

69th OREGON LEGISLATIVE ASSEMBLY--1997 Regular Session

Enrolled

House Bill 2827

Sponsored by Representative LUKE (at the request of Oregon Dental Association, Oregon Dental Hygienists' Association)

CHAPTER .....

AN ACT

Relating to limited access permit dental hygienists; creating new provisions; and amending ORS 679.010, 679.020 and 679.025.

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

SECTION 1. { + Sections 2 and 3 of this Act are added to and made a part of ORS 680.010 to 680.170. + }

SECTION 2. { + (1) Upon application accompanied by the fee established by the Oregon Board of Dentistry, the board shall grant a permit to practice as a limited access permit dental hygienist to any applicant who:

(a) Holds a valid, unrestricted Oregon dental hygiene license;

(b) Presents evidence satisfactory to the board of at least 5,000 hours of supervised dental hygiene clinical practice within the previous five years;

(c) Presents proof of current professional liability insurance coverage; and

(d) Presents documentation satisfactory to the board of successful completion of a total of 40 classroom hours of courses from a formal, post-secondary educational institution accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency and approved by the board, including but not limited to:

(A) General medicine and physical diagnosis;

(B) Pharmacology;

(C) Medical emergencies and cardiopulmonary resuscitation;

(D) Oral pathology;

(E) Management and psychology of geriatric and disabled patients; and

(F) Jurisprudence relating to unsupervised practice with limited access patients.

(2) All permits issued pursuant to subsection (1) of this section expire two years following the date of issuance unless renewed on or before that date by:

(a) Payment of the renewal fee as set by the board;

(b) Submission to the board of satisfactory evidence of completion of at least 36 hours of continuing education, 12 hours of which shall be in the coursework areas required in subsection (1) of this section; and

(c) Presentation to the board of proof of professional

liability insurance coverage.

(3) The board may refuse to issue or renew a limited access permit or may suspend or revoke the permit of a limited access

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permit dental hygienist who has been convicted of an offense or been disciplined by a dental licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant to practice limited access permit dental hygiene in accordance with the provisions of this chapter or ORS chapter 679, or who has falsified an application for permit, or any person for any cause described under ORS 679.140 or 679.170. + }

SECTION 3. { + (1) A dental hygienist issued a permit to act as a limited access permit dental hygienist under section 2 of this 1997 Act shall be authorized to render all services within the scope of practice of dental hygiene as defined in ORS 679.010 and as authorized by the limited access permit, to patients or residents of the following facilities or programs who, due to age, infirmity or disability, are unable to receive regular dental hygiene treatment:

- (a) Nursing homes as defined in ORS 678.710;
- (b) Adult foster homes as defined in ORS 443.705;
- (c) Residential care facilities as defined in ORS 443.400;
- (d) Adult congregate living facilities as defined in ORS

441.525; or

(e) Mental health residential programs administered by the Mental Health and Developmental Disability Services Division.

(2) At least once each calendar year, a dental hygienist issued a permit to act as a limited access permit dental hygienist shall refer each patient or resident to a dentist who is available to treat the patient or resident.

(3) Nothing in this section shall be construed to authorize a limited access permit dental hygienist to administer local anesthesia, to provide sealants, denture soft lines, temporary restorations and radiographs except under the general supervision of a dentist licensed under ORS chapter 679, or to administer nitrous oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

(4) The Oregon Board of Dentistry may not expand the scope of unsupervised practice of a limited access dental hygienist by rule.

(5) A person granted a limited access permit under section 2 of this 1997 Act shall also procure all other permits or certificates required by the board under ORS 679.250. + }

SECTION 4. ORS 679.010 is amended to read:

679.010. As used in this chapter and ORS 680.010 to 680.170, unless the context requires otherwise:

(1) 'Board' means the Oregon Board of Dentistry.

(2) 'Dentistry' means the healing art which is concerned with the examination, diagnosis, treatment planning, care, and prevention of conditions, which shall include but not be limited to the cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues, within the human oral cavity and its adjacent or related tissues and structures.

(3) 'Dentist' means a person who may perform any intraoral or

extraoral procedure required in the practice of dentistry.

(4) 'Dental hygiene' means that portion of dentistry that includes the rendering of educational, preventive and therapeutic dental services in general, but specifically, scaling, root planing, curettage and any related intraoral or extraoral procedure required in the performance of such services.

(5) 'Dental hygienist' means a person who, under the supervision of a dentist, practices dental hygiene.

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(6) 'Dental assistant' means a person who, under the supervision of a dentist, renders assistance to a dentist, dental hygienist, dental technician or another dental assistant.

