

Requested by Representative PRUSAK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2528**

1 On page 1 of the printed bill, line 2, delete “, 679.230”.

2 Delete lines 4 through 25.

3 Delete lines 27 through 30 and delete pages 2 through 15 and insert:

4 **“SECTION 1. Sections 2 to 12 of this 2021 Act are added to and made**
5 **a part of ORS chapter 679.**

6 **“SECTION 2. As used in sections 2 to 12 of this 2021 Act:**

7 **“(1) ‘Collaborative agreement’ means a written and signed agree-**
8 **ment entered into between a dentist and a dental therapist under**
9 **section 8 of this 2021 Act.**

10 **“(2) ‘Dental pilot project’ means an Oregon Health Authority dental**
11 **pilot project developed and operated by the authority.**

12 **“(3) ‘Dentist’ means a person licensed to practice dentistry under**
13 **this chapter.**

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

16 **“(a) Is at least 18 years of age;**

17 **“(b) Submits to the board a completed application form;**

18 **“(c) Demonstrates the completion of a dental therapy education**
19 **program that is:**

20 **“(A) Accredited by the Commission on Dental Accreditation of the**
21 **American Dental Association, or its successor organization, and ap-**

1 proved by the board by rule; or

2 “(B) Part of a dental pilot project;

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

5 “(e) Pays the application and licensure fees established by the
6 board.

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

10 “(b) The board shall determine whether the training and education
11 of an applicant described in this subsection is sufficient to meet the
12 requirements of subsection (1) of this section.

13 “(3) If an applicant holds a current or expired authorization to
14 practice dental therapy issued by another state, the federal govern-
15 ment or a tribal authority, the applicant shall include with the appli-
16 cation a copy of the authorization and an affidavit from the dental
17 regulatory body of the other jurisdiction that demonstrates the appli-
18 cant was authorized to practice dental therapy in that jurisdiction.

19 “SECTION 4. (1)(a) The Oregon Board of Dentistry may require an
20 applicant for a license to practice dental therapy to pass written, lab-
21 oratory or clinical examinations to test the professional knowledge
22 and skills of the applicant.

23 “(b) The examinations may not be affiliated with or administered
24 by a dental pilot project or a dental therapy education program de-
25 scribed in section 3 of this 2021 Act.

26 “(c) The examinations must:

27 “(A) Be elementary and practical in character, and sufficiently
28 thorough to test the fitness of the applicant to practice dental therapy;

29 “(B) Be written in English; and

30 “(C) Include questions on subjects pertaining to dental therapy.

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

4 **“(a) To satisfy the written examination authorized under this sec-**
5 **tion, may accept the results of national standardized examinations.**

6 **“(b) To satisfy the laboratory or clinical examination authorized**
7 **under this section:**

8 **“(A) Shall accept the results of regional and national testing agen-**
9 **cies or clinical board examinations administered by other states; and**

10 **“(B) May accept the results of board-recognized testing agencies.**

11 **“(3) The board shall accept the results of regional and national**
12 **testing agencies or of clinical board examinations administered by**
13 **other states, and may accept results of board-recognized testing**
14 **agencies, in satisfaction of the examinations authorized under this**
15 **section for applicants who have engaged in the active practice of**
16 **dental therapy in Oregon, another state, the Armed Forces of the**
17 **United States, the United States Public Health Service or the United**
18 **States Department of Veterans Affairs for a period of at least 3,500**
19 **hours in the five years immediately preceding application and who**
20 **meet all other requirements for licensure.**

21 **“(4) The board shall establish rules related to reexamination for an**
22 **applicant who fails an examination.**

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

26 **“(1) Subject to ORS 670.280, has been convicted of a violation of the**
27 **law. A certified copy of the record of conviction is conclusive evidence**
28 **of conviction.**

29 **“(2) Has been disciplined by a state licensing or regulatory agency**
30 **of this state or another state regarding a health care profession if, in**

1 the judgment of the board, the acts or conduct resulting in the disci-
2 plinary action bears a demonstrable relationship to the ability of the
3 applicant or licensee to practice dental therapy in accordance with
4 sections 2 to 12 of this 2021 Act. A certified copy of the disciplinary
5 action is conclusive evidence of the disciplinary action.

