

**DENTAL THERAPY RULES OVERSIGHT COMMITTEE #2**  
**Held as a Zoom Meeting**

**Minutes**  
**November 10, 2021**

MEMBERS PRESENT:                   Committee Members:  
Yadira Martinez, R.D.H., Chair – OBD Rep.  
Sheena Kansal, D.D.S. – OBD Rep.  
Jennifer Brixey– OBD Rep.  
Kaz Rafia, D.D.S. – OHA Rep.  
Brandon Schwindt, D.M.D. - ODA Rep.  
Amy Coplen, R.D.H. - ODHA Rep.  
Ginny Jorgensen, CDA- ODAA Rep.  
Miranda Davis, D.D.S. – Dental Therapy Rep.  
Kari Douglass – Dental Therapy Rep.

STAFF PRESENT:                   Stephen Prisby, Executive Director  
Angela Smorra, D.M.D., Dental Investigator  
Haley Robinson, Office Manager

ALSO PRESENT:                   Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT: Jen Lewis-Goff, O.D.A.; Mary Harrison, CDA, EFDA, EFODA, FADAA - Oregon Dental Assistants' Association (ODAA); Sarah Kowalski, Lisa Bozzetti, Sabrina Riggs, Andrea Love, George Okulitch, Pam Johnson.

*Note -Some visitors may not be reflected in the minutes because their identity was unknown during the meeting.*

**Call to Order:** The virtual meeting was called to order by Chair Martinez at 5:02 p.m.

Chair Martinez noted that a stakeholder brought to her attention that they believed she may have a conflict of interest in serving as chair of this committee.

Due to that concern, she made the following statement on record:

“Generally, a conflict of interest is when a decision or recommendation as a public official could be to the private pecuniary benefit or detriment of the member of the committee.

Conflicts of interest do not apply to:

An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to holding the position; or

Any action taken in the official capacity that would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of any occupation or other group including one in which the person is a member;

However, since a perceived conflict of interest concern has been voiced, I have decided to make this statement on the record of this committee. I do not believe that I have an actual or perceived conflict of interest. I do not see how chairing the DT committee is any different than me chairing the Hygiene committee. I am a licensed RDH and am taking part in a dental therapy educational program. I am not being paid by an outside organization to chair this committee and I know and understand what rules govern my participation in this committee. Being part of the pilot makes me a stakeholder along with every other person on this committee and there are also members on the committee that are or were participants in pilot #100. Any stakeholder is as welcome as I am, or any other member of the committee to request that the committee add items to the agenda. In the end it is not up to me or this committee to have the final say in the recommendations this committee makes to the Board. That power is the work of the full Board.”

Chair Martinez asked if any of the other committee members wanted to announce any conflict of interest or had any statement to issue as well.

The agenda was briefly reviewed.

Dr. Schwindt moved and Ms. Jorgensen seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve the minutes from the October 7, 2021 DTRO Committee Meeting as presented. The motion passed unanimously.

Ms. Jorgensen discussed opportunities and boundaries for dental assistants to become dental therapists.

Committee members discussed the letter submitted by the ODA regarding foreign trained dental therapists. The committee directed staff to research the time frames for dental therapists to obtain licensure and bring recommendations to the next regularly scheduled meeting.

Ms. Douglass moved and Dr. Schwindt seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-021-0080 – Renewal of License as presented. The motion passed unanimously.

#### **OAR 818-021-0080 Renewal of License**

Before the expiration date of a license, the Board will, as a courtesy, mail notice for renewal of license to the last mailing address on file in the Board's records to every person holding a current license. The licensee must return the completed renewal application along with current renewal fees prior to the 9 - Div. 21 expiration of said license. Licensees who fail to renew their license prior to the expiration date may not practice dentistry, [dental therapy](#) or dental hygiene until the license is reinstated and are subject to the provisions of OAR 818-021-0085 "Reinstatement of Expired Licenses."

(1) Each dentist shall submit the renewal fee and completed and signed renewal application form by March 31 every other year. Dentists licensed in odd numbered years shall apply for renewal in odd numbered years and dentists licensed in even numbered years shall apply for renewal in even numbered years.

(2) Each hygienist must submit the renewal fee and completed and signed renewal application form by September 30 every other year. Hygienists licensed in odd numbered years shall apply for renewal in odd numbered years and hygienists licensed in even numbered years shall apply for renewal in even numbered years.

