

House Bill 2528

Sponsored by Representative SANCHEZ (Presession 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 **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.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to dental therapy; creating new provisions; amending ORS 679.010, 679.140, 679.170, 679.230
3 and 679.250 and section 1, chapter 716, Oregon Laws 2011; and prescribing an effective date.

4 Whereas good oral health is an integral piece of overall health and well-being, and untreated
5 dental disease compromises overall health and requires increasingly costly interventions; and

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

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

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

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

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

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

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

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

27 **SECTION 1. Sections 2 to 11 of this 2021 Act are added to and made a part of ORS**
28 **chapter 679.**

29 **SECTION 2. As used in sections 2 to 11 of this 2021 Act:**

30 **(1) "Dental pilot project" means an Oregon Health Authority dental pilot project devel-**

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 oped and operated by the authority.

2 (2) "Dentist" means a person licensed to practice dentistry under this chapter.

3 (3) "Practice agreement" means a written and signed agreement entered into between a
4 dentist and a dental therapist under section 8 of this 2021 Act.

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

7 (a) Is at least 18 years of age;

8 (b) Submits to the board a completed application form;

9 (c) Demonstrates the completion of a dental therapy education program that is:

10 (A) Accredited by the Commission on Dental Accreditation of the American Dental As-
11 sociation, or its successor organization, and approved by the board by rule;

12 (B) Part of a dental pilot project; or

13 (C) Determined by the board to be substantially equivalent to a dental therapy education
14 program described in subparagraph (A) or (B) of this paragraph;

15 (d) Passes an examination described in section 4 of this 2021 Act; and

16 (e) Pays the application and licensure fees established by the board.

17 (2)(a) An individual who completed a dental therapy education program in another state
18 or jurisdiction may apply for licensure under this section.

19 (b) The board shall determine whether the training and education of an applicant de-
20 scribed in this subsection is sufficient to meet the requirements of subsection (1) of this
21 section.

22 (3) If an applicant holds a current or expired authorization to practice dental therapy
23 issued by another state, the federal government or a tribal authority, the applicant shall in-
24 clude with the application a copy of the authorization and an affidavit from the dental reg-
25 ulatory body of the other jurisdiction that demonstrates the applicant was authorized to
26 practice dental therapy in that jurisdiction.

27 **SECTION 4.** (1) The Oregon Board of Dentistry may require an applicant for a license to
28 practice dental therapy to pass written, laboratory or clinical examinations to test the pro-
29 fessional knowledge and skills of the applicant. The examination must:

30 (a) Be elementary and practical in character, and sufficiently thorough to test the fitness
31 of the applicant to practice dental therapy;

32 (b) Be written in English; and

33 (c) Include questions on subjects pertaining to dental therapy.

34 (2) If a test or examination was taken within five years of the date of application and the
35 applicant received a passing score on the test or examination, as established by the board
36 by rule, the board:

37 (a) To satisfy the written examination authorized under this section, may accept the re-
38 sults of national standardized examinations.

39 (b) To satisfy the laboratory or clinical examination authorized under this section:

40 (A) Shall accept the results of regional and national testing agencies or clinical board
41 examinations administered by other states; and

42 (B) May accept the results of board-recognized testing agencies.

43 (3) The board shall accept the results of regional and national testing agencies or of
44 clinical board examinations administered by other states, and may accept results of board-
45 recognized testing agencies, in satisfaction of the examinations authorized under this section

1 for applicants who have engaged in the active practice of dental therapy in Oregon, another
 2 state, the Armed Forces of the United States, the United States Public Health Service or the
 3 United States Department of Veterans Affairs for a period of at least 3,500 hours in the five
 4 years immediately preceding application and who meet all other requirements for licensure.

5 (4) The board shall establish rules related to reexamination for an applicant who fails the
 6 examination.

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

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

11 (2) Has been disciplined by a state licensing or regulatory agency of this state or another
 12 state regarding a health care profession if, in the judgment of the board, the acts or conduct
 13 resulting in the disciplinary action bears a demonstrable relationship to the ability of the
 14 applicant or licensee to practice dental therapy in accordance with sections 2 to 11 of this
 15 2021 Act. A certified copy of the disciplinary action is conclusive evidence of the disciplinary
 16 action.