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

7 “(4) Has violated any provision of sections 2 to 12 of this 2021 Act
8 or a rule adopted under sections 2 to 12 of this 2021 Act.

9 **“SECTION 6. (1) A person may not practice dental therapy or as-**
10 **sume or use any title, words or abbreviations, including the title or**
11 **designation ‘dental therapist,’ that indicate that the person is au-**
12 **thorized to practice dental therapy unless the person is licensed under**
13 **section 3 of this 2021 Act.**

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

15 “(a) The practice of dental therapy by a health care provider per-
16 forming services within the health care provider’s authorized scope of
17 practice.

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

24 “(c) The practice of dental therapy pursuant to an educational
25 program described in section 3 of this 2021 Act.

26 “(d) A dental therapist authorized to practice in another state or
27 jurisdiction from making a clinical presentation sponsored by a bona
28 fide dental or dental therapy association or society or an accredited
29 dental or dental therapy education program approved by the Oregon
30 Board of Dentistry.

1 “(e) Bona fide students of dental therapy from engaging in clinical
2 studies during the period of their enrollment and as a part of the
3 course of study in a dental therapy education program described in
4 section 3 (1) of this 2021 Act. The clinical studies may be conducted
5 on the premises of the program or in a clinical setting located off the
6 premises. The facility, instructional staff and course of study at an
7 off-premises location must meet minimum requirements established
8 by the board by rule. The clinical studies at the off-premises location
9 must be performed under the indirect supervision of a member of the
10 program faculty.

11 “(f) Bona fide full-time students of dental therapy, during the pe-
12 riod of their enrollment and as a part of the course of study in a dental
13 therapy education program located outside of Oregon that is accred-
14 ited by the Commission on Dental Accreditation of the American
15 Dental Association or its successor agency, from engaging in
16 community-based or clinical studies as an elective or required rotation
17 in a clinical setting located in Oregon, if the community-based or
18 clinical studies meet minimum requirements established by the board
19 by rule and are performed under the indirect supervision of a member
20 of the faculty of the Oregon Health and Science University School of
21 Dentistry.

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

29 “SECTION 7. (1) The Oregon Board of Dentistry may impose
30 nonrefundable fees for the following:

- 1 “(a) Application for licensure;
2 “(b) Examinations;
3 “(c) Biennial dental therapy licenses, both active and inactive;
4 “(d) Licensure renewal fees;
5 “(e) Permits; and
6 “(f) Delinquency.

7 “(2) Subject to prior approval of the Oregon Department of Admin-
8 istrative Services and a report to the Emergency Board prior to
9 adopting fees and charges, the fees and charges established under
10 sections 2 to 12 of this 2021 Act may not exceed the cost of adminis-
11 tering sections 2 to 12 of this 2021 Act as authorized by the Legislative
12 Assembly within the Oregon Board of Dentistry budget and as modi-
13 fied by the Emergency Board.

14 “(3)(a) The Oregon Board of Dentistry may waive a license fee for
15 a licensee who provides to the board satisfactory evidence that the
16 licensee has discontinued the practice of dental therapy because of
17 retirement.

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

25 “(4)(a) A license to practice dental therapy is valid for two years
26 and may be renewed. A licensee shall submit to the board an applica-
27 tion for renewal and payment of the fee.

28 “(b) A dental therapist issued a license in an even-numbered year
29 must apply for renewal by September 30 of each even-numbered year
30 thereafter. A dental therapist issued a license in an odd-numbered year

1 must apply for renewal by September 30 of each odd-numbered year
2 thereafter.

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

5 “(5) A dental therapist shall inform the board of a change of the
6 dental therapist’s address within 30 days of the change.

