

Senate Bill 412

Sponsored by Senator PATTERSON (Pre-session 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**.

Requires dental laboratory to register with Health Licensing Office. Defines "dental laboratory." Requires dental laboratory to provide material content disclosure to dentist who prescribes work order for dental prosthetic appliance or other artificial material or device. Defines "material content disclosure." Allows office to impose discipline for certain violations. Directs office to provide administrative and regulatory oversight to dental laboratory program.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to dental laboratories; creating new provisions; amending ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622, 676.992, 679.010 and 679.176; repealing ORS 679.530; and prescribing an effective date.

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

DENTAL LABORATORIES

SECTION 1. As used in sections 1 to 5 of this 2023 Act:

(1) "Certified dental laboratory technician" means a dental laboratory technician who is certified by the National Board for Certification in Dental Laboratory Technology, or its successor organization, as approved by the Health Licensing Office by rule.

(2) "Dental laboratory" means a facility where one or more dental laboratory technicians make, provide, repair or alter dental prosthetic appliances and other artificial materials and devices that are returned to a dentist and inserted into the human oral cavity, or that come into contact with the human oral cavity's adjacent structures and tissues, of a dental patient.

(3) "Dental laboratory technician" means a person who, pursuant to a dentist's prescribed work order, makes, provides, repairs or alters dental prosthetic appliances and other artificial materials and devices that are returned to the dentist and inserted into the human oral cavity, or that come into contact with the human oral cavity's adjacent structures and tissues, of the dentist's patient.

(4) "Dentist" means a dentist licensed under ORS chapter 679.

(5) "Material content disclosure" means a notice provided to a dentist by a dental laboratory that includes:

(a) The name, physical address and registration number of the dental laboratory;

(b) The city, state and country of origin where the technological work under the work order was performed in whole or in part;

(c) The city, state and country of the dental laboratory or dental laboratories that man-

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 **ufactured or repaired, directly or indirectly, the dental prosthetic appliances or other artifi-**
 2 **cial materials and devices ordered under the work order; and**

3 **(d) So that the dentist may include the information in the patient’s record, the man-**
 4 **ufacturer and brand name or the United States Food and Drug Administration registration**
 5 **number of all patient contact materials used in a dental prosthetic appliance or other arti-**
 6 **ficial material or device that is inserted into the human oral cavity, or that comes into**
 7 **contact with the human oral cavity’s adjacent structures and tissues, of the dentist’s pa-**
 8 **tient.**

9 **(6) “Responsible person” means the person who:**

10 **(a) Controls a majority interest in a dental laboratory; or**

11 **(b) Is primarily responsible for the supervision of the day-to-day operations of the dental**
 12 **laboratory.**

13 **(7) “Work order” means a written instrument prescribed by a dentist that directs a**
 14 **dental laboratory to, for an individual patient, make, provide, repair or alter one or more**
 15 **dental prosthetic appliances or other artificial materials or devices that will be returned to**
 16 **the dentist and inserted into the human oral cavity, or that will come into contact with the**
 17 **human oral cavity’s adjacent structures and tissues, of the dentist’s patient.**

18 **SECTION 2. (1) A dental laboratory may not operate or do business in this state unless**
 19 **the dental laboratory holds an active registration issued by the Health Licensing Office under**
 20 **section 3 of this 2023 Act.**

21 **(2) A dental laboratory is considered to operate or do business in this state if the dental**
 22 **laboratory is physically located within this state or prepares work product pursuant to a**
 23 **work order that originated from a dentist licensed in this state.**

24 **(3)(a) Subsection (1) of this section does not apply to a dental laboratory that:**

25 **(A) Is in a dental office;**

26 **(B) Is owned and operated by and under the supervision of a practicing dentist; and**

27 **(C) Does not perform work pursuant to work orders that originate from outside of the**
 28 **dentist’s practice.**

29 **(b) A dental laboratory described in paragraph (a) of this subsection shall annually file**
 30 **with the office:**

31 **(A) The address of the dental laboratory; and**

32 **(B) The name, license number and contact information of the dentist described in para-**
 33 **graph (a) of this subsection.**

34 **(4) A dental laboratory operated as part of an educational program is not required to**
 35 **register under section 3 of this 2023 Act if the dental laboratory is operated solely for the**
 36 **purpose of allowing students to perform duties that are part of a supervised course of study**
 37 **in an educational program that meets any of the accreditation standards described in ORS**
 38 **chapter 679.**