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

18 (4) Has violated any provision of sections 2 to 11 of this 2021 Act or a rule adopted under
 19 sections 2 to 11 of this 2021 Act.

20 **SECTION 6.** (1) A person may not practice dental therapy or assume or use any title,
 21 words or abbreviations, including the title or designation “dental therapist,” that indicate
 22 that the person is authorized to practice dental therapy unless the person is licensed under
 23 section 3 of this 2021 Act.

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

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

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

31 (c) The practice of dental therapy pursuant to an educational program described in sec-
 32 tion 3 of this 2021 Act.

33 (d) A dental therapist authorized to practice in another state or jurisdiction from making
 34 a clinical presentation sponsored by a bona fide dental or dental therapy association or so-
 35 ciety or an accredited dental or dental therapy education program approved by the Oregon
 36 Board of Dentistry.

37 (e) Bona fide students of dental therapy from engaging in clinical studies during the pe-
 38 riod of their enrollment and as a part of the course of study in a dental therapy education
 39 program described in section 3 (1)(c)(A) of this 2021 Act. The clinical studies may be con-
 40 ducted on the premises of the program or in a clinical setting located off the premises. The
 41 facility, instructional staff and course of study at an off-premises location must meet mini-
 42 mum requirements established by the board by rule. The clinical studies at the off-premises
 43 location must be performed under the direct supervision of a member of the program faculty.

44 (f) Bona fide full-time students of dental therapy, during the period of their enrollment
 45 and as a part of the course of study in a dental therapy education program located outside

1 of Oregon that is accredited by the Commission on Dental Accreditation of the American
2 Dental Association or its successor agency, from engaging in community-based or clinical
3 studies as an elective or required rotation in a clinical setting located in Oregon, if the
4 community-based or clinical studies meet minimum requirements established by the board
5 by rule and are performed under the direct supervision of a member of the faculty of the
6 Oregon Health and Science University School of Dentistry.

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

12 **SECTION 7.** (1) The Oregon Board of Dentistry may impose nonrefundable fees for the
13 following:

- 14 (a) Application for licensure;
- 15 (b) Examinations;
- 16 (c) Biennial dental therapy licenses, both active and inactive;
- 17 (d) Licensure renewal fees;
- 18 (e) Permits; and
- 19 (f) Delinquency.

20 (2) Subject to prior approval of the Oregon Department of Administrative Services and
21 a report to the Emergency Board prior to adopting fees and charges, the fees and charges
22 established under sections 2 to 11 of this 2021 Act may not exceed the cost of administering
23 sections 2 to 11 of this 2021 Act as authorized by the Legislative Assembly within the Oregon
24 Board of Dentistry budget and as modified by the Emergency Board.

25 (3)(a) The Oregon Board of Dentistry may waive a license fee for a licensee who provides
26 to the board satisfactory evidence that the licensee has discontinued the practice of dental
27 therapy because of retirement.

28 (b) A licensee described in this subsection may apply to the board for reinstatement of
29 the license pursuant to rules adopted by the board. An application under this paragraph must
30 include a fee. If the licensee has been retired or inactive for more than one year from the
31 date of application, the licensee shall include with the application satisfactory evidence of
32 clinical competence, as determined by the board.

33 (4)(a) A license to practice dental therapy is valid for two years and may be renewed. A
34 licensee shall submit to the board an application for renewal and payment of the fee.

35 (b) A dental therapist issued a license in an even-numbered year must apply for renewal
36 by September 30 of each even-numbered year thereafter. A dental therapist issued a license
37 in an odd-numbered year must apply for renewal by September 30 of each odd-numbered year
38 thereafter.

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

41 (5) A dental therapist shall inform the board of a change of the dental therapist's address
42 within 30 days of the change.