7 **“SECTION 8. (1) A dental therapist may practice dental therapy**
8 **only under the supervision of a dentist and pursuant to a collaborative**
9 **agreement with the dentist that outlines the supervision logistics and**
10 **requirements for the dental therapist’s practice. The collaborative**
11 **agreement must include at least the following information:**

12 “(a) The level of supervision required for each procedure performed
13 by the dental therapist;

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

17 “(c) The practice settings in which the dental therapist may provide
18 care;

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

20 “(e) Patient age-specific and procedure-specific practice protocols,
21 including case selection criteria, assessment guidelines and imaging
22 frequency;

23 “(f) Procedures for creating and maintaining dental records for pa-
24 tients treated by the dental therapist;

25 “(g) Guidelines for the management of medical emergencies in each
26 of the practice settings in which the dental therapist provides care;

27 “(h) A quality assurance plan for monitoring care provided by the
28 dental therapist, including chart review, patient care review and re-
29 ferral follow-up;

30 “(i) Protocols for the dispensation and administration of drugs, as

1 described in section 9 of this 2021 Act, by the dental therapist, includ-
2 ing circumstances under which the dental therapist may dispense and
3 administer drugs;

4 “(j) Criteria for the provision of care to patients with specific med-
5 ical conditions or complex medical histories, including any require-
6 ments for consultation with the dentist prior to the provision of care;
7 and

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

13 “(2) A dentist who enters into a collaborative agreement with a
14 dental therapist shall:

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

18 “(b) Ensure that the dentist, or another dentist, is available to the
19 dental therapist for timely communication during the dental
20 therapist’s provision of care to a patient.

21 “(3) A dental therapist may perform and provide only those proce-
22 dures and services authorized by the dentist and set out in the
23 collaborative agreement, and shall maintain with the dentist an ap-
24 propriate level of contact, as determined by the dentist.

25 “(4) A dental therapist and a dentist who enter into a collaborative
26 agreement together shall each maintain a physical copy of the
27 collaborative agreement.

28 “(5)(a) A dental therapist may enter into collaborative agreements
29 with more than one dentist if each collaborative agreement includes
30 the same supervision requirements and scope of practice.

1 “(b) A dentist may supervise and enter into collaborative agree-
2 ments with up to three dental therapists at any one time.

3 “(6)(a) A collaborative agreement must be signed by the dentist and
4 dental therapist.

5 “(b) A dental therapist shall annually submit a signed copy of the
6 collaborative agreement to the Oregon Board of Dentistry. If the
7 collaborative agreement is revised in between annual submissions, a
8 signed copy of the revised collaborative agreement must be submitted
9 to the board as soon as practicable after the revision is made.

10 “SECTION 9. (1) A dental therapist may perform, pursuant to the
11 dental therapist’s collaborative agreement, the following procedures
12 under the general supervision of the dentist:

13 “(a) Identification of conditions requiring evaluation, diagnosis or
14 treatment by a dentist, a physician licensed under ORS chapter 677, a
15 nurse practitioner licensed under ORS 678.375 to 678.390 or other li-
16 censed health care provider;

17 “(b) Comprehensive charting of the oral cavity;

18 “(c) Oral health instruction and disease prevention education, in-
19 cluding nutritional counseling and dietary analysis;

20 “(d) Exposing and evaluation of radiographic images;

21 “(e) Dental prophylaxis, including subgingival scaling and polishing
22 procedures;

23 “(f) Application of topical preventive or prophylactic agents, in-
24 cluding fluoride varnishes and pit and fissure sealants;

25 “(g) Administering local anesthetic;

26 “(h) Pulp vitality testing;

27 “(i) Application of desensitizing medication or resin;

28 “(j) Fabrication of athletic mouth guards;

29 “(k) Changing of periodontal dressings;

30 “(L) Simple extractions of erupted primary teeth;

