

SENATE AMENDMENTS TO SENATE BILL 1509

By COMMITTEE ON HEALTH CARE, HUMAN SERVICES AND RURAL HEALTH
POLICY

February 14

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and
2 delete lines 3 through 5 and insert “amending ORS 679.025, 680.020 and 680.205; and declaring an
3 emergency.”.

4 Delete lines 7 through 28 and delete pages 2 through 17 and insert:

5 “**SECTION 1.** ORS 679.025 is amended to read:

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

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

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

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

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

24 “(d) Candidates who are preparing for a licensure examination to practice dentistry and whose
25 application has been accepted by the board or its agent, if such clinical preparation is conducted in
26 a clinic located on premises approved for that purpose by the board and if the procedures are lim-
27 ited to examination only. This exception shall exist for a period not to exceed two weeks imme-
28 diately prior to a regularly scheduled licensure examination.

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

31 “(f) Instructors of dentistry, whether full- or part-time, while exclusively engaged in teaching
32 activities and while employed in accredited dental educational institutions.

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

35 “(h) Persons licensed to practice medicine in the State of Oregon in the regular discharge of

1 their duties.

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

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

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

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

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

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

15 “**SECTION 2.** ORS 680.020 is amended to read:

16 “680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental
17 hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued
18 by the Oregon Board of Dentistry.

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

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

23 “(b) Bona fide students of dental hygiene who engage in clinical studies during the period of
24 their enrollment and as a part of the course of study in an Oregon dental hygiene education pro-
25 gram. The program must be accredited by the Commission on Dental Accreditation of the American
26 Dental Association, or its successor agency, if any, and approved by the board. The clinical study
27 may be conducted on the premises of the program or in a clinical setting located off the premises.
28 The facility, the instructional staff, and the course of study at the off-premises location must meet
29 minimum requirements prescribed by the rules of the board, and the clinical study at the off-
30 premises location must be performed under the direct supervision of a member of the faculty.

31 “(c) Bona fide students of dental hygiene who engage in community-based or clinical studies as
32 an elective or required rotation in a clinical setting located in Oregon during the period of their
33 enrollment and as a part of the course of study in a dental hygiene education program located out-
34 side of Oregon. The program must be accredited by the Commission on Dental Accreditation of the
35 American Dental Association or its successor agency. The community-based or clinical studies must:

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

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

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

44 “(e) Candidates who are preparing for licensure examination to practice dental hygiene and
45 whose application has been accepted by the board or its agent, if such clinical preparation is con-

1 ducted in a clinic located on premises approved for that purpose by the board and if the procedures
2 are limited to examination only.

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

5 “(g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in
6 teaching activities and while employed in accredited dental hygiene educational programs.

7 “(h) Dental hygienists employed by public health agencies who are not engaged in direct deliv-
8 ery of clinical dental hygiene services to patients.

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

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

18 “**SECTION 3.** ORS 680.205 is amended to read:

19 “680.205. (1) An expanded practice dental hygienist may render all services within the scope of
20 practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as
21 authorized by the expanded practice dental hygienist permit to:

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

24 “(A) Nursing homes as defined in ORS 678.710;

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

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

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

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

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

30 “(G) Facilities for persons with developmental disabilities, as those terms are defined in ORS
31 427.005;

32 “(H) Local correctional facilities and juvenile detention facilities as those terms are defined in
33 ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities
34 as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Cor-
35 rections institutions as defined in ORS 421.005; or

36 “(I) Public and nonprofit community health clinics.

37 “(b) Adults who are homebound.

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

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

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

45 “(f) **Residents of areas that are federally designated health professional shortage areas**

1 **for dental care or areas in which dental providers would be eligible for the tax credit de-**
2 **scribed in ORS 315.613.**

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

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

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

12 “(a) Administering local anesthesia;

13 “(b) Administering temporary restorations without excavation;

14 “(c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in
15 the agreement; and

16 “(d) Overall dental risk assessment and referral parameters.

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

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

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

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

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