

B-Engrossed
House Bill 2528

Ordered by the Senate June 18
Including House Amendments dated April 19 and Senate Amendments
dated June 18

Sponsored by Representatives SANCHEZ, BYNUM; Representatives ALONSO LEON, CAMPOS, DEXTER, MEEK,
PRUSAK, SOLLMAN, WILLIAMS, WITT (Presession 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.

Directs Oregon Board of Dentistry to issue dental therapist license to qualified applicant. Prohibits unlicensed use of title "dental therapist" and practice of dental therapy. Provides exceptions to prohibition. Requires dental therapist to purchase and maintain liability insurance. Requires dental therapist to dedicate majority of practice to specified patient populations. Directs board to consult with dental therapists and dental therapist organizations in rulemaking.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to dental therapy; creating new provisions; amending ORS 679.010, 679.140, 679.170 and
3 679.250 and section 1, chapter 716, Oregon Laws 2011; and prescribing an effective date.

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

5 **SECTION 1. Sections 2 to 12 of this 2021 Act are added to and made a part of ORS**
6 **chapter 679.**

7 **SECTION 2. As used in sections 2 to 12 of this 2021 Act:**

8 (1) "Collaborative agreement" means a written and signed agreement entered into be-
9 tween a dentist and a dental therapist under section 8 of this 2021 Act.

10 (2) "Dental pilot project" means an Oregon Health Authority dental pilot project devel-
11 oped and operated by the authority.

12 (3) "Dentist" means a person licensed to practice dentistry under this chapter.

13 **SECTION 3. (1) The Oregon Board of Dentistry shall issue a license to practice dental**
14 **therapy to an applicant who:**

15 (a) Is at least 18 years of age;

16 (b) Submits to the board a completed application form;

17 (c) Demonstrates the completion of a dental therapy education program;

18 (d) Passes an examination described in section 4 of this 2021 Act; and

19 (e) Pays the application and licensure fees established by the board.

20 (2)(a) An individual who completed a dental therapy education program in another state
21 or jurisdiction may apply for licensure under this section if the dental therapy education
22 program is accredited by the Commission on Dental Accreditation of the American Dental
23 Association, or its successor organization.

24 (b) The board shall determine whether the training and education of an applicant de-
25 scribed in this subsection is sufficient to meet the requirements of subsection (1) of this

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 section.

2 (3) If an applicant holds a current or expired authorization to practice dental therapy
3 issued by another state, the federal government or a tribal authority, the applicant shall in-
4 clude with the application a copy of the authorization and an affidavit from the dental reg-
5 ulatory body of the other jurisdiction that demonstrates the applicant was authorized to
6 practice dental therapy in that jurisdiction.

7 **SECTION 3a.** Section 3 of this 2021 Act is amended to read:

8 **Sec. 3.** (1) The Oregon Board of Dentistry shall issue a license to practice dental therapy to an
9 applicant who:

- 10 (a) Is at least 18 years of age;
- 11 (b) Submits to the board a completed application form;
- 12 (c) Demonstrates:

13 (A) The completion of a dental therapy education program **that is accredited by the Com-**
14 **mission on Dental Accreditation of the American Dental Association, or its successor or-**
15 **ganization, and approved by the board by rule; or**

16 (B) **That the applicant is or was a participant in a dental pilot project;**

- 17 (d) Passes an examination described in section 4 of this 2021 Act; and
- 18 (e) Pays the application and licensure fees established by the board.

19 (2)(a) An individual who completed a dental therapy education program in another state or ju-
20 risdiction may apply for licensure under this section if the dental therapy education program is ac-
21 credited by the Commission on Dental Accreditation of the American Dental Association, or its
22 successor organization.

23 (b) The board shall determine whether the training and education of an applicant described in
24 this subsection is sufficient to meet the requirements of subsection (1) of this section.

25 (3) If an applicant holds a current or expired authorization to practice dental therapy issued by
26 another state, the federal government or a tribal authority, the applicant shall include with the ap-
27 plication a copy of the authorization and an affidavit from the dental regulatory body of the other
28 jurisdiction that demonstrates the applicant was authorized to practice dental therapy in that ju-
29 risdiction.

30 **SECTION 4.** (1)(a) **The Oregon Board of Dentistry may require an applicant for a license**
31 **to practice dental therapy to pass written, laboratory or clinical examinations to test the**
32 **professional knowledge and skills of the applicant.**

33 (b) **The examinations may not be affiliated with or administered by a dental pilot project**
34 **or a dental therapy education program described in section 3 of this 2021 Act.**

35 (c) **The examinations must:**

36 (A) **Be elementary and practical in character, and sufficiently thorough to test the fit-**
37 **ness of the applicant to practice dental therapy;**

38 (B) **Be written in English; and**

39 (C) **Include questions on subjects pertaining to dental therapy.**

40 (2) **If a test or examination was taken within five years of the date of application and the**
41 **applicant received a passing score on the test or examination, as established by the board**
42 **by rule, the board:**

43 (a) **To satisfy the written examination authorized under this section, may accept the re-**
44 **sults of national standardized examinations.**

45 (b) **To satisfy the laboratory or clinical examination authorized under this section:**

1 (A) Shall accept the results of regional and national testing agencies or clinical board
2 examinations administered by other states; and

3 (B) May accept the results of board-recognized testing agencies.

