The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 923-2003

Oregon Board of Dentistry

Hearing Date: 4-18-13  
Time: 7:00 p.m.  
Location: OHSU Center for Health and Healing, 3303 SW Bond Ave., Conference Board President

RULE CAPTION

Amends Rules regarding Practice, Additional Equipment, Anesthesia, Orthodontic Assistants, Hygienists, Fees and Additional Populations

RULEMAKING ACTION

A Statement of Need and Fiscal Impact accompanies this form

ADOPT:


REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 181, 183, 679, 680

Other Authority:

Statutes Implemented:

RULE SUMMARY

The Board is amending 818-001-0002 Definitions to clarify the term Dentist of Record.

The Board is amending 818-001-0007 Fees to clarify the fees for specialty dental exams.

The Board is amending 818-012-0005 Scope of Practice to replace current rule, correct a lettering mistake and clarify the use of Botulinum Toxic Type A.

The Board is amending 818-026-0000 Purpose to remove language from the rule that had designated where sedation could occur.

The Board is amending 818-026-0020 Presumption of Degree of Central Nervous System Depression will address sedation to children 6 yrs or younger.

The Board is amending 818-026-0060 Moderate Sedation Permit to add an equipment requirement.

The Board is amending 818-026-0065 Deep Sedation Permit to remove language from the rule.

The Board is amending 818-026-0065(2)(h) and (7)(a) Deep Sedation Permit to add an additional equipment requirement.
The Board is amending 818-026-0070 General Anesthesia Permit to add an additional equipment requirements.

The Board is amending 818-035-0020 Authorization to Practice Clarifies the duties a hygienist may perform.

The Board is amending 818-035-0066 Additional Populations for Expanded Practice Dental Hygiene Permit Holders clarify rule and additional population to serve.

The Board is amending 818-035-0072 Restorative Functions of Dental Hygienists to delete the word anterior from rule.

The Board is amending 818-042-0090 Additional Functions of EFDAs Allow hygienists to authorize EFDAs to apply sealants and soft relines.

The Board is amending 818-042-0095 Restorative Functions of Dental Assistants to delete the word anterior from rule.

The Board is amending 818-042-0110 Certification- Expanded Function Orthodontic Assistant to clarify the on the job requirement.

The Agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing accompanies this form.

Secretary of State

Oregon Board of Dentistry

Agency and Division: Oregon Board of Dentistry

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

The Board is amending 818-001-0002
The Board is amending 818-001-0087
The Board is amending 818-012-0005
The Board is amending 818-026-0000
The Board is amending 818-026-0020
The Board is amending 818-026-0060
The Board is amending 818-026-0065
The Board is amending 818-026-0065(2)(h) and (7)(a)
The Board is amending 818-026-0070
The Board is amending 818-035-0020
The Board is amending 818-035-0066
The Board is amending 818-035-0072
The Board is amending 818-042-0095
The Board is amending 818-042-0090
The Board is amending 818-042-0110

Statutory Authority:
ORS 181, 183, 679, 680

Other Authority:

Statutes Implemented:

Need for the Rule(s):

The amendment to OAR 818-001-0002 Definitions to clarify the term Dentist of Record for the treatment of patients in clinical settings of the institution as described in ORS 679.020(3).

The amendment to OAR 818-001-0087 Fees to clarify the fees for specialty dental exams.

The amendment to OAR 818-012-0005 Scope of Practice clarifies the current rule, corrects a lettering mistake and clarifies the use of Botulinum Toxins Type A within the scope of dentistry.

The amendment to OAR 818-026-0000 Purpose to remove language from the rule that had designated where sedation could occur, removing references to facilities where sedation could occur.

The amendment to OAR 818-026-0020 Presumption of Degree of Central Nervous System Depression addresses sedation on children 6 yrs or younger, that the licensee must have the appropriate sedation permit to administer.

The amendment to OAR 818-026-0060 Moderate Sedation Permit to add the requirement of End-tidal CO2 to administer sedation.

The amendment to OAR 818-026-0065 Deep Sedation Permit clarifies the rule and deletes the word conscious sedation from rule.

The amendment to OAR 818-026-0065(2)(h) and (7)(a) Deep Sedation Permit to add the equipment requirements of an electrocardiograph monitor and End-tidal CO2 Monitors.
The amendment to OAR 818-026-0070 General Anesthesia Permit to add the equipment requirements of using a pulse oximetry, electrocardiograph monitor and End-tidal CO2 Monitors.

The amendment to OAR 818-035-0066 Additional Populations for Expanded Practice Dental Hygiene Permit Holders adds designated Dental Health Professional Shortage Areas (DHPSA) to list of populations to be served.

The amendment to OAR 818-035-0020 Authorization to Practice is to clarify the duties a hygienist may perform.

The amendment to OAR 818-035-0072 Restorative Functions of Dental Hygienists is to delete the word anterior from rule.

The amendment to OAR 818-042-0090 Additional Functions of EFDAs is to allow hygienists to authorize EFDAs to apply sealants and soft relines.

The amendment to OAR 818-042-0095 Restorative Functions of Dental Assistants is to delete the word anterior from rule.

The amendment to OAR 818-042-0110 Certification- Expanded Function Orthodontic Assistant to clarify the on the job requirement with using headgear, removal of orthodontic appliances and impressions.

Documents Relied Upon, and where they are available:
Documents are found on the Oregon Board of Dentistry website www.oregon.gov/dentistry

Fiscal and Economic Impact:
none

Statement of Cost of Compliance:
1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
The only impact on the Oregon Board of Dentistry will be updating forms and the Dental Practice Act.

2. Cost of compliance effect on small business (ORS 183.336):
   a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:
      It is not possible to estimate the exact number of small businesses, as the majority of dental practices are considered small businesses.

   b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
      none

   c. Equipment, supplies, labor and increased administration required for compliance:
      none

How were small businesses involved in the development of this rule?
Dentists who are owners of dental practices assisted in the review and writing of the rules as members of the Oregon Board of Dentistry (OBD) Rules Oversight Committee. Professional association representatives are also members of the OBD Rules Oversight Committee and participated in the drafting of the proposed rules and amendments.

Administrative Rule Advisory Committee consulted?: Yes
If not, why?:
04-18-2013 4:00 p.m. Stephen Prisby stephen.prisby@state.or.us
Last Day (m/d/yyyy) and Time for public comment Printed Name Email Address

FILED
3-1-13 9:14 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007