

Senate Bill 1549

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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 **as introduced**.

Directs Oregon Board of Dentistry to issue dental therapist license to qualified applicant. Prohibits unlicensed use of title "dental therapist" and practice of dental therapy. Provides exceptions to prohibition. Adds dental therapist member to board.

Becomes operative September 1, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to dental therapist licensure; creating new provisions; amending ORS 679.010, 679.140,
3 679.170, 679.230 and 679.250 and section 1, chapter 716, Oregon Laws 2011; and declaring an
4 emergency.

5 Whereas good oral health is an integral piece of overall health and, well-being, and without
6 treatment, dental disease compromises overall health and requires increasingly costly interventions;
7 and

8 Whereas most dental disease can be prevented at little cost through routine dental care and
9 disease prevention; and

10 Whereas dental-related issues are a leading reason that Oregonians seek care in hospital emer-
11 gency departments, which have become the source of care for many Oregonians, especially in
12 uninsured and low-income populations; and

13 Whereas dental therapists are evidence-based primary dental care providers that expand access
14 to oral health care for all Oregonians, and dental therapy is a strategy to address racial, ethnic and
15 economic disparities in overall health and rural health care access gaps; and

16 Whereas the employment of dental therapists increases workforce diversity in health care and
17 expands career opportunities for new and existing members of the dental care workforce; and

18 Whereas dental therapists will meet the needs of local communities as they work under the di-
19 rection of licensed dentists, and will be incorporated into the dental care workforce and used to
20 effectively treat more patients; and

21 Whereas incorporating the Commission on Dental Accreditation's standards for new dental
22 therapy education will pave the way for Oregon educational institutions to create accredited pro-
23 grams for which students can qualify for financial aid; and

24 Whereas it is critical that communities with access to dental therapists through the Oregon
25 Health Authority's dental pilot projects not be adversely affected, and dental therapists currently
26 serving in their own communities through these pilot projects be able to continue their practice
27 uninterrupted; now, therefore,

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

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 **SECTION 1.** Sections 2 to 11 of this 2020 Act are added to and made a part of ORS
2 chapter 679.

3 **SECTION 2.** As used in sections 2 to 11 of this 2020 Act:

4 (1) “Dental pilot project” means an Oregon Health Authority dental pilot project devel-
5 oped and operated by the authority.

6 (2) “Dentist” means a person licensed to practice dentistry under this chapter.

7 (3) “Practice plan” means a written and signed agreement entered into between a dentist
8 and a dental therapist under section 7 of this 2020 Act.

9 **SECTION 3.** (1) The Oregon Board of Dentistry shall issue a license to practice dental
10 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 clinical competency to practice dental therapy through the completion
14 of a dental therapy education program that is approved by the board by rule, as described in
15 subsection (2) of this section;

16 (d) Completes at least 400 hours of clinical practice under the direct or general super-
17 vision of a dentist;

18 (e) Passes an examination described in section 5 of this 2020 Act; and

19 (f) Pays a licensure fee.

20 (2) The board may approve by rule a dental therapy education program that is:

21 (a) Accredited by the Commission on Dental Accreditation, or its successor organization;

22 (b) A competency-based program that includes supervised clinical practice and requires
23 demonstration of clinical competency prior to graduation from the program; or

24 (c) Part of a dental pilot project.

25 **SECTION 4.** (1) The Oregon Board of Dentistry shall issue a limited license to practice
26 dental therapy to an applicant who:

27 (a)(A) Holds a valid authorization to practice dental therapy from another state or
28 Canadian province, the federal government or tribal authority; or

29 (B) Is authorized to provide dental care under a dental pilot project, with a substantially
30 equivalent scope of practice to that of a dental therapist, as determined by the board by rule;

31 (b) Has completed at least 560 hours of practice in the provision of dental care described
32 in paragraph (a) of this subsection in the two years prior to the date of application;

33 (c) Provides other information as required by the board by rule; and

34 (d) Pays a licensure fee.

35 (2) A person to whom a limited license is issued under this section may provide only the
36 care within the scope of practice of dental therapy that was allowed by the person’s au-
37 thorization described in subsection (1)(a) of this section.

38 (3) A limited license issued under this section is valid for 18 months from the date of is-
39 suance and may not be renewed.

40 (4)(a) A person to whom a limited license is issued under this section may apply for
41 licensure under section 3 of this 2020 Act if the person demonstrates the competency re-
42 quired by the board by rule.