4 (3) The board shall accept the results of regional and national testing agencies or of
5 clinical board examinations administered by other states, and may accept results of board-
6 recognized testing agencies, in satisfaction of the examinations authorized under this section
7 for applicants who have engaged in the active practice of dental therapy in Oregon, another
8 state, the Armed Forces of the United States, the United States Public Health Service or the
9 United States Department of Veterans Affairs for a period of at least 3,500 hours in the five
10 years immediately preceding application and who meet all other requirements for licensure.

11 (4) The board shall establish rules related to reexamination for an applicant who fails an
12 examination.

13 **SECTION 5.** The Oregon Board of Dentistry may refuse to issue or renew a license to
14 practice dental therapy if the applicant or licensee:

15 (1) Subject to ORS 670.280, has been convicted of a violation of the law. A certified copy
16 of the record of conviction is conclusive evidence of conviction.

17 (2) Has been disciplined by a state licensing or regulatory agency of this state or another
18 state regarding a health care profession if, in the judgment of the board, the acts or conduct
19 resulting in the disciplinary action bears a demonstrable relationship to the ability of the
20 applicant or licensee to practice dental therapy in accordance with sections 2 to 12 of this
21 2021 Act. A certified copy of the disciplinary action is conclusive evidence of the disciplinary
22 action.

23 (3) Has falsified an application for issuance or renewal of licensure.

24 (4) Has violated any provision of sections 2 to 12 of this 2021 Act or a rule adopted under
25 sections 2 to 12 of this 2021 Act.

26 **SECTION 6.** (1) A person may not practice dental therapy or assume or use any title,
27 words or abbreviations, including the title or designation "dental therapist," that indicate
28 that the person is authorized to practice dental therapy unless the person is licensed under
29 section 3 of this 2021 Act.

30 (2) Subsection (1) of this section does not prohibit:

31 (a) The practice of dental therapy by a health care provider performing services within
32 the health care provider's authorized scope of practice.

33 (b) The practice of dental therapy in the discharge of official duties on behalf of the
34 United States government, including but not limited to the Armed Forces of the United
35 States, the United States Coast Guard, the United States Public Health Service, the United
36 States Bureau of Indian Affairs or the United States Department of Veterans Affairs.

37 (c) The practice of dental therapy pursuant to an educational program described in sec-
38 tion 3 of this 2021 Act.

39 (d) A dental therapist authorized to practice in another state or jurisdiction from making
40 a clinical presentation sponsored by a bona fide dental or dental therapy association or so-
41 ciety or an accredited dental or dental therapy education program approved by the Oregon
42 Board of Dentistry.

43 (e) Bona fide students of dental therapy from engaging in clinical studies during the pe-
44 riod of their enrollment and as a part of the course of study in a dental therapy education
45 program described in section 3 (1) of this 2021 Act. The clinical studies may be conducted on

1 the premises of the program or in a clinical setting located off the premises. The facility,
2 instructional staff and course of study at an off-premises location must meet minimum re-
3 quirements established by the board by rule. The clinical studies at the off-premises location
4 must be performed under the indirect supervision of a member of the program faculty.

5 (f) Bona fide full-time students of dental therapy, during the period of their enrollment
6 and as a part of the course of study in a dental therapy education program located outside
7 of Oregon that is accredited by the Commission on Dental Accreditation of the American
8 Dental Association or its successor agency, from engaging in community-based or clinical
9 studies as an elective or required rotation in a clinical setting located in Oregon, if the
10 community-based or clinical studies meet minimum requirements established by the board
11 by rule and are performed under the indirect supervision of a member of the faculty of the
12 Oregon Health and Science University School of Dentistry.

13 (g) The performance of duties by a federally certified dental health aide therapist or
14 tribally authorized dental therapist in a clinic operated by the Indian Health Service, in-
15 cluding, as described in 25 U.S.C. 1603, an Indian Health Service Direct Service Tribe clinic,
16 a clinic operated under an Indian Self-Determination and Education Assistance Act of 1975
17 (P.L. 93-638) contract or a clinic operated under an urban Indian organization.

18 **SECTION 7.** (1) The Oregon Board of Dentistry may impose nonrefundable fees for the
19 following:

- 20 (a) Application for licensure;
- 21 (b) Examinations;
- 22 (c) Biennial dental therapy licenses, both active and inactive;
- 23 (d) Licensure renewal fees;
- 24 (e) Permits; and
- 25 (f) Delinquency.

26 (2) Subject to prior approval of the Oregon Department of Administrative Services and
27 a report to the Emergency Board prior to adopting fees and charges, the fees and charges
28 established under sections 2 to 12 of this 2021 Act may not exceed the cost of administering
29 sections 2 to 12 of this 2021 Act as authorized by the Legislative Assembly within the Oregon
30 Board of Dentistry budget and as modified by the Emergency Board.

