

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2970

By COMMITTEE ON HEALTH CARE

June 2

1 On page 1 of the printed A-engrossed bill, line 3, after “678.733” insert “, 679.020”.

2 On page 7, after line 25, insert:

“DENTAL CLINICS

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6 “**SECTION 11.** ORS 679.020 is amended to read:

7 “679.020. (1) A person may not practice dentistry without a license.

8 “(2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate,
9 conduct or maintain a dental practice, office or clinic in this state.

10 “(3) The restrictions of subsection (2) of this section, as they relate to owning and operating a
11 dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the
12 following:

13 “(a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organ-
14 ization formed by or on behalf of such labor organization for the purpose of providing dental ser-
15 vices. Such labor organization must have had an active existence for at least three years, have a
16 constitution and bylaws, and be maintained in good faith for purposes other than providing dental
17 services.

18 “(b) The School of Dentistry of the Oregon Health and Science University.

19 “(c) Public universities listed in ORS 352.002.

20 “(d) Local governments.

21 “(e) Institutions or programs accredited by the Commission on Dental Accreditation of the
22 American Dental Association to provide education and training.

23 “(f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas
24 and medically underserved populations of migrant, rural community or homeless individuals under
25 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in com-
26 pliance with other applicable state and federal law.

27 “(g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
28 Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer
29 licensed dentists to populations with limited access to dental care at no charge or a substantially
30 reduced charge.

31 “(h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
32 Code and determined by the Oregon Board of Dentistry as having an existing program that provides
33 medical and dental care to medically underserved children with special needs at an existing single
34 fixed location or multiple mobile locations.

35 “(i) **Nonprofit charitable corporations as described in section 501(c)(3) of the Internal**

1 **Revenue Code and determined by the board as providing dental services to individuals who**
2 **are 65 years of age or older and individuals who are unable to stand or walk unassisted.**

3 “(4) For the purpose of owning or operating a dental office or clinic, an entity described in
4 subsection (3) of this section must:

5 “(a) Except as provided in ORS 679.022, name an actively licensed dentist as its dental director,
6 who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental
7 director, or an actively licensed dentist designated by the director, shall have responsibility for the
8 clinical practice of dentistry, which includes, but is not limited to:

9 “(A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and struc-
10 tures.

11 “(B) Prescribing drugs that are administered to patients in the practice of dentistry.

12 “(C) The treatment plan of any dental patient.

13 “(D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

14 “(E) Supervision of dental hygienists, dental assistants or other personnel involved in direct
15 patient care and the authorization for procedures performed by them in accordance with the stan-
16 dards of supervision established by statute or by the rules of the board.

17 “(F) Other specific services within the scope of clinical dental practice.

18 “(G) Retention of patient dental records as required by statute or by rule of the board.

19 “(H) Ensuring that each patient receiving services from the dental office or clinic has a dentist
20 of record.

21 “(I) The prescription and administration of vaccines.

22 “(b) Maintain current records of the names of licensed dentists who supervise the clinical ac-
23 tivities of dental hygienists, dental assistants or other personnel involved in direct patient care
24 utilized by the entity. The records must be available to the board upon written request.

25 “(5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist
26 who renders services authorized by a permit issued by the board pursuant to ORS 680.200.

27 “(6) Nothing in this chapter precludes a person or entity not licensed by the board from:

28 “(a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic.
29 These assets include real property, furnishings, equipment and inventory but do not include dental
30 records of patients related to clinical care.

31 “(b) Employing or contracting for the services of personnel other than licensed dentists.

32 “(c) Management of the business aspects of a dental office or clinic that do not include the
33 clinical practice of dentistry.

34 “(7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held
35 by an administrator, executor, personal representative, guardian, conservator or receiver of the es-
36 tate of a former shareholder, member or partner, the administrator, executor, personal represen-
37 tative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months
38 following the creation of the ownership interest. The board shall extend the ownership period for
39 an additional 12 months upon 30 days’ notice and may grant additional extensions upon reasonable
40 request.