43 (b) A person described in this subsection is exempt from the requirements of section 3
44 (1)(c) and (d) of this 2020 Act.

45 **SECTION 5.** (1) The Oregon Board of Dentistry shall approve a written dental therapy

1 examination that contains subjects appropriate to the scope of practice of dental therapy,
2 including relevant laws and rules related to the practice of dental therapy in Oregon. The
3 board may approve an examination prepared or administered by a private testing authority
4 or an association of licensing authorities.

5 (2) The board shall determine dates and locations of the examination and the deadline
6 by which an applicant for licensure shall apply to sit for the examination.

7 (3) The board shall establish rules related to reexamination for an applicant who fails the
8 examination.

9 **SECTION 6.** (1) A person may not practice dental therapy or assume or use any title,
10 words or abbreviations, including the title or designation “dental therapist,” that indicate
11 that the person is authorized to practice dental therapy unless the person is licensed under
12 section 3 or 4 of this 2020 Act.

13 (2) Subsection (1) of this section does not prohibit:

14 (a) The practice of dental therapy by a health care provider performing services within
15 the health care provider’s authorized scope of practice.

16 (b) The practice of dental therapy in the discharge of official duties on behalf of the
17 United States government, including but not limited to the Armed Forces of the United
18 States, the United States Coast Guard, the United States Public Health Service, the United
19 States Bureau of Indian Affairs or the United States Department of Veterans Affairs.

20 (c) The practice of dental therapy pursuant to an educational program described in sec-
21 tion 3 of this 2020 Act.

22 (d) The practice of dental therapy under the direct or general supervision of a dentist
23 that is necessary to meet the clinical experience requirements described in section 3 of this
24 2020 Act.

25 (e) The performance of duties by a federally certified dental health aide therapist or
26 tribally authorized dental therapist in a clinic operated by the Indian Health Service, in-
27 cluding, as described in 25 U.S.C. 1603, an Indian Health Service Direct Service Tribe clinic,
28 a clinic operated under an Indian Self-Determination and Education Assistance Act of 1975
29 (P.L. 93-638) contract or a clinic operated under an urban Indian organization.

30 **SECTION 7.** (1) A dental therapist may practice dental therapy only under the super-
31 vision of a dentist and pursuant to a practice plan with the dentist. The practice plan must
32 include at least the following information:

33 (a) The level of supervision required;

34 (b) Circumstances under which the prior knowledge and consent of the dentist is required
35 to allow the dental therapist to provide a certain service or perform a certain procedure;

36 (c) The practice settings in which the dental therapist may provide care;

37 (d) Any limitation on the care the dental therapist may provide;

38 (e) Patient age- and procedure-specific practice protocols, including case selection crite-
39 ria, assessment guidelines and imaging frequency;

40 (f) Procedures for creating and maintaining dental records for patients treated by the
41 dental therapist;

42 (g) Guidelines for the management of medical emergencies in each of the practice set-
43 tings in which the dental therapist provides care;

44 (h) A quality assurance plan for monitoring care provided by the dental therapist, in-
45 cluding chart review, patient care review and referral follow-up;

1 (i) Protocols for the dispensation and administration of drugs, as described in section 9
 2 of this 2020 Act, by the dental therapist, including circumstances under which the dental
 3 therapist may dispense and administer drugs;

4 (j) Criteria for the provision of care to patients with specific medical conditions or com-
 5 plex medical histories, including any requirements for consultation with the dentist prior to
 6 the provision of care; and

7 (k) Protocols for when a patient requires treatment outside the dental therapist's scope
 8 of practice, including for referral of the patient for evaluation and treatment by the dentist,
 9 a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375
 10 to 678.390 or other licensed health care provider.

11 (2) A dentist who enters into a practice plan with a dental therapist shall:

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

14 (b) Ensure that the dentist, or another dentist, is available to the dental therapist for
 15 timely communication during the dental therapist's provision of care to a patient.

16 (3) A dental therapist may perform and provide only those procedures and services au-
 17 thorized by the dentist and set out in the practice plan, and shall maintain with the dentist
 18 an appropriate level of contact, as determined by the dentist.

19 (4) A dental therapist and a dentist who enter into a practice plan together shall each
 20 maintain a physical copy of the practice plan.

21 (5)(a) A dental therapist may enter into a practice plan that allows for supervision by
 22 more than one dentist.