(7) 'Dental technician' means that person who, at the authorization of a dentist, makes, provides, repairs or alters oral prosthetic appliances and other artificial materials and devices which are returned to a dentist and inserted into the human oral cavity or which come in contact with its adjacent structures and tissues.

(8) 'Direct supervision' means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(9) 'Indirect supervision' means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

(10) 'General supervision' means supervision requiring that a dentist authorize the procedures, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

{ + (11) 'Limited access permit dental hygienist' means a dental hygienist who renders services as authorized by a limited access permit issued by the board pursuant to section 2 of this 1997 Act. + }

SECTION 5. ORS 679.025 is amended to read:

679.025. (1) It shall be unlawful for any person not otherwise authorized by law to practice dentistry or purport to be a dentist without a valid license to practice dentistry issued by the board.

(2) The requirements of this section shall not apply to:

(a) Dentists licensed in another state making a clinical presentation sponsored by a bona fide dental society or association or an accredited dental educational institution approved by the board.

(b) Bona fide full-time students of dentistry who, during the period of the student's enrollment and as a part of the course of study in an Oregon accredited dental education program, engage in clinical studies on the premises of such institution or in a clinical setting located off the premises of the institution if the facility, the instructional staff, and the course of study to be pursued at the off-premises location meet minimum requirements prescribed by the rules of the board and the clinical study is performed under the direct supervision of a member of the

faculty.

(c) Candidates who are preparing for a licensure examination to practice dentistry and whose application has been accepted by the board or its agent, if such clinical preparation is conducted in a clinic located on premises approved for that purpose by the board and if the procedures are limited to examination only. This exception shall exist for a period not to exceed two weeks immediately prior to a regularly scheduled licensure examination.

(d) Dentists practicing in the discharge of official duties as employees of the United States Government and any of its agencies.

(e) Instructors of dentistry, whether full- or part-time, while exclusively engaged in teaching activities and while employed in accredited dental educational institutions.

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(f) Dentists employed by public health agencies who are not engaged in the direct delivery of clinical dental services to patients.

(g) Persons licensed to practice medicine in the State of Oregon in the regular discharge of their duties.

(h) Persons qualified to perform services relating to general anesthesia or sedation under the direct supervision of a licensed dentist.

(i) Persons practicing dentistry upon themselves as the patient.

(j) Dental hygienists, dental assistants or dental technicians performing services under the supervision of a licensed dentist in accordance with the rules adopted by the board.

(k) A person licensed as a denturist under ORS 680.500 to 680.572 engaged in the practice of denture technology.

{ + (L) A limited access permit dental hygienist who renders services authorized by a limited access permit issued by the board pursuant to section 2 of this 1997 Act. + }

SECTION 6. ORS 679.020 is amended to read:

679.020. (1) No person shall practice dentistry without a license.

(2) Before engaging, conducting, operating or maintaining any dental office in any way, every individual shall obtain a license to practice dentistry in this state.

(3) The provisions of subsections (1) and (2) of this section as they relate to owning and operating a dental clinic do not apply to a labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organization formed by or on behalf of such labor organization for the purpose of providing dental services. Such labor organization shall have had an active existence for at least three years, have a constitution and bylaws, and be maintained in good faith for purposes other than providing dental services.

(4) Any labor organization that owns or operates a dental clinic pursuant to subsection (3) of this section shall appoint an actively licensed dentist as its dental director who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental director shall have responsibility for all matters affecting the clinical practice of dentistry,

which includes, but is not limited to:

- (a) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.
- (b) Prescribing drugs which are administered to patients in the practice of dentistry.
- (c) Treatment plan of any dental patient.
- (d) Overall quality of patient care which is rendered or performed in the practice of dentistry.
- (e) Supervision of dental hygienists or dental assistants and the authorization for procedures performed by them as provided by the rules of the board.
- (f) Other specific services within the scope of clinical dental practice.

{ + (5) Subsections (1) and (2) of this section do not apply to a limited access permit dental hygienist who renders services authorized by a limited access permit issued by the board pursuant to section 2 of this 1997 Act. + }

{ - (5) - } { + (6) + } As used in this section 'owning and operating a dental clinic' means relating to the business aspects of the dental practice, which includes, but is not limited to, the ownership and management of a dental clinic. 'Management '

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includes, but is not limited to, prices, credit, refunds, warranties, advertising, office personnel and hours of practice, but does not include the clinical practice of dentistry.

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Passed by House May 7, 1997

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 Chief Clerk of House  
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 Speaker of House

Passed by Senate May 23, 1997

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 President of Senate

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Approved:

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Governor

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