39 **SECTION 3. (1) The Health Licensing Office shall issue a dental laboratory registration**
 40 **to an applicant that submits a completed application and pays the fee established under ORS**
 41 **676.576. The application must include:**

42 **(a) The name, mailing address, phone number and electronic mail address of the dental**
 43 **laboratory;**

44 **(b) The physical address of the dental laboratory if different than the mailing address;**

45 **(c) The name, mailing address, phone number and electronic mail address of the respon-**

1 sible person or the name and license number of the dentist who supervises the dental labo-
 2 ratory;

3 (d) A statement that the dental laboratory meets the infectious disease control require-
 4 ments of the federal Occupational Safety and Health Administration and the Centers for
 5 Disease Control and Prevention; and

6 (e) An acknowledgement by the responsible person or the dentist supervising the dental
 7 laboratory that the dental laboratory will comply with the requirements of section 4 of this
 8 2023 Act.

9 (2) To be eligible for registration under this section, the applicant must include with the
 10 application documentation that the applicant, or an employee of the applicant who works at
 11 least 30 hours per week in the dental laboratory:

12 (a) Has successfully completed, during the 12 months immediately preceding the applica-
 13 tion for registration, at least 12 hours of continuing education in dental laboratory technol-
 14 ogy approved or accepted by the National Board for Certification in Dental Laboratory
 15 Technology, or its successor organization, and by the Health Licensing Office;

16 (b) Is a certified dental laboratory technician in good standing; or

17 (c) Is a dentist.

18 (3) The office shall assign a registration number to each registered dental laboratory. The
 19 dental laboratory shall include the dental laboratory registration number on all invoices and
 20 other correspondence of the dental laboratory.

21 (4) A dental laboratory registered under this section shall maintain a qualified employee
 22 as described in subsection (2) of this section.

23 (5) A dental laboratory registration is valid for one year. To renew a dental laboratory
 24 registration, the dental laboratory shall, prior to July 31 of each year, submit to the office
 25 an application for renewal and pay the applicable fee.

26 (6) The office may adopt rules to carry out this section.

27 **SECTION 4.** (1) A dental laboratory registered under section 3 of this 2023 Act shall
 28 provide to a prescribing dentist who submits a work order to the dental laboratory:

29 (a) A material content disclosure for each dental prosthetic appliance or other artificial
 30 material or device in a manner that is easily entered into the patient record; and

31 (b) The point of origin of the manufacture of each dental prosthetic appliance or other
 32 artificial material or device ordered under the work order.

33 (2) If a dental prosthetic appliance or other artificial material or device ordered under
 34 the work order was partially or entirely manufactured by one or more third parties, the
 35 point of origin disclosure described in subsection (1) of this section must identify:

36 (a) The portion of the dental prosthetic appliance or other artificial material or device
 37 that was manufactured by the third party; and

38 (b) The city, state and country of each third party.

39 **SECTION 5.** In the manner prescribed in ORS chapter 183 for contested cases, the Health
 40 Licensing Office may impose a form of discipline listed in ORS 676.612 against a dental labo-
 41 ratory registered under section 3 of this 2023 Act for any violation of sections 1 to 5 of this
 42 2023 Act and for any violation of a rule adopted under sections 1 to 5 of this 2023 Act.

43 **SECTION 6.** Violation of section 2 of this 2023 Act is a Class B violation.

44 **SECTION 7.** The Health Licensing Office may adopt rules to carry out sections 1 to 5 of
 45 this 2023 Act.

SECTION 8. Section 3 of this 2023 Act is amended to read:

Sec. 3. (1) The Health Licensing Office shall issue a dental laboratory registration to an applicant that submits a completed application and pays the fee established under ORS 676.576. The application must include:

(a) The name, mailing address, phone number and electronic mail address of the dental laboratory;

(b) The physical address of the dental laboratory if different than the mailing address;

(c) The name, mailing address, phone number and electronic mail address of the responsible person or the name and license number of the dentist who supervises the dental laboratory;

(d) A statement that the dental laboratory meets the infectious disease control requirements of the federal Occupational Safety and Health Administration and the Centers for Disease Control and Prevention; and

(e) An acknowledgement by the responsible person or the dentist supervising the dental laboratory that the dental laboratory will comply with the requirements of section 4 of this 2023 Act.