(3) Each dental therapist must submit the renewal fee and completed and signed renewal application form by September 30 every other year. Dental Therapists licensed in odd numbered years shall apply for renewal in odd numbered years and dental therapists licensed in even numbered years shall apply for renewal in even numbered years.

~~(3)~~ (4) The renewal application shall contain:

- (a) Licensee's full name;
- (b) Licensee's mailing address;
- (c) Licensee's business address including street and number or if the licensee has no business address, licensee's home address including street and number;
- (d) Licensee's business telephone number or if the licensee has no business telephone number, licensee's home telephone number;
- (e) Licensee's employer or person with whom the licensee is on contract;
- (f) Licensee's assumed business name;
- (g) Licensee's type of practice or employment;
- (h) A statement that the licensee has met the educational requirements for their specific license renewal set forth in OAR 818-021-0060 or OAR 818-021-0070 or OAR 818-021-00XX;
- (i) Identity of all jurisdictions in which the licensee has practiced during the two past years; and
- (j) A statement that the licensee has not been disciplined by the licensing board of any other jurisdiction or convicted of a crime.

Dr. Schwindt moved and Dr. Rafia seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-021-00XX –Application for License to Practice Dental Therapy as presented. The motion passed unanimously.

### 818-021-00XX

#### Application for License to Practice Dental Therapy

(1) The Oregon Board of Dentistry may require an applicant for a license to practice dental therapy to pass written, laboratory or clinical examinations to test the professional knowledge and skills of the applicant.

(a) The examinations may not be affiliated with or administered by a dental pilot project or a dental therapy education program.

(b) The examinations must:

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

(B) Be written in English; and

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

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

(a) To satisfy the written examination authorized under this section, may accept the results of national standardized examinations.

(b) To satisfy the laboratory or clinical examination authorized under this section:

(A) Shall accept the results of regional and national testing agencies or clinical board examinations administered by other states; and

(B) May accept the results of Board-recognized testing agencies.

(3) Applicants must pass the Board's Jurisprudence Examination.

Dr. Schwindt moved and Dr. Rafia seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-021-00XX –Application for License to Practice Dental Therapy Without Further Examination as presented. The motion passed unanimously.

### **818-021-00XX**

#### **Application for License to Practice Dental Therapy Without Further Examination**

**(1) The Oregon Board of Dentistry may grant a license without further examination to a dental therapist who holds a license to practice dental therapy in another state or states if the dental therapist meets the requirements set forth in**

**ORS 679 and submits to the Board satisfactory evidence of:**

**(a) Having graduated from a dental therapy program accredited by the Commission on Dental Accreditation of the American Dental Association; or**

**(b) Having completed or graduated from an Oregon Health Authority dental pilot project, and**

**(c) Having passed the clinical dental therapy examination conducted by a regional testing agency or by a state dental or dental therapy licensing authority, by a national testing agency or other Board-recognized testing agency; and**

**(d) Holding an active license to practice dental therapy, without restrictions, in any state; including documentation from the state dental board(s) or equivalent authority, that the applicant was issued a license to practice dental therapy, without restrictions, and whether or not the licensee is, or has been, the subject of any final or pending disciplinary action; and**

**(e) Having conducted licensed clinical practice in Oregon, in other states or in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs for a minimum of 3,500 hours in the five years immediately preceding application. Licensed clinical practice could include hours devoted to teaching by dental therapists employed by a CODA accredited dental therapy program with verification from the dean or appropriate administration of the institution documenting the length and terms of employment, the applicant's duties and responsibilities, the actual hours involved in teaching clinical dental therapy, and any adverse actions or restrictions; and**

**(f) Having completed 36 hours of continuing education in accordance with the Board's continuing education requirements contained in these rules within the two years immediately preceding application.**

**(2) Applicants must pass the Board's Jurisprudence Examination.**

Dr. Schwindt moved and Ms. Douglass seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-001-0087– Fees as presented. The motion passed unanimously.

