

**H. O’Keeffe Draft Oral Testimony**  
*Oppose HB 3223- Dash-A4 Amendments*  
Senate Committee on Health Care  
May 10, 2023, 1:00 p.m.

Chair Patterson, President Wagner, and Senator Compos:

For the record, my name is Henry O’Keeffe. I am the Vice-President of Health Care Policy at the Pac/West Lobby Group. I am proud to be here on behalf of our client the Dental Assisting National Board to testify in opposition to the Dash-4 Amendments HB 3223-A, which would hamstring the Oregon Board of Dentistry’s ability to utilize written exams in the dental assistant certification process.

**Simply put, the Dash-A4 Amendments have no clothes.** In contrast to the base bill, which would explicitly forbid the Oregon Board of Dentistry from utilizing written exams in the dental assistant certification process, lines 5-8 on page 1 of the Dash-4 Amendments, on their face, authorize the Oregon Board of Dentistry to require an applicant to pass a written exam in order to be certified as a dental assistant. Nevertheless, the remainder of the Dash-4 Amendments, would operate as a functional moratorium on the utilization of written exams, masquerading as regulations designed to streamline and open the process to additional applicants.

Specifically, lines 8-11 on page one stipulate that the Oregon Board of Dentistry can only utilize an exam if it meets certain criteria, later mentioned, including:

- That it be approved by the board by rule (see lines 14-15, and 19 on page 1, and line 1 on page 2);
- That it be offered in at least the three most-spoken languages in Oregon, as determined by the dental board (see lines 2-3 on page 2); and
- That it be a single exam (see lines 8-11 on page 2).

Exams meeting these criteria do not currently exist, and as a practical matter cannot exist before the 91stn day after sine die. Nevertheless, the exam, pursuant to Section 3 (lines 8-11 on page 2) criteria just specified would apply to all applications submitted on or after that date. Consequently, the Oregon board of Dentistry will be forbidden from utilizing any written exam until such time that it has approved a single written exam that is available in Oregon’s three most spoken languages, which it is also responsible for identifying. By curtailing the Board’s authority to continue recognizing the existing exams well in advance of the date by which replacement exams meeting the outlined criteria would be available, the amendment effectively eliminates the possibility of continuing to require exams in the certification of dental assistants.

More puzzling still, the Amendments themselves, at Section 4 do not even call for the exam criteria to become operational until January 1, 2024, so a period – at least 99 days – in which it will be impossible for the Board of Dentistry to require dental assisting exams is built into the very structure of the Dash-4 Amendments. Though our hunch is that it would be much longer before a single high-quality exam could be translated into the three identified languages and approved by the board. **The Dash-A4 Amendments would very likely result in a long-term prohibition on the Oregon Board of Dentistry utilizing written exams in the dental assistant certification process.**

With that, I would be happy to answer any questions that you might have concerning the potential consequences of adopting the Dash-A4 amendments to HB 3223.