

Requested by Representative SANCHEZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 2528**

1 On page 1 of the printed bill, delete lines 4 through 25 and insert:

2 “Whereas good oral health is an integral piece of overall health and
3 well-being, and untreated dental disease compromises overall health and re-
4 quires increasingly costly interventions; and

5 “Whereas most dental disease can be prevented at little cost through
6 routine dental care and disease prevention; and

7 “Whereas the employment of dental therapists increases workforce diver-
8 sity in health care and expands career opportunities for new and existing
9 members of the dental care workforce; and

10 “Whereas using the Commission on Dental Accreditation’s standards as
11 a guideline for dental therapy education will ensure that dental therapists
12 are trained to the highest quality standards, provide state-to-state consist-
13 ency and pave the way for Oregon educational institutions to create accred-
14 ited programs for which students can qualify for financial aid; and

15 “Whereas it is critical that an efficient and reasonable pathway is created
16 for dental therapists who provided care through an Oregon Health Authority
17 dental pilot project to continue to offer the same care to their communities
18 without disruption; now, therefore,”.

19 Delete lines 27 through 30 and delete pages 2 through 15 and insert:

20 **“SECTION 1. Sections 2 to 13 of this 2021 Act are added to and made
21 a part of ORS chapter 679.**

1 **“SECTION 2. As used in sections 2 to 13 of this 2021 Act:**

2 **“(1) ‘Collaborative agreement’ means a written and signed agree-**
3 **ment entered into between a dentist and a dental therapist under**
4 **section 8 of this 2021 Act.**

5 **“(2) ‘Dental pilot project’ means a dental pilot project operating**
6 **under the Oregon Health Authority’s dental pilot project program.**

7 **“(3) ‘Dentist’ means a person licensed to practice dentistry under**
8 **this chapter.**

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

11 **“(a) Is at least 18 years of age;**

12 **“(b) Submits to the board a completed application form;**

13 **“(c) Demonstrates the completion of a dental therapy education**
14 **program that is:**

15 **“(A) Accredited by the Commission on Dental Accreditation of the**
16 **American Dental Association, or its successor organization, and ap-**
17 **proved by the board by rule;**

18 **“(B) Part of a dental pilot project; or**

19 **“(C) Determined by the board to be substantially equivalent to a**
20 **dental therapy education program described in subparagraph (A) or (B)**
21 **of this paragraph;**

22 **“(d) Passes an examination described in section 4 of this 2021 Act;**
23 **and**

24 **“(e) Pays the application and licensure fees established by the**
25 **board.**

26 **“(2)(a) An individual who completed a dental therapy education**
27 **program in another state or jurisdiction may apply for licensure under**
28 **this section.**

29 **“(b) The board shall determine whether the training and education**
30 **of an applicant described in this subsection is sufficient to meet the**

1 requirements of subsection (1) of this section.

2 “(3) If an applicant holds a current or expired authorization to
3 practice dental therapy issued by another state, the federal govern-
4 ment or a tribal authority, the applicant shall include with the appli-
5 cation a copy of the authorization and an affidavit from the dental
6 regulatory body of the other jurisdiction that demonstrates the appli-
7 cant was authorized to practice dental therapy in that jurisdiction.

8 **“SECTION 4. (1)(a) The Oregon Board of Dentistry may require an**
9 **applicant for a license to practice dental therapy to pass written, lab-**
10 **oratory or clinical examinations to test the professional knowledge**
11 **and skills of the applicant.**

12 **“(b) The examinations may not be affiliated with or administered**
13 **by a dental pilot project or dental therapy education program de-**
14 **scribed in section 3 of this 2021 Act.**

15 **“(c) The examinations must:**

16 **“(A) Be elementary and practical in character, and sufficiently**
17 **thorough to test the fitness of the applicant to practice dental therapy;**

18 **“(B) Be written in English; and**

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

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

23 **“(a) To satisfy the written examination authorized under this sec-**
24 **tion, may accept the results of national standardized examinations.**

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

27 **“(A) Shall accept the results of regional and national testing agen-**
28 **cies or clinical board examinations administered by other states; and**

29 **“(B) May accept the results of board-recognized testing agencies.**

30 **“(3) The board shall accept the results of regional and national**

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

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

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

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

18 “(2) Has been disciplined by a state licensing or regulatory agency
19 of this state or another state regarding a health care profession if, in
20 the judgment of the board, the acts or conduct resulting in the disci-
21 plinary action bears a demonstrable relationship to the ability of the
22 applicant or licensee to practice dental therapy in accordance with
23 sections 2 to 13 of this 2021 Act. A certified copy of the disciplinary
24 action is conclusive evidence of the disciplinary action.

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

26 “(4) Has violated any provision of sections 2 to 13 of this 2021 Act
27 or a rule adopted under sections 2 to 13 of this 2021 Act.

