

**OREGON BOARD OF DENTISTRY
MINUTES
OCTOBER 23, 2020**

MEMBERS PRESENT: Yadira Martinez, R.D.H., President
Alicia Riedman, R.D.H., Vice President
Gary Underhill, D.M.D.
Jose Javier, D.D.S.
Reza Sharifi, D.M.D.
Chip Dunn
Hai Pham, D.M.D.
Amy B. Fine, D.M.D.

STAFF PRESENT: Stephen Prisby, Executive Director
Daniel Blickenstaff, D.D.S., Dental Director/ Chief Investigator (portion of meeting)
Winthrop "Bernie" Carter, D.D.S., Dental Investigator
Haley Robinson, Office Manager (portion of meeting)
Shane Rubio, Investigator (portion of meeting)
Samantha VandeBerg, Office Specialist (portion of meeting)
Ingrid Nye, Examination and Licensing Manager (portion of the meeting)
Teresa Haynes, Project Manager (portion of the meeting)

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

VISITORS PRESENT VIA TELECONFERENCE*:

Jen Lewis-Goff, Oregon Dental Association; Amy Coplen, R.D.H., Pacific University; Mary Harrison, Oregon Dental Assistants' Association

*This list is not exhaustive, as it was not possible to verify all participants on the teleconference.

Call to Order: The meeting was called to order by the President at 7:30a.m. at the Board office; 1500 SW 1st Ave., Suite 770, Portland, Oregon.

EXECUTIVE SESSION: The Board entered into Executive Session pursuant to ORS 192.606 (1)(2)(f), (h) and (L); ORS 676.165; ORS 676.175 (1), and ORS 679.320 to review records exempt from public disclosure, to review confidential investigatory materials and investigatory information, and to consult with counsel

OPEN SESSION: The Board returned to Open Session.

President Yadira Martinez, RDH welcome everyone to the meeting and had the Board Members,
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Lori Lindley and Stephen Prisby introduce themselves.

NEW BUSINESS

Approval of Minutes

Dr. Pham moved and Dr. Javier seconded that the Board approve the minutes from the August 20, 2020 Board Meeting as amended. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Board and Staff Updates

The OBD has an open Board Member position for an Oregon licensed dentist. Mr. Prisby presented a board interest document and anyone interested can contact me. Monday, October 26th is the last day anyone may submit their application and be considered for this position. The Governor's Office will make a decision on filling the position in early November. By the time a candidate gets vetted, confirmed by the Senate and through OBD new board member orientation Mr. Prisby anticipates the new Board member joining the Board at the February 2021 Board Meeting.

Dr. Daniel Blickenstaff, OBD Dental Director/Chief Investigator, intends to retire in February 2021. He initially joined the OBD as a dental consultant investigator in 2015, and became a full time Investigator in January 2016. He took over the Dental Director/Chief Investigator position when Dr. Paul Kleinstub retired in the fall of 2018. Prior to service here at the OBD, Dr. Blickenstaff taught restorative dentistry at the Ohio State University College of Dentistry as well as in the Dental Hygiene Program at Portland Community College while maintaining a private practice for 38 years, owning his own practice in the Portland area. He has been instrumental in the OBD's refinement and management of our investigations and a strategic asset to many OBD Board members, staff members, Licensees and consumers. He has been a workhorse and helped the OBD reduce investigative case backlog down to reasonable levels. He has graciously offered to work remotely and be available as needed during our transition period in hiring and training the next Dental Director/Chief Investigator.

We thank Dr. Blickenstaff for all his hard work, dedication and especially for the courtesy of the advance notice of his intent to retire. We will properly recognize him and thank him closer to his retirement date. The OBD would like to reach the broadest possible candidate pool for this special position and will be promoting its availability over the next 6 months. The candidate must have an active Oregon Dental license and be committed to a full time work schedule. The OBD will finalize the position requirements, duties and how to apply on our website soon and anyone interested can contact me.

OBD Budget Status Report

Mr. Prisby presented the latest budget report for the 2019 – 2021 Biennium. This report, which is from July 1, 2019 through August 31, 2020 shows revenue of \$2,386,837.84 and expenditures of \$1,866,486.46.

Customer Service Survey

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Mr. Prisby presented the legislatively mandated survey results from July 1, 2020 – September 30, 2020. The results of the survey show that the OBD continues to receive positive ratings from the majority of those that submit a survey.

