

B-Engrossed
House Bill 2970

Ordered by the Senate June 2
Including House Amendments dated April 6 and Senate Amendments
dated June 2

Sponsored by Representative NOSSE; Representatives PRUSAK, SCHOUTEN

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.

Defines "device" for purposes of practice of advanced nonablative esthetics. Prohibits use of device not registered with United States Food and Drug Administration. Defines "mechanical or electrical apparatus, appliance or device" for purposes of esthetics.

Provides that Board of Certified Advanced Estheticians is subject to oversight by Health Licensing Office.

Specifies evidence of education that applicant for residential care facility administrator license must provide to Health Licensing Office.

Allows nonprofit charitable corporation that provides dental services to individuals 65 years of age and older and individuals unable to stand or walk unassisted to own, operate, conduct or maintain dental practice, clinic or office. Sunsets January 1, 2023.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health care; creating new provisions; amending ORS 676.579, 676.612, 676.613, 676.622,
3 676.630, 678.733, 679.020 and 690.005; and declaring an emergency.

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

5
6 **ESTHETICS**

7
8 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 676.630 to**
9 **676.660.**

10 **SECTION 2. (1) A person may not use a device that is not registered with the United**
11 **States Food and Drug Administration to perform advanced nonablative esthetics procedures.**

12 **(2) The Board of Certified Advanced Estheticians may adopt rules to carry out this sec-**
13 **tion.**

14 **SECTION 3. ORS 676.579 is amended to read:**

15 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,
16 who is responsible for the performance of the duties, functions and powers and for the organization
17 of the office.

18 (b) The Director of the Oregon Health Authority shall establish the qualifications for and ap-
19 point the Director of the Health Licensing Office, who holds office at the pleasure of the Director
20 of the Oregon Health Authority.

21 (c) The Director of the Health Licensing Office shall receive a salary as provided by law or, if
22 not so provided, as prescribed by the Director of the Oregon Health Authority.

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 (d) The Director of the Health Licensing Office is in the unclassified service.

2 (2) The Director of the Health Licensing Office shall provide the boards, councils and programs
3 administered by the office with any services and employees as the office requires to carry out the
4 office's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-
5 rector of the Health Licensing Office shall appoint all subordinate officers and employees of the of-
6 fice, prescribe their duties and fix their compensation.

7 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-
8 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, **676.630 to 676.660**, 676.665 to
9 676.689, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730,
10 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005 to
11 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700.

12 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-
13 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the office
14 by other statutes.

15 **SECTION 4.** ORS 676.612 is amended to read:

16 676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter
17 183 for contested cases and as specified in ORS 675.385, **676.660**, 676.685, 676.825, 678.780, 680.535,
18 681.733, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111, the Health
19 Licensing Office may refuse to issue or renew, may suspend or revoke or may otherwise condition
20 or limit an authorization or may discipline or place on probation an authorization holder for com-
21 mission of the prohibited acts listed in subsection (2) of this section.

22 (2) A person subject to the authority of a board, council or program listed in ORS 676.565
23 commits a prohibited act if the person engages in:

24 (a) Fraud, misrepresentation, concealment of material facts or deception in applying for or ob-
25 taining an authorization to practice in this state, or in any written or oral communication to the
26 office concerning the issuance or retention of the authorization.

27 (b) Using, causing or promoting the use of any advertising matter, promotional literature, testi-
28 monial, guarantee, warranty, label, insignia or any other representation, however disseminated or
29 published, that is false, misleading or deceptive.

30 (c) Making a representation that the authorization holder knew or should have known is false
31 or misleading regarding skill or the efficacy or value of treatment or remedy administered by the
32 authorization holder.

33 (d) Practicing under a false, misleading or deceptive name, or impersonating another authori-
34 zation holder.

35 (e) Permitting a person other than the authorization holder to use the authorization.

36 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
37 to the authorization holder or to the person or property of others in the course of performing the
38 authorization holder's duties.

39 (g) Practicing while under the influence of alcohol, cannabis, controlled substances or other
40 skill-impairing substances, or engaging in the illegal use of controlled substances or other skill-
41 impairing substances so as to create a risk of harm to the person or property of others in the course
42 of performing the duties of an authorization holder.

43 (h) Failing to properly and reasonably accept responsibility for the actions of employees.

44 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-
45 son to practice a regulated occupation or profession subject to the authority of the boards, councils

1 and programs listed in ORS 676.565.

2 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
3 or failure to conform to standards of practice in performing services or practicing in a regulated
4 occupation or profession subject to the authority of the boards, councils and programs listed under
5 ORS 676.565.

