

A-Engrossed
Senate Bill 1550

Ordered by the Senate February 11
Including Senate Amendments dated February 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care)

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.

Allows expanded practice dental hygienist to perform interim therapeutic restoration. Requires agreement between dentist and expanded practice dental hygienist to include expanded practice dental hygienist's scope of practice regarding interim therapeutic restorations. Defines "interim therapeutic restoration."

Directs Oregon Board of Dentistry to adopt rules to establish educational and instructional requirements for interim therapeutic restoration and to approve applications from education providers for training courses that meet requirements. Requires certain expanded practice dental hygienists to complete approved training course.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to interim therapeutic restorations; creating new provisions; amending ORS 680.205; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 680.205 is amended to read:

6 680.205. (1) An expanded practice dental hygienist may render all services within the scope of
7 practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as
8 authorized by the expanded practice dental hygienist permit to:

9 (a) Patients or residents of the following facilities or programs who, due to age, infirmity or
10 disability, are unable to receive regular dental hygiene treatment:

11 (A) Nursing homes as defined in ORS 678.710;

12 (B) Adult foster homes as defined in ORS 443.705;

13 (C) Residential care facilities as defined in ORS 443.400;

14 (D) Adult congregate living facilities as defined in ORS 441.525;

15 (E) Mental health residential programs administered by the Oregon Health Authority;

16 (F) Facilities for persons with mental illness, as those terms are defined in ORS 426.005;

17 (G) Facilities for persons with developmental disabilities, as those terms are defined in ORS
18 427.005;

19 (H) Local correctional facilities and juvenile detention facilities as those terms are defined in
20 ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities
21 as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Cor-
22 rections institutions as defined in ORS 421.005; or

23 (I) Public and nonprofit community health clinics.

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 (b) Adults who are homebound.

2 (c) Students or enrollees of nursery schools and day care programs and their siblings under 18
3 years of age, Job Corps and similar employment training facilities, primary and secondary schools,
4 including private schools and public charter schools, and persons entitled to benefits under the
5 Women, Infants and Children Program.

6 (d) Patients in hospitals, medical clinics, medical offices or offices operated or staffed by
7 naturopathic physicians, nurse practitioners, physician assistants or midwives.

8 (e) Patients whose income is less than the federal poverty level.

9 (f) Other populations that the Oregon Board of Dentistry determines are underserved or lack
10 access to dental hygiene services.

11 (2) Unless different criteria for referral of a patient or resident to a dentist are included in an
12 agreement described in subsection (3) of this section, at least once each calendar year, an expanded
13 practice dental hygienist shall refer each patient or resident to a dentist who is available to treat
14 the patient or resident.

15 (3) An expanded practice dental hygienist may render the services described in paragraphs (a)
16 to [(d)] (e) of this subsection to the patients described in subsection (1) of this section if the ex-
17 panded practice dental hygienist has entered into an agreement in a format approved by the board
18 with a dentist licensed under ORS chapter 679. The agreement must set forth the agreed-upon scope
19 of the dental hygienist's practice with regard to:

20 (a) Administering local anesthesia;

21 (b) Administering temporary restorations **with or** without excavation;

22 (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the
23 agreement; [and]

24 **(d) Performing interim therapeutic restorations after diagnosis by a dentist; and**

25 [(d)] (e) Referral parameters.

26 (4) This section does not authorize an expanded practice dental hygienist to administer nitrous
27 oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

28 (5) An expanded practice dental hygienist may assess the need for and appropriateness of
29 sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is
30 applied or supplied to patients.

31 (6) An expanded practice dental hygienist must also procure all other permits or certificates
32 required by the board under ORS 679.250.

33 **(7) As used in this section and section 5 of this 2020 Act, "interim therapeutic**
34 **restoration" means a direct provisional restoration placed to temporarily stabilize a tooth**
35 **until a dentist subsequently diagnoses the need for further definitive treatment, and that:**

36 **(a) Consists of the removal of soft material from the tooth using only hand instrumen-**
37 **tation and subsequent placement of an adhesive restorative material; and**

38 **(b) Does not require the administration of local anesthesia.**

39 **SECTION 2. The amendments to ORS 680.205 by section 1 of this 2020 Act apply to**
40 **agreements described in ORS 680.205 that are entered into or renewed on or after the oper-**
41 **ative date specified in section 3 of this 2020 Act.**

42 **SECTION 3. (1) The amendments to ORS 680.205 by section 1 of this 2020 Act become**
43 **operative on January 2, 2021.**

44 **(2) The Oregon Board of Dentistry may take any action before the operative date speci-**
45 **fied in subsection (1) of this section that is necessary to enable the board to exercise, on or**

1 after the operative date specified in subsection (1) of this section, all of the duties, functions
2 and powers conferred on the board by the amendments to ORS 680.205 by section 1 of this
3 2020 Act.

4 **SECTION 4.** (1) Not later than January 1, 2021, the Oregon Board of Dentistry shall adopt
5 rules to establish educational and instructional requirements for interim therapeutic resto-
6 ration to be performed by an expanded practice dental hygienist under ORS 680.205. In es-
7 tablishing these requirements, the board shall use the curriculum, competency-based
8 training protocols and learning outcomes established by the Dental Health Workforce Pilot
9 Project No. 200 through the dental pilot project program of the Oregon Health Authority.

10 (2) Expanded practice dental hygienists performing interim therapeutic restorations un-
11 der the dental pilot project program of the Oregon Health Authority as of the effective date
12 of this 2020 Act may continue performing interim therapeutic restorations until the rules
13 established by the board take effect.

14 **SECTION 5.** (1) The Oregon Board of Dentistry shall approve applications from oral
15 health care education providers for training courses that meet the requirements established
16 in rules adopted by the board establishing educational and instructional requirements for
17 interim therapeutic restoration to be performed by an expanded practice dental hygienist.

18 (2) An expanded practice dental hygienist must successfully complete a training course
19 approved by the board under this section before performing interim therapeutic restorations
20 under ORS 680.205 (3)(d).

21 (3) Notwithstanding subsection (2) of this section, an expanded practice dental hygienist
22 who is operating within the Dental Health Workforce Pilot Project No. 200 through the
23 dental pilot project program of the Oregon Health Authority as of the effective date of this
24 2020 Act, and who has completed training to perform interim therapeutic restorations, is
25 exempt from completing training under subsection (2) of this section.

26 **SECTION 6.** Section 5 of this 2020 Act is added to and made a part of ORS chapter 680.

27 **SECTION 7.** This 2020 Act takes effect on the 91st day after the date on which the 2020
28 regular session of the Eightieth Legislative Assembly adjourns sine die.

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