Dental Hygiene License Renewal

The renewal period started on July 21st and ended September 30th.

Renewal notices sent: 2156

Renewed: 1948

Retired: 51

Expired: 156

Resigned: 1

Deceased: 0

FY 2020 Annual Performance Progress Report

Mr. Prisby presented the OBD's FY 2020 Annual Performance Progress Report which was submitted to the Legislative Fiscal Office. Most state agencies are required to complete this report annually.

Technology Implementation & Transitions

The OBD is in the midst of a number of important and mission critical technology implementations and changes. The OBD has utilized Teresa Haynes to assist on these important projects and she will provide an oral report on these initiatives and upcoming changes.

TriMet Contract

At the August 21, 2020 Board Meeting, the Board approved Mr. Prisby entering into agreement with TriMet based on the cost estimate provided. Mr. Prisby presented the finalized contract for review.

Diversity, Equity & Inclusion Conference

All OBD Staff have been encouraged and invited to attend the 2020 Diversity, Equity & Inclusion Conference scheduled for: Oct. 27 - 29, 2020. For the first time in its more than 25-year history, the conference will be held virtually via Zoom. Participants will have the opportunity to learn and explore from top presenters on a variety of topics all while adhering to safety requirements.

AADA Annual Meeting

The American Association of Dental Administrators (AADA) annual meeting is scheduled for October 30, 2020 as a virtual meeting.

Reporting Requirements on EPPs

ORS 680.210 (2) requires that the Division of Financial Regulation (formerly known as the Oregon Insurance Division) provide information collected on the reimbursement of services provided by expanded practice dental hygienists to the Board of Dentistry.

Newsletter

The OBD is planning to distribute the next Newsletter in December.

ASSOCIATION REPORTS

Oregon Dental Association (ODA)

Ms. Lewis-Goff reported that the first round of dentists outside of the OHSU dental school have been trained to administer vaccines, and that they are working with OHSU to continually train dentists so that they can assist once a COVID-19 vaccine has been released. They are working with the OHA to ensure that dentists will be included with the COVID-19 vaccination roll-out process. The ODA has been closely following the current work at Oregon OSHA that will affect all dental employers, with finalized language becoming available in the near future. Finally, Ms. Lewis-Goff reported that the ODA has been going through the process of interviewing interested candidates for the open Board Member position, with four recommended names being submitted to the Governor's office for review.

Oregon Dental Hygienists' Association (ODHA)

Ms. Coplen reported that the ODHA will have a symposium over the coming weekend.

Oregon Dental Assistants Association (ODAA)

Ms. Harrison reported that the ODAA would like to provide support to dental assistants in Oregon needing assistance with the certification process. A guide will be posted on their website with more information.

COMMITTEE AND LIAISON REPORTS

Licensing, Standards and Competency Committee Meeting – October 7, 2020

Dr. Fine moved and Dr. Javier seconded that the Board reverse the August 21, 2020 decision and not amend the seven temporary licensure rules, thus leaving the licensure rules as is. The motion passed unanimously.

LICENSING AND EXAMINATION ISSUES

Dr. Sharifi moved and Dr. Underhill seconded that the Board reinstate the Dental Hygiene license of Diane Victoria, R.D.H., without requiring any additional examination. The motion passed unanimously.

COMMITTEE AND LIAISON REPORTS

WREB Liaison Report

Dr. Fine reported that WREB will be having their Dental Examiner Review Board meeting virtually on November 14, 2020. Ms. Martinez added that the Hygiene Examiner Review Board meeting took place last Saturday.

AADB Liaison Report

Dr. Fine reported that the AADB mid-year meeting will be held on February 28, 2021, and the annual meeting will be held on October 30, 2021.

ADEX Liaison Report

Dr. Pham reported that the ADEX annual meeting will take place virtually on November 7, 2020.

CDCA Liaison Report

Nothing to report at this time.

Licensing, Standards and Competency Committee Meeting – October 7, 2020

818-001-0000

Notice of Proposed Rule Making

Prior to the adoption, amendment, or repeal of any permanent rule, the Oregon Board of Dentistry shall give notice of the proposed adoption, amendment, or repeal:

(1) By publishing a notice in the Secretary of State's Bulletin referred to in ORS 183.370 at least 21 days prior to the effective date.

(2) By mailing, [emailing or electronic mailing](#) a copy of the notice to persons on the mailing list established

pursuant to ORS 183.335(8) at least 28 days before the effective date of the adoption, amendment, or repeal.

