

# Senate Bill 1519

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 **as introduced**.

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.

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.

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

**(2) If the board has disciplined a person licensed to practice dentistry under ORS chapter 679 prior to the effective date of this 2014 Act because the licensee tested an autoclave or other heat sterilization device less frequently than once per week, the board shall expunge from the board's records the findings and conclusions of that disciplinary action. For purposes of this subsection, "records" includes any electronic or print publication readily accessible by the public.**

**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.

CAUSE OF ACTION

**SECTION 4.** (1) A person licensed to practice dentistry under ORS chapter 679 shall have a cause of action for damages against a person with whom the licensee entered into an agreement, prior to the effective date of this 2014 Act, under which the person tested an autoclave or other heat sterilization device for the licensee if:

(a) The person communicated to the licensee that the licensee was in compliance with rules adopted by the Oregon Board of Dentistry regarding the testing of autoclaves or other heat sterilization devices; and

(b) Prior to the effective date of this 2014 Act, the board disciplined the licensee because the licensee tested an autoclave or other heat sterilization device less frequently than once per week.

(2) An action brought under this section must be commenced within 180 days after the effective date of this 2014 Act.

(3) If the licensee prevails in an action brought under this section, the licensee shall be awarded reasonable court costs and attorney fees.

(4) For purposes of this section, “damages” includes any civil penalty imposed on the licensee by the Oregon Board of Dentistry for testing an autoclave or other heat sterilization device less frequently than once per week.

CAPTIONS

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

EMERGENCY CLAUSE

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