- 1 **“(m) Emergency palliative treatment of dental pain;**
2 **“(n) Preparation and placement of direct restoration in primary and**
3 **permanent teeth;**
4 **“(o) Fabrication and placement of single-tooth temporary crowns;**
5 **“(p) Preparation and placement of preformed crowns on primary**
6 **teeth;**
7 **“(q) Indirect and direct pulp capping on permanent teeth;**
8 **“(r) Indirect pulp capping on primary teeth;**
9 **“(s) Suture removal;**
10 **“(t) Minor adjustments and repairs of removable prosthetic devices;**
11 **“(u) Atraumatic restorative therapy and interim restorative ther-**
12 **apy;**
13 **“(v) Oral examination, evaluation and diagnosis of conditions**
14 **within the supervising dentist’s authorization;**
15 **“(w) Removal of space maintainers;**
16 **“(x) The dispensation and oral or topical administration of:**
17 **“(A) Nonnarcotic analgesics;**
18 **“(B) Anti-inflammatories; and**
19 **“(C) Antibiotics; and**
20 **“(y) Other services as specified by the Oregon Board of Dentistry**
21 **by rule.**
22 **“(2) A dental therapist may perform, pursuant to the dental**
23 **therapist’s collaborative agreement, the following procedures under**
24 **the indirect supervision of the dentist:**
25 **“(a) Placement of temporary restorations;**
26 **“(b) Fabrication of soft occlusal guards;**
27 **“(c) Tissue reconditioning and soft relines;**
28 **“(d) Tooth reimplantation and stabilization;**
29 **“(e) Recementing of permanent crowns;**
30 **“(f) Pulpotomies on primary teeth;**

1 “(g) Simple extractions of periodontally diseased permanent teeth
2 with advanced mobility; and

3 “(h) Brush biopsies.

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

8 “(b) A dental therapist may supervise up to two individuals under
9 this subsection.

10 “SECTION 10. (1) A dental therapist may perform the procedures
11 listed in section 9 of this 2021 Act so long as the procedures are in-
12 cluded in an education program described in section 3 (1) of this 2021
13 Act or the dental therapist has received additional training in the
14 procedure approved by the Oregon Board of Dentistry.

15 “(2) A dental therapist shall purchase and maintain liability insur-
16 ance as determined sufficient by the board.

17 “(3) A dental therapist shall dedicate at least 51 percent of the
18 dental therapist’s practice to patients who represent underserved pop-
19 ulations, as defined by the Oregon Health Authority by rule, and
20 dental care health professional shortage areas, as determined by the
21 authority.

22 “SECTION 11. A person licensed under section 3 of this 2021 Act is
23 subject to the provisions of ORS 679.140.

24 “SECTION 12. The Oregon Board of Dentistry shall adopt rules
25 necessary to administer sections 2 to 12 of this 2021 Act. In adopting
26 rules under this section, the board shall consult with dental therapists
27 and organizations that represent dental therapists in this state.

28 “SECTION 13. ORS 679.010 is amended to read:

29 “679.010. As used in this chapter and ORS 680.010 to 680.205, unless the
30 context requires otherwise:

1 “(1) ‘Dental assistant’ means a person who, under the supervision of a
2 dentist **or dental therapist**, renders assistance to a dentist, **dental thera-**
3 **pist**, dental hygienist, dental technician or another dental assistant or who,
4 under the supervision of a dental hygienist, renders assistance to a dental
5 hygienist providing dental hygiene.

6 “(2) ‘Dental hygiene’ is that portion of dentistry that includes, but is not
7 limited to:

8 “(a) The rendering of educational, preventive and therapeutic dental ser-
9 vices and diagnosis and treatment planning for such services;

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

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

15 “(3) ‘Dental hygienist’ means a person who, under the supervision of a
16 dentist, practices dental hygiene.

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

22 “(5) **‘Dental therapist’ means a person licensed to practice dental**
23 **therapy under section 3 of this 2021 Act.**

24 “(6) **‘Dental therapy’ means the provision of preventive dental care,**
25 **restorative dental treatment and other educational, clinical and**
26 **therapeutic patient services as part of a dental care team, including**
27 **the services described under section 9 of this 2021 Act.**

28 “[5] (7) ‘Dentist’ means a person who may perform any intraoral or
29 extraoral procedure required in the practice of dentistry.

30 “[6] (8) ‘Dentist of record’ means a dentist that either authorizes treat-

1 ment for, supervises treatment of or provides treatment for a patient in a
2 dental office or clinic owned or operated by an institution as described in
3 ORS 679.020 (3).

4 “[~~(7)(a)~~] **(9)(a)** ‘Dentistry’ means the healing art concerned with:

5 “(A) The examination, diagnosis, treatment planning, treatment, care and
6 prevention of conditions within the human oral cavity and maxillofacial re-
7 gion, and of conditions of adjacent or related tissues and structures; and

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

11 “(b) ‘Dentistry’ includes, but is not limited to:

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

15 “(i) Dental schools accredited by the Commission on Dental Accreditation
16 of the American Dental Association;

17 “(ii) Post-graduate training programs; or

18 “(iii) Continuing education courses.