41 “**SECTION 12.** ORS 679.020, as amended by section 11 of this 2021 Act, is amended to read:

42 “679.020. (1) A person may not practice dentistry without a license.

43 “(2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate,
44 conduct or maintain a dental practice, office or clinic in this state.

45 “(3) The restrictions of subsection (2) of this section, as they relate to owning and operating a

1 dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the
2 following:

3 “(a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organ-
4 ization formed by or on behalf of such labor organization for the purpose of providing dental ser-
5 vices. Such labor organization must have had an active existence for at least three years, have a
6 constitution and bylaws, and be maintained in good faith for purposes other than providing dental
7 services.

8 “(b) The School of Dentistry of the Oregon Health and Science University.

9 “(c) Public universities listed in ORS 352.002.

10 “(d) Local governments.

11 “(e) Institutions or programs accredited by the Commission on Dental Accreditation of the
12 American Dental Association to provide education and training.

13 “(f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas
14 and medically underserved populations of migrant, rural community or homeless individuals under
15 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in com-
16 pliance with other applicable state and federal law.

17 “(g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
18 Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer
19 licensed dentists to populations with limited access to dental care at no charge or a substantially
20 reduced charge.

21 “(h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
22 Code and determined by the Oregon Board of Dentistry as having an existing program that provides
23 medical and dental care to medically underserved children with special needs at an existing single
24 fixed location or multiple mobile locations.

25 “[*i*] Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue
26 Code and determined by the board as providing dental services to individuals who are 65 years of age
27 or older and individuals who are unable to stand or walk unassisted.]

28 “(4) For the purpose of owning or operating a dental office or clinic, an entity described in
29 subsection (3) of this section must:

30 “(a) Except as provided in ORS 679.022, name an actively licensed dentist as its dental director,
31 who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental
32 director, or an actively licensed dentist designated by the director, shall have responsibility for the
33 clinical practice of dentistry, which includes, but is not limited to:

34 “(A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and struc-
35 tures.

36 “(B) Prescribing drugs that are administered to patients in the practice of dentistry.

37 “(C) The treatment plan of any dental patient.

38 “(D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

39 “(E) Supervision of dental hygienists, dental assistants or other personnel involved in direct
40 patient care and the authorization for procedures performed by them in accordance with the stan-
41 dards of supervision established by statute or by the rules of the board.

42 “(F) Other specific services within the scope of clinical dental practice.

43 “(G) Retention of patient dental records as required by statute or by rule of the board.

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45 of record.

1 “(I) The prescription and administration of vaccines.
2 “(b) Maintain current records of the names of licensed dentists who supervise the clinical ac-
3 tivities of dental hygienists, dental assistants or other personnel involved in direct patient care
4 utilized by the entity. The records must be available to the board upon written request.
5 “(5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist
6 who renders services authorized by a permit issued by the board pursuant to ORS 680.200.
7 “(6) Nothing in this chapter precludes a person or entity not licensed by the board from:
8 “(a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic.
9 These assets include real property, furnishings, equipment and inventory but do not include dental
10 records of patients related to clinical care.
11 “(b) Employing or contracting for the services of personnel other than licensed dentists.
12 “(c) Management of the business aspects of a dental office or clinic that do not include the
13 clinical practice of dentistry.
14 “(7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held
15 by an administrator, executor, personal representative, guardian, conservator or receiver of the es-
16 tate of a former shareholder, member or partner, the administrator, executor, personal represen-
17 tative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months
18 following the creation of the ownership interest. The board shall extend the ownership period for
19 an additional 12 months upon 30 days’ notice and may grant additional extensions upon reasonable
20 request.
21 “**SECTION 13. The amendments to ORS 679.020 by section 12 of this 2021 Act become**
22 **operative on January 1, 2023.”.**
23 In line 29, delete “11” and insert “14”.
24 In line 35, delete “12” and insert “15”.
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