

A-Engrossed
Senate Bill 1509

Ordered by the Senate February 14
Including Senate Amendments dated February 14

Sponsored by Senator BATES (Pre-session filed.)

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.

[Provides legislative approval of Oregon Health Authority proposals for coordinated care organizations and Oregon Health Insurance Exchange Corporation business plan for health insurance exchange by repealing provisions of law enacted to require legislative approval. Makes technical corrections.]

[Establishes criteria for licensing of massage therapy facilities. Specifies operative date of January 2, 2013.]

Authorizes dentists and dental hygienists who are licensed in another state and in good standing to practice dentistry without compensation for specified period of time. Authorizes expanded practice dental hygienist to practice dentistry, without supervision of dentist, in certain areas where there is shortage of dental care.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health; amending ORS 679.025, 680.020 and 680.205; and declaring an emergency.

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

4 **SECTION 1.** ORS 679.025 is amended to read:

5 679.025. (1) A person may not practice dentistry or purport to be a dentist without a valid li-
6 cense to practice dentistry issued by the Oregon Board of Dentistry.

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

8 (a) Dentists licensed in another state making a clinical presentation sponsored by a bona fide
9 dental society or association or an accredited dental educational institution approved by the board.

10 (b) Bona fide full-time students of dentistry who, during the period of their enrollment and as a
11 part of the course of study in an Oregon accredited dental education program, engage in clinical
12 studies on the premises of such institution or in a clinical setting located off the premises of the
13 institution if the facility, the instructional staff and the course of study to be pursued at the off-
14 premises location meet minimum requirements prescribed by the rules of the board and the clinical
15 study is performed under the direct supervision of a member of the faculty.

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

23 (d) Candidates who are preparing for a licensure examination to practice dentistry and whose

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 application has been accepted by the board or its agent, if such clinical preparation is conducted in
2 a clinic located on premises approved for that purpose by the board and if the procedures are lim-
3 ited to examination only. This exception shall exist for a period not to exceed two weeks imme-
4 diately prior to a regularly scheduled licensure examination.

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

7 (f) Instructors of dentistry, whether full- or part-time, while exclusively engaged in teaching ac-
8 tivities and while employed in accredited dental educational institutions.

9 (g) Dentists employed by public health agencies who are not engaged in the direct delivery of
10 clinical dental services to patients.

11 (h) Persons licensed to practice medicine in the State of Oregon in the regular discharge of their
12 duties.

13 (i) Persons qualified to perform services relating to general anesthesia or sedation under the
14 direct supervision of a licensed dentist.

15 **(j) Dentists licensed in another state and in good standing, while practicing dentistry**
16 **without compensation for no more than five consecutive days in any 12-month period, pro-**
17 **vided the dentist submits an application to the board at least 10 days before practicing**
18 **dentistry under this paragraph and the application is approved by the board.**

19 [(j)] (k) Persons practicing dentistry upon themselves as the patient.

20 [(k)] (L) Dental hygienists, dental assistants or dental technicians performing services under the
21 supervision of a licensed dentist in accordance with the rules adopted by the board.

22 [(L)] (m) A person licensed as a denturist under ORS 680.500 to 680.565 engaged in the practice
23 of denture technology.

24 [(m)] (n) An expanded practice dental hygienist who renders services authorized by a permit
25 issued by the board pursuant to ORS 680.200.

26 **SECTION 2.** ORS 680.020 is amended to read:

27 680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental
28 hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued
29 by the Oregon Board of Dentistry.

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

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

34 (b) Bona fide students of dental hygiene who engage in clinical studies during the period of their
35 enrollment and as a part of the course of study in an Oregon dental hygiene education program. The
36 program must be accredited by the Commission on Dental Accreditation of the American Dental
37 Association, or its successor agency, if any, and approved by the board. The clinical study may be
38 conducted on the premises of the program or in a clinical setting located off the premises. The fa-
39 cility, the instructional staff, and the course of study at the off-premises location must meet mini-
40 mum requirements prescribed by the rules of the board, and the clinical study at the off-premises
41 location must be performed under the direct supervision of a member of the faculty.

42 (c) Bona fide students of dental hygiene who engage in community-based or clinical studies as
43 an elective or required rotation in a clinical setting located in Oregon during the period of their
44 enrollment and as a part of the course of study in a dental hygiene education program located out-
45 side of Oregon. The program must be accredited by the Commission on Dental Accreditation of the

1 American Dental Association or its successor agency. The community-based or clinical studies must:

2 (A) Meet minimum requirements prescribed by the rules of the board; and

3 (B) Be performed under the direct supervision of a member of the faculty of the Oregon Health
4 and Science University School of Dentistry or another Oregon institution with an accredited dental
5 hygiene education program approved by the board.

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

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

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

16 (g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teach-
17 ing activities and while employed in accredited dental hygiene educational programs.

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

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

24 **(j) Dental hygienists licensed in another state and in good standing, while practicing**
25 **dental hygiene without compensation for no more than five consecutive days in any 12-month**
26 **period, provided the dental hygienist submits an application to the board at least 10 days**
27 **before practicing dental hygiene under this paragraph and the application is approved by the**
28 **board.**

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

30 680.205. (1) An expanded practice dental hygienist may render all services within the scope of
31 practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as
32 authorized by the expanded practice dental hygienist permit to:

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

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

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

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

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

39 (E) Mental health residential programs administered by the Oregon Health Authority;

40 (F) Facilities for mentally ill persons, as those terms are defined in ORS 426.005;

41 (G) Facilities for persons with developmental disabilities, as those terms are defined in ORS
42 427.005;

43 (H) Local correctional facilities and juvenile detention facilities as those terms are defined in
44 ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities
45 as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Cor-

1 rections institutions as defined in ORS 421.005; or

2 (I) Public and nonprofit community health clinics.

3 (b) Adults who are homebound.

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

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

10 (e) Patients whose income is less than the federal poverty level.

11 **(f) Residents of areas that are federally designated health professional shortage areas for**
12 **dental care or areas in which dental providers would be eligible for the tax credit described**
13 **in ORS 315.613.**

14 [(f)] (g) Other populations **and locations** that the Oregon Board of Dentistry determines are
15 underserved or lack access to dental hygiene services.

16 (2) At least once each calendar year, an expanded practice dental hygienist shall refer each
17 patient or resident to a dentist who is available to treat the patient or resident.

18 (3) An expanded practice dental hygienist may render the services described in paragraphs (a)
19 to (d) of this subsection to the patients described in subsection (1) of this section if the expanded
20 practice dental hygienist has entered into an agreement in a format approved by the board with a
21 dentist licensed under ORS chapter 679. The agreement must set forth the agreed-upon scope of the
22 dental hygienist's practice with regard to:

23 (a) Administering local anesthesia;

24 (b) Administering temporary restorations without excavation;

25 (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the
26 agreement; and

27 (d) Overall dental risk assessment and referral parameters.

28 (4) This section does not authorize an expanded practice dental hygienist to administer nitrous
29 oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

30 (5) An expanded practice dental hygienist may assess the need for and appropriateness of
31 sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is
32 applied or supplied to patients.

33 (6) An expanded practice dental hygienist must also procure all other permits or certificates
34 required by the board under ORS 679.250.

35 **SECTION 4. This 2012 Act being necessary for the immediate preservation of the public**
36 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
37 **on its passage.**

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