19 “(B) The prescription and administration of vaccines.

20 “[~~(8)~~] **(10)** ‘Direct supervision’ means supervision requiring that a dentist
21 diagnose the condition to be treated, that a dentist authorize the procedure
22 to be performed, and that a dentist remain in the dental treatment room
23 while the procedures are performed.

24 “[~~(9)~~] **(11)** ‘Expanded practice dental hygienist’ means a dental hygienist
25 who performs dental hygiene services in accordance with ORS 680.205 as
26 authorized by an expanded practice dental hygienist permit issued by the
27 board under ORS 680.200.

28 “[~~(10)~~] **(12)** ‘General supervision’ means supervision requiring that a den-
29 tist authorize the procedures by standing orders, practice agreements or
30 collaboration agreements, but not requiring that a dentist be present when

1 the authorized procedures are performed. The authorized procedures may also
2 be performed at a place other than the usual place of practice of the dentist.

3 “[~~(11)~~] (13) ‘Indirect supervision’ means supervision requiring that a den-
4 tist authorize the procedures and that a dentist be on the premises while the
5 procedures are performed.

6 **“SECTION 14.** ORS 679.140 is amended to read:

7 “679.140. (1) The Oregon Board of Dentistry may discipline as provided in
8 this section any person licensed to practice dentistry in this state for any
9 of the following causes:

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

15 “(b) Renting or lending a license or diploma of the dentist to be used as
16 the license or diploma of another person.

17 “(c) Unprofessional conduct.

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

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

25 “(f) Incapacity to practice safely.

26 “(2) ‘Unprofessional conduct’ as used in this chapter includes but is not
27 limited to the following:

28 “(a) Obtaining any fee by fraud or misrepresentation.

29 “(b) Willfully betraying confidences involved in the patient-dentist re-
30 lationship.

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

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

5 “(e) Impairment as defined in ORS 676.303.

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

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

10 “(h) Disciplinary action by a state licensing or regulatory agency of this
11 or another state regarding a license to practice dentistry, dental hygiene,
12 **dental therapy** or any other health care profession when, in the judgment
13 of the board, the act or conduct resulting in the disciplinary action bears a
14 demonstrable relationship to the ability of the licensee or applicant to
15 practice dentistry [or], dental hygiene **or dental therapy** in accordance with
16 the provisions of this chapter. A certified copy of the record of the discipli-
17 nary action is conclusive evidence of the disciplinary action.

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

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

30 “(5) In disciplining a person as authorized by subsection (1) of this sec-

1 tion, the board may use any or all of the following methods:

2 “(a) Suspend judgment.

3 “(b) Place a licensee on probation.

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

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

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

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

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

10 “(h) Assess a civil penalty.

11 “(i) Reprimand a licensee.

12 “(j) Impose any other disciplinary action the board in its discretion finds
13 proper, including assessment of the costs of the disciplinary proceedings as
14 a civil penalty.

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

26 “(7) If a license to practice dentistry in this state is suspended, the person
27 holding the license may not practice during the term of suspension. Upon the
28 expiration of the term of suspension, the license shall be reinstated by the
29 board if the board finds, based upon evidence furnished by the person, that
30 the person is competent to practice dentistry and has not practiced dentistry

1 in this state during the term of suspension. If the evidence fails to establish
2 to the satisfaction of the board that the person is competent or if any evi-
3 dence shows the person has practiced dentistry in this state during the term
4 of suspension, the board may revoke the license after notice and hearing.

5 “(8) Upon receipt of a complaint under this chapter or ORS 680.010 to
6 680.205, the board shall conduct an investigation as described under ORS
7 676.165.

8 “(9) Information that the board obtains as part of an investigation into
9 licensee or applicant conduct or as part of a contested case proceeding,
10 consent order or stipulated agreement involving licensee or applicant con-
11 duct is confidential as provided under ORS 676.175. Notwithstanding ORS
12 676.165 to 676.180, the board may disclose confidential information regarding
13 a licensee or an applicant to persons who may evaluate or treat the licensee
14 or applicant for drug abuse, alcohol abuse or any other health related con-
15 ditions.