31 (3)(a) The Oregon Board of Dentistry may waive a license fee for a licensee who provides
32 to the board satisfactory evidence that the licensee has discontinued the practice of dental
33 therapy because of retirement.

34 (b) A licensee described in this subsection may apply to the board for reinstatement of
35 the license pursuant to rules adopted by the board. An application under this paragraph must
36 include a fee. If the licensee has been retired or inactive for more than one year from the
37 date of application, the licensee shall include with the application satisfactory evidence of
38 clinical competence, as determined by the board.

39 (4)(a) A license to practice dental therapy is valid for two years and may be renewed. A
40 licensee shall submit to the board an application for renewal and payment of the fee.

41 (b) A dental therapist issued a license in an even-numbered year must apply for renewal
42 by September 30 of each even-numbered year thereafter. A dental therapist issued a license
43 in an odd-numbered year must apply for renewal by September 30 of each odd-numbered year
44 thereafter.

45 (c) The board may charge a reasonable fee if the application for renewal or the fee is

1 submitted more than 10 days delinquent.

2 (5) A dental therapist shall inform the board of a change of the dental therapist's address
3 within 30 days of the change.

4 **SECTION 8.** (1) A dental therapist may practice dental therapy only under the super-
5 vision of a dentist and pursuant to a collaborative agreement with the dentist that outlines
6 the supervision logistics and requirements for the dental therapist's practice. The
7 collaborative agreement must include at least the following information:

8 (a) The level of supervision required for each procedure performed by the dental thera-
9 pist;

10 (b) Circumstances under which the prior knowledge and consent of the dentist is required
11 to allow the dental therapist to provide a certain service or perform a certain procedure;

12 (c) The practice settings in which the dental therapist may provide care;

13 (d) Any limitation on the care the dental therapist may provide;

14 (e) Patient age-specific and procedure-specific practice protocols, including case selection
15 criteria, assessment guidelines and imaging frequency;

16 (f) Procedures for creating and maintaining dental records for patients treated by the
17 dental therapist;

18 (g) Guidelines for the management of medical emergencies in each of the practice set-
19 tings in which the dental therapist provides care;

20 (h) A quality assurance plan for monitoring care provided by the dental therapist, in-
21 cluding chart review, patient care review and referral follow-up;

22 (i) Protocols for the dispensation and administration of drugs, as described in section 9
23 of this 2021 Act, by the dental therapist, including circumstances under which the dental
24 therapist may dispense and administer drugs;

25 (j) Criteria for the provision of care to patients with specific medical conditions or com-
26 plex medical histories, including any requirements for consultation with the dentist prior to
27 the provision of care; and

28 (k) Protocols for when a patient requires treatment outside the dental therapist's scope
29 of practice, including for referral of the patient for evaluation and treatment by the dentist,
30 a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375
31 to 678.390 or other licensed health care provider.

32 (2) In addition to the information described in subsection (1) of this section, a
33 collaborative agreement must include a provision that requires the dental therapist to con-
34 sult with a dentist if the dental therapist intends to perform an irreversible surgical proce-
35 dure under general supervision on a patient who has a severe systemic disease.

36 (3) A dentist who enters into a collaborative agreement with a dental therapist shall:

37 (a) Directly provide care to a patient that is outside the scope of practice of the dental
38 therapist or arrange for the provision of care by another dentist; and

39 (b) Ensure that the dentist, or another dentist, is available to the dental therapist for
40 timely communication during the dental therapist's provision of care to a patient.

41 (4) A dental therapist may perform and provide only those procedures and services au-
42 thorized by the dentist and set out in the collaborative agreement, and shall maintain with
43 the dentist an appropriate level of contact, as determined by the dentist.

44 (5) A dental therapist and a dentist who enter into a collaborative agreement together
45 shall each maintain a physical copy of the collaborative agreement.

1 **(6)(a) A dental therapist may enter into collaborative agreements with more than one**
2 **dentist if each collaborative agreement includes the same supervision requirements and**
3 **scope of practice.**

4 **(b) A dentist may supervise and enter into collaborative agreements with up to three**
5 **dental therapists at any one time.**

6 **(7)(a) A collaborative agreement must be signed by the dentist and dental therapist.**

7 **(b) A dental therapist shall annually submit a signed copy of the collaborative agreement**
8 **to the Oregon Board of Dentistry. If the collaborative agreement is revised in between an-**
9 **ual submissions, a signed copy of the revised collaborative agreement must be submitted**
10 **to the board as soon as practicable after the revision is made.**

11 **SECTION 9. (1) A dental therapist may perform, pursuant to the dental therapist's**
12 **collaborative agreement, the following procedures under the general supervision of the den-**
13 **tist:**

14 **(a) Identification of conditions requiring evaluation, diagnosis or treatment by a dentist,**
15 **a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375**
16 **to 678.390 or other licensed health care provider;**