6 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
7 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
8 conviction. A plea of no contest or an admission of guilt is a conviction for purposes of this para-
9 graph.

10 (L) Failing to report any adverse action, as required by statute or rule, taken against the au-
11 thorization holder by another regulatory jurisdiction or any peer review body, health care institu-
12 tion, professional association, governmental agency, law enforcement agency or court for acts or
13 conduct similar to acts or conduct that would constitute grounds for disciplinary action as described
14 in this section.

15 (m) Violation of a statute regulating an occupation or profession subject to the authority of the
16 boards, councils and programs listed in ORS 676.565.

17 (n) Violation of any rule regulating an occupation or profession subject to the authority of the
18 boards, councils and programs listed in ORS 676.565.

19 (o) Failing to cooperate with the office in any investigation, inspection or request for informa-
20 tion.

21 (p) Selling or fraudulently obtaining or furnishing an authorization to practice in a regulated
22 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
23 676.565, or aiding or abetting such an act.

24 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated
25 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
26 676.565, or aiding or abetting such an act.

27 (r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of
28 any order issued by the office that has become final.

29 (3) For the purpose of requesting a state or nationwide criminal records check under ORS
30 181A.195, the office may require the fingerprints of a person who is:

- 31 (a) Applying for an authorization;
- 32 (b) Applying for renewal of an authorization; or
- 33 (c) Under investigation by the office.

34 (4) If the office places an authorization holder on probation under subsection (1) of this section,
35 the office, in consultation with the appropriate board, council or program, may determine and at any
36 time modify the conditions of the probation.

37 (5) If an authorization is suspended, the authorization holder may not practice during the term
38 of suspension. Upon the expiration of the term of suspension, the authorization may be reinstated
39 by the office if the conditions of suspension no longer exist and the authorization holder has satis-
40 fied all requirements in the relevant statutes or administrative rules for issuance, renewal or rein-
41 statement.

42 **SECTION 5.** ORS 676.613 is amended to read:

43 676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that
44 a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that
45 violates any provision of ORS 675.365 to 675.410, **676.630 to 676.660**, 676.665 to 676.689, 676.810,

1 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to
2 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to
3 691.485 or 694.015 to 694.170 or ORS chapter 700, the office may, through the Attorney General or
4 the district attorney of the county in which the act, practice or transaction occurs or will occur,
5 apply to the court for an injunction restraining the person from the act, practice or transaction.

6 (2) A court may issue an injunction under this section without proof of actual damages. An in-
7 junction issued under this section does not relieve a person from any other prosecution or enforce-
8 ment action taken for violation of statutes listed in subsection (1) of this section.

9 **SECTION 6.** ORS 676.622 is amended to read:

10 676.622. (1) A transaction conducted through a state or local system or network that provides
11 electronic access to the Health Licensing Office information and services is exempt from any re-
12 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, **676.630 to 676.660**, 676.665 to 676.689,
13 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495,
14 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and
15 694.015 to 694.170 and ORS chapter 700, and rules adopted thereunder, requiring an original signa-
16 ture or the submission of handwritten materials.

17 (2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable
18 and have the same force as original signatures.

19 **SECTION 7.** ORS 676.630 is amended to read:

20 676.630. As used in ORS 676.630 to 676.660:

21 (1) "Advanced nonablative esthetics procedure" means a procedure that uses a laser, **intense**
22 **pulsed light** or other device [*registered with the United States Food and Drug Administration*] for
23 nonablative procedures performed on the skin or hair, including, but not limited to, procedures
24 performed in conjunction with one of the following modalities:

- 25 (a) Skin rejuvenation;
- 26 (b) Photo rejuvenation;
- 27 (c) Body contouring;
- 28 (d) Dyschromia reduction;
- 29 (e) Cellulite reduction;
- 30 (f) Hair removal or reduction; and
- 31 (g) Nonablative tattoo removal.

32 (2) "Certified advanced esthetician" means a person certified to practice advanced nonablative
33 esthetics procedures under ORS 676.630 to 676.660.

34 (3) **"Device" has the meaning given that term by the Board of Certified Advanced**
35 **Estheticians by rule, in collaboration with the Board of Cosmetology.**

36 [(3)] (4) "Esthetician" means a person certified to practice esthetics under ORS 690.005 to
37 690.225.

38 [(4)] (5) "Nonablative" means involving an action performed on the skin or hair of a person that
39 does not result in the wounding of skin or underlying tissue.

40 **SECTION 8.** ORS 690.005 is amended to read:

41 690.005. As used in ORS 690.005 to 690.225:

42 (1) "Barbering" means any of the following practices, when done upon the human body for cos-
43 metic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

- 44 (a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.
- 45 (b) Applying hair tonics, dressings and rinses.