28 **“SECTION 6.** (1) A person may not practice dental therapy or as-
29 sume or use any title, words or abbreviations, including the title or
30 designation ‘dental therapist,’ that indicate that the person is au-

1 **thorized to practice dental therapy unless the person is licensed under**
2 **section 3 of this 2021 Act.**

3 **“(2) Subsection (1) of this section does not prohibit:**

4 **“(a) The practice of dental therapy by a health care provider per-**
5 **forming services within the health care provider’s authorized scope of**
6 **practice.**

7 **“(b) The practice of dental therapy in the discharge of official duties**
8 **on behalf of the United States government, including but not limited**
9 **to the Armed Forces of the United States, the United States Coast**
10 **Guard, the United States Public Health Service, the United States**
11 **Bureau of Indian Affairs or the United States Department of Veterans**
12 **Affairs.**

13 **“(c) The practice of dental therapy pursuant to an educational**
14 **program described in section 3 of this 2021 Act.**

15 **“(d) A dental therapist authorized to practice in another state or**
16 **jurisdiction from making a clinical presentation sponsored by a bona**
17 **fide dental or dental therapy association or society or an accredited**
18 **dental or dental therapy education program approved by the Oregon**
19 **Board of Dentistry.**

20 **“(e) Bona fide students of dental therapy from engaging in clinical**
21 **studies during the period of their enrollment and as a part of the**
22 **course of study in a dental therapy education program described in**
23 **section 3 (1)(c)(A) of this 2021 Act. The clinical studies may be con-**
24 **ducted on the premises of the program or in a clinical setting located**
25 **off the premises. The facility, instructional staff and course of study**
26 **at an off-premises location must meet minimum requirements estab-**
27 **lished by the board by rule. The clinical studies at the off-premises**
28 **location must be performed under the indirect supervision of a mem-**
29 **ber of the program faculty.**

30 **“(f) Bona fide full-time students of dental therapy, during the pe-**

1 **riod of their enrollment and as a part of the course of study in a dental**
2 **therapy education program located outside of Oregon that is accred-**
3 **ited by the Commission on Dental Accreditation of the American**
4 **Dental Association or its successor agency, from engaging in**
5 **community-based or clinical studies as an elective or required rotation**
6 **in a clinical setting located in Oregon, if the community-based or**
7 **clinical studies meet minimum requirements established by the board**
8 **by rule and are performed under the indirect supervision of a member**
9 **of the faculty of the Oregon Health and Science University School of**
10 **Dentistry.**

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

18 **“SECTION 7. (1) The Oregon Board of Dentistry may impose**
19 **nonrefundable fees for the 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 Admin-**
27 **istrative Services and a report to the Emergency Board prior to**
28 **adopting fees and charges, the fees and charges established under**
29 **sections 2 to 13 of this 2021 Act may not exceed the cost of adminis-**
30 **tering sections 2 to 13 of this 2021 Act as authorized by the Legislative**

1 **Assembly within the Oregon Board of Dentistry budget and as modi-**
2 **fied by the Emergency Board.**

3 **“(3)(a) The Oregon Board of Dentistry may waive a license fee for**
4 **a licensee who provides to the board satisfactory evidence that the**
5 **licensee has discontinued the practice of dental therapy because of**
6 **retirement.**

7 **“(b) A licensee described in this subsection may apply to the board**
8 **for reinstatement of the license pursuant to rules adopted by the**
9 **board. An application under this paragraph must include a fee. If the**
10 **licensee has been retired or inactive for more than one year from the**
11 **date of application, the licensee shall include with the application**
12 **satisfactory evidence of clinical competence, as determined by the**
13 **board.**

14 **“(4)(a) A license to practice dental therapy is valid for two years**
15 **and may be renewed. A licensee shall submit to the board an applica-**
16 **tion for renewal and payment of the fee.**

17 **“(b) A dental therapist issued a license in an even-numbered year**
18 **must apply for renewal by September 30 of each even-numbered year**
19 **thereafter. A dental therapist issued a license in an odd-numbered year**
20 **must apply for renewal by September 30 of each odd-numbered year**
21 **thereafter.**

22 **“(c) The board may charge a reasonable fee if the application for**
23 **renewal or the fee is submitted more than 10 days delinquent.**

24 **“(5) A dental therapist shall inform the board of a change of the**
25 **dental therapist’s address within 30 days of the change.**

26 **“SECTION 8. (1) A dental therapist may practice dental therapy**
27 **only under the supervision of a dentist and pursuant to a collaborative**
28 **agreement with the dentist that outlines the supervision logistics and**
29 **requirements for the dental therapist’s practice. The collaborative**
30 **agreement must include at least the following information:**

1 **“(a) The level of supervision required for each procedure performed**
2 **by the dental therapist;**