17 **(b) Comprehensive charting of the oral cavity;**

18 **(c) Oral health instruction and disease prevention education, including nutritional coun-**
19 **seling and dietary analysis;**

20 **(d) Exposing and evaluation of radiographic images;**

21 **(e) Dental prophylaxis, including subgingival scaling and polishing procedures;**

22 **(f) Application of topical preventive or prophylactic agents, including fluoride varnishes**
23 **and pit and fissure sealants;**

24 **(g) Administering local anesthetic;**

25 **(h) Pulp vitality testing;**

26 **(i) Application of desensitizing medication or resin;**

27 **(j) Fabrication of athletic mouth guards;**

28 **(k) Changing of periodontal dressings;**

29 **(L) Simple extractions of erupted primary anterior teeth and coronal remnants of any**
30 **primary teeth;**

31 **(m) Emergency palliative treatment of dental pain;**

32 **(n) Preparation and placement of direct restoration in primary and permanent teeth;**

33 **(o) Fabrication and placement of single-tooth temporary crowns;**

34 **(p) Preparation and placement of preformed crowns on primary teeth;**

35 **(q) Indirect pulp capping on permanent teeth;**

36 **(r) Indirect pulp capping on primary teeth;**

37 **(s) Suture removal;**

38 **(t) Minor adjustments and repairs of removable prosthetic devices;**

39 **(u) Atraumatic restorative therapy and interim restorative therapy;**

40 **(v) Oral examination, evaluation and diagnosis of conditions within the supervising**
41 **dentist's authorization;**

42 **(w) Removal of space maintainers;**

43 **(x) The dispensation and oral or topical administration of:**

44 **(A) Nonnarcotic analgesics;**

45 **(B) Anti-inflammatories; and**

1 (C) Antibiotics; and

2 (y) Other services as specified by the Oregon Board of Dentistry by rule.

3 (2) A dental therapist may perform, pursuant to the dental therapist's collaborative
4 agreement, the following procedures under the indirect supervision of the dentist:

5 (a) Placement of temporary restorations;

6 (b) Fabrication of soft occlusal guards;

7 (c) Tissue reconditioning and soft relines;

8 (d) Tooth reimplantation and stabilization;

9 (e) Recementing of permanent crowns;

10 (f) Pulpotomies on primary teeth;

11 (g) Simple extractions of:

12 (A) Erupted posterior primary teeth; and

13 (B) Permanent teeth that have horizontal movement of greater than two millimeters or
14 vertical movement and that have at least 50 percent periodontal bone loss;

15 (h) Brush biopsies; and

16 (i) Direct pulp capping on permanent teeth.

17 (3) The dentist described in subsection (2) of this section shall review a procedure de-
18 scribed in subsection (2) of this section that is performed by the dental therapist and the
19 patient chart that contains information regarding the procedure.

20 (4)(a) A dental therapist may supervise a dental assistant and an expanded function
21 dental assistant, as defined by the board by rule, if the dental therapist is authorized to
22 perform the services provided by the dental assistant or expanded function dental assistant.

23 (b) A dental therapist may supervise up to two individuals under this subsection.

24 **SECTION 10.** (1) A dental therapist may perform the procedures listed in section 9 of this
25 2021 Act so long as the procedures are included in an education program described in section
26 3 (1) of this 2021 Act or the dental therapist has received additional training in the procedure
27 approved by the Oregon Board of Dentistry.

28 (2) A dental therapist shall purchase and maintain liability insurance as determined suf-
29 ficient by the board.

30 (3) A dental therapist shall dedicate at least 51 percent of the dental therapist's practice
31 to patients who represent underserved populations, as defined by the Oregon Health Au-
32 thority by rule, or patients located in dental care health professional shortage areas, as de-
33 termined by the authority.

34 **SECTION 11.** A person licensed under section 3 of this 2021 Act is subject to the pro-
35 visions of ORS 679.140.

36 **SECTION 12.** The Oregon Board of Dentistry shall adopt rules necessary to administer
37 sections 2 to 12 of this 2021 Act. In adopting rules under this section, the board shall consult
38 with dental therapists and organizations that represent dental therapists in this state.

39 **SECTION 13.** ORS 679.010 is amended to read:

40 679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-
41 wise:

42 (1) "Dental assistant" means a person who, under the supervision of a dentist **or dental ther-**
43 **apist**, renders assistance to a dentist, **dental therapist**, dental hygienist, dental technician or an-
44 other dental assistant or who, under the supervision of a dental hygienist, renders assistance to a
45 dental hygienist providing dental hygiene.

1 (2) “Dental hygiene” is that portion of dentistry that includes, but is not limited to:

2 (a) The rendering of educational, preventive and therapeutic dental services and diagnosis and
3 treatment planning for such services;

4 (b) Prediagnostic risk assessment, scaling, root planing, curettage, the application of sealants
5 and fluoride and any related intraoral or extraoral procedure required in the performance of such
6 services; and

7 (c) Prescribing, dispensing and administering prescription drugs for the services described in
8 paragraphs (a) and (b) of this subsection.