43 **SECTION 8.** (1) A dental therapist may practice dental therapy only under the super-
44 vision of a dentist and pursuant to a practice agreement with the dentist. The practice
45 agreement must include at least the following information:

- 1 (a) The level of supervision required;
- 2 (b) Circumstances under which the prior knowledge and consent of the dentist is required
3 to allow the dental therapist to provide a certain service or perform a certain procedure;
- 4 (c) The practice settings in which the dental therapist may provide care;
- 5 (d) Any limitation on the care the dental therapist may provide;
- 6 (e) Patient age- and procedure-specific practice protocols, including case selection crite-
7 ria, assessment guidelines and imaging frequency;
- 8 (f) Procedures for creating and maintaining dental records for patients treated by the
9 dental therapist;
- 10 (g) Guidelines for the management of medical emergencies in each of the practice set-
11 tings in which the dental therapist provides care;
- 12 (h) A quality assurance plan for monitoring care provided by the dental therapist, in-
13 cluding chart review, patient care review and referral follow-up;
- 14 (i) Protocols for the dispensation and administration of drugs, as described in section 10
15 of this 2021 Act, by the dental therapist, including circumstances under which the dental
16 therapist may dispense and administer drugs;
- 17 (j) Criteria for the provision of care to patients with specific medical conditions or com-
18 plex medical histories, including any requirements for consultation with the dentist prior to
19 the provision of care; and
- 20 (k) Protocols for when a patient requires treatment outside the dental therapist's scope
21 of practice, including for referral of the patient for evaluation and treatment by the dentist,
22 a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375
23 to 678.390 or other licensed health care provider.
- 24 (2) A dentist who enters into a practice agreement with a dental therapist shall:
 - 25 (a) Directly provide care to a patient that is outside the scope of practice of the dental
26 therapist or arrange for the provision of care by another dentist; and
 - 27 (b) Ensure that the dentist, or another dentist, is available to the dental therapist for
28 timely communication during the dental therapist's provision of care to a patient.
- 29 (3) A dental therapist may perform and provide only those procedures and services au-
30 thorized by the dentist and set out in the practice agreement, and shall maintain with the
31 dentist an appropriate level of contact, as determined by the dentist.
- 32 (4) A dental therapist and a dentist who enter into a practice agreement together shall
33 each maintain a physical copy of the practice agreement.
- 34 (5)(a) A dental therapist may enter into a practice agreement that allows for supervision
35 by more than one dentist.
- 36 (b) A dentist may supervise and enter into practice agreements with up to five dental
37 therapists at any one time.
- 38 (6)(a) A practice agreement must be signed by the dentist and dental therapist.
- 39 (b) A dental therapist shall submit the signed practice agreement to the Oregon Board
40 of Dentistry. A practice agreement is not valid until approved by the board. The board may
41 require changes to the practice agreement submitted under this paragraph prior to approval.
- 42 (c) A dental therapist shall submit a copy of the signed practice agreement with each
43 application for license renewal. Any changes to the practice agreement require renewed ap-
44 proval by the board.
- 45 **SECTION 9.** (1) A dental therapist may provide, pursuant to the dental therapist's prac-

1 **tice agreement, the following services:**

2 (a) **Oral health instruction and disease prevention education, including nutritional coun-**
 3 **seling and dietary analysis;**

4 (b) **Comprehensive charting of the oral cavity;**

5 (c) **Exposure and evaluation of radiographic images;**

6 (d) **Mechanical polishing;**

7 (e) **Prophylaxis;**

8 (f) **Periodontal scaling;**

9 (g) **Application of topical preventive or prophylactic agents, including fluoride varnishes**
 10 **and pit and fissure sealants;**

11 (h) **Pulp vitality testing;**

12 (i) **Application of desensitizing medication or resin;**

13 (j) **Fabrication of athletic mouth guards;**

14 (k) **Placement of temporary restorations;**

15 (L) **Fabrication of soft occlusal guards;**

16 (m) **Tissue conditioning and soft reline;**

17 (n) **Atraumatic restorative therapy and interim restorative therapy;**

18 (o) **Dressing changes;**

19 (p) **Tooth reimplantation and stabilization;**

20 (q) **Administration of local anesthetic;**

21 (r) **Administration of nitrous oxide with a valid permit issued by the Oregon Board of**
 22 **Dentistry;**