23 (b) A dentist may supervise and enter into practice plans with up to five dental therapists
 24 at any one time.

25 **SECTION 8.** (1) A dental therapist may provide, pursuant to the dental therapist's prac-
 26 tice plan, the following services:

27 (a) The services for which education is provided by the educational programs described
 28 in section 3 of this 2020 Act;

29 (b) Oral examination, evaluation, diagnosis and treatment planning for conditions and
 30 services within the dental therapist's scope of practice and education;

31 (c) Any of the following services for which the dental therapist has received sufficient
 32 training:

33 (A) Evaluation of radiographic images;

34 (B) Administration of nitrous oxide;

35 (C) Placement and removal of intraoral sutures;

36 (D) Pulpotomy on primary teeth;

37 (E) Fabrication of soft occlusal guards;

38 (F) Tooth reimplantation and stabilization;

39 (G) Recementing of permanent crowns;

40 (H) Nonsurgical extractions of periodontally diseased permanent teeth that are un-
 41 rupted, not impacted or fractured and do not need to be sectioned for removal;

42 (I) Placement of unilateral single tooth space maintainers; or

43 (J) Identification of conditions requiring evaluation, diagnosis or treatment by a dentist,
 44 a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375
 45 to 678.390 or other licensed health care provider; and

1 (d) Other services as specified by the Oregon Board of Dentistry by rule.

2 (2)(a) A dental therapist may supervise a dental assistant and an expanded function
3 dental assistant, as defined by the board by rule, if the dental therapist is authorized to
4 perform the services provided by the dental assistant or expanded function dental assistant.

5 (b) A dental therapist may supervise up to four individuals under this subsection.

6 **SECTION 9.** (1) A dental therapist may, pursuant to the practice plan, dispense and orally
7 administer the following drugs:

8 (a) Nonnarcotic analgesics;

9 (b) Anti-inflammatories;

10 (c) Preventive agents; and

11 (d) Antibiotics.

12 (2) A dental therapist may, pursuant to the practice plan, dispense samples of the drugs
13 described in subsection (1) of this section.

14 (3) A practice plan may impose greater restrictions on the dispensation and adminis-
15 tration of drugs by a dental therapist than specified under this section.

16 **SECTION 10.** A person licensed under section 3 or 4 of this 2020 Act is subject to the
17 provisions of ORS 679.140.

18 **SECTION 11.** (1) The Oregon Board of Dentistry shall adopt rules necessary to administer
19 sections 2 to 11 of this 2020 Act.

20 (2) In adopting the rules described in this section, the board shall consult with at least
21 the following:

22 (a) The dental director appointed under ORS 413.083;

23 (b) The Oregon Health Authority Tribal Affairs Director;

24 (c) A representative of each dental pilot project;

25 (d) Representatives of organizations interested in employing dental therapists;

26 (e) Representatives from populations in this state with the greatest need for dental care,
27 as determined by the board;

28 (f) Persons engaged in the practice of dental therapy;

29 (g) Representatives from institutions of higher education in this state interested in of-
30 fering dental therapy education programs;

31 (h) The Oregon Dental Association, or its successor organization; and

32 (i) The Oregon Dental Hygienists' Association, or its successor organization.

33 **SECTION 12.** ORS 679.010 is amended to read:

34 679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-
35 wise:

36 (1) "Dental assistant" means a person who, under the supervision of a dentist **or dental ther-**
37 **apist**, renders assistance to a dentist, dental hygienist, dental technician or another dental assistant
38 or who, under the supervision of a dental hygienist, renders assistance to a dental hygienist pro-
39 viding dental hygiene.

40 (2) "Dental hygiene" is that portion of dentistry that includes, but is not limited to:

41 (a) The rendering of educational, preventive and therapeutic dental services and diagnosis and
42 treatment planning for such services;

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

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

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

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

9 (5) **"Dental therapist" means a person licensed to practice dental therapy under section
10 3 or 4 of this 2020 Act.**

11 (6) **"Dental therapy" means the provision of preventive dental care, restorative dental
12 treatment and other educational, clinical and therapeutic patient services as part of a dental
13 care team, including the services described under section 8 of this 2020 Act.**

14 [(5)] (7) "Dentist" means a person who may perform any intraoral or extraoral procedure re-
15 quired in the practice of dentistry.

16 [(6)] (8) "Dentist of record" means a dentist that either authorizes treatment for, supervises
17 treatment of or provides treatment for a patient in a dental office or clinic owned or operated by
18 an institution as described in ORS 679.020 (3).