9 (3) “Dental hygienist” means a person who, under the supervision of a dentist, practices dental
10 hygiene.

11 (4) “Dental technician” means a person who, at the authorization of a dentist, makes, provides,
12 repairs or alters oral prosthetic appliances and other artificial materials and devices that are re-
13 turned to a dentist and inserted into the human oral cavity or that come in contact with its adjacent
14 structures and tissues.

15 **(5) “Dental therapist” means a person licensed to practice dental therapy under section**
16 **3 of this 2021 Act.**

17 **(6) “Dental therapy” means the provision of preventive dental care, restorative dental**
18 **treatment and other educational, clinical and therapeutic patient services as part of a dental**
19 **care team, including the services described under section 9 of this 2021 Act.**

20 [(5)] (7) “Dentist” means a person who may perform any intraoral or extraoral procedure re-
21 quired in the practice of dentistry.

22 [(6)] (8) “Dentist of record” means a dentist that either authorizes treatment for, supervises
23 treatment of or provides treatment for a patient in a dental office or clinic owned or operated by
24 an institution as described in ORS 679.020 (3).

25 [(7)(a)] (9)(a) “Dentistry” means the healing art concerned with:

26 (A) The examination, diagnosis, treatment planning, treatment, care and prevention of conditions
27 within the human oral cavity and maxillofacial region, and of conditions of adjacent or related tis-
28 sues and structures; and

29 (B) The prescribing, dispensing and administering of prescription drugs for purposes related to
30 the activities described in subparagraph (A) of this paragraph.

31 (b) “Dentistry” includes, but is not limited to:

32 (A) The cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues
33 and other acts or procedures as determined by the Oregon Board of Dentistry and included in the
34 curricula of:

35 (i) Dental schools accredited by the Commission on Dental Accreditation of the American Dental
36 Association;

37 (ii) Post-graduate training programs; or

38 (iii) Continuing education courses.

39 (B) The prescription and administration of vaccines.

40 [(8)] (10) “Direct supervision” means supervision requiring that a dentist diagnose the condition
41 to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in
42 the dental treatment room while the procedures are performed.

43 [(9)] (11) “Expanded practice dental hygienist” means a dental hygienist who performs dental
44 hygiene services in accordance with ORS 680.205 as authorized by an expanded practice dental
45 hygienist permit issued by the board under ORS 680.200.

1 [(10)] (12) "General supervision" means supervision requiring that a dentist authorize the pro-
2 cedures by standing orders, practice agreements or collaboration agreements, but not requiring that
3 a dentist be present when the authorized procedures are performed. The authorized procedures may
4 also be performed at a place other than the usual place of practice of the dentist.

5 [(11)] (13) "Indirect supervision" means supervision requiring that a dentist authorize the pro-
6 cedures and that a dentist be on the premises while the procedures are performed.

7 **SECTION 14.** ORS 679.140 is amended to read:

8 679.140. (1) The Oregon Board of Dentistry may discipline as provided in this section any person
9 licensed to practice dentistry in this state for any of the following causes:

10 (a) Conviction of any violation of the law for which the court could impose a punishment if the
11 board makes the finding required by ORS 670.280. The record of conviction or a certified copy
12 thereof, certified by the clerk of the court or by the judge in whose court the conviction is entered,
13 is conclusive evidence of the conviction.

14 (b) Renting or lending a license or diploma of the dentist to be used as the license or diploma
15 of another person.

16 (c) Unprofessional conduct.

17 (d) Any violation of this chapter or ORS 680.010 to 680.205, of rules adopted pursuant to this
18 chapter or ORS 680.010 to 680.205 or of an order issued by the board.

19 (e) Engaging in or permitting the performance of unacceptable patient care by the dentist or by
20 any person working under the supervision of the dentist due to a deliberate or negligent act or
21 failure to act by the dentist, regardless of whether actual injury to the patient is established.

22 (f) Incapacity to practice safely.

23 (2) "Unprofessional conduct" as used in this chapter includes but is not limited to the following:

24 (a) Obtaining any fee by fraud or misrepresentation.

25 (b) Willfully betraying confidences involved in the patient-dentist relationship.

26 (c) Employing, aiding, abetting or permitting any unlicensed personnel to practice dentistry
27 [or], dental hygiene **or dental therapy**.

28 (d) Making use of any advertising statements of a character tending to deceive or mislead the
29 public or that are untruthful.

30 (e) Impairment as defined in ORS 676.303.

31 (f) Obtaining or attempting to obtain a controlled substance in any manner proscribed by the
32 rules of the board.

33 (g) Prescribing or dispensing drugs outside the scope of the practice of dentistry or in a manner
34 that impairs the health and safety of an individual.