[(2) To be eligible for registration under this section, the applicant must include with the application documentation that the applicant, or an employee of the applicant who works at least 30 hours per week in the dental laboratory:]

[(a) Has successfully completed, during the 12 months immediately preceding the application for registration, at least 12 hours of continuing education in dental laboratory technology approved or accepted by the National Board for Certification in Dental Laboratory Technology, or its successor organization, and by the Health Licensing Office:]

[(b) Is a certified dental laboratory technician in good standing; or]

[(c) Is a dentist.]

(2)(a) To be eligible for registration under this section, the applicant must include with the application documentation that the dental laboratory:

(A) Employs a certified dental laboratory technician in good standing with the National Board for Certification in Dental Laboratory Technology, or its successor organization, and approved by the Health Licensing Office by rule and who works at least 30 hours per week in the dental laboratory; or

(B) Is operated under the supervision of a dentist who works at least 30 hours per week in the dental laboratory.

(b) Paragraph (a) of this subsection does not apply to a dental laboratory that provides to the office documentation that the dental laboratory has been continuously owned and operated by the same individual since January 1, 2013.

(3) The office shall assign a registration number to each registered dental laboratory. The dental laboratory shall include the dental laboratory registration number on all invoices and other correspondence of the dental laboratory.

(4) A dental laboratory registered under this section shall maintain a qualified employee as described in subsection (2) of this section.

(5) A dental laboratory registration is valid for one year. To renew a dental laboratory registration, the dental laboratory shall, prior to July 31 of each year, submit to the office an application for renewal and pay the applicable fee.

(6) The office may adopt rules to carry out this section.

SECTION 9. ORS 679.176 is amended to read:

679.176. (1) As used in this section:

1 (a) "Sub-work order" means a written instrument by which a dental laboratory registered
2 under section 3 of this 2023 Act subcontracts all or part of the work directed to be done by
3 a work order prescribed by a dentist licensed under ORS chapter 679.

4 (b) "Work order" has the meaning given the term in section 1 of this 2023 Act.

5 [(1)] (2) [No] A dentist may not use the services of any person[,] who is not licensed to practice
6 dentistry in this state[, to construct, alter, repair, reline, reproduce or duplicate any prosthetic denture,
7 bridge, appliance or any other structure to be worn in the human mouth,] to make, provide, repair
8 or alter dental prosthetic appliances or other artificial materials or devices that are returned
9 to a dentist and inserted into the human oral cavity, or that come into contact with the
10 human oral cavity's adjacent structures and tissues, unless the dentist first [furnishes to such]
11 provides to the person a [written] work order, in substantially the following form:

12
13
14 (Date) _____, 2____
15
16 TO: (Name of dental [technician or] laboratory with address) (Dental laboratory registration
17 number)
18 RE: (Name or number of patient)
19 (Description of the work to be done, including diagrams if necessary, together with specifica-
20 tions of the type of materials to be used.)
21 (Name of ordering dentist)
22 (Address) _____
23 (Current license number) ____
24

25
26 (3) A person that receives a work order prescribed by a dentist under subsection (1) of
27 this section may not engage as a subcontractor another person that is not authorized to
28 perform the services necessary to complete the work order unless the person that receives
29 the work order first provides to the subcontractor a sub-work order in substantially the
30 following form:

31
32
33 (Date) _____, 2____
34
35 TO: (Name of subcontracted dental laboratory with address) (Subcontracted dental labora-
36 tory registration number, if applicable)
37 RE: (Name or number of patient)
38 (Description of the work to be done, including diagrams if necessary, together with
39 specifications of the type of materials to be used.)
40 (Name of ordering dental laboratory)
41 (Address) _____
42 (Current dental laboratory registration number) ____
43
44

45 [(2)] (4)(a) [A duplicate copy of each such work order issued by the dentist shall be retained by

1 *each dentist for not less than two years. The Oregon Board of Dentistry or its agents shall be permitted*
 2 *to inspect, upon demand, the duplicate copies of all such work orders retained by each dentist.] A*
 3 **dentist shall retain for at least two years from the date of prescription a duplicate copy of**
 4 **each work order prescribed by the dentist.**

5 **(b) A person described in subsection (3) of this section shall attach a duplicate copy of**
 6 **each sub-work order issued by the person to a duplicate copy of the associated work order**
 7 **and shall retain the duplicate copies for at least two years from the date of issuance.**

8 **(c) The Oregon Board of Dentistry, or an agent of the board, may inspect, upon demand,**
 9 **the duplicate copies of all work orders and sub-work orders retained pursuant to this sub-**
 10 **section.**

11 **(5) A work order or sub-work order may be transmitted or retained in an electronic**
 12 **format.**