3 **“(b) Circumstances under which the prior knowledge and consent**
4 **of the dentist is required to allow the dental therapist to provide a**
5 **certain service or perform a certain procedure;**

6 **“(c) The practice settings in which the dental therapist may provide**
7 **care;**

8 **“(d) Any limitation on the care the dental therapist may provide;**

9 **“(e) Patient age- and procedure-specific practice protocols, includ-**
10 **ing case selection criteria, assessment guidelines and imaging fre-**
11 **quency;**

12 **“(f) Procedures for creating and maintaining dental records for pa-**
13 **tients treated by the dental therapist;**

14 **“(g) Guidelines for the management of medical emergencies in each**
15 **of the practice settings in which the dental therapist provides care;**

16 **“(h) A quality assurance plan for monitoring care provided by the**
17 **dental therapist, including chart review, patient care review and re-**
18 **ferral follow-up;**

19 **“(i) Protocols for the dispensation and administration of drugs, as**
20 **described in section 10 of this 2021 Act, by the dental therapist, in-**
21 **cluding circumstances under which the dental therapist may dispense**
22 **and administer drugs;**

23 **“(j) Criteria for the provision of care to patients with specific med-**
24 **ical conditions or complex medical histories, including any require-**
25 **ments for consultation with the dentist prior to the provision of care;**
26 **and**

27 **“(k) Protocols for when a patient requires treatment outside the**
28 **dental therapist’s scope of practice, including for referral of the pa-**
29 **tient for evaluation and treatment by the dentist, a physician licensed**
30 **under ORS chapter 677, a nurse practitioner licensed under ORS 678.375**

1 to 678.390 or other licensed health care provider.

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

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

7 “(b) Ensure that the dentist, or another dentist, is available to the
8 dental therapist for timely communication during the dental
9 therapist’s provision of care to a patient.

10 “(3) A dental therapist may perform and provide only those proce-
11 dures and services authorized by the dentist and set out in the
12 collaborative agreement, and shall maintain with the dentist an ap-
13 propriate level of contact, as determined by the dentist.

14 “(4) A dental therapist and a dentist who enter into a collaborative
15 agreement together shall each maintain a physical copy of the
16 collaborative agreement.

17 “(5)(a) The dental therapist may enter into collaborative agree-
18 ments with more than one dentist if each collaborative agreement in-
19 cludes the same supervision requirements and scope of practice.

20 “(b) A dental therapist may enter into a collaborative agreement
21 that allows for supervision by more than one dentist.

22 “(c) A dentist may supervise and enter into collaborative agree-
23 ments with up to three dental therapists at any one time.

24 “(6)(a) A collaborative agreement must be signed by the dentist and
25 dental therapist.

26 “(b) A dental therapist shall annually submit a signed copy of the
27 collaborative agreement to the Oregon Board of Dentistry. If the
28 collaborative agreement is revised in between annual submissions, a
29 signed copy of the revised collaborative agreement must be submitted
30 to the board as soon as practicable after the revision is made.

1 **“SECTION 9. (1) A dental therapist may provide, pursuant to the**
2 **dental therapist’s collaborative agreement, the following services:**

3 **“(a) Oral health instruction and disease prevention education, in-**
4 **cluding nutritional counseling and dietary analysis;**

5 **“(b) Comprehensive charting of the oral cavity;**

6 **“(c) Exposure and evaluation of radiographic images;**

7 **“(d) Mechanical polishing;**

8 **“(e) Prophylaxis;**

9 **“(f) Periodontal scaling;**

10 **“(g) Application of topical preventive or prophylactic agents, in-**
11 **cluding fluoride varnishes and pit and fissure sealants;**

12 **“(h) Pulp vitality testing;**

13 **“(i) Application of desensitizing medication or resin;**

14 **“(j) Fabrication of athletic mouth guards;**

15 **“(k) Placement of temporary restorations;**

16 **“(L) Fabrication of soft occlusal guards;**

17 **“(m) Tissue conditioning and soft reline;**

18 **“(n) Atraumatic restorative therapy and interim restorative ther-**
19 **apy;**