35 (h) Disciplinary action by a state licensing or regulatory agency of this or another state re-
36 garding a license to practice dentistry, dental hygiene, **dental therapy** or any other health care
37 profession when, in the judgment of the board, the act or conduct resulting in the disciplinary action
38 bears a demonstrable relationship to the ability of the licensee or applicant to practice dentistry
39 [or], dental hygiene **or dental therapy** in accordance with the provisions of this chapter. A certified
40 copy of the record of the disciplinary action is conclusive evidence of the disciplinary action.

41 (3) The proceedings under this section may be taken by the board from the matters within its
42 knowledge or may be taken upon the information of another, but if the informant is a member of the
43 board, the other members of the board shall constitute the board for the purpose of finding judgment
44 of the accused.

45 (4) In determining what constitutes unacceptable patient care, the board may take into account

1 all relevant factors and practices, including but not limited to the practices generally and currently
2 followed and accepted by persons licensed to practice dentistry in this state, the current teachings
3 at accredited dental schools, relevant technical reports published in recognized dental journals and
4 the desirability of reasonable experimentation in the furtherance of the dental arts.

5 (5) In disciplining a person as authorized by subsection (1) of this section, the board may use
6 any or all of the following methods:

7 (a) Suspend judgment.

8 (b) Place a licensee on probation.

9 (c) Suspend a license to practice dentistry in this state.

10 (d) Revoke a license to practice dentistry in this state.

11 (e) Place limitations on a license to practice dentistry in this state.

12 (f) Refuse to renew a license to practice dentistry in this state.

13 (g) Accept the resignation of a licensee to practice dentistry in this state.

14 (h) Assess a civil penalty.

15 (i) Reprimand a licensee.

16 (j) Impose any other disciplinary action the board in its discretion finds proper, including as-
17 sessment of the costs of the disciplinary proceedings as a civil penalty.

18 (6) If the board places any person upon probation as set forth in subsection (5)(b) of this section,
19 the board may determine and may at any time modify the conditions of the probation and may in-
20 clude among them any reasonable condition for the purpose of protection of the public and for the
21 purpose of the rehabilitation of the probationer or both. Upon expiration of the term of probation,
22 further proceedings shall be abated by the board if the person holding the license furnishes the
23 board with evidence that the person is competent to practice dentistry and has complied with the
24 terms of probation. If the evidence fails to establish competence to the satisfaction of the board or
25 if the evidence shows failure to comply with the terms of the probation, the board may revoke or
26 suspend the license.

27 (7) If a license to practice dentistry in this state is suspended, the person holding the license
28 may not practice during the term of suspension. Upon the expiration of the term of suspension, the
29 license shall be reinstated by the board if the board finds, based upon evidence furnished by the
30 person, that the person is competent to practice dentistry and has not practiced dentistry in this
31 state during the term of suspension. If the evidence fails to establish to the satisfaction of the board
32 that the person is competent or if any evidence shows the person has practiced dentistry in this
33 state during the term of suspension, the board may revoke the license after notice and hearing.

34 (8) Upon receipt of a complaint under this chapter or ORS 680.010 to 680.205, the board shall
35 conduct an investigation as described under ORS 676.165.

36 (9) Information that the board obtains as part of an investigation into licensee or applicant
37 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
38 licensee or applicant conduct is confidential as provided under ORS 676.175. Notwithstanding ORS
39 676.165 to 676.180, the board may disclose confidential information regarding a licensee or an ap-
40 plicant to persons who may evaluate or treat the licensee or applicant for drug abuse, alcohol abuse
41 or any other health related conditions.

42 (10) The board may impose against any person who violates the provisions of this chapter or
43 ORS 680.010 to 680.205 or rules of the board a civil penalty of up to \$5,000 for each violation. Any
44 civil penalty imposed under this section shall be imposed in the manner provided in ORS 183.745.

45 (11) Notwithstanding the expiration, suspension, revocation or surrender of the license, or the

1 resignation or retirement of the licensee, the board may:

2 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
3 dentist *[or]*, dental hygienist **or dental therapist**; or

4 (b) Revise or render void an order suspending or revoking the license.

5 (12)(a) The board may continue with any proceeding or investigation for a period not to exceed
6 four years from the date of the expiration, suspension, revocation or surrender of the license, or the
7 resignation or retirement of the licensee; or

8 (b) If the board receives a complaint or initiates an investigation within that four-year period,
9 the board's jurisdiction continues until the matter is concluded by a final order of the board fol-
10 lowing any appeal.

11 (13) Withdrawing the application for license does not close any investigation, action or pro-
12 ceeding against an applicant.

13 **SECTION 15.** ORS 679.170 is amended to read:

14 679.170. *[No person shall]* **A person may not:**

15 (1) Sell or barter, or offer to sell or barter, any diploma or document conferring or purporting
16 to confer any dental degree, or any certificate or transcript made or purporting to be made, pursu-
17 ant to the laws regulating the license and registration of dentists.

18 (2) Purchase or procure by barter, any *[such]* diploma, certificate or transcript **described in**
19 **subsection (1) of this section**, with intent that it be used as evidence of the holder's qualification
20 to practice dentistry, or in fraud of the laws regulating *[such]* **the practice of dentistry**.

