

# House Bill 2627

Sponsored by Representatives HAYDEN, SCHOUTEN (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**.

Allows expanded practice dental hygienist to perform interim therapeutic restoration. Requires agreement between dentist and expanded practice dental hygienist to include expanded practice dental hygienist's scope of practice regarding interim therapeutic restorations. Defines "interim therapeutic restoration."

Directs Oregon Board of Dentistry to adopt rules to establish educational and instructional requirements for interim therapeutic restoration and to approve applications from education providers for training courses that meet requirements. Requires certain expanded practice dental hygienists to complete approved training course.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to interim therapeutic restorations; creating new provisions; amending ORS 680.205; and  
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 680.205 is amended to read:

6 680.205. (1) An expanded practice dental hygienist may render all services within the scope of  
7 practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as  
8 authorized by the expanded practice dental hygienist permit to:

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

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

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

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

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

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

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

17 (G) Facilities for persons with developmental disabilities, as those terms are defined in ORS  
18 427.005;

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

23 (I) Public and nonprofit community health clinics.

24 (b) Adults who are homebound.

25 (c) Students or enrollees of nursery schools and day care programs and their siblings under 18  
26 years of age, Job Corps and similar employment training facilities, primary and secondary schools,  
27 including private schools and public charter schools, and persons entitled to benefits under the

**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 Women, Infants and Children Program.

2 (d) Patients in hospitals, medical clinics, medical offices or offices operated or staffed by  
3 naturopathic physicians, nurse practitioners, physician assistants or midwives.

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

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

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

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

16 (a) Administering local anesthesia;

17 (b) Administering temporary restorations **with or** without excavation;

18 (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the  
19 agreement; [and]

20 **(d) Performing interim therapeutic restoration after diagnosis by a dentist; and**

21 [(d)] (e) Referral parameters.

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

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

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

29 **(7) As used in this section and section 4 of this 2021 Act, "interim therapeutic**  
30 **restoration" means a direct provisional restoration placed to temporarily stabilize a tooth**  
31 **until a dentist subsequently diagnoses the need for further definitive treatment, and that:**

32 **(a) Consists of the removal of soft material from the tooth using only hand instrumen-**  
33 **tation and subsequent placement of an adhesive restorative material; and**

34 **(b) Does not require the administration of local anesthesia.**

35 **SECTION 2. The amendments to ORS 680.205 by section 1 of this 2021 Act apply to**  
36 **agreements described in ORS 680.205 that are entered into or renewed on or after the oper-**  
37 **ative date specified in section 6 of this 2021 Act.**

38 **SECTION 3. (1) Not later than January 1, 2022, the Oregon Board of Dentistry shall adopt**  
39 **rules to establish educational and instructional requirements for interim therapeutic resto-**  
40 **ration to be performed by an expanded practice dental hygienist under ORS 680.205. In es-**  
41 **tablishing these requirements, the board shall use the curriculum, competency-based**  
42 **training protocols and learning outcomes established by the Dental Health Workforce Pilot**  
43 **Project No. 200 through the dental pilot project program of the Oregon Health Authority.**

44 **(2) Expanded practice dental hygienists performing interim therapeutic restorations un-**  
45 **der the dental pilot project program of the Oregon Health Authority as of the effective date**

1 of this 2021 Act may continue performing interim therapeutic restorations until the rules  
2 established by the board take effect.

3 **SECTION 4.** (1) The Oregon Board of Dentistry shall approve applications from oral  
4 health care education providers for training courses that meet the requirements established  
5 in rules adopted by the board establishing educational and instructional requirements for  
6 interim therapeutic restoration to be performed by an expanded practice dental hygienist.

7 (2) An expanded practice dental hygienist must successfully complete a training course  
8 approved by the board under this section before performing interim therapeutic restorations  
9 under ORS 680.205 (3)(d).

10 (3) Notwithstanding subsection (2) of this section, an expanded practice dental hygienist  
11 who is operating within the Dental Health Workforce Pilot Project No. 200 through the  
12 dental pilot project program of the Oregon Health Authority as of the effective date of this  
13 2021 Act, and who has completed training to perform interim therapeutic restorations, is  
14 exempt from completing training under subsection (2) of this section.

15 **SECTION 5.** Section 4 of this 2021 Act is added to and made a part of ORS chapter 680.

16 **SECTION 6.** (1) Section 4 of this 2021 Act and the amendments to ORS 680.205 by section  
17 1 of this 2021 Act become operative on January 1, 2022.

18 (2) The Oregon Board of Dentistry may take any action before the operative date speci-  
19 fied in subsection (1) of this section that is necessary to enable the board to exercise, on or  
20 after the operative date specified in subsection (1) of this section, all of the duties, functions  
21 and powers conferred on the board by section 4 of this 2021 Act and the amendments to ORS  
22 680.205 by section 1 of this 2021 Act.

23 **SECTION 7.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
24 regular session of the Eighty-first Legislative Assembly adjourns sine die.  
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