20 **“(o) Dressing changes;**

21 **“(p) Tooth reimplantation and stabilization;**

22 **“(q) Administration of local anesthetic;**

23 **“(r) Emergency palliative treatment of dental pain;**

24 **“(s) Removal of space maintainers;**

25 **“(t) Cavity preparation;**

26 **“(u) Restoration of primary and permanent teeth;**

27 **“(v) Fabrication and placement of temporary crowns;**

28 **“(w) Preparation and placement of preformed crowns;**

29 **“(x) Pulpotomies on primary teeth;**

30 **“(y) Indirect and direct pulp capping on primary and permanent**

1 **teeth;**
2 **“(z) Recementing of permanent crowns;**
3 **“(aa) Extractions of primary teeth;**
4 **“(bb) Simple extractions of periodontally diseased permanent teeth**
5 **with advanced mobility;**
6 **“(cc) Suture placement and removal;**
7 **“(dd) Brush biopsies;**
8 **“(ee) Minor adjustments and repair of defective prosthetic devices;**
9 **“(ff) Identification of conditions requiring evaluation, diagnosis or**
10 **treatment by a dentist, a physician licensed under ORS chapter 677, a**
11 **nurse practitioner licensed under ORS 678.375 to 678.390 or other li-**
12 **censed health care provider;**
13 **“(gg) Oral examination, evaluation and diagnosis of conditions**
14 **within the supervising dentist’s authorization; and**
15 **“(hh) Other services as specified by the board by rule.**
16 **“(2) A dental therapist may, pursuant to a collaborative agreement**
17 **and under indirect supervision, perform simple extractions of**
18 **periodontally diseased permanent teeth with advanced mobility.**
19 **“(3) A dental therapist may provide a service listed in subsection**
20 **(1) of this section only if the dental therapist has received:**
21 **“(a) Instruction in the service through the dental therapist’s dental**
22 **therapy education program; or**
23 **“(b) Additional training approved by the board.**
24 **“(4)(a) A dental therapist may supervise a dental assistant and an**
25 **expanded function dental assistant, as defined by the board by rule, if**
26 **the dental therapist is authorized to perform the services provided by**
27 **the dental assistant or expanded function dental assistant.**
28 **“(b) A dental therapist may supervise up to three individuals under**
29 **this subsection.**
30 **“SECTION 10. (1) A dental therapist may, pursuant to the**

1 collaborative agreement, dispense and orally administer the following
2 drugs:

3 “(a) Nonnarcotic analgesics;

4 “(b) Anti-inflammatories;

5 “(c) Preventive agents; and

6 “(d) Antibiotics.

7 “(2) A dental therapist may, pursuant to the collaborative agree-
8 ment, dispense samples of the drugs described in subsection (1) of this
9 section.

10 “(3) A collaborative agreement may impose greater restrictions on
11 the dispensation and administration of drugs by a dental therapist
12 than specified under this section.

13 **“SECTION 11. (1) A dental therapist shall purchase and maintain**
14 **liability insurance as determined sufficient by the Oregon Board of**
15 **Dentistry.**

16 “(2) A dental therapist may practice only in areas determined by the
17 United States Health Resources and Services Administration, or its
18 successor agency, in dental health professional shortage areas or in
19 settings where the dental therapist dedicates at least 51 percent of the
20 dental therapist’s practice to patients who represent underserved pop-
21 ulations, as defined by the board by rule.

22 **“SECTION 12. A person licensed under section 3 of this 2021 Act is**
23 **subject to the provisions of ORS 679.140.**

24 **“SECTION 13. The Oregon Board of Dentistry shall adopt rules**
25 **necessary to administer sections 2 to 13 of this 2021 Act.**

26 **“SECTION 14. ORS 679.010 is amended to read:**

27 “679.010. As used in this chapter and ORS 680.010 to 680.205, unless the
28 context requires otherwise:

29 “(1) ‘Dental assistant’ means a person who, under the supervision of a
30 dentist **or dental therapist**, renders assistance to a dentist, **dental thera-**

1 **pist**, dental hygienist, dental technician or another dental assistant or who,
2 under the supervision of a dental hygienist, renders assistance to a dental
3 hygienist providing dental hygiene.

4 “(2) ‘Dental hygiene’ is that portion of dentistry that includes, but is not
5 limited to:

6 “(a) The rendering of educational, preventive and therapeutic dental ser-
7 vices and diagnosis and treatment planning for such services;

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

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

13 “(3) ‘Dental hygienist’ means a person who, under the supervision of a
14 dentist, practices dental hygiene.

15 “(4) ‘Dental technician’ means a person who, at the authorization of a
16 dentist, makes, provides, repairs or alters oral prosthetic appliances and
17 other artificial materials and devices that are returned to a dentist and in-
18 serted into the human oral cavity or that come in contact with its adjacent
19 structures and tissues.

20 “(5) ‘Dental therapist’ means a person licensed to practice dental
21 therapy under section 3 of this 2021 Act.

22 “(6) ‘Dental therapy’ means the provision of preventive dental care,
23 restorative dental treatment and other educational, clinical and
24 therapeutic patient services as part of a dental care team, including
25 the services described under section 9 of this 2021 Act.

26 “[5] (7) ‘Dentist’ means a person who may perform any intraoral or
27 extraoral procedure required in the practice of dentistry.

