

# Enrolled House Bill 3204

Sponsored by Representatives KOTEK, MAURER; Representatives CANNON, HARKER, HUFFMAN, THOMPSON, Senators DEVLIN, FERRIOLI, HASS, KRUSE, MONNES ANDERSON, MONROE, MORRISETTE, PROZANSKI, ROSENBAUM, WALKER (at the request of Oregon Dental Hygienists Association, Oregon Rural Health Association)

CHAPTER .....

## AN ACT

Relating to dental hygienists; creating new provisions; amending ORS 680.020, 680.060, 680.200 and 680.205; and declaring an emergency.

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

**SECTION 1.** ORS 680.020 is amended to read:

680.020. (1) It *[shall be]* **is** 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]* **do** 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[,] **engage in clinical studies** during the period of their enrollment and as a part of the course of study in an Oregon dental hygiene education program. **The program must be** accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, if any, *[which must have been]* **and** approved by the board, *engage in clinical studies*. **The clinical study may be conducted** on the premises of *[such]* **the** 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 **must** meet minimum requirements prescribed by the rules of the board, and the clinical study *[is]* **at the off-premises location must be** performed under the direct supervision of a member of the faculty.

(c) Bona fide *[full-time]* students of dental hygiene who[,] **engage in community-based or clinical studies as an elective or required rotation in a clinical setting located in Oregon** 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]* **The program must be** 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 **must:**

(A) Meet minimum requirements prescribed by the rules of the board; and *[are]*

(B) **Be** 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]* **institution** with an accredited dental hygiene education program approved by the board.

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

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

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

[(h)] **(i)** 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 2.** ORS 680.060 is amended to read:

680.060. (1) The Oregon Board of Dentistry may administer written, laboratory or clinical examinations to test professional knowledge and skills.

(2) The examination shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. It shall include, written in the English language, questions on any subjects pertaining to dental hygiene. The written examination may be supplemented by oral examination. Demonstrations of the applicant's skill in clinical dental hygiene also may be required.

(3) The board may accept the results of national standardized examinations in satisfaction of the written examination as authorized by this section, and shall accept the results of regional testing agencies or of clinical board examinations administered by other states in satisfaction of the clinical examination authorized under this section, provided:

(a) The test or examination was taken within five years of the date of application; and

(b) The applicant received a passing score on the test or examination as established by the board by rule.

(4) The board shall accept the results of regional testing agencies or of clinical board examinations administered by other states in satisfaction of the examinations authorized under this section for applicants who have engaged in the active practice of dental hygiene in **Oregon**, other states [or in], the Armed Forces of the United States, the United States Public Health Service or the United States Department of Veterans Affairs for a period of at least 3,500 hours in the five years immediately preceding application and who meet all other requirements for licensure.

**SECTION 3.** 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;*]

[(c)] **(b)** 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 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)*] (c) 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; **and**

**(d) Presents documentation satisfactory to the board that the person has:**

**(A)(i) Completed 2,500 hours of supervised dental hygiene practice; and**

**(ii) Completed 40 hours of courses in a formal, post-secondary educational program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency and approved by the board; or**

**(B) Completed a course of study approved by the board that includes at least 500 hours of dental hygiene practice on patients described in ORS 680.205 while under the direct supervision of a member of the faculty of a dental program or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency. Practice hours from before and after graduation from the dental hygiene program may be combined to meet the requirement of this subparagraph.**

(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 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 4.** 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 those terms are defined in ORS 426.005;

(G) Facilities for persons with mental retardation, as those terms are 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) Adults who are homebound.

(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.

**(d) Patients in hospitals, medical clinics, medical offices or offices operated or staffed by nurse practitioners, physician assistants or midwives.**

(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) This section does not authorize a limited access permit dental hygienist to administer local anesthesia[, *denture soft lines,*] or 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 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 5. The amendments to ORS 680.200 by section 3 of this 2009 Act become operative on January 1, 2010.**

**SECTION 6. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.**

**Passed by House May 7, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate June 5, 2009**

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President of Senate

**Received by Governor:**

.....M.,....., 2009

**Approved:**

.....M.,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2009

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Secretary of State