(3) By mailing, [emailing or electronic mailing](#) a copy of the notice to the following persons and publications:

- (a) Oregon Dental Hygienists' Association;
- (b) Oregon Dental Assistants Association;
- (c) Oregon Association of Dental Laboratories;
- (d) Oregon Dental Association;
- (e) The Oregonian;
- (f) Oregon Health & Science University, School of Dentistry;
- (g) The United Press International;
- (h) The Associated Press;
- (i) The Capitol Building Press Room.

Dr. Javier moved and Ms. Riedman seconded that the Board move OAR 818-001-0000 as amended to the Rules Oversight Committee for Further Review. The motion passed unanimously.

Ms. Kramer moved and Dr. Goin seconded that the Committee recommend that the Board move OAR 818-001-0002 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-001-0002

Definitions

As used in OAR chapter 818:

(1) "Board" means the Oregon Board of Dentistry, the members of the Board, its employees, its agents, and its consultants.

(2) "Dental Practice Act" means ORS Chapter 679 and 680.010 to 680.170 and the rules adopted pursuant thereto.

(3) "Dentist" means a person licensed pursuant to ORS Chapter 679 to practice dentistry.

- (4) "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.
- (5) "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.
- (6) "Hygienist" means a person licensed pursuant to ORS 680.010 to 680.170 to practice dental hygiene.
- (7) "Indirect Supervision" means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.
- (8) "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.
- (9) "Licensee" means a dentist or hygienist.
- (10) "Volunteer Licensee" is a dentist or dental hygienist licensed according to rule to provide dental health care without receiving or expecting to receive compensation.
- (11) "Limited Access Patient" means a patient who, due to age, infirmity, or handicap is unable to receive regular dental hygiene treatment in a dental office.
- (12) "Specialty." The specialty definitions are added to more clearly define the scope of the practice as it pertains to the specialty areas of dentistry.
- (a) "Dental Anesthesiology" is the specialty of dentistry that deals with the management of pain through the use of advanced local and general anesthesia techniques.
- (b) "Dental Public Health" is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.
- (c) "Endodontics" is the branch of dentistry which is concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.
- (d) "Oral and Maxillofacial Pathology" is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations.
- (e) "Oral and Maxillofacial Radiology" is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region.
- (f) "Oral and Maxillofacial Surgery" is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.
- (g) "Orthodontics and Dentofacial Orthopedics" is the area of dentistry concerned with the supervision, guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice

include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

(h) "Pediatric Dentistry" is an age defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

(i) "Periodontics" is the specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of these structures and tissues.

(j) "Prosthodontics" is the branch of dentistry pertaining to the restoration and maintenance of oral functions, comfort, appearance and health of the patient by the restoration of natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(13) "Full-time" as used in ORS 679.025 and 680.020 is defined by the Board as any student who is enrolled in an institution accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency in a course of study for dentistry or dental hygiene.

(14) For purposes of ORS 679.020(4)(h) the term "dentist of record" means a dentist that either authorized treatment for, supervised treatment of or provided treatment for the patient in clinical settings of the institution described in 679.020(3).

(15) "Dental Study Group" as used in ORS 679.050, OAR 818-021-0060 and OAR 818-021-0070 is defined as a group of licensees who come together for clinical and non-clinical educational study for the purpose of maintaining or increasing their competence. This is not meant to be a replacement for residency requirements.

(16) "Physical Harm" as used in OAR 818-001-0083(2) is defined as any physical injury that caused, partial or total physical disability, incapacity or disfigurement. In no event shall physical harm include mental pain, anguish, or suffering, or fear of injury.

(17) "Teledentistry" is defined as the use of information technology and telecommunications to facilitate the providing of dental primary care, consultation, education, and public awareness in the same manner as telehealth and telemedicine.

(18) "BLS for Healthcare Providers or its Equivalent" the [BLS/CPR](#) certification standard is the American Heart Association's BLS Healthcare Providers Course or its equivalent, as determined by the Board. This initial [BLS/CPR](#) course must be a hands-on course; online [BLS/CPR](#) courses will not be approved by the Board for initial [BLS/CPR](#) certification: After the initial [BLS/CPR](#) certification, the Board will accept a Board-approved BLS for Healthcare Providers or its equivalent Online Renewal course for license renewal. A [BLS/CPR](#) certification card with an expiration date must be received from the [BLS/CPR](#) provider as documentation of [BLS/CPR](#) certification. The Board considers the CPR expiration date to be the last day of the month that the [BLS/CPR](#) instructor indicates that the certification expires.