13 [(3)] **(6) [No] A work order [shall] may not** permit or require the taking of impressions of any
 14 part of the human oral cavity by any person *[not a dentist licensed by the board]* **who is not a**
 15 **dentist licensed under ORS chapter 679.**

16
 17 **HEALTH LICENSING OFFICE**
 18

19 **SECTION 10.** ORS 676.565 is amended to read:

20 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and
 21 regulatory oversight and centralized service for the following boards, councils and programs:

- 22 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;
- 23 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
- 24 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
- 25 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
- 26 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
 27 ORS 688.800 to 688.840;
- 28 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
- 29 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
- 30 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
- 31 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
- 32 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
- 33 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
- 34 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;
- 35 (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;
- 36 (14) Art therapy, as provided in ORS 681.740 to 681.758;
- 37 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;
- 38 (16) Music therapy, as provided in ORS 681.700 to 681.730; *[and]*
- 39 (17) Genetic counseling, as provided in ORS 676.730 to 676.748[.]; **and**
- 40 **(18) Dental laboratories, as provided in sections 1 to 5 of this 2023 Act.**

41 **SECTION 11.** ORS 676.565, as amended by section 9, chapter 92, Oregon Laws 2022, is amended
 42 to read:

43 676.565. Pursuant to ORS 676.568, the Health Licensing Office shall provide administrative and
 44 regulatory oversight and centralized service for the following boards, councils and programs:

- 45 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

- 1 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;
 2 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;
 3 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;
 4 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
 5 ORS 688.800 to 688.840;
 6 (6) Environmental Health Registration Board, as provided in ORS chapter 700;
 7 (7) Board of Electrologists and Body Art Practitioners, as provided in ORS 690.350 to 690.410;
 8 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;
 9 (9) Sexual Offense Treatment Board, as provided in ORS 675.365 to 675.410;
 10 (10) Long Term Care Administrators Board, as provided in ORS 678.710 to 678.820;
 11 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485;
 12 (12) Behavior Analysis Regulatory Board, as provided in ORS 676.806;
 13 (13) Board of Certified Advanced Estheticians, as provided in ORS 676.630 to 676.660;
 14 (14) Art therapy, as provided in ORS 681.740 to 681.758;
 15 (15) Lactation consultation, as provided in ORS 676.665 to 676.689;
 16 (16) Music therapy, as provided in ORS 681.700 to 681.730;
 17 (17) Genetic counseling, as provided in ORS 676.730 to 676.748; *[and]*
 18 **(18) Dental laboratories, as provided in sections 1 to 5 of this 2023 Act; and**
 19 *[(18)]* **(19) Temporary staffing agencies, as provided in sections 1 to 7, chapter 92, Oregon Laws**
 20 **2022.**

21 **SECTION 12.** ORS 676.579 is amended to read:

22 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,
 23 who is responsible for the performance of the duties, functions and powers and for the organization
 24 of the office.

25 (b) The Director of the Oregon Health Authority shall establish the qualifications for and ap-
 26 point the Director of the Health Licensing Office, who holds office at the pleasure of the Director
 27 of the Oregon Health Authority.

28 (c) The Director of the Health Licensing Office shall receive a salary as provided by law or, if
 29 not so provided, as prescribed by the Director of the Oregon Health Authority.

30 (d) The Director of the Health Licensing Office is in the unclassified service.

31 (2) The Director of the Health Licensing Office shall provide the boards, councils and programs
 32 administered by the office with any services and employees as the office requires to carry out the
 33 office's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-
 34 rector of the Health Licensing Office shall appoint all subordinate officers and employees of the of-
 35 fice, prescribe their duties and fix their compensation.

36 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-
 37 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to
 38 676.689, 676.730 to 676.748, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565,
 39 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to
 40 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS
 41 chapter 700 **and sections 1 to 5 of this 2023 Act.**

42 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-
 43 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the office
 44 by other statutes.

45 **SECTION 13.** ORS 676.579, as amended by section 10, chapter 92, Oregon Laws 2022, is

1 amended to read:

2 676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director,
3 who is responsible for the performance of the duties, functions and powers and for the organization
4 of the office.

5 (b) The Director of the Oregon Health Authority shall establish the qualifications for and ap-
6 point the Director of the Health Licensing Office, who holds office at the pleasure of the Director
7 of the Oregon Health Authority.

8 (c) The Director of the Health Licensing Office shall receive a salary as provided by law or, if
9 not so provided, as prescribed by the Director of the Oregon Health Authority.