28 “[6] (8) ‘Dentist of record’ means a dentist that either authorizes treat-
29 ment for, supervises treatment of or provides treatment for a patient in a
30 dental office or clinic owned or operated by an institution as described in

1 ORS 679.020 (3).

2 “[~~(7)(a)~~] **(9)(a)** ‘Dentistry’ means the healing art concerned with:

3 “(A) The examination, diagnosis, treatment planning, treatment, care and
4 prevention of conditions within the human oral cavity and maxillofacial re-
5 gion, and of conditions of adjacent or related tissues and structures; and

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

9 “(b) ‘Dentistry’ includes, but is not limited to:

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

13 “(i) Dental schools accredited by the Commission on Dental Accreditation
14 of the American Dental Association;

15 “(ii) Post-graduate training programs; or

16 “(iii) Continuing education courses.

17 “(B) The prescription and administration of vaccines.

18 “[~~(8)~~] **(10)** ‘Direct supervision’ means supervision requiring that a dentist
19 diagnose the condition to be treated, that a dentist authorize the procedure
20 to be performed, and that a dentist remain in the dental treatment room
21 while the procedures are performed.

22 “[~~(9)~~] **(11)** ‘Expanded practice dental hygienist’ means a dental hygienist
23 who performs dental hygiene services in accordance with ORS 680.205 as
24 authorized by an expanded practice dental hygienist permit issued by the
25 board under ORS 680.200.

26 “[~~(10)~~] **(12)** ‘General supervision’ means supervision requiring that a den-
27 tist authorize the procedures by standing orders, practice agreements or
28 collaboration agreements, but not requiring that a dentist be present when
29 the authorized procedures are performed. The authorized procedures may also
30 be performed at a place other than the usual place of practice of the dentist.

1 “[(11)] (13) ‘Indirect supervision’ means supervision requiring that a den-
2 tist authorize the procedures and that a dentist be on the premises while the
3 procedures are performed.

4 “**SECTION 15.** ORS 679.140 is amended to read:

5 “679.140. (1) The Oregon Board of Dentistry may discipline as provided in
6 this section any person licensed to practice dentistry in this state for any
7 of the following causes:

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

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

15 “(c) Unprofessional conduct.

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

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

23 “(f) Incapacity to practice safely.

24 “(2) ‘Unprofessional conduct’ as used in this chapter includes but is not
25 limited to the following:

26 “(a) Obtaining any fee by fraud or misrepresentation.

27 “(b) Willfully betraying confidences involved in the patient-dentist re-
28 lationship.

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

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

3 “(e) Impairment as defined in ORS 676.303.

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

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

8 “(h) Disciplinary action by a state licensing or regulatory agency of this
9 or another state regarding a license to practice dentistry, dental hygiene,
10 **dental therapy** or any other health care profession when, in the judgment
11 of the board, the act or conduct resulting in the disciplinary action bears a
12 demonstrable relationship to the ability of the licensee or applicant to
13 practice dentistry [*or*], dental hygiene **or dental therapy** in accordance with
14 the provisions of this chapter. A certified copy of the record of the discipli-
15 nary action is conclusive evidence of the disciplinary action.

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

21 “(4) In determining what constitutes unacceptable patient care, the board
22 may take into account all relevant factors and practices, including but not
23 limited to the practices generally and currently followed and accepted by
24 persons licensed to practice dentistry in this state, the current teachings at
25 accredited dental schools, relevant technical reports published in recognized
26 dental journals and the desirability of reasonable experimentation in the
27 furtherance of the dental arts.

28 “(5) In disciplining a person as authorized by subsection (1) of this sec-
29 tion, the board may use any or all of the following methods:

30 “(a) Suspend judgment.

1 “(b) Place a licensee on probation.
2 “(c) Suspend a license to practice dentistry in this state.
3 “(d) Revoke a license to practice dentistry in this state.
4 “(e) Place limitations on a license to practice dentistry in this state.
5 “(f) Refuse to renew a license to practice dentistry in this state.
6 “(g) Accept the resignation of a licensee to practice dentistry in this
7 state.
8 “(h) Assess a civil penalty.
9 “(i) Reprimand a licensee.
10 “(j) Impose any other disciplinary action the board in its discretion finds
11 proper, including assessment of the costs of the disciplinary proceedings as
12 a civil penalty.
13 “(6) If the board places any person upon probation as set forth in sub-
14 section (5)(b) of this section, the board may determine and may at any time
15 modify the conditions of the probation and may include among them any
16 reasonable condition for the purpose of protection of the public and for the
17 purpose of the rehabilitation of the probationer or both. Upon expiration of
18 the term of probation, further proceedings shall be abated by the board if the
19 person holding the license furnishes the board with evidence that the person
20 is competent to practice dentistry and has complied with the terms of pro-
21 bation. If the evidence fails to establish competence to the satisfaction of the
22 board or if the evidence shows failure to comply with the terms of the pro-
23 bation, the board may revoke or suspend the license.
24 “(7) If a license to practice dentistry in this state is suspended, the person
25 holding the license may not practice during the term of suspension. Upon the
26 expiration of the term of suspension, the license shall be reinstated by the
27 board if the board finds, based upon evidence furnished by the person, that
28 the person is competent to practice dentistry and has not practiced dentistry
29 in this state during the term of suspension. If the evidence fails to establish
30 to the satisfaction of the board that the person is competent or if any evi-

1 dence shows the person has practiced dentistry in this state during the term
2 of suspension, the board may revoke the license after notice and hearing.