Dr. Underhill moved and Dr. Fine seconded that the Board move OAR 818-001-0002 as presented to the Rules Oversight Committee for Further Review. The motion passed unanimously.

Dr. Goin moved and Ms. Kramer seconded that the Committee recommend that the Board move OAR 818-001-0082 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-001-0082
Access to Public Records

- (1) Public records not exempt from disclosure may be inspected during office hours at the Board office upon reasonable notice.
- (2) Copies of public records not exempt from disclosure may be purchased upon receipt of a written request. The Board may withhold copies of public records until the requestor pays for the copies.
- (3) The Board follows the Department of Administrative Service's statewide policy (107-001-030) for fees in regards to public records request; in addition, the Board establishes the following fees:
 - (a) \$0.10 per name and address for computer-generated lists on paper or ~~labels~~; \$0.20 per name and address for computer-generated lists on paper ~~or labels~~ sorted by specific zip code;
 - (b) Data files ~~on-diskette~~ submitted electronically or on a device CD:
 - (A) All Licensed Dentists — \$50;
 - (B) All Licensed Dental Hygienists — \$50;
 - (C) All Licensees — \$100.
 - (c) Written verification of licensure — \$2.50 per name; and
 - (d) Certificate of Standing — \$20.

Dr. Goin moved that the Committee recommend that the Board move OAR 818-012-0005 as presented to the Rules Oversight Committee for further review. The motion did receive a second and so the motion died.

The Committee reviewed and discussed OAR 818-012-0005 (3) and (4) and decided not to take any action pending more information from staff regarding OMFS residency program requirements and Botulinum Toxin Type A and dermal filler courses

Ms. Riedman moved and Dr. Fine seconded that the Board move OAR 818-001-0082 as presented to the Rules Oversight Committee for Further Review. The motion passed unanimously.

Dr. Goin moved and Mr. Dunn seconded that the Committee recommend that the Board move OAR 818-012-0005 (5) and (6) as presented and add the language from OAR 818-012-0005 (6) to OAR 818-021-0060 to the Rules Oversight Committee for further review. The motion passed unanimously.

818-012-0005

Scope of Practice

(1) No dentist may perform any of the procedures listed below:

- (a) Rhinoplasty;
- (b) Blepharoplasty;
- (c) Rhytidectomy;
- (d) Submental liposuction;
- (e) Laser resurfacing;
- (f) Browlift, either open or endoscopic technique;
- (g) Platysmal muscle plication;
- (h) Otoplasty;
- (i) Dermabrasion;
- (j) Hair transplantation, not as an isolated procedure for male pattern baldness; and
- (k) Harvesting bone extra orally for dental procedures, including oral and maxillofacial procedures.

(2) Unless the dentist:

- (a) Has successfully completed a residency in Oral and Maxillofacial Surgery accredited by the American Dental Association, Commission on Dental Accreditation (CODA), or
- (b) Holds privileges either:

(A) Issued by a credentialing committee of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to perform these procedures in a hospital setting; or
(B) Issued by a credentialing committee for an ambulatory surgical center licensed by the State of Oregon and accredited by either the JCAHO or the Accreditation Association for Ambulatory Health Care (AAAHC).

(3) A dentist may utilize Botulinum Toxin Type A ~~and dermal fillers~~ to treat a condition~~s~~ that ~~is are~~ within the oral and maxillofacial region ~~scope of the practice of dentistry~~ after completing a minimum of ~~10~~ 20 hours in a hands on clinical course(s), ~~which includes both in~~ Botulinum Toxin Type A ~~and dermal fillers~~, and the provider is approved by the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE) or by the American Dental Association Continuing Education Recognition Program (ADA CERP). Alternatively, a dentist may meet the requirements of subsection (3) by successfully completing training in Botulinum Toxin Type A and/or dermal fillers as part of a CODA accredited program.

(4) A dentist may utilize dermal fillers to treat conditions that are within the oral and maxillofacial region after completing a minimum of 10 hours in a hands on clinical course(s), in dermal fillers, and the provider is approved by the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE) or by the American Dental Association Continuing Education Recognition Program (ADA CERP). Alternatively, a dentist may meet the requirements of subsection (4) by successfully completing training in dermal fillers as part of a CODA accredited program.