23 (s) **Emergency palliative treatment of dental pain;**

24 (t) **Placement and removal of space maintainers;**

25 (u) **Cavity preparation;**

26 (v) **Restoration of primary and permanent teeth;**

27 (w) **Fabrication and placement of temporary crowns;**

28 (x) **Preparation and placement of preformed crowns;**

29 (y) **Pulpotomies on primary teeth;**

30 (z) **Indirect and direct pulp capping on primary and permanent teeth;**

31 (aa) **Recementing of permanent crowns;**

32 (bb) **Extractions of primary teeth;**

33 (cc) **Simple extractions of periodontally diseased permanent teeth with advanced mobility;**

34 (dd) **Suture placement and removal;**

35 (ee) **Brush biopsies;**

36 (ff) **Minor adjustments and repair of defective prosthetic devices;**

37 (gg) **Identification of conditions requiring evaluation, diagnosis or treatment by a dentist,**
 38 **a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375**
 39 **to 678.390 or other licensed health care provider;**

40 (hh) **Oral examination, evaluation and diagnosis of conditions within the supervising**
 41 **dentist's authorization; and**

42 (ii) **Other services as specified by the board by rule.**

43 (2) **A dental therapist may provide a service listed in subsection (1) of this section that**
 44 **is outside the dental therapist's scope of practice if the dental therapist has received:**

45 (a) **Instruction in the service through the dental therapist's dental therapy education**

1 **program; or**

2 **(b) Additional training approved by the board.**

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

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

7 **SECTION 10. (1) A dental therapist may, pursuant to the practice agreement, dispense**
8 **and orally administer the following drugs:**

9 **(a) Nonnarcotic analgesics;**

10 **(b) Anti-inflammatories;**

11 **(c) Preventive agents; and**

12 **(d) Antibiotics.**

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

15 **(3) A practice agreement may impose greater restrictions on the dispensation and ad-**
16 **ministration of drugs by a dental therapist than specified under this section.**

17 **SECTION 11. A person licensed under section 3 of this 2021 Act is subject to the pro-**
18 **visions of ORS 679.140.**

19 **SECTION 12. The Oregon Board of Dentistry shall adopt rules necessary to administer**
20 **sections 2 to 11 of this 2021 Act.**

21 **SECTION 13. ORS 679.010 is amended to read:**

22 **679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-**
23 **wise:**

24 **(1) “Dental assistant” means a person who, under the supervision of a dentist **or dental ther-****
25 **apist, renders assistance to a dentist, **dental therapist,** dental hygienist, dental technician or an-**
26 **other dental assistant or who, under the supervision of a dental hygienist, renders assistance to a**
27 **dental hygienist providing dental hygiene.**

28 **(2) “Dental hygiene” is that portion of dentistry that includes, but is not limited to:**

29 **(a) The rendering of educational, preventive and therapeutic dental services and diagnosis and**
30 **treatment planning for such services;**

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

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

36 **(3) “Dental hygienist” means a person who, under the supervision of a dentist, practices dental**
37 **hygiene.**

38 **(4) “Dental technician” means a person who, at the authorization of a dentist, makes, provides,**
39 **repairs or alters oral prosthetic appliances and other artificial materials and devices that are re-**
40 **turned to a dentist and inserted into the human oral cavity or that come in contact with its adjacent**
41 **structures and tissues.**

42 **(5) “Dental therapist” means a person licensed to practice dental therapy under section**
43 **3 of this 2021 Act.**

44 **(6) “Dental therapy” means the provision of preventive dental care, restorative dental**
45 **treatment and other educational, clinical and therapeutic patient services as part of a dental**

1 **care team, including the services described under section 9 of this 2021 Act.**

2 [(5)] (7) “Dentist” means a person who may perform any intraoral or extraoral procedure re-
3 quired in the practice of dentistry.

4 [(6)] (8) “Dentist of record” means a dentist that either authorizes treatment for, supervises
5 treatment of or provides treatment for a patient in a dental office or clinic owned or operated by
6 an institution as described in ORS 679.020 (3).