10 (d) The Director of the Health Licensing Office is in the unclassified service.

11 (2) The Director of the Health Licensing Office shall provide the boards, councils and programs
12 administered by the office with any services and employees as the office requires to carry out the
13 office's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Di-
14 rector of the Health Licensing Office shall appoint all subordinate officers and employees of the of-
15 fice, prescribe their duties and fix their compensation.

16 (3) The Director of the Health Licensing Office is responsible for carrying out the duties, func-
17 tions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to
18 676.689, 676.730 to 676.748, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565,
19 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to
20 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS
21 chapter 700 and sections 1 to 7, chapter 92, Oregon Laws 2022, **and sections 1 to 5 of this 2023**
22 **Act.**

23 (4) The enumeration of duties, functions and powers in subsection (3) of this section is not in-
24 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the office
25 by other statutes.

26 **SECTION 14.** ORS 676.590 is amended to read:

27 676.590. (1) Information obtained by the Health Licensing Office as part of an investigation
28 conducted under the following laws and any reports issued by an investigator are exempt from
29 public disclosure:

30 (a) ORS 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 681.700 to 681.730, 681.740 to
31 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 **and sections 1 to 5 of this 2023**
32 **Act.**

33 (b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:

34 (A) Advanced nonablative esthetics under ORS 676.630 to 676.660;

35 (B) Lactation consultation under ORS 676.665 to 676.689;

36 (C) Music therapy under ORS 681.700 to 681.730;

37 (D) Art therapy under ORS 681.740 to 681.758;

38 (E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005 to
39 690.225;

40 (F) Electrologists and body art practitioners under ORS 690.350 to 690.410;

41 (G) Dealing in hearing aids under ORS 694.015 to 694.170; [or]

42 (H) Genetic counseling under ORS 676.730 to 676.748[.]; **or**

43 **(I) Dental laboratories under sections 1 to 5 of this 2023 Act.**

44 (2) The office shall disclose information obtained as part of an investigation described in sub-
45 section (1) of this section to a person who demonstrates by clear and convincing evidence that the

1 public interest in disclosure outweighs other interests in nondisclosure, including the public interest
2 in nondisclosure.

3 (3) A complaint that forms the basis for an investigation described in subsection (1) of this sec-
4 tion shall not be considered information obtained as part of an investigation and is not exempt from
5 public disclosure.

6 (4) Upon request, the office shall disclose to a person against whom disciplinary action is sought
7 any information obtained as part of an investigation described in subsection (1) of this section, if the
8 information is not otherwise privileged or confidential under state or federal law.

9 **SECTION 15.** ORS 676.590, as amended by section 11, chapter 92, Oregon Laws 2022, is
10 amended to read:

11 676.590. (1) Information obtained by the Health Licensing Office as part of an investigation
12 conducted under the following laws and any reports issued by an investigator are exempt from
13 public disclosure:

14 (a) ORS 676.630 to 676.660, 676.665 to 676.689, 676.730 to 676.748, 681.700 to 681.730, 681.740 to
15 681.758, 690.005 to 690.225, 690.350 to 690.410 or 694.015 to 694.170 and sections 1 to 7, chapter 92,
16 Oregon Laws 2022, **and sections 1 to 5 of this 2023 Act.**

17 (b) ORS 676.560 to 676.625 if the investigation is related to the regulation of:

18 (A) Advanced nonablative esthetics under ORS 676.630 to 676.660;

19 (B) Lactation consultation under ORS 676.665 to 676.689;

20 (C) Music therapy under ORS 681.700 to 681.730;

21 (D) Art therapy under ORS 681.740 to 681.758;

22 (E) Barbering, hair design, esthetics, nail technology or natural hair care under ORS 690.005 to
23 690.225;

24 (F) Electrologists and body art practitioners under ORS 690.350 to 690.410;

25 (G) Dealing in hearing aids under ORS 694.015 to 694.170;

26 (H) Genetic counseling under ORS 676.730 to 676.748; *[or]*

27 **(I) Dental laboratories under sections 1 to 5 of this 2023 Act; or**

28 *[(I)] (J) Temporary staffing agencies under sections 1 to 7, chapter 92, Oregon Laws 2022.*

29 (2) The office shall disclose information obtained as part of an investigation described in sub-
30 section (1) of this section to a person who demonstrates by clear and convincing evidence that the
31 public interest in disclosure outweighs other interests in nondisclosure, including the public interest
32 in nondisclosure.