19 [(7)(a)] (9)(a) "Dentistry" means the healing art concerned with:

20 (A) The examination, diagnosis, treatment planning, treatment, care and prevention of conditions
21 within the human oral cavity and maxillofacial region, and of conditions of adjacent or related tis-
22 sues and structures; and

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

25 (b) "Dentistry" includes, but is not limited to:

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

29 (i) Dental schools accredited by the Commission on Dental Accreditation of the American Dental
30 Association;

31 (ii) Post-graduate training programs; or

32 (iii) Continuing education courses.

33 (B) The prescription and administration of vaccines.

34 [(8)] (10) "Direct supervision" means supervision requiring that a dentist diagnose the condition
35 to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in
36 the dental treatment room while the procedures are performed.

37 [(9)] (11) "Expanded practice dental hygienist" means a dental hygienist who performs dental
38 hygiene services in accordance with ORS 680.205 as authorized by an expanded practice dental
39 hygienist permit issued by the board under ORS 680.200.

40 [(10)] (12) "General supervision" means supervision requiring that a dentist authorize the pro-
41 cedures by standing orders, practice agreements or collaboration agreements, but not requiring that
42 a dentist be present when the authorized procedures are performed. The authorized procedures may
43 also be performed at a place other than the usual place of practice of the dentist.

44 [(11)] (13) "Indirect supervision" means supervision requiring that a dentist authorize the pro-
45 cedures and that a dentist be on the premises while the procedures are performed.

1 **SECTION 13.** ORS 679.140 is amended to read:

2 679.140. (1) The Oregon Board of Dentistry may discipline as provided in this section any person
3 licensed to practice dentistry in this state for any of the following causes:

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

8 (b) Renting or lending a license or diploma of the dentist to be used as the license or diploma
9 of another person.

10 (c) Unprofessional conduct.

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

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

16 (f) Incapacity to practice safely.

17 (2) "Unprofessional conduct" as used in this chapter includes but is not limited to the following:

18 (a) Obtaining any fee by fraud or misrepresentation.

19 (b) Willfully betraying confidences involved in the patient-dentist relationship.

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

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

24 (e) Impairment as defined in ORS 676.303.

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

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

29 (h) Disciplinary action by a state licensing or regulatory agency of this or another state re-
30 garding a license to practice dentistry, dental hygiene, **dental therapy** or any other health care
31 profession when, in the judgment of the board, the act or conduct resulting in the disciplinary action
32 bears a demonstrable relationship to the ability of the licensee or applicant to practice dentistry
33 [or], dental hygiene **or dental therapy** in accordance with the provisions of this chapter. A certified
34 copy of the record of the disciplinary action is conclusive evidence of the disciplinary action.

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

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

44 (5) In disciplining a person as authorized by subsection (1) of this section, the board may use
45 any or all of the following methods:

- 1 (a) Suspend judgment.
 2 (b) Place a licensee on probation.
 3 (c) Suspend a license to practice dentistry in this state.
 4 (d) Revoke a license to practice dentistry in this state.
 5 (e) Place limitations on a license to practice dentistry in this state.
 6 (f) Refuse to renew a license to practice dentistry in this state.
 7 (g) Accept the resignation of a licensee to practice dentistry in this 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 proper, including as-
 11 sessment of the costs of the disciplinary proceedings as a civil penalty.

12 (6) If the board places any person upon probation as set forth in subsection (5)(b) of this section,
 13 the board may determine and may at any time modify the conditions of the probation and may in-
 14 clude among them any reasonable condition for the purpose of protection of the public and for the
 15 purpose of the rehabilitation of the probationer or both. Upon expiration of the term of probation,
 16 further proceedings shall be abated by the board if the person holding the license furnishes the
 17 board with evidence that the person is competent to practice dentistry and has complied with the
 18 terms of probation. If the evidence fails to establish competence to the satisfaction of the board or
 19 if the evidence shows failure to comply with the terms of the probation, the board may revoke or
 20 suspend the license.

21 (7) If a license to practice dentistry in this state is suspended, the person holding the license
 22 may not practice during the term of suspension. Upon the expiration of the term of suspension, the
 23 license shall be reinstated by the board if the board finds, based upon evidence furnished by the
 24 person, that the person is competent to practice dentistry and has not practiced dentistry in this
 25 state during the term of suspension. If the evidence fails to establish to the satisfaction of the board
 26 that the person is competent or if any evidence shows the person has practiced dentistry in this
 27 state during the term of suspension, the board may revoke the license after notice and hearing.