### **818-001-0087**

#### **Fees**

(1) The Board adopts the following fees:

(a) Biennial License Fees:

(A) Dental —\$390;

(B) Dental — retired — \$0;

(C) Dental Faculty — \$335;

(D) Volunteer Dentist — \$0;

(E) Dental Hygiene —\$230;

(F) Dental Hygiene — retired — \$0;

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- (G) Volunteer Dental Hygienist — \$0;
- (H) Dental Therapy - \$300; (\$230)**
- (I) Dental Therapy - retired \$0.**
- (b) Biennial Permits, Endorsements or Certificates:
  - (A) Nitrous Oxide Permit — \$40;
  - (B) Minimal Sedation Permit — \$75;
  - (C) Moderate Sedation Permit — \$75;
  - (D) Deep Sedation Permit — \$75;
  - (E) General Anesthesia Permit — \$140;
  - (F) Radiology — \$75;
  - (G) Expanded Function Dental Assistant — \$50;
  - (H) Expanded Function Orthodontic Assistant — \$50;
  - (I) Instructor Permits — \$40;
  - (J) Dental Hygiene Restorative Functions Endorsement — \$50;
  - (K) Restorative Functions Dental Assistant — \$50;
  - (L) Anesthesia Dental Assistant — \$50;
  - (M) Dental Hygiene, Expanded Practice Permit — \$75;
  - (N) Non-Resident Dental Background Check - \$100.00;
- (c) Applications for Licensure:
  - (A) Dental — General and Specialty — \$345;
  - (B) Dental Faculty — \$305;
  - (C) Dental Hygiene — \$180;
  - (D) **Dental Therapy - \$250; (\$180)**
  - (D) (E) Licensure Without Further Examination — Dental, and Dental Hygiene and Dental Therapy — \$790.**
- (d) Examinations:
  - (A) Jurisprudence — \$0;
- (e) Duplicate Wall Certificates — \$50.
- (2) Fees must be paid at the time of application and are not refundable.
- (3) The Board shall not refund moneys under \$5.01 received in excess of amounts due or to which the Board has no legal interest unless the person who made the payment or the person's legal representative requests a refund in writing within one year of payment to the Board.

The committee directed staff to contact Radiation Protection Services about updated their rules to include dental therapists.

Ms. Coplen moved and Dr. Schwindt seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-026-0055 - Dental Hygiene, Dental Therapy and Dental Assistant Procedures Performed Under Nitrous Oxide or Minimal Sedation as presented. The motion passed unanimously.

### **818-026-0055**

#### **Dental Hygiene, Dental Therapy and Dental Assistant Procedures Performed Under Nitrous Oxide or Minimal Sedation**

(1) Under indirect supervision, dental hygiene and dental therapy procedures may be performed for a patient who is under nitrous oxide or minimal sedation under the following conditions:

- (a) A licensee holding a Nitrous Oxide, Minimal, Moderate, Deep Sedation or General Anesthesia Permit administers the sedative agents;

- (b) The permit holder, or an anesthesia monitor, monitors the patient; or
- (c) If a dental hygienist with a nitrous oxide permit administers nitrous oxide sedation to a patient and then performs authorized procedures on the patient, an anesthesia monitor is not required to be present during the time the patient is sedated unless the permit holder leaves the patient.
- (d) The permit holder performs the appropriate pre- and post-operative evaluation and discharges the patient in accordance with 818-026-0050(7) and (8).
- (2) Under indirect supervision, a dental assistant may perform those procedures for which the dental assistant holds the appropriate certification for a patient who is under nitrous oxide or minimal sedation under the following conditions:
  - (a) A licensee holding the Nitrous Oxide, Minimal, Moderate, Deep Sedation or General Anesthesia Permit administers the sedative agents;
  - (b) The permit holder, or an anesthesia monitor, monitors the patient; and
  - (c) The permit holder performs the appropriate pre- and post-operative evaluation and discharges the patient in accordance with 818-026-0050(7) and (8).

Dr. Schwindt moved and Dr. Rafia seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-026-0080 - Standards Applicable When a Dentist Performs Dental Procedures and a Qualified Provider Induces Anesthesia as amended. The motion died.

Dr. Davis continued the discussion regarding the proposed language. The committee directed staff to develop more specific language within the anesthesia rules and bring suggestions back to the next regularly scheduled DTRO committee meeting.