(5) A dentist may place endosseous implants to replace natural teeth after completing a minimum of 56 hours of hands on clinical course(s), which includes treatment planning, appropriate case selection, potential complications and the surgical placement of the implants under direct supervision, and the provider is approved by the Academy of General Dentistry Program Approval for Continuing Education (AGD PACE) or by the American Dental Association Continuing Education Recognition Program (ADA CERP).

(6) A dentist placing endosseous implants must complete at least seven (7) hours of continuing education related to the placement and or restoration of dental implants every licensure renewal period. (Effective January 1, 2022.)

Dr. Fine moved and Dr. Javier seconded that the Board move OAR 818-012-0005 (5) and (6) as presented and add the language from OAR 818-012-005 (6) to OAR 818-021-0060 to the Rules Oversight Committee for further review. The motion passed unanimously.

Ms. Kramer moved and Dr. Goin seconded that the Committee recommend that the Board move OAR 818-012-0030 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

818-012-0030

Unprofessional Conduct

The Board finds that in addition to the conduct set forth in ORS 679.140(2), unprofessional conduct includes, but is not limited to, the following in which a licensee does or knowingly permits any person to:

- (1) Attempt to obtain a fee by fraud, or misrepresentation.
- (2) Obtain a fee by fraud, or misrepresentation.

- (a) A licensee obtains a fee by fraud if the licensee knowingly makes, or permits any person to make, a material, false statement intending that a recipient, who is unaware of the truth, rely upon the statement.
- (b) A licensee obtains a fee by misrepresentation if the licensee obtains a fee through making or permitting any person to make a material, false statement.
- (c) Giving cash discounts and not disclosing them to third party payers is not fraud or misrepresentation.
- (3) Offer rebates, split fees, or commissions for services rendered to a patient to any person other than a partner, employee, or employer.
- (4) Accept rebates, split fees, or commissions for services rendered to a patient from any person other than a partner, employee, or employer.
- (5) Initiate, or engage in, with a patient, any behavior with sexual connotations. The behavior can include but is not limited to, inappropriate physical touching; kissing of a sexual nature; gestures or expressions, any of which are sexualized or sexually demeaning to a patient; inappropriate procedures, including, but not limited to, disrobing and draping practices that reflect a lack of respect for the patient's privacy; or initiating inappropriate communication, verbal or written, including, but not limited to, references to a patient's body or clothing that are sexualized or sexually demeaning to a patient; and inappropriate comments or queries about the professional's or patient's sexual orientation, sexual performance, sexual fantasies, sexual problems, or sexual preferences.
- (6) Engage in an unlawful trade practice as defined in ORS 646.605 to 646.608.
- (7) Fail to present a treatment plan with estimated costs to a patient upon request of the patient or to a patient's guardian upon request of the patient's guardian.
- (8) Misrepresent any facts to a patient concerning treatment or fees.
- (9)(a) Fail to provide a patient or patient's guardian within 14 days of written request:
- (A) Legible copies of records; and
- (B) Duplicates of study models, radiographs of the same quality as the originals, and photographs if they have been paid for.
- (b) The licensee may require the patient or guardian to pay in advance a fee reasonably calculated to cover the costs of making the copies or duplicates. The licensee may charge a fee not to exceed \$30 for copying 10 or fewer pages of written material and no more than \$0.50 per page for pages 11 through 50 and no more than \$0.25 for each additional page (including records copied from microfilm), plus any postage costs to mail copies requested and actual costs of preparing an explanation or summary of information, if requested. The actual cost of duplicating radiographs may also be charged to the patient. Patient records or summaries may not be withheld from the patient because of any prior unpaid bills, except as provided in (9)(a)(B) of this rule.
- (10) Fail to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders services.
- (11) Use prescription forms pre-printed with any Drug Enforcement Administration number, name of controlled substances, or facsimile of a signature.
- (12) Use a rubber stamp or like device to reproduce a signature on a prescription form or sign a blank prescription form.
- (13) Order drugs listed on Schedule II of the Drug Abuse Prevention and Control Act, 21 U.S.C. Sec. 812, for office use on a prescription form.
- (14) Violate any Federal or State law regarding controlled substances.
- (15) Becomes addicted to, or dependent upon, or abuses alcohol, illegal or controlled drugs, or mind altering substances, or practice with an untreated substance use disorder diagnosis that renders the licensee unable to safely conduct the practice of dentistry or dental hygiene.
- (16) Practice dentistry or dental hygiene in a dental office or clinic not owned by an Oregon licensed dentist(s), except for an entity described under ORS 679.020(3) and dental hygienists practicing pursuant to ORS 680.205(1)(2).
- (17) Make an agreement with a patient or person, or any person or entity representing patients or persons, or provide any form of consideration that would prohibit, restrict, discourage or otherwise

limit a person's ability to file a complaint with the Oregon Board of Dentistry; to truthfully and fully answer any questions posed by an agent or representative of the Board; or to participate as a witness in a Board proceeding.