16 “(10) The board may impose against any person who violates the pro-
17 visions of this chapter or ORS 680.010 to 680.205 or rules of the board a civil
18 penalty of up to \$5,000 for each violation. Any civil penalty imposed under
19 this section shall be imposed in the manner provided in ORS 183.745.

20 “(11) Notwithstanding the expiration, suspension, revocation or surrender
21 of the license, or the resignation or retirement of the licensee, the board
22 may:

23 “(a) Proceed with any investigation of, or any action or disciplinary pro-
24 ceedings against, the dentist [*or*], dental hygienist **or dental therapist**; or

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

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

30 “(b) If the board receives a complaint or initiates an investigation within

1 that four-year period, the board’s jurisdiction continues until the matter is
2 concluded by a final order of the board following any appeal.

3 “(13) Withdrawing the application for license does not close any investi-
4 gation, action or proceeding against an applicant.

5 **“SECTION 15.** ORS 679.170 is amended to read:

6 “679.170. [*No person shall*] **A person may not:**

7 “(1) Sell or barter, or offer to sell or barter, any diploma or document
8 conferring or purporting to confer any dental degree, or any certificate or
9 transcript made or purporting to be made, pursuant to the laws regulating
10 the license and registration of dentists.

11 “(2) Purchase or procure by barter, any [*such*] diploma, certificate or
12 transcript **described in subsection (1) of this section**, with intent that it
13 be used as evidence of the holder’s qualification to practice dentistry, or in
14 fraud of the laws regulating [*such*] **the practice of dentistry**.

15 “(3) With fraudulent intent, alter in a material regard any [*such*] diploma,
16 certificate or transcript **described in subsection (1) of this section**.

17 “(4) Use or attempt to use any [*such*] diploma, certificate or transcript
18 **described in subsection (1) of this section**, which has been purchased,
19 fraudulently issued, counterfeited or materially altered, either as a license
20 or color of license to practice dentistry, or in order to procure registration
21 as a dentist.

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

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

1 “(7) Employ or use the services of any unlicensed person, to practice
2 dentistry [*or*], dental hygiene **or dental therapy**, except as permitted by ORS
3 679.025, 679.176 and 680.010 to 680.205.

4 **“SECTION 16.** ORS 679.250 is amended to read:

5 “679.250. The powers and duties of the Oregon Board of Dentistry are as
6 follows:

7 “(1) To, during the month of April of each year, organize and elect from
8 its membership a president who shall hold office for one year, or until the
9 election and qualification of a successor.

10 “(2) To authorize all necessary disbursements to carry out the provisions
11 of this chapter, including but not limited to, payment for necessary supplies,
12 office equipment, books and expenses for the conduct of examinations, pay-
13 ment for legal and investigative services rendered to the board, and such
14 other expenditures as are provided for in this chapter.

15 “(3) To employ such inspectors, examiners, special agents, investigators,
16 clerical assistants, assistants and accountants as are necessary for the in-
17 vestigation and prosecution of alleged violations and the enforcement of this
18 chapter and for such other purposes as the board may require. Nothing in
19 this chapter shall be construed to prevent assistance being rendered by an
20 employee of the board in any hearing called by it. However, all obligations
21 for salaries and expenses incurred under this chapter shall be paid from the
22 fees accruing to the board under this chapter and not otherwise.

23 “(4)(a) To conduct examinations of applicants for license to practice
24 dentistry [*and*], dental hygiene **and dental therapy** at least twice in each
25 year.

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

30 “(5) To meet for the transaction of other business at the call of the

1 president. A majority of board members shall constitute a quorum. A major-
2 ity vote of those present shall be a decision of the entire board. The board's
3 proceedings shall be open to public inspection in all matters affecting public
4 interest.