7 [(7)(a)] (9)(a) “Dentistry” means the healing art concerned with:

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

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

13 (b) “Dentistry” includes, but is not limited to:

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

17 (i) Dental schools accredited by the Commission on Dental Accreditation of the American Dental
18 Association;

19 (ii) Post-graduate training programs; or

20 (iii) Continuing education courses.

21 (B) The prescription and administration of vaccines.

22 [(8)] (10) “Direct supervision” means supervision requiring that a dentist diagnose the condition
23 to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in
24 the dental treatment room while the procedures are performed.

25 [(9)] (11) “Expanded practice dental hygienist” means a dental hygienist who performs dental
26 hygiene services in accordance with ORS 680.205 as authorized by an expanded practice dental
27 hygienist permit issued by the board under ORS 680.200.

28 [(10)] (12) “General supervision” means supervision requiring that a dentist authorize the pro-
29 cedures by standing orders, practice agreements or collaboration agreements, but not requiring that
30 a dentist be present when the authorized procedures are performed. The authorized procedures may
31 also be performed at a place other than the usual place of practice of the dentist.

32 [(11)] (13) “Indirect supervision” means supervision requiring that a dentist authorize the pro-
33 cedures and that a dentist be on the premises while the procedures are performed.

34 **SECTION 14.** ORS 679.140 is amended to read:

35 679.140. (1) The Oregon Board of Dentistry may discipline as provided in this section any person
36 licensed to practice dentistry in this state for any of the following causes:

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

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

43 (c) Unprofessional conduct.

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

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

4 (f) Incapacity to practice safely.

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

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

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

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

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

12 (e) Impairment as defined in ORS 676.303.

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

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

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

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

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

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

34 (a) Suspend judgment.

35 (b) Place a licensee on probation.

36 (c) Suspend a license to practice dentistry in this state.

37 (d) Revoke a license to practice dentistry in this state.

38 (e) Place limitations on a license to practice dentistry in this state.

39 (f) Refuse to renew a license to practice dentistry in this state.

40 (g) Accept the resignation of a licensee to practice dentistry in this state.

41 (h) Assess a civil penalty.

42 (i) Reprimand a licensee.

43 (j) Impose any other disciplinary action the board in its discretion finds proper, including as-
 44 sessment of the costs of the disciplinary proceedings as a civil penalty.

45 (6) If the board places any person upon probation as set forth in subsection (5)(b) of this section,

1 the board may determine and may at any time modify the conditions of the probation and may in-
 2 clude among them any reasonable condition for the purpose of protection of the public and for the
 3 purpose of the rehabilitation of the probationer or both. Upon expiration of the term of probation,
 4 further proceedings shall be abated by the board if the person holding the license furnishes the
 5 board with evidence that the person is competent to practice dentistry and has complied with the
 6 terms of probation. If the evidence fails to establish competence to the satisfaction of the board or
 7 if the evidence shows failure to comply with the terms of the probation, the board may revoke or
 8 suspend the license.

9 (7) If a license to practice dentistry in this state is suspended, the person holding the license
 10 may not practice during the term of suspension. Upon the expiration of the term of suspension, the
 11 license shall be reinstated by the board if the board finds, based upon evidence furnished by the
 12 person, that the person is competent to practice dentistry and has not practiced dentistry in this
 13 state during the term of suspension. If the evidence fails to establish to the satisfaction of the board
 14 that the person is competent or if any evidence shows the person has practiced dentistry in this
 15 state during the term of suspension, the board may revoke the license after notice and hearing.

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

18 (9) Information that the board obtains as part of an investigation into licensee or applicant
 19 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
 20 licensee or applicant conduct is confidential as provided under ORS 676.175. Notwithstanding ORS
 21 676.165 to 676.180, the board may disclose confidential information regarding a licensee or an ap-
 22 plicant to persons who may evaluate or treat the licensee or applicant for drug abuse, alcohol abuse
 23 or any other health related conditions.

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

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

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

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

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

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

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

40 **SECTION 15.** ORS 679.170 is amended to read:

41 679.170. *[No person shall]* **A person may not:**

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

45 (2) Purchase or procure by barter, any such diploma, certificate or transcript, with intent that

1 it be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws
2 regulating such practice.

