

**PROPOSED AMENDMENTS TO
SENATE BILL 1509**

1 On page 1 of the printed bill, line 2, after the first semicolon, delete the
2 rest of the line and delete lines 3 through 5 and insert “amending ORS
3 679.025, 680.020 and 680.205; and declaring an 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 den-
7 tist without a valid license to practice dentistry issued by the Oregon Board
8 of Dentistry.

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

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

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

21 “(c) Bona fide full-time students of dentistry who, during the period of
22 their enrollment and as a part of the course of study in a dental education

1 program located outside of Oregon that is accredited by the Commission on
2 Dental Accreditation of the American Dental Association or its successor
3 agency, engage in community-based or clinical studies as an elective or re-
4 quired rotation in a clinical setting located in Oregon if the community-
5 based or clinical studies meet minimum requirements prescribed by the rules
6 of the board and are performed under the direct supervision of a member of
7 the faculty of the Oregon Health and Science University School of Dentistry.

8 “(d) Candidates who are preparing for a licensure examination to practice
9 dentistry and whose application has been accepted by the board or its agent,
10 if such clinical preparation is conducted in a clinic located on premises ap-
11 proved for that purpose by the board and if the procedures are limited to
12 examination only. This exception shall exist for a period not to exceed two
13 weeks immediately prior to a regularly scheduled licensure examination.

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

16 “(f) Instructors of dentistry, whether full- or part-time, while exclusively
17 engaged in teaching activities and while employed in accredited dental edu-
18 cational institutions.

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

21 “(h) Persons licensed to practice medicine in the State of Oregon in the
22 regular discharge of their duties.

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

25 “**(j) Dentists licensed in another state and in good standing, while**
26 **practicing dentistry without compensation for no more than five con-**
27 **secutive days in any 12-month period, provided the dentist submits an**
28 **application to the board at least 10 days before practicing dentistry**
29 **under this paragraph and the application is approved by the board.**

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

1 “[(k)] (L) Dental hygienists, dental assistants or dental technicians per-
2 forming services under the supervision of a licensed dentist in accordance
3 with the rules adopted by the board.

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

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

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

9 “680.020. (1) It is unlawful for any person not otherwise authorized by law
10 to practice dental hygiene or purport to be a dental hygienist without a valid
11 license to practice dental hygiene issued by the Oregon Board of Dentistry.

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

13 “(a) Dental hygienists licensed in another state making a clinical pres-
14 entation sponsored by a bona fide dental or dental hygiene society or asso-
15 ciation or an accredited dental or dental hygiene education program
16 approved by the board.

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

28 “(c) Bona fide students of dental hygiene who engage in community-based
29 or clinical studies as an elective or required rotation in a clinical setting
30 located in Oregon during the period of their enrollment and as a part of the

1 course of study in a dental hygiene education program located outside of
2 Oregon. The program must be accredited by the Commission on Dental Ac-
3 creditation of the American Dental Association or its successor agency. The
4 community-based or clinical studies must:

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

7 “(B) Be performed under the direct supervision of a member of the faculty
8 of the Oregon Health and Science University School of Dentistry or another
9 Oregon institution with an accredited dental hygiene education program ap-
10 proved by the board.

11 “(d) Students of dental hygiene or graduates of dental hygiene programs
12 who engage in clinical studies as part of a course of study or continuing
13 education course offered by an institution with a dental or dental hygiene
14 program. The program must be accredited by the Commission on Dental Ac-
15 creditation of the American Dental Association or its successor agency.

16 “(e) Candidates who are preparing for licensure examination to practice
17 dental hygiene and whose application has been accepted by the board or its
18 agent, if such clinical preparation is conducted in a clinic located on prem-
19 ises approved for that purpose by the board and if the procedures are limited
20 to examination only.

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

23 “(g) Instructors of dental hygiene, whether full- or part-time, while ex-
24 clusively engaged in teaching activities and while employed in accredited
25 dental hygiene educational programs.

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

28 “(i) Counselors and health assistants who have been trained in the ap-
29 plication of fluoride varnishes to the teeth of children and who apply
30 fluoride varnishes only to the teeth of children enrolled in or receiving ser-

1 vices from the Women, Infants and Children Program, the Oregon
2 prekindergarten program or a federal Head Start grant program.

3 **“(j) Dental hygienists licensed in another state and in good stand-
4 ing, while practicing dental hygiene without compensation for no more
5 than five consecutive days in any 12-month period, provided the dental
6 hygienist submits an application to the board at least 10 days before
7 practicing dental hygiene under this paragraph and the application is
8 approved by the board.**

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

10 “680.205. (1) An expanded practice dental hygienist may render all ser-
11 vices within the scope of practice of dental hygiene, as defined in ORS
12 679.010, without the supervision of a dentist and as authorized by the ex-
13 panded practice dental hygienist permit to:

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

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

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

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

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

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

23 “(F) Facilities for mentally ill persons, as those terms are defined in ORS
24 426.005;

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

27 “(H) Local correctional facilities and juvenile detention facilities as those
28 terms are defined in ORS 169.005, regional correctional facilities as defined
29 in ORS 169.620, youth correction facilities as defined in ORS 420.005, youth
30 care centers as defined in ORS 420.855, and Department of Corrections in-

1 stitutions 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
5 their siblings under 18 years of age, Job Corps and similar employment
6 training facilities, primary and secondary schools, including private schools
7 and public charter schools, and persons entitled to benefits under the
8 Women, Infants and Children Program.

9 “(d) Patients in hospitals, medical clinics, medical offices or offices oper-
10 ated or staffed by nurse practitioners, physician assistants or midwives.

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

12 “(f) Other populations **and locations** that the Oregon Board of Dentistry
13 determines are underserved or lack access to dental hygiene services.

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

17 “(3) An expanded practice dental hygienist may render the services de-
18 scribed in paragraphs (a) to (d) of this subsection to the patients described
19 in subsection (1) of this section if the expanded practice dental hygienist has
20 entered into an agreement in a format approved by the board with a dentist
21 licensed under ORS chapter 679. The agreement must set forth the agreed-
22 upon scope of the 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-
26 inflammatory drugs specified in the agreement; and

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

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

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

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

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

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