33 (3) A complaint that forms the basis for an investigation described in subsection (1) of this sec-
34 tion shall not be considered information obtained as part of an investigation and is not exempt from
35 public disclosure.

36 (4) Upon request, the office shall disclose to a person against whom disciplinary action is sought
37 any information obtained as part of an investigation described in subsection (1) of this section, if the
38 information is not otherwise privileged or confidential under state or federal law.

39 **SECTION 16.** ORS 676.612 is amended to read:

40 676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter
41 183 for contested cases and as specified in ORS 675.385, 676.660, 676.685, 676.745, 676.825, 678.780,
42 680.535, 681.733, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111 **and**
43 **section 5 of this 2023 Act**, the Health Licensing Office may refuse to issue or renew, may suspend
44 or revoke or may otherwise condition or limit an authorization or may discipline or place on pro-
45 bation an authorization holder for commission of the prohibited acts listed in subsection (2) of this

1 section.

2 (2) A person subject to the authority of a board, council or program listed in ORS 676.565
3 commits a prohibited act if the person engages in:

4 (a) Fraud, misrepresentation, concealment of material facts or deception in applying for or ob-
5 taining an authorization to practice in this state, or in any written or oral communication to the
6 office concerning the issuance or retention of the authorization.

7 (b) Using, causing or promoting the use of any advertising matter, promotional literature, testi-
8 monial, guarantee, warranty, label, insignia or any other representation, however disseminated or
9 published, that is false, misleading or deceptive.

10 (c) Making a representation that the authorization holder knew or should have known is false
11 or misleading regarding skill or the efficacy or value of treatment or remedy administered by the
12 authorization holder.

13 (d) Practicing under a false, misleading or deceptive name, or impersonating another authori-
14 zation holder.

15 (e) Permitting a person other than the authorization holder to use the authorization.

16 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
17 to the authorization holder or to the person or property of others in the course of performing the
18 authorization holder's duties.

19 (g) Practicing while under the influence of alcohol, cannabis, controlled substances or other
20 skill-impairing substances, or engaging in the illegal use of controlled substances or other skill-
21 impairing substances so as to create a risk of harm to the person or property of others in the course
22 of performing the duties of an authorization holder.

23 (h) Failing to properly and reasonably accept responsibility for the actions of employees.

24 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-
25 son to practice a regulated occupation or profession subject to the authority of the boards, councils
26 and programs listed in ORS 676.565.

27 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
28 or failure to conform to standards of practice in performing services or practicing in a regulated
29 occupation or profession subject to the authority of the boards, councils and programs listed under
30 ORS 676.565.

31 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
32 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
33 conviction. A plea of no contest or an admission of guilt is a conviction for purposes of this para-
34 graph.

35 (L) Failing to report any adverse action, as required by statute or rule, taken against the au-
36 thorization holder by another regulatory jurisdiction or any peer review body, health care institu-
37 tion, professional association, governmental agency, law enforcement agency or court for acts or
38 conduct similar to acts or conduct that would constitute grounds for disciplinary action as described
39 in this section.

40 (m) Violation of a statute regulating an occupation or profession subject to the authority of the
41 boards, councils and programs listed in ORS 676.565.

42 (n) Violation of any rule regulating an occupation or profession subject to the authority of the
43 boards, councils and programs listed in ORS 676.565.

44 (o) Failing to cooperate with the office in any investigation, inspection or request for informa-
45 tion.

1 (p) Selling or fraudulently obtaining or furnishing an authorization to practice in a regulated
 2 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
 3 676.565, or aiding or abetting such an act.

4 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated
 5 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
 6 676.565, or aiding or abetting such an act.

7 (r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of
 8 any order issued by the office that has become final.

9 (3) For the purpose of requesting a state or nationwide criminal records check under ORS
 10 181A.195, the office may require the fingerprints of a person who is:

- 11 (a) Applying for an authorization;
- 12 (b) Applying for renewal of an authorization; or
- 13 (c) Under investigation by the office.

14 (4) If the office places an authorization holder on probation under subsection (1) of this section,
 15 the office, in consultation with the appropriate board, council or program, may determine and at any
 16 time modify the conditions of the probation.

17 (5) If an authorization is suspended, the authorization holder may not practice during the term
 18 of suspension. Upon the expiration of the term of suspension, the authorization may be reinstated
 19 by the office if the conditions of suspension no longer exist and the authorization holder has satis-
 20 fied all requirements in the relevant statutes or administrative rules for issuance, renewal or rein-
 21 statement.