1 (c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams,
2 lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, except that
3 the mechanical appliances may not be galvanic or faradic.

4 (d) Shaving, trimming or cutting of the beard or mustache.

5 (2) "Certificate" means a written authorization for the holder to perform in one or more fields
6 of practice.

7 (3) "Cosmetology" means the art or science of beautifying and improving the skin, nails and hair
8 and the study of cosmetics and their application.

9 (4) "Demonstration permit" means a written authorization for a person to practice, demonstrate
10 and teach one or more fields of practice on a temporary basis.

11 (5) "Esthetics" means any of the following skin care or facial care practices performed on the
12 human body or face for the purpose of keeping the skin of the human body or face healthy and at-
13 tractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

14 (a) The use of the hands or mechanical or electric apparatuses, [*or*] appliances **or devices** for
15 cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

16 (b) Temporary removal of hair **by using lotion, cream, an appliance, wax, thread, sugar,**
17 **tweezers, dermaplaning, a depilatory or other means.**

18 (c) Makeup artistry.

19 (d) **Eyebrow and** eyelash services.

20 (e) Facial and body [*wrapping*] **treatments.**

21 [*f*] *Facial and body waxing.*]

22 (6) "Facility" means an establishment operated on a regular or irregular basis for the purpose
23 of providing services in one or more fields of practice.

24 (7) "Field of practice" means the following cosmetology disciplines:

25 (a) Barbering.

26 (b) Esthetics.

27 (c) Hair design.

28 (d) Nail technology.

29 (e) Natural hair care.

30 (8) "Freelance license" means a written authorization that allows a practitioner to practice
31 outside or away from a licensed facility.

32 (9) "Hair design" means any of the following practices, when done upon the human body for
33 cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental
34 ailments:

35 (a) Shaving, trimming or cutting of the beard or mustache.

36 (b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, con-
37 ditioning, applying hair products or similar work upon the hair of an individual.

38 (c) Massaging the scalp and neck when performed in conjunction with activities in paragraph
39 (a) or (b) of this subsection.

40 (10) "Independent contractor" means a practitioner who qualifies as an independent contractor
41 under ORS 670.600 and who is not under the control and direction of a facility license holder.

42 (11) "License" means a written authorization issued under ORS 690.055 to a person to operate
43 a facility or freelance business for providing services related to one or more fields of practice to the
44 public.

45 (12)(a) "**Mechanical or electrical apparatus, appliance or device**" includes, but is not lim-

1 ited to, galvanic current, high-frequency microcurrents, light-emitting diode therapy and
2 microdermabrasion that does not penetrate beyond the epidermis except through natural
3 physiological effects.

4 (b) “Mechanical or electrical apparatus, appliance or device” does not include lasers or
5 intense pulsed light or a device, as that term is defined by the Board of Cosmetology by rule,
6 in collaboration with the Board of Certified Advanced Estheticians.

7 [(12)] (13) “Nail technology” means any of the following manicuring or pedicuring practices
8 performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical
9 or mental ailments:

10 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the
11 hands or feet.

12 (b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs
13 below the knee.

14 (c) Applying, sculpturing or removing artificial nails of the hands or feet.

15 [(13)(a)] (14)(a) “Natural hair care” means:

16 (A) The braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping
17 of human hair, natural fibers, synthetic fibers or hair extensions through the use of hands or simple
18 devices such as clips, combs, hairpins or needle and thread;

19 (B) The use of scissors to trim synthetic fibers, hair extensions or sewn-in weave extensions as
20 is necessary to perform the activities described in this paragraph;

21 (C) The making of customized wigs from natural hair, natural fibers, synthetic fibers or hair
22 extensions; or

23 (D) Shampooing or conditioning of the hair of an individual.

24 (b) “Natural hair care” does not include the use of scissors, except as provided in paragraph
25 (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents,
26 chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical
27 hair bleaching agents.

28 [(14)] (15) “Practitioner” means a person certified to perform services included within a field of
29 practice.

30 [(15)] (16) “Registration” means a written authorization issued to an independent contractor to
31 hold forth to the public as a business entity providing services in a field of practice.

32 [(16)] (17) “School” means an educational establishment that has a license issued by the De-
33 partment of Education and is operated for the purpose of teaching one or more fields of practice.
34 For purposes of this subsection, “field of practice” does not include natural hair care.

35 [(17)] (18) “Temporary facility permit” means a written authorization issued under ORS 690.055
36 to provide services on a temporary basis in one or more fields of practice.