21 (3) With fraudulent intent, alter in a material regard any *[such]* diploma, certificate or transcript
22 **described in subsection (1) of this section**.

23 (4) Use or attempt to use any *[such]* diploma, certificate or transcript **described in subsection**
24 **(1) of this section**, which has been purchased, fraudulently issued, counterfeited or materially al-
25 tered, either as a license or color of license to practice dentistry, or in order to procure registration
26 as a dentist.

27 (5) Willfully make a false written or recorded oral statement to the Oregon Board of Dentistry
28 in a material regard.

29 (6) Within 10 days after demand made by the board, fail to respond to the board's written re-
30 quest for information or fail to furnish to the board the name and address of all persons practicing
31 or assisting in the practice of dentistry in the office of such person at any time within 60 days prior
32 to the notice, together with a sworn statement showing under and by what license or authority such
33 person and employee are and have been practicing dentistry.

34 (7) Employ or use the services of any unlicensed person, to practice dentistry *[or]*, dental hy-
35 giene **or dental therapy**, except as permitted by ORS 679.025, 679.176 and 680.010 to 680.205.

36 **SECTION 16.** ORS 679.250 is amended to read:

37 679.250. The powers and duties of the Oregon Board of Dentistry are as follows:

38 (1) To, during the month of April of each year, organize and elect from its membership a presi-
39 dent who shall hold office for one year, or until the election and qualification of a successor.

40 (2) To authorize all necessary disbursements to carry out the provisions of this chapter, includ-
41 ing but not limited to, payment for necessary supplies, office equipment, books and expenses for the
42 conduct of examinations, payment for legal and investigative services rendered to the board, and
43 such other expenditures as are provided for in this chapter.

44 (3) To employ such inspectors, examiners, special agents, investigators, clerical assistants, as-
45 sistants and accountants as are necessary for the investigation and prosecution of alleged violations

1 and the enforcement of this chapter and for such other purposes as the board may require. Nothing
2 in this chapter shall be construed to prevent assistance being rendered by an employee of the board
3 in any hearing called by it. However, all obligations for salaries and expenses incurred under this
4 chapter shall be paid from the fees accruing to the board under this chapter and not otherwise.

5 (4)(a) To conduct examinations of applicants for license to practice dentistry [*and*], dental hy-
6 giene **and dental therapy** at least twice in each year.

7 (b) In conducting examinations for licensure, the board may enter into a compact with other
8 states for conducting regional examinations with other board of dental examiners concerned, or by
9 a testing service recognized by such boards.

10 (5) To meet for the transaction of other business at the call of the president. A majority of board
11 members shall constitute a quorum. A majority vote of those present shall be a decision of the entire
12 board. The board's proceedings shall be open to public inspection in all matters affecting public in-
13 terest.

14 (6) To keep an accurate record of all proceedings of the board and of all its meetings, of all
15 receipts and disbursements, of all prosecutions for violation of this chapter, of all examinations for
16 license to practice dentistry, with the names and qualifications for examination of any person ex-
17 amined, together with the addresses of those licensed and the results of such examinations, a record
18 of the names of all persons licensed to practice dentistry in Oregon together with the addresses of
19 all such persons having paid the license fee prescribed in ORS 679.120 and the names of all persons
20 whose license to practice has been revoked or suspended.

21 (7) To make and enforce rules necessary for the procedure of the board, for the conduct of ex-
22 aminations, for regulating the practice of dentistry, and for regulating the services of dental
23 hygienists and dental auxiliary personnel not inconsistent with the provisions of this chapter. As
24 part of such rules, the board may require the procurement of a permit or other certificate. Any
25 permit issued may be subject to periodic renewal. In adopting rules, the board shall take into ac-
26 count all relevant factors germane to an orderly and fair administration of this chapter and of ORS
27 680.010 to 680.205, the practices and materials generally and currently used and accepted by persons
28 licensed to practice dentistry in this state, dental techniques commonly in use, relevant technical
29 reports published in recognized dental journals, the curriculum at accredited dental schools, the
30 desirability of reasonable experimentation in the furtherance of the dental arts, and the desirability
31 of providing the highest standard of dental care to the public consistent with the lowest economic
32 cost.

33 (8) Upon its own motion or upon any complaint, to initiate and conduct investigations of and
34 hearings on all matters relating to the practice of dentistry, the discipline of licensees, or pertaining
35 to the enforcement of any provision of this chapter. In the conduct of investigations or upon the
36 hearing of any matter of which the board may have jurisdiction, the board may take evidence, ad-
37 minister oaths, take the depositions of witnesses, including the person charged, in the manner pro-
38 vided by law in civil cases, and compel their appearance before it in person the same as in civil
39 cases, by subpoena issued over the signature of an employee of the board and in the name of the
40 people of the State of Oregon, require answers to interrogatories, and compel the production of
41 books, papers, accounts, documents and testimony pertaining to the matter under investigation or
42 to the hearing. In all investigations and hearings, the board and any person affected thereby may
43 have the benefit of counsel, and all hearings shall be held in compliance with ORS chapter 183.
44 Notwithstanding ORS 676.165, 676.175 and 679.320, if a licensee who is the subject of an investi-
45 gation or complaint is to appear before members of the board investigating the complaint, the board

1 shall provide the licensee with a current summary of the complaint or the matter being investigated
2 not less than five days prior to the date that the licensee is to appear. At the time the summary of
3 the complaint or the matter being investigated is provided, the board shall provide to the licensee
4 a current summary of documents or alleged facts that the board has acquired as a result of the in-
5 vestigation. The name of the complainant or other information that reasonably may be used to
6 identify the complainant may be withheld from the licensee.