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

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

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

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

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

16 **SECTION 16.** ORS 679.230 is amended to read:

17 679.230. (1) The Oregon Board of Dentistry consists of [*10*] **11** members appointed by the Gov-
18 ernor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.
19 All members of the board must be residents of this state. Of the members of the board:

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

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

23 **(c) One must be an Oregon active dental therapist or, if no dental therapist is available,**
24 **a supervising dentist to a dental therapist or an instructor in an Oregon dental therapy ed-**
25 **ucation program described in section 3 of this 2021 Act; and**

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

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

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

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

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

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

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

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

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

41 (A) Geographic areas of this state; and

42 (B) Ethnic group.

43 (3)(a) The term of office of each member is four years, but a member serves at the pleasure of
44 the Governor. The terms must be staggered so that no more than three terms end each year. Terms
45 of office begin on the first Monday of April after the time of appointment. A member is eligible for

1 reappointment. If there is a vacancy in the membership of the board for any reason, the Governor
 2 shall make an appointment to become immediately effective for the unexpired term.

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

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

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

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

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

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

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

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

21 679.250. The powers and duties of the Oregon Board of Dentistry are as follows:

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

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

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

34 (4)(a) To conduct examinations of applicants for license to practice dentistry *[and]*, dental hy-
 35 giene **and dental therapy** at least twice in each year.

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

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

43 (6) To keep an accurate record of all proceedings of the board and of all its meetings, of all
 44 receipts and disbursements, of all prosecutions for violation of this chapter, of all examinations for
 45 license to practice dentistry, with the names and qualifications for examination of any person ex-

1 amined, together with the addresses of those licensed and the results of such examinations, a record
2 of the names of all persons licensed to practice dentistry in Oregon together with the addresses of
3 all such persons having paid the license fee prescribed in ORS 679.120 and the names of all persons
4 whose license to practice has been revoked or suspended.

5 (7) To make and enforce rules necessary for the procedure of the board, for the conduct of ex-
6 aminations, for regulating the practice of dentistry, and for regulating the services of dental
7 hygienists and dental auxiliary personnel not inconsistent with the provisions of this chapter. As
8 part of such rules, the board may require the procurement of a permit or other certificate. Any
9 permit issued may be subject to periodic renewal. In adopting rules, the board shall take into ac-
10 count all relevant factors germane to an orderly and fair administration of this chapter and of ORS
11 680.010 to 680.205, the practices and materials generally and currently used and accepted by persons
12 licensed to practice dentistry in this state, dental techniques commonly in use, relevant technical
13 reports published in recognized dental journals, the curriculum at accredited dental schools, the
14 desirability of reasonable experimentation in the furtherance of the dental arts, and the desirability
15 of providing the highest standard of dental care to the public consistent with the lowest economic
16 cost.

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

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

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

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

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

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

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

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

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

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

10 (B) Develop new categories of dental personnel;

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

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

13 (2) The authority shall adopt rules:

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

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

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

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

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

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

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

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

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

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

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

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

37 **SECTION 19.** The amendments to ORS 679.230 by section 16 of this 2021 Act apply to
 38 members appointed to the Oregon Board of Dentistry on or after the operative date specified
 39 in section 20 of this 2021 Act.

40 **SECTION 20.** (1) Sections 2 to 11 of this 2021 Act and the amendments to ORS 679.010,
 41 679.140, 679.170, 679.230 and 679.250 and section 1, chapter 716, Oregon Laws 2011, by sections
 42 13 to 18 of this 2021 Act become operative on January 1, 2022.

43 (2) The Oregon Board of Dentistry may take any action before the operative date speci-
 44 fied in subsection (1) of this section that is necessary to enable the board to exercise, on and
 45 after the operative date specified in subsection (1) of this section, all of the duties, functions

1 and powers conferred on the board by ORS 679.010, 679.140, 679.170, 679.230 and 679.250 and
2 section 1, chapter 716, Oregon Laws 2011, by sections 13 to 18 of this 2021 Act.

3 **SECTION 21.** This 2021 Act takes effect on the 91st day after the date on which the 2021
4 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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