3 “(8) Upon receipt of a complaint under this chapter or ORS 680.010 to
4 680.205, the board shall conduct an investigation as described under ORS
5 676.165.

6 “(9) Information that the board obtains as part of an investigation into
7 licensee or applicant conduct or as part of a contested case proceeding,
8 consent order or stipulated agreement involving licensee or applicant con-
9 duct is confidential as provided under ORS 676.175. Notwithstanding ORS
10 676.165 to 676.180, the board may disclose confidential information regarding
11 a licensee or an applicant to persons who may evaluate or treat the licensee
12 or applicant for drug abuse, alcohol abuse or any other health related con-
13 ditions.

14 “(10) The board may impose against any person who violates the pro-
15 visions of this chapter or ORS 680.010 to 680.205 or rules of the board a civil
16 penalty of up to \$5,000 for each violation. Any civil penalty imposed under
17 this section shall be imposed in the manner provided in ORS 183.745.

18 “(11) Notwithstanding the expiration, suspension, revocation or surrender
19 of the license, or the resignation or retirement of the licensee, the board
20 may:

21 “(a) Proceed with any investigation of, or any action or disciplinary pro-
22 ceedings against, the dentist [*or*], dental hygienist **or dental therapist**; or

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

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

28 “(b) If the board receives a complaint or initiates an investigation within
29 that four-year period, the board’s jurisdiction continues until the matter is
30 concluded by a final order of the board following any appeal.

1 “(13) Withdrawing the application for license does not close any investi-
2 gation, action or proceeding against an applicant.

3 “**SECTION 16.** ORS 679.170 is amended to read:

4 “679.170. [*No person shall*] **A person may not:**

5 “(1) Sell or barter, or offer to sell or barter, any diploma or document
6 conferring or purporting to confer any dental degree, or any certificate or
7 transcript made or purporting to be made, pursuant to the laws regulating
8 the license and registration of dentists.

9 “(2) Purchase or procure by barter, any such diploma, certificate or
10 transcript, with intent that it be used as evidence of the holder’s qualifica-
11 tion to practice dentistry, or in fraud of the laws regulating such practice.

12 “(3) With fraudulent intent, alter in a material regard any such diploma,
13 certificate or transcript.

14 “(4) Use or attempt to use any such diploma, certificate or transcript,
15 which has been purchased, fraudulently issued, counterfeited or materially
16 altered, either as a license or color of license to practice dentistry, or in
17 order to procure registration as a dentist.

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

20 “(6) Within 10 days after demand made by the board, fail to respond to
21 the board’s written request for information or fail to furnish to the board the
22 name and address of all persons practicing or assisting in the practice of
23 dentistry in the office of such person at any time within 60 days prior to the
24 notice, together with a sworn statement showing under and by what license
25 or authority such person and employee are and have been practicing
26 dentistry.

27 “(7) Employ or use the services of any unlicensed person, to practice
28 dentistry [*or*], dental hygiene **or dental therapy**, except as permitted by ORS
29 679.025, 679.176 and 680.010 to 680.205.

30 “**SECTION 17.** ORS 679.250 is amended to read:

1 “679.250. The powers and duties of the Oregon Board of Dentistry are as
2 follows:

3 “(1) To, during the month of April of each year, organize and elect from
4 its membership a president who shall hold office for one year, or until the
5 election and qualification of a successor.

6 “(2) To authorize all necessary disbursements to carry out the provisions
7 of this chapter, including but not limited to, payment for necessary supplies,
8 office equipment, books and expenses for the conduct of examinations, pay-
9 ment for legal and investigative services rendered to the board, and such
10 other expenditures as are provided for in this chapter.

11 “(3) To employ such inspectors, examiners, special agents, investigators,
12 clerical assistants, assistants and accountants as are necessary for the in-
13 vestigation and prosecution of alleged violations and the enforcement of this
14 chapter and for such other purposes as the board may require. Nothing in
15 this chapter shall be construed to prevent assistance being rendered by an
16 employee of the board in any hearing called by it. However, all obligations
17 for salaries and expenses incurred under this chapter shall be paid from the
18 fees accruing to the board under this chapter and not otherwise.