7 (9) To require evidence as determined by rule of continuing education or to require satisfactory
8 evidence of operative competency before reissuing or renewing licenses for the practice of dentistry
9 [or], dental hygiene **or dental therapy**.

10 (10) To adopt and enforce rules regulating administration of general anesthesia and conscious
11 sedation by a dentist or under the supervision of a dentist in the office of the dentist. As part of
12 such rules, the board may require the procurement of a permit which must be periodically renewed.

13 (11) To order an applicant or licensee to submit to a physical examination, mental examination
14 or a competency examination when the board has evidence indicating the incapacity of the applicant
15 or licensee to practice safely.

16 **SECTION 17.** Section 1, chapter 716, Oregon Laws 2011, is amended to read:

17 **Sec. 1.** (1) The Oregon Health Authority may approve pilot projects to encourage the develop-
18 ment of innovative practices in oral health care delivery systems with a focus on providing care to
19 populations that evidence-based studies have shown have the highest disease rates and the least
20 access to dental care. The authority may approve a pilot project that is designed to:

21 (a) Operate for three to five years or a sufficient amount of time to evaluate the validity of the
22 pilot project;

23 (b) Evaluate quality of care, access, cost, workforce and efficacy; and

24 (c) Achieve at least one of the following:

25 (A) Teach new skills to existing categories of dental personnel;

26 (B) Develop new categories of dental personnel;

27 (C) Accelerate the training of existing categories of dental personnel; or

28 (D) Teach new oral health care roles to previously untrained persons.

29 (2) The authority shall adopt rules:

30 (a) Establishing an application process for pilot projects;

31 (b) Establishing minimum standards, guidelines and instructions for pilot projects; and

32 (c) Requiring an approved pilot project to report to the authority on the progress and outcomes
33 of the pilot project, including:

34 (A) The process used to evaluate the progress and outcomes of the pilot project;

35 (B) The baseline data and information to be collected;

36 (C) The nature of program data that will be collected and the methods for collecting and ana-
37 lyzing the data;

38 (D) The provisions for protecting the safety of patients seen or treated in the project; and

39 (E) A statement of previous experience in providing related health care services.

40 (3) The authority shall seek the advice of appropriate professional societies and licensing boards
41 before adopting rules under subsection (2) of this section.

42 (4)(a) Notwithstanding ORS 679.020 and 680.020, a person may practice dentistry [or], dental
43 hygiene **or dental therapy** without a license as part of a pilot project approved under this section
44 under the general supervision of a dentist licensed under ORS chapter 679 and in accordance with
45 rules adopted by the authority.

1 (b) A person practicing dentistry [*or*], dental hygiene **or dental therapy** without a license under
2 this section is subject to the same standard of care and is entitled to the same immunities as a
3 person performing the services with a license.

4 (5) The authority may accept gifts, grants or contributions from any public or private source for
5 the purpose of carrying out this section. Funds received under this subsection shall be deposited in
6 the Dental Pilot Projects Fund established under section 17 [*of this 2011 Act*], **chapter 716, Oregon**
7 **Laws 2011.**

8 **SECTION 18. (1) Sections 2, 3 and 4 to 12 of this 2021 Act and the amendments to ORS**
9 **679.010, 679.140, 679.170 and 679.250 and section 1, chapter 716, Oregon Laws 2011, by sections**
10 **13 to 17 of this 2021 Act become operative on January 1, 2022.**

11 **(2) The amendments to section 3 of this 2021 Act by section 3a of this 2021 Act become**
12 **operative on January 1, 2025.**

13 **(3) The Oregon Board of Dentistry may take any action before the operative dates spec-**
14 **ified in subsections (1) and (2) of this section that is necessary to enable the board to exer-**
15 **cise, on and after the operative dates specified in subsections (1) and (2) of this section, all**
16 **of the duties, functions and powers conferred on the board by sections 2, 3 and 4 to 12 of this**
17 **2021 Act and the amendments to ORS 679.010, 679.140, 679.170 and 679.250 and section 1,**
18 **chapter 716, Oregon Laws 2011, and section 3 of this 2021 Act by sections 3a and 13 to 17 of**
19 **this 2021 Act.**

20 **SECTION 19. This 2021 Act takes effect on the 91st day after the date on which the 2021**
21 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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