

Enrolled Senate Bill 117

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CHAPTER

AN ACT

Relating to dentistry; amending ORS 679.020.

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

SECTION 1. ORS 679.020 is amended to read:

679.020. (1) *[No person shall]* **A person may not** practice dentistry without a license.

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

(2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate, conduct or maintain a dental practice, office or clinic in this state.

(3) The *[provisions]* **restrictions** of *[subsections (1) and]* **subsection (2)** of this section, as they relate to owning and operating a dental office or clinic, do not apply to a dental office or clinic owned or operated by **any of the following**:

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

(b) The School of Dentistry of the Oregon Health and Science University[;].

(c) Institutions of higher education listed in ORS 352.002.

[(c)] **(d)** Local governments[;].

[(d)] **(e)** Institutions or programs accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training[;].

[(e)] **(f)** Nonprofit corporations organized under Oregon law to provide dental services to rural areas and medically underserved populations of migrant, rural community or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other applicable state and federal law; *and*].

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

(4) *[Any entity that owns or operates a dental office or clinic pursuant to]* **For the purpose of owning or operating a dental office or clinic, an entity described in subsection (3) of this section must:**

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

- (A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.
- (B) Prescribing drugs that are administered to patients in the practice of dentistry.
- (C) The treatment plan of any dental patient.
- (D) Overall quality of patient care that is rendered or performed in the practice of dentistry.
- (E) Supervision of dental hygienists, dental assistants or other personnel involved in direct patient care and the authorization for procedures performed by them in accordance with the standards of supervision established by statute or by the rules of the board.
- (F) Other specific services within the scope of clinical dental practice.
- (G) Retention of patient dental records as required by statute or by rule of the board.
- (H) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

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

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

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

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

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

(c) Management of the business aspects of a dental office or clinic that do not include the clinical practice of dentistry.

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

Passed by Senate April 13, 2009

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Secretary of Senate

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President of Senate

Passed by House May 20, 2009

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Speaker of House

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