22 **SECTION 17.** ORS 676.613 is amended to read:

23 676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that
 24 a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that
 25 violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.730 to
 26 676.748, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,
 27 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
 28 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 **or sections 1 to 5 of this 2023 Act**,
 29 the office may, through the Attorney General or the district attorney of the county in which the act,
 30 practice or transaction occurs or will occur, apply to the court for an injunction restraining the
 31 person from the act, practice or transaction.

32 (2) A court may issue an injunction under this section without proof of actual damages. An in-
 33 junction issued under this section does not relieve a person from any other prosecution or enforce-
 34 ment action taken for violation of statutes listed in subsection (1) of this section.

35 **SECTION 18.** ORS 676.613, as amended by section 12, chapter 92, Oregon Laws 2022, is
 36 amended to read:

37 676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that
 38 a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that
 39 violates any provision of ORS 675.365 to 675.410, 676.630 to 676.660, 676.665 to 676.689, 676.730 to
 40 676.748, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,
 41 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
 42 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700 or sections 1 to 7, chapter 92, Oregon
 43 Laws 2022, **or sections 1 to 5 of this 2023 Act**, the office may, through the Attorney General or
 44 the district attorney of the county in which the act, practice or transaction occurs or will occur,
 45 apply to the court for an injunction restraining the person from the act, practice or transaction.

1 (2) A court may issue an injunction under this section without proof of actual damages. An in-
 2 junction issued under this section does not relieve a person from any other prosecution or enforce-
 3 ment action taken for violation of statutes listed in subsection (1) of this section.

4 **SECTION 19.** ORS 676.622 is amended to read:

5 676.622. (1) A transaction conducted through a state or local system or network that provides
 6 electronic access to the Health Licensing Office information and services is exempt from any re-
 7 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689,
 8 676.730 to 676.748, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,
 9 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
 10 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 **and sections 1 to 5 of this 2023**
 11 **Act**, and rules adopted thereunder, requiring an original signature or the submission of handwritten
 12 materials.

13 (2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable
 14 and have the same force as original signatures.

15 **SECTION 20.** ORS 676.622, as amended by section 13, chapter 92, Oregon Laws 2022, is
 16 amended to read:

17 676.622. (1) A transaction conducted through a state or local system or network that provides
 18 electronic access to the Health Licensing Office information and services is exempt from any re-
 19 quirement under ORS 675.365 to 675.410, 676.560 to 676.625, 676.630 to 676.660, 676.665 to 676.689,
 20 676.730 to 676.748, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758,
 21 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410,
 22 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700 and sections 1 to 7, chapter 92,
 23 Oregon Laws 2022, **and sections 1 to 5 of this 2023 Act**, and rules adopted thereunder, requiring
 24 an original signature or the submission of handwritten materials.

25 (2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable
 26 and have the same force as original signatures.

27 **SECTION 21.** ORS 676.992 is amended to read:

28 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
 29 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to
 30 exceed \$5,000 for each violation of the following statutes and any rule adopted under the following
 31 statutes:

- 32 (a) ORS 688.701 to 688.734 (athletic training);
- 33 (b) ORS 690.005 to 690.225 (cosmetology);
- 34 (c) ORS 680.500 to 680.565 (denture technology);
- 35 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- 36 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-
 37 planting and scarification);
- 38 (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- 39 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- 40 (h) ORS chapter 700 (environmental sanitation);
- 41 (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
- 42 (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility adminis-
 43 trators);
- 44 (k) ORS 691.405 to 691.485 (dietitians);
- 45 (L) ORS 676.612 (prohibited acts);

- 1 (m) ORS 676.810 and 676.815 (applied behavior analysis);
- 2 (n) ORS 681.700 to 681.730 (music therapy);
- 3 (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
- 4 (p) ORS 681.740 to 681.758 (art therapy);
- 5 (q) ORS 676.665 to 676.689 (lactation consultation); [and]
- 6 (r) ORS 676.730 to 676.748 (genetic counseling)[.]; **and**
- 7 **(s) Sections 1 to 5 of this 2023 Act (dental laboratories).**

8 (2) The office may take any other disciplinary action that it finds proper, including but not
 9 limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any
 10 statute listed in subsection (1) of this section or any rule adopted under any statute listed in sub-
 11 section (1) of this section.

12 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a
 13 violation of ORS 694.042.