37 38 RESIDENTIAL CARE FACILITY ADMINISTRATORS

39
40 **SECTION 9.** ORS 678.733 is amended to read:

41 678.733. (1) The Health Licensing Office may issue a residential care facility administrator li-
42 cense to an applicant who:

43 (a) Is at least 21 years of age;

44 (b) Has earned at least a high school diploma or its equivalent[;], **as indicated by evidence of**
45 **the following, in a form deemed sufficient by the office:**

1 (A) Completion of high school or an equivalent educational level;

2 (B) Passage of an approved high school equivalency test, including but not limited to the
3 General Educational Development (GED) test; or

4 (C) Graduation from a post-secondary institution;

5 (c)(A) For at least two of the last five years has been employed in a professional or managerial
6 capacity in a health or social service related field, or has a combination of experience and education
7 deemed sufficient by the office; or

8 (B) Has earned at least a bachelor's degree in a health or social service related field;

9 (d) Has completed at least 40 hours of training approved by the office by rule;

10 (e) Pays a licensure fee; and

11 (f) Passes an examination described in ORS 678.743.

12 (2) Evidence of the education described in subsection (1)(b) of this section may be pro-
13 vided by a diploma or other document, or by facts, circumstances or other indicators deemed
14 sufficient by the office.

15 [(2)] (3) When issuing a license under this section, the office shall consider the qualifications for
16 employment under ORS 443.004.

17 **SECTION 10.** The amendments to ORS 678.733 by section 9 of this 2021 Act apply to res-
18 idential care facility administrator license applications submitted to the Health Licensing
19 Office on or after the effective date of this 2021 Act.

20
21 **DENTAL CLINICS**

22
23 **SECTION 11.** ORS 679.020 is amended to read:

24 679.020. (1) A person may not practice dentistry without a license.

25 (2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate,
26 conduct or maintain a dental practice, office or clinic in this state.

27 (3) The restrictions of subsection (2) of this section, as they relate to owning and operating a
28 dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the
29 following:

30 (a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organ-
31 ization formed by or on behalf of such labor organization for the purpose of providing dental ser-
32 vices. Such labor organization must have had an active existence for at least three years, have a
33 constitution and bylaws, and be maintained in good faith for purposes other than providing dental
34 services.

35 (b) The School of Dentistry of the Oregon Health and Science University.

36 (c) Public universities listed in ORS 352.002.

37 (d) Local governments.

38 (e) Institutions or programs accredited by the Commission on Dental Accreditation of the
39 American Dental Association to provide education and training.

40 (f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas
41 and medically underserved populations of migrant, rural community or homeless individuals under
42 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in com-
43 pliance with other applicable state and federal law.

44 (g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
45 Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer

1 licensed dentists to populations with limited access to dental care at no charge or a substantially
2 reduced charge.

3 (h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
4 Code and determined by the Oregon Board of Dentistry as having an existing program that provides
5 medical and dental care to medically underserved children with special needs at an existing single
6 fixed location or multiple mobile locations.

7 **(i) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Re-**
8 **venue Code and determined by the board as providing dental services to individuals who are**
9 **65 years of age or older and individuals who are unable to stand or walk unassisted.**

10 (4) For the purpose of owning or operating a dental office or clinic, an entity described in sub-
11 section (3) of this section must:

12 (a) Except as provided in ORS 679.022, name an actively licensed dentist as its dental director,
13 who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental
14 director, or an actively licensed dentist designated by the director, shall have responsibility for the
15 clinical practice of dentistry, which includes, but is not limited to:

16 (A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

17 (B) Prescribing drugs that are administered to patients in the practice of dentistry.

18 (C) The treatment plan of any dental patient.

19 (D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

20 (E) Supervision of dental hygienists, dental assistants or other personnel involved in direct pa-
21 tient care and the authorization for procedures performed by them in accordance with the standards
22 of supervision established by statute or by the rules of the board.

23 (F) Other specific services within the scope of clinical dental practice.

24 (G) Retention of patient dental records as required by statute or by rule of the board.

25 (H) Ensuring that each patient receiving services from the dental office or clinic has a dentist
26 of record.

27 (I) The prescription and administration of vaccines.

28 (b) Maintain current records of the names of licensed dentists who supervise the clinical activ-
29 ities of dental hygienists, dental assistants or other personnel involved in direct patient care utilized
30 by the entity. The records must be available to the board upon written request.

31 (5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist
32 who renders services authorized by a permit issued by the board pursuant to ORS 680.200.

33 (6) Nothing in this chapter precludes a person or entity not licensed by the board from:

34 (a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic.
35 These assets include real property, furnishings, equipment and inventory but do not include dental
36 records of patients related to clinical care.

