

A-Engrossed Senate Bill 1519

Ordered by the Senate February 13
Including Senate Amendments dated February 13

Sponsored by Senators GIROD, BATES, Representatives ESQUIVEL, BUCKLEY (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.

Requires dentist to test, at least once per week, autoclave or other heat sterilization device.

Directs Oregon Board of Dentistry to dismiss disciplinary matter that is pending on effective date of Act if matter concerns whether dentist tested autoclave or other heat sterilization device less frequently than once per week. [*Directs board to expunge from records findings and conclusions of disciplinary action taken before effective date of Act if action concerns whether dentist tested such device less frequently than once per week.*] **Directs board, with respect to licensee who board disciplined for testing autoclave or other heat sterilization device less frequently than once per week, to remove licensee's name from website where name is posted in connection with such disciplinary action and to pay licensee amount equal to any civil penalty imposed by board pursuant to such action.**

[Specifies that dentist has cause of action against person with whom dentist entered into agreement for testing autoclave or other heat sterilization device if person communicated to dentist that dentist was in compliance with rules adopted by board and dentist was disciplined by board.]

Specifies that licensee who board disciplined for testing autoclave or other heat sterilization device less frequently than once per week may not bring cause of action against entity that tested for licensee autoclave or other heat sterilization device on grounds related to that testing.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to dentistry; and declaring an emergency.

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

MANDATORY TESTING OF HEAT STERILIZATION DEVICES

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS chapter 679.

SECTION 2. A dentist shall test, at least once per week, any autoclave or other heat sterilization device that is used by the dentist in the practice of dentistry, in order to ensure that the device is functioning properly. The Oregon Board of Dentistry shall adopt rules to implement this section.

PENDING AND PAST DISCIPLINARY ACTIONS FOR FAILURE TO TEST HEAT STERILIZATION DEVICES

SECTION 3. (1) The Oregon Board of Dentistry shall dismiss any disciplinary matter addressed by the board involving a person licensed to practice dentistry under ORS chapter 679 that is pending on the effective date of this 2014 Act if the matter before the board is whether the licensee tested an autoclave or other heat sterilization device less frequently

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 than once per week. The board is not required to dismiss any other matter in a pending
2 disciplinary proceeding taken by the board against the licensee.

3 (2) If the board has disciplined a person licensed to practice dentistry under ORS chapter
4 679 prior to the effective date of this 2014 Act because the licensee tested an autoclave or
5 other heat sterilization device less frequently than once per week, the board shall:

6 (a) Remove from the board's website the name of the licensee anywhere that the name
7 of the licensee is posted in connection with that disciplinary action; and

8 (b) Pay the licensee an amount that is equal to any civil penalty imposed by the board
9 pursuant to that disciplinary action.

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11 **PROTECTION FROM CAUSE OF ACTION**

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13 **SECTION 4.** (1) If a person who is licensed to practice dentistry under ORS chapter 679
14 has been disciplined prior to the effective date of this 2014 Act by the Oregon Board of
15 Dentistry for testing an autoclave or other heat sterilization device less frequently than once
16 per week, the licensee may not bring a cause of action against an entity that tested for the
17 licensee the autoclave or other heat sterilization device on grounds related to that testing.

18 (2) For purposes of this section, "entity" includes Oregon Health and Science University.

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20 **CAPTIONS**

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22 **SECTION 5.** The unit captions used in this 2014 Act are provided only for the convenience
23 of the reader and do not become part of the statutory law of this state or express any leg-
24 islative intent in the enactment of this 2014 Act.

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26 **EMERGENCY CLAUSE**

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28 **SECTION 6.** This 2014 Act being necessary for the immediate preservation of the public
29 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
30 on its passage.