient care utilized
15 by the entity. The records must be available to the board upon written request.

16 (5) Subsections (1) and (2) of this section do not apply to a limited access permit dental hygienist
17 who renders services authorized by a limited access permit issued by the board pursuant to ORS
18 680.200.

19 (6) Nothing in this chapter precludes a person or entity not licensed by the board from:

20 (a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic.
21 These assets include real property, furnishings, equipment and inventory but do not include dental
22 records of patients related to clinical care.

23 (b) Employing or contracting for the services of personnel other than licensed dentists.

24 (c) Management of the business aspects of a dental office or clinic that do not include the clin-
25 ical practice of dentistry.

26 (7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held
27 by an administrator, executor, personal representative, guardian, conservator or receiver of the es-
28 tate of a former shareholder, member or partner, the administrator, executor, personal represen-
29 tative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months
30 following the creation of the ownership interest. The board shall extend the ownership period for
31 an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable
32 request.

33 **(8) This section does not apply to a person licensed as a denturist under ORS 680.500 to**
34 **680.570 and engaged in the practice of denture technology.**

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