37 (b) Employing or contracting for the services of personnel other than licensed dentists.

38 (c) Management of the business aspects of a dental office or clinic that do not include the clin-
39 ical practice of dentistry.

40 (7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held
41 by an administrator, executor, personal representative, guardian, conservator or receiver of the es-
42 tate of a former shareholder, member or partner, the administrator, executor, personal represen-
43 tative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months
44 following the creation of the ownership interest. The board shall extend the ownership period for
45 an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable

1 request.

2 **SECTION 12.** ORS 679.020, as amended by section 11 of this 2021 Act, is amended to read:

3 679.020. (1) A person may not practice dentistry without a license.

4 (2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate,
5 conduct or maintain a dental practice, office or clinic in this state.

6 (3) The restrictions of subsection (2) of this section, as they relate to owning and operating a
7 dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the
8 following:

9 (a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organ-
10 ization formed by or on behalf of such labor organization for the purpose of providing dental ser-
11 vices. Such labor organization must have had an active existence for at least three years, have a
12 constitution and bylaws, and be maintained in good faith for purposes other than providing dental
13 services.

14 (b) The School of Dentistry of the Oregon Health and Science University.

15 (c) Public universities listed in ORS 352.002.

16 (d) Local governments.

17 (e) Institutions or programs accredited by the Commission on Dental Accreditation of the
18 American Dental Association to provide education and training.

19 (f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas
20 and medically underserved populations of migrant, rural community or homeless individuals under
21 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in com-
22 pliance with other applicable state and federal law.

23 (g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
24 Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer
25 licensed dentists to populations with limited access to dental care at no charge or a substantially
26 reduced charge.

27 (h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
28 Code and determined by the Oregon Board of Dentistry as having an existing program that provides
29 medical and dental care to medically underserved children with special needs at an existing single
30 fixed location or multiple mobile locations.

31 *[(i) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code
32 and determined by the board as providing dental services to individuals who are 65 years of age or
33 older and individuals who are unable to stand or walk unassisted.]*

34 (4) For the purpose of owning or operating a dental office or clinic, an entity described in sub-
35 section (3) of this section must:

36 (a) Except as provided in ORS 679.022, name an actively licensed dentist as its dental director,
37 who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental
38 director, or an actively licensed dentist designated by the director, shall have responsibility for the
39 clinical practice of dentistry, which includes, but is not limited to:

40 (A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

41 (B) Prescribing drugs that are administered to patients in the practice of dentistry.

42 (C) The treatment plan of any dental patient.

43 (D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

44 (E) Supervision of dental hygienists, dental assistants or other personnel involved in direct pa-
45 tient care and the authorization for procedures performed by them in accordance with the standards

1 of supervision established by statute or by the rules of the board.

2 (F) Other specific services within the scope of clinical dental practice.

3 (G) Retention of patient dental records as required by statute or by rule of the board.

4 (H) Ensuring that each patient receiving services from the dental office or clinic has a dentist
5 of record.

6 (I) The prescription and administration of vaccines.

7 (b) Maintain current records of the names of licensed dentists who supervise the clinical activ-
8 ities of dental hygienists, dental assistants or other personnel involved in direct patient care utilized
9 by the entity. The records must be available to the board upon written request.

10 (5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist
11 who renders services authorized by a permit issued by the board pursuant to ORS 680.200.

12 (6) Nothing in this chapter precludes a person or entity not licensed by the board from:

13 (a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic.
14 These assets include real property, furnishings, equipment and inventory but do not include dental
15 records of patients related to clinical care.

16 (b) Employing or contracting for the services of personnel other than licensed dentists.

17 (c) Management of the business aspects of a dental office or clinic that do not include the clin-
18 ical practice of dentistry.

19 (7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held
20 by an administrator, executor, personal representative, guardian, conservator or receiver of the es-
21 tate of a former shareholder, member or partner, the administrator, executor, personal represen-
22 tative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months
23 following the creation of the ownership interest. The board shall extend the ownership period for
24 an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable
25 request.

26 **SECTION 13. The amendments to ORS 679.020 by section 12 of this 2021 Act become op-**
27 **erative on January 1, 2023.**

28
29 **CAPTIONS**

30
31 **SECTION 14. The unit captions used in this 2021 Act are provided only for the conven-**
32 **ience of the reader and do not become part of the statutory law of this state or express any**
33 **legislative intent in the enactment of this 2021 Act.**

34
35 **EMERGENCY CLAUSE**

36
37 **SECTION 15. This 2021 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
39 **on its passage.**