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

30 (9) Information that the board obtains as part of an investigation into licensee or applicant
 31 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
 32 licensee or applicant conduct is confidential as provided under ORS 676.175. Notwithstanding ORS
 33 676.165 to 676.180, the board may disclose confidential information regarding a licensee or an ap-
 34 plicant to persons who may evaluate or treat the licensee or applicant for drug abuse, alcohol abuse
 35 or any other health related conditions.

36 (10) The board may impose against any person who violates the provisions of this chapter or
 37 ORS 680.010 to 680.205 or rules of the board a civil penalty of up to \$5,000 for each violation. Any
 38 civil penalty imposed under this section shall be imposed in the manner provided in ORS 183.745.

39 (11) Notwithstanding the expiration, suspension, revocation or surrender of the license, or the
 40 resignation or retirement of the licensee, the board may:

41 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
 42 dentist [*or*], dental hygienist **or dental therapist**; or

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

44 (12)(a) The board may continue with any proceeding or investigation for a period not to exceed
 45 four years from the date of the expiration, suspension, revocation or surrender of the license, or the

1 resignation or retirement of the licensee; or

2 (b) If the board receives a complaint or initiates an investigation within that four-year period,
 3 the board's jurisdiction continues until the matter is concluded by a final order of the board fol-
 4 lowing any appeal.

5 (13) Withdrawing the application for license does not close any investigation, action or pro-
 6 ceeding against an applicant.

7 **SECTION 14.** ORS 679.230 is amended to read:

8 679.230. (1) The Oregon Board of Dentistry consists of [10] **11** members appointed by the Gov-
 9 ernor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.
 10 All members of the board must be residents of this state. Of the members of the board:

11 (a) Six must be Oregon active licensed dentists, of which at least one must be a dentist prac-
 12 ticing in a dental specialty recognized by the American Dental Association;

13 (b) Two must be Oregon active licensed dental hygienists; [and]

14 (c) **One must be an Oregon active dental therapist; and**

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

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

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

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

21 (A) The Oregon Dental Association, if the vacancy is in a dentist position;

22 (B) The Oregon Dental Hygienists' Association, if the vacancy is in a dental hygienist position;
 23 [or]

24 (C) Any of the professional organizations representing a dental specialty, if the vacancy is in a
 25 dental specialty position; **or**

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

28 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
 29 tation on the board according to:

30 (A) Geographic areas of this state; and

31 (B) Ethnic group.

32 (3)(a) The term of office of each member is four years, but a member serves at the pleasure of
 33 the Governor. The terms must be staggered so that no more than three terms end each year. Terms
 34 of office begin on the first Monday of April after the time of appointment. A member is eligible for
 35 reappointment. If there is a vacancy in the membership of the board for any reason, the Governor
 36 shall make an appointment to become immediately effective for the unexpired term.

37 (b) A board member shall be removed immediately from the board if, during the member's term,
 38 the member:

39 (A) Is not a resident of this state;

40 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
 41 cused;

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

45 (D) Is not a licensed dental hygienist or a retired dental hygienist whose license was in good

1 standing at the time of retirement, if the board member was appointed to serve on the board as a
2 dental hygienist[.]; **or**

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

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

9 **SECTION 15.** ORS 679.230, as amended by section 14 of this 2020 Act, is amended to read:

10 679.230. (1) The Oregon Board of Dentistry consists of [11] **12** members appointed by the Gov-
11 ernor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.
12 All members of the board must be residents of this state. Of the members of the board:

13 (a) Six must be Oregon active licensed dentists, of which at least one must be a dentist prac-
14 ticing in a dental specialty recognized by the American Dental Association;

15 (b) Two must be Oregon active licensed dental hygienists;

16 (c) [One] **Two** must be [an] Oregon active dental [therapist] **therapists**; and

17 (d) Two must be members of the public who are not:

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

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

20 (2)(a) Board members required to be Oregon active licensed dentists, dental hygienists or dental
21 therapists may be selected by the Governor from a list of three to five nominees for each vacancy,
22 submitted by:

23 (A) The Oregon Dental Association, if the vacancy is in a dentist position;

24 (B) The Oregon Dental Hygienists' Association, if the vacancy is in a dental hygienist position;

25 (C) Any of the professional organizations representing a dental specialty, if the vacancy is in a
26 dental specialty position; or

27 (D) A professional organization representing dental therapists, if the vacancy is in a dental
28 therapist position.

