

A-Engrossed
Senate Bill 301

Ordered by the Senate April 14
Including Senate Amendments dated April 14

Sponsored by Senators GIROD, MONNES ANDERSON; Senator STEINER HAYWARD (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Specifies which services to be performed by expanded practice dental hygienist must be included in agreement between expanded practice dental hygienist and dentist.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to expanded practice dental hygienists; creating new provisions; amending ORS 679.010 and
3 680.205; and declaring an emergency.

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

5 **SECTION 1.** ORS 679.010 is amended to read:

6 679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-
7 wise:

8 (1) "Dental assistant" means a person who, under the supervision of a dentist, renders assistance
9 to a dentist, dental hygienist, dental technician or another dental assistant or renders assistance
10 under the supervision of a dental hygienist providing dental hygiene.

11 (2) "Dental hygiene" means that portion of dentistry that includes the rendering of educational,
12 preventive and therapeutic dental services and diagnosis and treatment planning for such services.
13 "Dental hygiene" includes, but is not limited to, **prediagnostic risk assessment**, scaling, root
14 planing, curettage, the application of sealants and fluoride and any related intraoral or extraoral
15 procedure required in the performance of such services.

16 (3) "Dental hygienist" means a person who, under the supervision of a dentist, practices dental
17 hygiene.

18 (4) "Dental technician" means that person who, at the authorization of a dentist, makes, pro-
19 vides, repairs or alters oral prosthetic appliances and other artificial materials and devices which
20 are returned to a dentist and inserted into the human oral cavity or which come in contact with its
21 adjacent structures and tissues.

22 (5) "Dentist" means a person who may perform any intraoral or extraoral procedure required
23 in the practice of dentistry.

24 (6) "Dentist of record" means a dentist that either authorizes treatment for, supervises treat-
25 ment of or provides treatment for a patient in a dental office or clinic owned or operated by an in-
26 stitution as described in ORS 679.020 (3).

27 (7) "Dentistry" means the healing art which is concerned with the examination, diagnosis,
28 treatment planning, treatment, care and prevention of conditions within the human oral cavity and

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 maxillofacial region and conditions of adjacent or related tissues and structures. The practice of
2 dentistry includes but is not limited to the cutting, altering, repairing, removing, replacing or repo-
3 sitioning of hard or soft tissues and other acts or procedures as determined by the Oregon Board
4 of Dentistry and included in the curricula of dental schools accredited by the Commission on Dental
5 Accreditation of the American Dental Association, post-graduate training programs or continuing
6 education courses.

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

10 (9) "Expanded practice dental hygienist" means a dental hygienist who performs dental hygiene
11 services in accordance with ORS 680.205 as authorized by an expanded practice dental hygienist
12 permit issued by the board under ORS 680.200.

13 (10) "General supervision" means supervision requiring that a dentist authorize the procedures
14 by standing orders, practice agreements or collaboration agreements, but not requiring that a den-
15 tist be present when the authorized procedures are performed. The authorized procedures may also
16 be performed at a place other than the usual place of practice of the dentist.

17 (11) "Indirect supervision" means supervision requiring that a dentist authorize the procedures
18 and that a dentist be on the premises while the procedures are performed.

19 **SECTION 2.** ORS 680.205 is amended to read:

20 680.205. (1) An expanded practice dental hygienist may render all services within the scope of
21 practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as
22 authorized by the expanded practice dental hygienist permit to:

23 (a) Patients or residents of the following facilities or programs who, due to age, infirmity or
24 disability, are unable to receive regular dental hygiene treatment:

25 (A) Nursing homes as defined in ORS 678.710;

26 (B) Adult foster homes as defined in ORS 443.705;

27 (C) Residential care facilities as defined in ORS 443.400;

28 (D) Adult congregate living facilities as defined in ORS 441.525;

29 (E) Mental health residential programs administered by the Oregon Health Authority;

30 (F) Facilities for persons with mental illness, as those terms are defined in ORS 426.005;

31 (G) Facilities for persons with developmental disabilities, as those terms are defined in ORS
32 427.005;

33 (H) Local correctional facilities and juvenile detention facilities as those terms are defined in
34 ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities
35 as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Cor-
36 rections institutions as defined in ORS 421.005; or

37 (I) Public and nonprofit community health clinics.

38 (b) Adults who are homebound.

39 (c) Students or enrollees of nursery schools and day care programs and their siblings under 18
40 years of age, Job Corps and similar employment training facilities, primary and secondary schools,
41 including private schools and public charter schools, and persons entitled to benefits under the
42 Women, Infants and Children Program.

43 (d) Patients in hospitals, medical clinics, medical offices or offices operated or staffed by nurse
44 practitioners, physician assistants or midwives.

45 (e) Patients whose income is less than the federal poverty level.

1 (f) Other populations that the Oregon Board of Dentistry determines are underserved or lack
2 access to dental hygiene services.

3 (2) **Unless different criteria for referral of a patient or resident to a dentist are included**
4 **in an agreement described in subsection (3) of this section,** at least once each calendar year,
5 an expanded practice dental hygienist shall refer each patient or resident to a dentist who is
6 available to treat the patient or resident.

7 (3) An expanded practice dental hygienist may render the services described in paragraphs (a)
8 to (d) of this subsection to the patients described in subsection (1) of this section if the expanded
9 practice dental hygienist has entered into an agreement in a format approved by the board with a
10 dentist licensed under ORS chapter 679. The agreement must set forth the agreed-upon scope of the
11 dental hygienist's practice with regard to:

12 (a) Administering local anesthesia;

13 (b) Administering temporary restorations without excavation;

14 (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the
15 agreement; and

16 (d) [*Overall dental risk assessment and*] Referral parameters.

17 (4) This section does not authorize an expanded practice dental hygienist to administer nitrous
18 oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

19 (5) An expanded practice dental hygienist may assess the need for and appropriateness of
20 sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is
21 applied or supplied to patients.

22 (6) An expanded practice dental hygienist must also procure all other permits or certificates
23 required by the board under ORS 679.250.

24 **SECTION 3. The amendments to ORS 679.010 and 680.205 by sections 1 and 2 of this 2015**
25 **Act apply to agreements entered into on or after the effective date of this 2015 Act.**

26 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
28 **on its passage.**

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