

Requested by Representative PHAM

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2970**

1 On page 1 of the printed A-engrossed bill, line 3, after “678.733” insert “,
2 679.020”.

3 On page 7, after line 25, insert:
4

5 **“DENTAL CLINICS**

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

8 **“679.020. (1) A person may not practice dentistry without a license.**

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

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

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

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

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

2 “(d) Local governments.

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

6 “(f) Nonprofit corporations organized under Oregon law to provide dental
7 services to rural areas and medically underserved populations of migrant,
8 rural community or homeless individuals under 42 U.S.C. 254b or 254c or
9 health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in compli-
10 ance with other applicable state and federal law.

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

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

21 **“(i) Nonprofit charitable corporations as described in section**
22 **501(c)(3) of the Internal Revenue Code and determined by the board**
23 **as providing dental services to individuals who are 65 years of age or**
24 **older and individuals who are unable to stand or walk unassisted.**

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

27 “(a) Except as provided in ORS 679.022, name an actively licensed dentist
28 as its dental director, who shall be subject to the provisions of ORS 679.140
29 in the capacity as dental director. The dental director, or an actively li-
30 censed dentist designated by the director, shall have responsibility for the

1 clinical practice of dentistry, which includes, but is not limited to:

2 “(A) Diagnosis of conditions within the human oral cavity and its adja-
3 cent tissues and structures.

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

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

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

9 “(E) Supervision of dental hygienists, dental assistants or other personnel
10 involved in direct patient care and the authorization for procedures per-
11 formed by them in accordance with the standards of supervision established
12 by statute or by the rules of the board.

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

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

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

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

19 “(b) Maintain current records of the names of licensed dentists who su-
20 pervise the clinical activities of dental hygienists, dental assistants or other
21 personnel involved in direct patient care utilized by the entity. The records
22 must be available to the board upon written request.

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

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

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

1 lated to clinical care.

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

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

6 “(7) If all of the ownership interests of a dentist or dentists in a dental
7 office or clinic are held by an administrator, executor, personal represen-
8 tative, guardian, conservator or receiver of the estate of a former share-
9 holder, member or partner, the administrator, executor, personal
10 representative, guardian, conservator or receiver may retain the ownership
11 interest for a period of 12 months following the creation of the ownership
12 interest. The board shall extend the ownership period for an additional 12
13 months upon 30 days’ notice and may grant additional extensions upon rea-
14 sonable request.

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

17 “679.020. (1) A person may not practice dentistry without a license.

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

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

24 “(a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to
25 any nonprofit organization formed by or on behalf of such labor organization
26 for the purpose of providing dental services. Such labor organization must
27 have had an active existence for at least three years, have a constitution and
28 bylaws, and be maintained in good faith for purposes other than providing
29 dental services.

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

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

2 “(d) Local governments.

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

6 “(f) Nonprofit corporations organized under Oregon law to provide dental
7 services to rural areas and medically underserved populations of migrant,
8 rural community or homeless individuals under 42 U.S.C. 254b or 254c or
9 health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compli-
10 ance with other applicable state and federal law.

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

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

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

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

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28 as its dental director, who shall be subject to the provisions of ORS 679.140
29 in the capacity as dental director. The dental director, or an actively li-
30 censed dentist designated by the director, shall have responsibility for the

1 clinical practice of dentistry, which includes, but is not limited to:

2 “(A) Diagnosis of conditions within the human oral cavity and its adja-
3 cent tissues and structures.

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

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

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

9 “(E) Supervision of dental hygienists, dental assistants or other personnel
10 involved in direct patient care and the authorization for procedures per-
11 formed by them in accordance with the standards of supervision established
12 by statute or by the rules of the board.

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

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

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

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

19 “(b) Maintain current records of the names of licensed dentists who su-
20 pervise the clinical activities of dental hygienists, dental assistants or other
21 personnel involved in direct patient care utilized by the entity. The records
22 must be available to the board upon written request.

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

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

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

1 lated to clinical care.

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

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

6 “(7) If all of the ownership interests of a dentist or dentists in a dental
7 office or clinic are held by an administrator, executor, personal represen-
8 tative, guardian, conservator or receiver of the estate of a former share-
9 holder, member or partner, the administrator, executor, personal
10 representative, guardian, conservator or receiver may retain the ownership
11 interest for a period of 12 months following the creation of the ownership
12 interest. The board shall extend the ownership period for an additional 12
13 months upon 30 days’ notice and may grant additional extensions upon rea-
14 sonable request.

15 **“SECTION 13. The amendments to ORS 679.020 by section 12 of this**
16 **2021 Act become operative on January 1, 2023.”.**

17 In line 29, delete “11” and insert “14”.

18 In line 35, delete “12” and insert “15”.

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