5 “(6) To keep an accurate record of all proceedings of the board and of all
6 its meetings, of all receipts and disbursements, of all prosecutions for vio-
7 lation of this chapter, of all examinations for license to practice dentistry,
8 with the names and qualifications for examination of any person examined,
9 together with the addresses of those licensed and the results of such exam-
10 inations, a record of the names of all persons licensed to practice dentistry
11 in Oregon together with the addresses of all such persons having paid the
12 license fee prescribed in ORS 679.120 and the names of all persons whose li-
13 cense to practice has been revoked or suspended.

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

29 “(8) Upon its own motion or upon any complaint, to initiate and conduct
30 investigations of and hearings on all matters relating to the practice of

1 dentistry, the discipline of licensees, or pertaining to the enforcement of any
2 provision of this chapter. In the conduct of investigations or upon the hear-
3 ing of any matter of which the board may have jurisdiction, the board may
4 take evidence, administer oaths, take the depositions of witnesses, including
5 the person charged, in the manner provided by law in civil cases, and compel
6 their appearance before it in person the same as in civil cases, by subpoena
7 issued over the signature of an employee of the board and in the name of the
8 people of the State of Oregon, require answers to interrogatories, and compel
9 the production of books, papers, accounts, documents and testimony per-
10 taining to the matter under investigation or to the hearing. In all investi-
11 gations and hearings, the board and any person affected thereby may have
12 the benefit of counsel, and all hearings shall be held in compliance with ORS
13 chapter 183. Notwithstanding ORS 676.165, 676.175 and 679.320, if a licensee
14 who is the subject of an investigation or complaint is to appear before
15 members of the board investigating the complaint, the board shall provide
16 the licensee with a current summary of the complaint or the matter being
17 investigated not less than five days prior to the date that the licensee is to
18 appear. At the time the summary of the complaint or the matter being in-
19 vestigated is provided, the board shall provide to the licensee a current
20 summary of documents or alleged facts that the board has acquired as a re-
21 sult of the investigation. The name of the complainant or other information
22 that reasonably may be used to identify the complainant may be withheld
23 from the licensee.

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

28 “(10) To adopt and enforce rules regulating administration of general
29 anesthesia and conscious sedation by a dentist or under the supervision of
30 a dentist in the office of the dentist. As part of such rules, the board may

1 require the procurement of a permit which must be periodically renewed.

2 “(11) To order an applicant or licensee to submit to a physical examina-
3 tion, mental examination or a competency examination when the board has
4 evidence indicating the incapacity of the applicant or licensee to practice
5 safely.

6 **“SECTION 17.** Section 1, chapter 716, Oregon Laws 2011, is amended to
7 read:

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

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

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

17 “(c) Achieve at least one of the following:

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

19 “(B) Develop new categories of dental personnel;

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

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

22 “(2) The authority shall adopt rules:

23 “(a) Establishing an application process for pilot projects;

24 “(b) Establishing minimum standards, guidelines and instructions for pilot
25 projects; and

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

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

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

1 “(C) The nature of program data that will be collected and the methods
2 for collecting and analyzing the data;

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

5 “(E) A statement of previous experience in providing related health care
6 services.

7 “(3) The authority shall seek the advice of appropriate professional soci-
8 eties and licensing boards before adopting rules under subsection (2) of this
9 section.

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

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

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

24 **“SECTION 18. (1) Sections 2 to 12 of this 2021 Act and the amend-**
25 **ments to ORS 679.010, 679.140, 679.170 and 679.250 and section 1, chapter**
26 **716, Oregon Laws 2011, by sections 13 to 19 of this 2021 Act become**
27 **operative on January 1, 2022.**

28 **“(2) The Oregon Board of Dentistry may take any action before the**
29 **operative date specified in subsection (1) of this section that is neces-**
30 **sary to enable the board to exercise, on and after the operative date**

1 specified in subsection (1) of this section, all of the duties, functions
2 and powers conferred on the board by sections 2 to 12 of this 2021 Act
3 and the amendments to ORS 679.010, 679.140, 679.170 and 679.250 and
4 section 1, chapter 716, Oregon Laws 2011, by sections 13 to 17 of this
5 2021 Act.

6 “SECTION 19. This 2021 Act takes effect on the 91st day after the
7 date on which the 2021 regular session of the Eighty-first Legislative
8 Assembly adjourns sine die.”.

9