29 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
30 tation on the board according to:

31 (A) Geographic areas of this state; and

32 (B) Ethnic group.

33 (3)(a) The term of office of each member is four years, but a member serves at the pleasure of
34 the Governor. The terms must be staggered so that no more than three terms end each year. Terms
35 of office begin on the first Monday of April after the time of appointment. A member is eligible for
36 reappointment. If there is a vacancy in the membership of the board for any reason, the Governor
37 shall make an appointment to become immediately effective for the unexpired term.

38 (b) A board member shall be removed immediately from the board if, during the member's term,
39 the member:

40 (A) Is not a resident of this state;

41 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
42 cused;

43 (C) Is not a licensed dentist or a retired dentist whose license was in good standing at the time
44 of retirement, if the board member was appointed to serve on the board as a dentist or a dental
45 specialist;

1 (D) Is not a licensed dental hygienist or a retired dental hygienist whose license was in good
2 standing at the time of retirement, if the board member was appointed to serve on the board as a
3 dental hygienist; or

4 (E) Is not a licensed dental therapist or a retired dental therapist whose license was in good
5 standing at the time of retirement, if the board member was appointed to serve on the board as a
6 dental therapist.

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

10 **SECTION 16.** ORS 679.170 is amended to read:

11 679.170. No person shall:

12 (1) Sell or barter, or offer to sell or barter, any diploma or document conferring or purporting
13 to confer any dental degree, or any certificate or transcript made or purporting to be made, pursu-
14 ant to the laws regulating the license and registration of dentists.

15 (2) Purchase or procure by barter, any such diploma, certificate or transcript, with intent that
16 it be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws
17 regulating such practice.

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

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

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

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

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

31 **SECTION 17.** ORS 679.250 is amended to read:

32 679.250. The powers and duties of the Oregon Board of Dentistry are as follows:

33 (1) To, during the month of April of each year, organize and elect from its membership a presi-
34 dent who shall hold office for one year, or until the election and qualification of a successor.

35 (2) To authorize all necessary disbursements to carry out the provisions of this chapter, includ-
36 ing but not limited to, payment for necessary supplies, office equipment, books and expenses for the
37 conduct of examinations, payment for legal and investigative services rendered to the board, and
38 such other expenditures as are provided for in this chapter.

39 (3) To employ such inspectors, examiners, special agents, investigators, clerical assistants, as-
40 sistants and accountants as are necessary for the investigation and prosecution of alleged violations
41 and the enforcement of this chapter and for such other purposes as the board may require. Nothing
42 in this chapter shall be construed to prevent assistance being rendered by an employee of the board
43 in any hearing called by it. However, all obligations for salaries and expenses incurred under this
44 chapter shall be paid from the fees accruing to the board under this chapter and not otherwise.

45 (4)(a) To conduct examinations of applicants for license to practice dentistry, [*and*] dental hy-

1 giene **and dental therapy** at least twice in each year.

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

5 (5) To meet for the transaction of other business at the call of the president. A majority of board
6 members shall constitute a quorum. A majority vote of those present shall be a decision of the entire
7 board. The board's proceedings shall be open to public inspection in all matters affecting public in-
8 terest.

9 (6) To keep an accurate record of all proceedings of the board and of all its meetings, of all
10 receipts and disbursements, of all prosecutions for violation of this chapter, of all examinations for
11 license to practice dentistry, with the names and qualifications for examination of any person ex-
12 amined, together with the addresses of those licensed and the results of such examinations, a record
13 of the names of all persons licensed to practice dentistry in Oregon together with the addresses of
14 all such persons having paid the license fee prescribed in ORS 679.120 and the names of all persons
15 whose license to practice has been revoked or suspended.

16 (7) To make and enforce rules necessary for the procedure of the board, for the conduct of ex-
17 aminations, for regulating the practice of dentistry, and for regulating the services of dental
18 hygienists and dental auxiliary personnel not inconsistent with the provisions of this chapter. As
19 part of such rules, the board may require the procurement of a permit or other certificate. Any
20 permit issued may be subject to periodic renewal. In adopting rules, the board shall take into ac-
21 count all relevant factors germane to an orderly and fair administration of this chapter and of ORS
22 680.010 to 680.205, the practices and materials generally and currently used and accepted by persons
23 licensed to practice dentistry in this state, dental techniques commonly in use, relevant technical
24 reports published in recognized dental journals, the curriculum at accredited dental schools, the
25 desirability of reasonable experimentation in the furtherance of the dental arts, and the desirability
26 of providing the highest standard of dental care to the public consistent with the lowest economic
27 cost.

