

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Health Care

MEASURE: SB 302
CARRIER: Sen. Girod

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 02/02/15

Action: Do Pass.

Meeting Dates: 02/02

Senate

Yeas: 4 - Knopp, Steiner Hayward, Shields, Monnes Anderson

Exc: 1 - Kruse

Prepared By: Zena Rockowitz, Committee Administrator

WHAT THE MEASURE DOES:

Modifies the definition of dental hygiene to include but is not limited to certain specified services. Specifies that the definition of dental hygiene includes prescribing, dispensing, and administering prescription drugs for certain services. Clarifies that the definition of dentistry includes prescribing, dispensing, and administering prescription drugs for certain conditions. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Through administrative rule dental hygienists have been authorized to prescribe drugs
- Assistant Attorney General letter found that the Oregon Practice Act does not explicitly authorize dental hygienists and dentists to prescribe
- Patients have fewer options to obtain fluorides, fluoride varnish, and antimicrobials from dental hygienist since rule was changed to comply with Assistant Attorney General letter

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Board of Dentistry was created on February 23, 1887. The mission of the Board is to protect the public, license and regulate dentists, dental faculty and dental hygienists. A dental hygienist is a person under the supervision of a dentist who practices dental hygiene. An Assistant Attorney General issued a legal opinion that found the Oregon Dental Practice Act (ORS Chapters 679 and 680) does not expressly authorize dental hygienists or dentists to prescribe drugs. The Board of Dentistry has rulemaking authority over dental hygienists and beginning in April 2014 the Board began removing the authority for dental hygienists to prescribe drugs in order to comply with the Assistant Attorney General's opinion. Prior to the Administrative Rule licensed dental hygienists had the authority to prescribe drugs such as fluoride and antimicrobial solutions.