19 “(4)(a) To conduct examinations of applicants for license to practice
20 dentistry [*and*], dental hygiene **and dental therapy** at least twice in each
21 year.

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

26 “(5) To meet for the transaction of other business at the call of the
27 president. A majority of board members shall constitute a quorum. A major-
28 ity vote of those present shall be a decision of the entire board. The board’s
29 proceedings shall be open to public inspection in all matters affecting public
30 interest.

1 “(6) To keep an accurate record of all proceedings of the board and of all
2 its meetings, of all receipts and disbursements, of all prosecutions for vio-
3 lation of this chapter, of all examinations for license to practice dentistry,
4 with the names and qualifications for examination of any person examined,
5 together with the addresses of those licensed and the results of such exam-
6 inations, a record of the names of all persons licensed to practice dentistry
7 in Oregon together with the addresses of all such persons having paid the
8 license fee prescribed in ORS 679.120 and the names of all persons whose li-
9 cense to practice has been revoked or suspended.

10 “(7) To make and enforce rules necessary for the procedure of the board,
11 for the conduct of examinations, for regulating the practice of dentistry, and
12 for regulating the services of dental hygienists and dental auxiliary person-
13 nel not inconsistent with the provisions of this chapter. As part of such
14 rules, the board may require the procurement of a permit or other certificate.
15 Any permit issued may be subject to periodic renewal. In adopting rules, the
16 board shall take into account all relevant factors germane to an orderly and
17 fair administration of this chapter and of ORS 680.010 to 680.205, the prac-
18 tices and materials generally and currently used and accepted by persons li-
19 censed to practice dentistry in this state, dental techniques commonly in use,
20 relevant technical reports published in recognized dental journals, the cur-
21 riculum at accredited dental schools, the desirability of reasonable exper-
22 imentation in the furtherance of the dental arts, and the desirability of
23 providing the highest standard of dental care to the public consistent with
24 the lowest economic cost.

25 “(8) Upon its own motion or upon any complaint, to initiate and conduct
26 investigations of and hearings on all matters relating to the practice of
27 dentistry, the discipline of licensees, or pertaining to the enforcement of any
28 provision of this chapter. In the conduct of investigations or upon the hear-
29 ing of any matter of which the board may have jurisdiction, the board may
30 take evidence, administer oaths, take the depositions of witnesses, including

1 the person charged, in the manner provided by law in civil cases, and compel
2 their appearance before it in person the same as in civil cases, by subpoena
3 issued over the signature of an employee of the board and in the name of the
4 people of the State of Oregon, require answers to interrogatories, and compel
5 the production of books, papers, accounts, documents and testimony per-
6 taining to the matter under investigation or to the hearing. In all investi-
7 gations and hearings, the board and any person affected thereby may have
8 the benefit of counsel, and all hearings shall be held in compliance with ORS
9 chapter 183. Notwithstanding ORS 676.165, 676.175 and 679.320, if a licensee
10 who is the subject of an investigation or complaint is to appear before
11 members of the board investigating the complaint, the board shall provide
12 the licensee with a current summary of the complaint or the matter being
13 investigated not less than five days prior to the date that the licensee is to
14 appear. At the time the summary of the complaint or the matter being in-
15 vestigated is provided, the board shall provide to the licensee a current
16 summary of documents or alleged facts that the board has acquired as a re-
17 sult of the investigation. The name of the complainant or other information
18 that reasonably may be used to identify the complainant may be withheld
19 from the licensee.

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

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

28 “(11) To order an applicant or licensee to submit to a physical examina-
29 tion, mental examination or a competency examination when the board has
30 evidence indicating the incapacity of the applicant or licensee to practice

1 safely.

2 **“SECTION 18.** Section 1, chapter 716, Oregon Laws 2011, is amended to
3 read:

4 **“Sec. 1.** (1) The Oregon Health Authority may approve pilot projects to
5 encourage the development of innovative practices in oral health care deliv-
6 ery systems with a focus on providing care to populations that evidence-
7 based studies have shown have the highest disease rates and the least access
8 to dental care. The authority may approve a pilot project that is designed
9 to:

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

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

13 “(c) Achieve at least one of the following:

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

15 “(B) Develop new categories of dental personnel;

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

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

18 “(2) The authority shall adopt rules:

19 “(a) Establishing an application process for pilot projects;

20 “(b) Establishing minimum standards, guidelines and instructions for pilot
21 projects; and

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

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

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

27 “(C) The nature of program data that will be collected and the methods
28 for collecting and analyzing the data;

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

1 “(E) A statement of previous experience in providing related health care
2 services.

3 “(3) The authority shall seek the advice of appropriate professional soci-
4 eties and licensing boards before adopting rules under subsection (2) of this
5 section.

