

House Bill 2972

Sponsored by Representatives HAYDEN, KENY-GUYER, PARRISH; Representatives BUEHLER, LIVELY, PILUSO

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 public school students seven years of age or younger who are beginning educational program to have dental screening.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to dental screenings of students; creating new provisions; amending ORS 326.580 and
3 680.020; and declaring an emergency.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **“Dental screening” means a dental screening test to identify potential dental health**
7 **problems that is conducted by:**

8 (A) **A dentist licensed under ORS chapter 679;**

9 (B) **A dental hygienist licensed under ORS 680.010 to 680.205;**

10 (C) **A health care practitioner who is acting in accordance with rules adopted by the**
11 **State Board of Education; or**

12 (D) **A school nurse, an employee of an education provider or a person designated by the**
13 **Department of Education to provide dental screening to students who is acting in accordance**
14 **with rules adopted by the board.**

15 (b) **“Education provider” means:**

16 (A) **An entity that offers a program that is recognized as an Oregon prekindergarten**
17 **program under ORS 329.170 to 329.200.**

18 (B) **A school district board.**

19 (2)(a) **Except as provided in subsection (3) of this section, each education provider shall**
20 **require a student who is seven years of age or younger and who is beginning an educational**
21 **program with the education provider for the first time to submit certification that the stu-**
22 **dent received a dental screening within the previous 12 months.**

23 (b) **The certification required by this subsection must be provided no later than 120 days**
24 **after the student begins the educational program.**

25 (3) **A student is not required to submit certification as required under subsection (2) of**
26 **this section if the student provides a statement from the parent or guardian of the student**
27 **that:**

28 (a) **The student submitted certification to a prior education provider; or**

29 (b) **The dental screening is contrary to the religious beliefs of the student or the parent**
30 **or guardian of the student.**

31 (4) **Each education provider shall:**

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 (a) Ensure that the requirements of this section are met. Failure by a student to meet
 2 the requirements of this section may not result in a program's or school's prohibiting the
 3 student from attending the program or school, but may result in withholding report cards
 4 or similar actions.

5 (b) File in the student's dental health record any certifications and any results of a
 6 dental screening known by the education provider.

7 (c) Provide the parent or guardian of each student with information about:

8 (A) The dental screenings;

9 (B) Further examinations or necessary treatments; and

10 (C) Preventive care, including fluoride varnish, sealants and daily brushing and flossing.

11 (5) The State Board of Education, in consultation with the Oregon Health Policy Board,
 12 shall adopt by rule any standards for the implementation of this section.

13 **SECTION 2.** (1) Section 1 of this 2015 Act becomes operative on July 1, 2016.

14 (2) Section 1 of this 2015 Act first applies to the 2016-2017 school year.

15 **SECTION 3.** The State Board of Education, in consultation with the Oregon Health Policy
 16 Board, may adopt rules or take any action before the operative date specified in section 2
 17 of this 2015 Act that is necessary to enable the board to exercise, on or after the operative
 18 date specified in section 2 of this 2015 Act, all the duties, functions and powers conferred on
 19 the board by section 1 of this 2015 Act.

20 **SECTION 4.** (1) No later than October 1, 2017, each school district shall submit to the
 21 Department of Education a report that identifies the percentage of students required to
 22 submit certification under section 1 of this 2015 Act who did submit certification for the
 23 2016-2017 school year.

24 (2) No later than December 1, 2017, the department shall summarize the reports received
 25 under subsection (1) of this section and submit that summary to the interim legislative
 26 committees on education.

27 **SECTION 5.** ORS 326.580 is amended to read:

28 326.580. (1) As used in this section, "educational institution" means:

29 (a) An "educational institution" as defined in ORS 326.575.

30 (b) A state agency.

31 (c) A local correctional facility.

32 (2) The State Board of Education may adopt by rule standards for the content and format of an
 33 Oregon electronic student record. An Oregon electronic student record may be used to transfer
 34 student record information from one educational institution to another.

35 (3) The board may define the Oregon electronic student record to constitute a full and complete
 36 copy of the official student permanent record, student education record, student vision health
 37 record, **student dental health record** and certificate of immunization status that are required by
 38 state and federal law.

39 (4) The standards established by the board shall include procedures and criteria for participation
 40 in the Oregon electronic student record program by educational institutions. An educational insti-
 41 tution may apply to the Department of Education for a certificate of participation in the Oregon
 42 electronic student record program.

43 (5) An educational institution that is approved for participation in the Oregon electronic student
 44 record program by the Department of Education:

45 (a) Shall not be required to forward by mail or other means physical items such as original

1 documents or photocopies to a receiving educational institution that also is approved for partic-
 2 ipation in the program. This paragraph does not apply to special education records that are specif-
 3 ically required by federal law to be physically transferred.

4 (b) May elect to designate the Oregon electronic student record as the official student record.

5 (c) Shall retain the official student record in compliance with state and federal law.

6 **SECTION 6.** ORS 680.020 is amended to read:

7 680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental
 8 hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued
 9 by the Oregon Board of Dentistry.

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

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

14 (b) Bona fide students of dental hygiene who engage in clinical studies during the period of their
 15 enrollment and as a part of the course of study in an Oregon dental hygiene education program. The
 16 program must be accredited by the Commission on Dental Accreditation of the American Dental
 17 Association, or its successor agency, if any, and approved by the board. The clinical study may be
 18 conducted on the premises of the program or in a clinical setting located off the premises. The fa-
 19 cility, the instructional staff, and the course of study at the off-premises location must meet mini-
 20 mum requirements prescribed by the rules of the board, and the clinical study at the off-premises
 21 location must be performed under the direct supervision of a member of the faculty.

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

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

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

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

35 (e) Candidates who are preparing for licensure examination to practice dental hygiene and
 36 whose application has been accepted by the board or its agent, if such clinical preparation is con-
 37 ducted in a clinic located on premises approved for that purpose by the board and if the procedures
 38 are limited to examination only.

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

41 (g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teach-
 42 ing activities and while employed in accredited dental hygiene educational programs.

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

45 (i) Counselors and health assistants who have been trained in the application of fluoride

1 varnishes to the teeth of children and who apply fluoride varnishes only to the teeth of children
2 enrolled in or receiving services from the Women, Infants and Children Program, the Oregon
3 prekindergarten program or a federal Head Start grant program.

4 **(j) Persons acting in accordance with rules adopted by the State Board of Education un-**
5 **der section 1 of this 2015 Act to provide dental screenings to students.**

6 [(j)] **(k)** Dental hygienists licensed in another state and in good standing, while practicing dental
7 hygiene without compensation for no more than five consecutive days in any 12-month period, pro-
8 vided the dental hygienist submits an application to the [board] **Oregon Board of Dentistry** at least
9 10 days before practicing dental hygiene under this paragraph and the application is approved by
10 the board.

11 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
13 **on its passage.**

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