#### **818-026-0080**

##### **Standards Applicable When a Dentist Performs Dental Procedures and a Qualified Provider Induces Anesthesia**

- (1) A dentist who does not hold an anesthesia permit may perform dental procedures on a patient who receives anesthesia induced by a physician anesthesiologist licensed by the Oregon Board of Medical Examiners, another Oregon licensed dentist holding an appropriate anesthesia permit, or a Certified Registered Nurse Anesthetist (CRNA) licensed by the Oregon Board of Nursing.
- (2) A dentist who does not hold a Nitrous Oxide Permit for nitrous oxide sedation may perform dental procedures on a patient who receives nitrous oxide induced by an Oregon licensed dental hygienist holding a Nitrous Oxide Permit.
- (3) A dentist who performs dental procedures on a patient who receives anesthesia induced by a physician anesthesiologist, another dentist holding an anesthesia permit, a CRNA, or a dental hygienist who induces nitrous oxide sedation, shall maintain a current BLS for Healthcare Providers certificate, or its equivalent, and have the same personnel, facilities, equipment and drugs available during the procedure and during recovery as required of a dentist who has a permit for the level of anesthesia being provided.
- (4) A dentist, a dental hygienist, ~~dental therapist~~ or an Expanded Function Dental Assistant (EFDA) who performs procedures on a patient who is receiving anesthesia induced by a physician anesthesiologist, another dentist holding an anesthesia permit or a CRNA shall not schedule or treat patients for non emergent care during the period of time of the sedation procedure.
- (5) Once anesthetized, a patient shall remain in the operatory for the duration of treatment until criteria for transportation to recovery have been met.
- (6) The qualified anesthesia provider who induces moderate sedation, deep sedation or general anesthesia shall monitor the patient until easily arousable and can independently and

continuously maintain their airway with stable vital signs. Once this has occurred the patient may be monitored by a qualified anesthesia monitor until discharge criteria is met. The patient's dental record shall document the patient's condition at discharge as required by the rules applicable to the level of anesthesia being induced. A copy of the anesthesia record shall be maintained in the patient's dental record and is the responsibility of the dentist who is performing the dental procedures.

(7) No qualified provider shall have more than one person under any form of sedation or general anesthesia at the same time exclusive of recovery.

(8) A dentist who intends to use the services of a qualified anesthesia provider as described in section 1 above, shall notify the Board in writing of ~~her or his~~ their intent. Such notification need only be submitted once every licensing period.

Dr. Schwindt moved and Dr. Rafia seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-038-0001 – Definitions as amended. The motion passed unanimously.

### 818-038-0001

#### Definitions

(1) "Dental Therapist" means a person licensed pursuant to ORS 679 to practice dental therapy.

(2) "Dental Therapy" means the provision of preventative care, restorative dental treatment and other educational, clinical and therapeutic patient services as part of a dental care team, pursuant to a collaborative agreement, including the services described in ORS 679 (new scope section)-section XXX

(3) "Direct Supervision" means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(4) "General Supervision" means supervision requiring that a dentist authorize the procedures, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

(5) "Indirect Supervision" means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

(6) "Informed Consent" means the consent obtained following a thorough and easily understood explanation to the patient, or patient's guardian, of the proposed procedures, any available alternative procedures and any risks associated with the procedures. Following the explanation, the licensee shall ask the patient, or the patient's guardian, if there are any questions. The licensee shall provide thorough and easily understood answers to all questions asked.

(7) "Collaborative Agreement" means a written, signed and dated agreement entered into between an Oregon Licensed Dentist and an Oregon Licensed Dental Therapist meeting the requirements of ORS 679 and (new collaborative agreement section) OAR 818-038-XXXX

Dr. Schwindt moved and Ms. Coplen seconded that the Dental Therapy Rules Oversight (DTRO) Committee approve OAR 818-0238-0010 –Authorization to Practice as amended. The motion passed unanimously.

**818-038-0010**

**Authorization to Practice**

**(1) A dental therapist may practice dental therapy only under the supervision of a dentist and pursuant to a collaborative agreement with the dentist that outlines the supervision logistics and requirements for the dental therapist's practice.**

**(2) A dental therapist shall dedicate at least 51 percent of the dental therapist's practice to patients who represent underserved populations, as defined by the Oregon Health Authority by rule, or patients located in dental care health professional shortage areas, as determined by the authority.**

**(3) A dental therapist may perform the procedures list in OAR 818-038- XXXX so long as the procedures were included in the dental therapist's education program or the dental therapist has received additional training in the procedure through a Board approved course.**

The committee discussed the legislative intent behind prohibiting administering Nitrous Oxide. Members were divided on whether Nitrous Oxide should be listed in Prohibited Acts and whether that would impact allowing dental therapists to administer Nitrous Oxide in the future. Ms. Lindley explained the appearance of the legislative intent, and would bring more information to the committee at the next regularly scheduled meeting.

Chair Martinez announced that the next DTRO Committee Meeting would be held December 8, 2021 from 5 p.m.-7 p.m.

Chair Martinez thanked everyone for their attendance and contributions.

The meeting adjourned at 7:00 p.m.