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

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

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

20 “**SECTION 19.** ORS 679.230 is amended to read:

21 “679.230. (1) The Oregon Board of Dentistry consists of [*10*] **11** members
22 appointed by the Governor and subject to confirmation by the Senate in the
23 manner provided in ORS 171.562 and 171.565. All members of the board must
24 be residents of this state. Of the members of the board:

25 “(a) Six must be Oregon active licensed dentists, of which at least one
26 must be a dentist practicing in a dental specialty recognized by the American
27 Dental Association;

28 “(b) Two must be Oregon active licensed dental hygienists; [*and*]

29 “(c) **One must be an Oregon active dental therapist or, if no dental**
30 **therapist is available, a supervising dentist of a dental therapist or an**

1 **instructor in an Oregon dental therapy education program described**
2 **in section 3 of this 2021 Act; and**

3 “[*(c)*] **(d)** Two must be members of the public who are not:

4 “(A) Otherwise eligible for appointment to the board; or

5 “(B) A spouse, domestic partner, child, parent or sibling of a dentist or
6 dental hygienist.

7 “(2)(a) Board members required to be Oregon active licensed dentists
8 [*or*], dental hygienists **or dental therapists** may be selected by the Governor
9 from a list of three to five nominees for each vacancy, submitted by:

10 “(A) The Oregon Dental Association, if the vacancy is in a dentist posi-
11 tion;

12 “(B) The Oregon Dental Hygienists’ Association, if the vacancy is in a
13 dental hygienist position; [*or*]

14 “(C) Any of the professional organizations representing a dental specialty,
15 if the vacancy is in a dental specialty position[.]; **or**

16 **“(D) A professional organization representing dental therapists, if**
17 **the vacancy is in a dental therapist position.**

18 “(b) In selecting the members of the board, the Governor shall strive to
19 balance the representation on the board according to:

20 “(A) Geographic areas of this state; and

21 “(B) Ethnic group.

22 “(3)(a) The term of office of each member is four years, but a member
23 serves at the pleasure of the Governor. The terms must be staggered so that
24 no more than three terms end each year. Terms of office begin on the first
25 Monday of April after the time of appointment. A member is eligible for re-
26 appointment. If there is a vacancy in the membership of the board for any
27 reason, the Governor shall make an appointment to become immediately ef-
28 fective for the unexpired term.

29 “(b) A board member shall be removed immediately from the board if,
30 during the member’s term, the member:

1 “(A) Is not a resident of this state;

2 “(B) Has been absent from three consecutive board meetings, unless at
3 least one absence is excused;

4 “(C) Is not a licensed dentist or a retired dentist whose license was in
5 good standing at the time of retirement, if the board member was appointed
6 to serve on the board as a dentist or a dental specialist; [*or*]

7 “(D) Is not a licensed dental hygienist or a retired dental hygienist whose
8 license was in good standing at the time of retirement, if the board member
9 was appointed to serve on the board as a dental hygienist[.]; **or**

10 **“(E) Is not a dental therapist or a retired dental therapist whose**
11 **license was in good standing at the time of retirement, if the board**
12 **member was appointed to serve on the board as a dental therapist.**

13 “(4) Members of the board are entitled to compensation and expenses as
14 provided in ORS 292.495. The board may provide by rule for compensation
15 to board members for the performance of official duties at a rate that is
16 greater than the rate provided in ORS 292.495.

17 **“SECTION 20. The amendments to ORS 679.230 by section 19 of this**
18 **2021 Act apply to members appointed to the Oregon Board of Dentistry**
19 **on or after the operative date specified in section 21 (2) of this 2021**
20 **Act.**

21 **“SECTION 21. (1) Sections 2 to 13 of this 2021 Act and the amend-**
22 **ments to ORS 679.010, 679.140, 679.170 and 679.250 and section 1, chapter**
23 **716, Oregon Laws 2011, by sections 14 to 18 of this 2021 Act become**
24 **operative on January 1, 2022.**

25 **“(2) The amendments to ORS 679.230 by section 19 of this 2021 Act**
26 **become operative on January 1, 2027.**

27 **“(3) The Oregon Board of Dentistry may take any action before the**
28 **operative date specified in subsection (1) of this section that is neces-**
29 **sary to enable the board to exercise, on and after the operative date**
30 **specified in subsection (1) of this section, all of the duties, functions**

1 and powers conferred on the board by sections 2 to 13 of this 2021 Act
2 and the amendments to ORS 679.010, 679.140, 679.170 and 679.250 and
3 section 1, chapter 716, Oregon Laws 2011, by sections 14 to 18 of this
4 2021 Act.

5 “SECTION 22. This 2021 Act takes effect on the 91st day after the
6 date on which the 2021 regular session of the Eighty-first Legislative
7 Assembly adjourns sine die.”.

8