28 (8) Upon its own motion or upon any complaint, to initiate and conduct investigations of and
29 hearings on all matters relating to the practice of dentistry, the discipline of licensees, or pertaining
30 to the enforcement of any provision of this chapter. In the conduct of investigations or upon the
31 hearing of any matter of which the board may have jurisdiction, the board may take evidence, ad-
32 minister oaths, take the depositions of witnesses, including the person charged, in the manner pro-
33 vided by law in civil cases, and compel their appearance before it in person the same as in civil
34 cases, by subpoena issued over the signature of an employee of the board and in the name of the
35 people of the State of Oregon, require answers to interrogatories, and compel the production of
36 books, papers, accounts, documents and testimony pertaining to the matter under investigation or
37 to the hearing. In all investigations and hearings, the board and any person affected thereby may
38 have the benefit of counsel, and all hearings shall be held in compliance with ORS chapter 183.
39 Notwithstanding ORS 676.165, 676.175 and 679.320, if a licensee who is the subject of an investi-
40 gation or complaint is to appear before members of the board investigating the complaint, the board
41 shall provide the licensee with a current summary of the complaint or the matter being investigated
42 not less than five days prior to the date that the licensee is to appear. At the time the summary of
43 the complaint or the matter being investigated is provided, the board shall provide to the licensee
44 a current summary of documents or alleged facts that the board has acquired as a result of the in-
45 vestigation. The name of the complainant or other information that reasonably may be used to

1 identify the complainant may be withheld from the licensee.

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

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

8 (11) To order an applicant or licensee to submit to a physical examination, mental examination
9 or a competency examination when the board has evidence indicating the incapacity of the applicant
10 or licensee to practice safely.

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

12 **Sec. 1.** (1) The Oregon Health Authority may approve pilot projects to encourage the develop-
13 ment of innovative practices in oral health care delivery systems with a focus on providing care to
14 populations that evidence-based studies have shown have the highest disease rates and the least
15 access to dental care. The authority may approve a pilot project that is designed to:

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

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

19 (c) Achieve at least one of the following:

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

21 (B) Develop new categories of dental personnel;

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

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

24 (2) The authority shall adopt rules:

25 (a) Establishing an application process for pilot projects;

26 (b) Establishing minimum standards, guidelines and instructions for pilot projects; and

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

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

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

31 (C) The nature of program data that will be collected and the methods for collecting and ana-
32 lyzing the data;

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

34 (E) A statement of previous experience in providing related health care services.

35 (3) The authority shall seek the advice of appropriate professional societies and licensing boards
36 before adopting rules under subsection (2) of this section.

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

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

44 (5) The authority may accept gifts, grants or contributions from any public or private source for
45 the purpose of carrying out this section. Funds received under this subsection shall be deposited in

1 the Dental Pilot Projects Fund established under section 17, **chapter 716, Oregon Laws 2011** [*of*
2 *this 2011 Act*].

3 **SECTION 19.** (1) Sections 2 to 11 of this 2020 Act and the amendments to ORS 679.010,
4 679.140, 679.170, 679.230 and 679.250 and section 1, chapter 716, Oregon Laws 2011, by sections
5 12 to 14 and 16 to 18 of this 2020 Act become operative on September 1, 2020.

6 (2) The amendments to ORS 679.230 by section 15 of this 2020 Act become operative on
7 January 1, 2025.

8 (3) The Oregon Board of Dentistry may take any action before the operative date speci-
9 fied in subsection (1) of this section that is necessary to enable the board to exercise, on or
10 after the operative date specified in subsection (1) of this section, all of the duties, functions
11 and powers conferred on the board by sections 2 to 11 of this 2020 Act and the amendments
12 to ORS 679.010, 679.140, 679.170, 679.230 and 679.250 and section 1, chapter 716, Oregon Laws
13 2011, by sections 12 to 14 and 16 to 18 of this 2020 Act.

14 **SECTION 20.** This 2020 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
16 on its passage.

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