14 (4) In imposing a civil penalty under this section, the office shall consider the following factors:

- 15 (a) The immediacy and extent to which the violation threatens the public health or safety;
- 16 (b) Any prior violations of statutes, rules or orders;
- 17 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
 18 lation; and
- 19 (d) Any other aggravating or mitigating factors.

20 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

21 (6) The moneys received by the office from civil penalties under this section shall be deposited
 22 in the Health Licensing Office Account and are continuously appropriated to the office for the ad-
 23 ministration and enforcement of the laws the office is charged with administering and enforcing that
 24 govern the person against whom the penalty was imposed.

25
 26 **CONFORMING AMENDMENT**
 27

28 **SECTION 22.** ORS 679.010 is amended to read:

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

31 (1) “Dental assistant” means a person who, under the supervision of a dentist or dental thera-
 32 pist, renders assistance to a dentist, dental therapist, dental hygienist, dental technician or another
 33 dental assistant or who, under the supervision of a dental hygienist, renders assistance to a dental
 34 hygienist providing dental hygiene.

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

- 36 (a) The rendering of educational, preventive and therapeutic dental services and diagnosis and
 37 treatment planning for such services;
- 38 (b) Prediagnostic risk assessment, scaling, root planing, curettage, the application of sealants
 39 and fluoride and any related intraoral or extraoral procedure required in the performance of such
 40 services; and
- 41 (c) Prescribing, dispensing and administering prescription drugs for the services described in
 42 paragraphs (a) and (b) of this subsection.

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

45 (4) “Dental technician” means a person who, at the authorization of a dentist, makes, provides,

1 repairs or alters [*oral*] **dental** prosthetic appliances and other artificial materials and devices that
 2 are returned to a dentist and inserted into the human oral cavity or that come in contact with its
 3 adjacent structures and tissues.

4 (5) “Dental therapist” means a person licensed to practice dental therapy under ORS 679.603.

5 (6) “Dental therapy” means the provision of preventive dental care, restorative dental treatment
 6 and other educational, clinical and therapeutic patient services as part of a dental care team, in-
 7 cluding the services described under ORS 679.621.

8 (7) “Dentist” means a person who may perform any intraoral or extraoral procedure required
 9 in the practice of dentistry.

10 (8) “Dentist of record” means a dentist that either authorizes treatment for, supervises treat-
 11 ment of or provides treatment for a patient in a dental office or clinic owned or operated by an in-
 12 stitution as described in ORS 679.020 (3).

13 (9)(a) “Dentistry” means the healing art concerned with:

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

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

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

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

23 (i) Dental schools accredited by the Commission on Dental Accreditation of the American Dental
 24 Association;

25 (ii) Post-graduate training programs; or

26 (iii) Continuing education courses.

27 (B) The prescription and administration of vaccines.

28 (10) “Direct supervision” means supervision requiring that a dentist diagnose the condition to
 29 be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the
 30 dental treatment room while the procedures are performed.

31 (11) “Expanded practice dental hygienist” means a dental hygienist who performs dental hygiene
 32 services in accordance with ORS 680.205 as authorized by an expanded practice dental hygienist
 33 permit issued by the board under ORS 680.200.

34 (12) “General supervision” means supervision requiring that a dentist authorize the procedures
 35 by standing orders, practice agreements or collaboration agreements, but not requiring that a den-
 36 tist be present when the authorized procedures are performed. The authorized procedures may also
 37 be performed at a place other than the usual place of practice of the dentist.

38 (13) “Indirect supervision” means supervision requiring that a dentist authorize the procedures
 39 and that a dentist be on the premises while the procedures are performed.

40
 41 **REPEAL**

42
 43 **SECTION 23. ORS 679.530 is repealed.**

44
 45 **CAPTIONS**

SECTION 24. The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

OPERATIVE AND EFFECTIVE DATES

SECTION 25. (1) Sections 1 to 7 of this 2023 Act, the amendments to ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622, 676.992, 679.010 and 679.176 by sections 9 to 22 and the repeal of ORS 679.530 by section 23 of this 2023 Act become operative on January 1, 2024.

(2) The amendments to section 3 of this 2023 Act by section 8 of this 2023 Act become operative on January 1, 2028.

(3) The Health Licensing Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the office by ORS 676.565, 676.579, 676.590, 676.612, 676.613, 676.622, 676.992, 679.010 and 679.176 by sections 9 to 22 of this 2023 Act and the repeal of ORS 679.530 by section 23 of this 2023 Act.

SECTION 26. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.