

B-Engrossed
Senate Bill 561

Ordered by the House May 10
Including Senate Amendments dated February 22 and House Amendments
dated May 10

Sponsored by Senator GIROD; Senator STEINER HAYWARD (at the request of Oregon Health and Science University) (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.

Exempts from prohibition on practice of dentistry and dental hygiene without valid license students of dentistry and dental hygiene engaged in certain clinical studies performed under indirect supervision of dental faculty member.

Provides that hours of dental hygiene practice on certain patients during course of study completed as qualification for permit to practice as expanded practice dental hygienist may be completed under indirect supervision of dental faculty member.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to dentistry; amending ORS 679.025, 680.020 and 680.200; and declaring an emergency.

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

4 **SECTION 1.** ORS 679.025 is amended to read:

5 679.025. (1) A person may not practice dentistry or purport to be a dentist without a valid li-
6 cense to practice dentistry issued by the Oregon Board of Dentistry.

7 (2) [*The requirements*] **Subsection (1)** of this section [*do*] **does** not apply to:

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

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

17 (c) Bona fide full-time students of dentistry who, during the period of their enrollment and as a
18 part of the course of study in a dental education program located outside of Oregon that is accred-
19 ited by the Commission on Dental Accreditation of the American Dental Association or its successor
20 agency, engage in community-based or clinical studies as an elective or required rotation in a clin-
21 ical setting located in Oregon if the community-based or clinical studies meet minimum requirements
22 prescribed by the rules of the board and are performed under the [*direct*] **indirect** supervision of a
23 member of the faculty of the Oregon Health and Science University School of Dentistry.

24 (d) Candidates who are preparing for a licensure examination to practice dentistry and whose

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 application has been accepted by the board or its agent, if *[such]* **the** clinical preparation is con-
2 ducted in a clinic located on premises approved for that purpose by the board and if the procedures
3 are limited to examination only. This exception shall exist for a period not to exceed two weeks
4 immediately prior to a regularly scheduled licensure examination.

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

7 (f) Instructors of dentistry, whether full- or part-time, while exclusively engaged in teaching ac-
8 tivities and while employed in accredited dental educational institutions.

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

11 (h) Persons licensed to practice medicine in the State of Oregon in the regular discharge of their
12 duties.

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

15 (j) Dentists licensed in another state or country and in good standing, while practicing dentistry
16 without compensation for no more than five consecutive days in any 12-month period, provided the
17 dentist submits an application to the board at least 10 days before practicing dentistry under this
18 paragraph and the application is approved by the board.

19 (k) Persons practicing dentistry upon themselves as the patient.

20 (L) Dental hygienists, dental assistants or dental technicians performing services under the
21 supervision of a licensed dentist in accordance with the rules adopted by the board.

22 (m) A person licensed as a denturist under ORS 680.500 to 680.565 engaged in the practice of
23 denture technology.

24 (n) An expanded practice dental hygienist who renders services authorized by a permit issued
25 by the board pursuant to ORS 680.200.

26 **SECTION 2.** ORS 680.020 is amended to read:

27 680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental
28 hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued
29 by the Oregon Board of Dentistry.

30 (2) *[The requirements]* **Subsection (1)** of this section *[do]* **does** not apply to:

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

34 (b) Bona fide students of dental hygiene who engage in clinical studies during the period of their
35 enrollment and as a part of the course of study in an Oregon dental hygiene education program. The
36 program must be accredited by the Commission on Dental Accreditation of the American Dental
37 Association, or its successor agency, *[if any,]* and approved by the board. The clinical study may be
38 conducted on the premises of the program or in a clinical setting located off the premises. The fa-
39 cility, the instructional staff[,] and the course of study at the off-premises location must meet mini-
40 mum requirements prescribed by the rules of the board, and the clinical study at the off-premises
41 location must be performed under the *[direct]* **indirect** supervision of a member of the faculty.

42 (c) Bona fide students of dental hygiene who engage in community-based or clinical studies as
43 an elective or required rotation in a clinical setting located in Oregon during the period of their
44 enrollment and as a part of the course of study in a dental hygiene education program located out-
45 side of Oregon. The program must be accredited by the Commission on Dental Accreditation of the

1 American Dental Association or its successor agency. The community-based or clinical studies must:

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

3 (B) Be performed under the *[direct]* **indirect** supervision of a member of the faculty of the
4 Oregon Health and Science University School of Dentistry or another Oregon institution with an
5 accredited dental hygiene education program approved by the board.

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

10 (e) Candidates who are preparing for licensure examination to practice dental hygiene and
11 whose application has been accepted by the board or its agent, if *[such]* **the** clinical preparation is
12 conducted in a clinic located on premises approved for that purpose by the board and if the proce-
13 dures are limited to examination only.

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

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

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

20 (i) Counselors and health assistants who have been trained in the application of fluoride
21 varnishes to the teeth of children and who apply fluoride varnishes only to the teeth of children
22 enrolled in or receiving services from the Women, Infants and Children Program, the Oregon
23 prekindergarten program or a federal Head Start grant program.

24 (j) Persons acting in accordance with rules adopted by the State Board of Education under ORS
25 336.213 to provide dental screenings to students.

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

30 **SECTION 3.** ORS 680.200 is amended to read:

31 680.200. (1) Upon application accompanied by the fee established by the Oregon Board of
32 Dentistry, the board shall grant a permit to practice as an expanded practice dental hygienist to
33 an applicant who:

34 (a) Holds a valid, unrestricted Oregon dental hygiene license;

35 (b) Presents proof of current professional liability insurance coverage;

36 (c) Presents documentation satisfactory to the board of successful completion of an emergency
37 life support course for health professionals, including cardiopulmonary resuscitation, from an agency
38 or educational institution approved by the board; and

39 (d) Presents documentation satisfactory to the board that the applicant has:

40 (A)(i) Completed 2,500 hours of supervised dental hygiene practice; and

41 (ii) After licensure as a dental hygienist, completed 40 hours of courses, chosen by the applicant,
42 in clinical dental hygiene or public health sponsored by continuing education providers approved
43 by the board; or

44 (B) Completed a course of study approved by the board that includes at least 500 hours of dental
45 hygiene practice, completed before or after graduation from a dental hygiene program, on patients

1 described in ORS 680.205 while under the [*direct*] **indirect** supervision of a member of the faculty
2 of a dental program or dental hygiene program accredited by the Commission on Dental Accredi-
3 tation of the American Dental Association or its successor agency.

4 (2) A permit issued pursuant to subsection (1) of this section expires two years following the
5 date of issuance unless renewed on or before that date by:

6 (a) Payment of the renewal fee as set by the board;

7 (b) Submission to the board of satisfactory evidence of completion of at least 36 hours of con-
8 tinuing education;

9 (c) Presentation to the board of proof of professional liability insurance coverage; and

10 (d) Completion of a survey developed by the board that measures the success of the expanded
11 practice dental hygienist program against baseline data.

12 (3) The board may refuse to issue or renew an expanded practice dental hygienist permit or may
13 suspend or revoke the permit of an expanded practice dental hygienist who has been convicted of
14 an offense or been disciplined by a dental licensing body in a manner that bears, in the judgment
15 of the board, a demonstrable relationship to the ability of the applicant to practice expanded prac-
16 tice dental hygiene in accordance with the provisions of this chapter or ORS chapter 679, or who
17 has falsified an application for permit, or any person for any cause described under ORS 679.140 or
18 679.170.

19 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
21 **on its passage.**

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