(18) Fail to maintain at a minimum a current BLS for Healthcare Providers certificate or its equivalent. (Effective January 2015).

(19) Conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to the recognized standards of ethics of the licensee's profession or conduct that endangers the health, safety or welfare of a patient or the public.

(20) Knowingly deceiving or attempting to deceive the Board, an employee of the Board, or an agent of the Board in any application or renewal, or in reference to any matter under investigation by the Board. This includes but is not limited to the omission, alteration or destruction of any record in order to obstruct or delay an investigation by the Board, or to omit, alter or falsify any information in patient or business records.

(21) Knowingly practicing with a physical or mental impairment that renders the Licensee unable to safely conduct the practice of dentistry or dental hygiene.

(22) Take any action which could reasonably be interpreted to constitute harassment or retaliation towards a person whom the licensee believes to be a complainant or witness.

(23) Fail to register with the Prescription Drug Monitoring Program (PDMP) in accordance with OAR 888-023-0820(8) in order to have access to the Program's electronic system if the Licensee holds an Oregon DEA registration.

(24) Fail to maintain in a dental office an Automated External Defibrillator (AED). Each AED, or equivalent defibrillator, shall be maintained in a properly functioning capacity at all times. Proof of the availability of a properly functioning AED, or equivalent defibrillator shall be retained by the licensee for the current calendar year and the two preceding calendar years. (Effective January 1, 2021)

Dr. Underhill moved and Mr. Dunn seconded that the Board move OAR 818-012-0030 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Goin moved and Mr. Dunn seconded that the Committee recommend that the Board move OAR 818-012-0070 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-012-0070

Patient Records

(1) Each licensee shall have prepared and maintained an accurate and legible record for each person receiving dental services, regardless of whether any fee is charged. The record shall contain the name of the licensee rendering the service and include:

(a) Name and address and, if a minor, name of guardian;

(b) Date description of examination and diagnosis;

(c) An entry that informed consent has been obtained and the date the informed consent was obtained. Documentation may be in the form of an acronym such as "PARQ" (Procedure, Alternatives, Risks and Questions) or ~~"SOAP" (Subjective Objective Assessment Plan) or their~~ [its](#) equivalent.

(d) Date and description of treatment or services rendered;

(e) Date, description and documentation of informing the patient of any recognized treatment complications;

(f) Date and description of all radiographs, study models, and periodontal charting;

(g) [Current](#) ~~H~~health history; and

(h) Date, name of, quantity of, and strength of all drugs dispensed, administered, or prescribed.

- (2) Each licensee shall have prepared and maintained an accurate record of all charges and payments for services including source of payments.
- (3) Each licensee shall maintain patient records and radiographs for at least seven years from the date of last entry unless:
 - (a) The patient requests the records, radiographs, and models be transferred to another licensee who shall maintain the records and radiographs;
 - (b) The licensee gives the records, radiographs, or models to the patient; or
 - (c) The licensee transfers the licensee's practice to another licensee who shall maintain the records and radiographs.
- (4) When a dental implant is placed the following information must be given to the patient in writing and maintained in the patient record:
 - (a) Manufacture brand;
 - (b) Design name of implant;
 - (c) Diameter and length;
 - (d) Lot number;
 - (e) Reference number;
 - (f) Expiration date;
 - (g) Product labeling containing the above information may be used in satisfying this requirement.
- (5) When changing practice locations, closing a practice location or retiring, each licensee must retain patient records for the required amount of time or transfer the custody of patient records to another licensee licensed and practicing dentistry in Oregon. Transfer of patient records pursuant to this section of this rule must be reported to the Board in writing within 14 days of transfer, but not later than the effective date of the change in practice location, closure of the practice location or retirement. Failure to transfer the custody of patient records as required in this rule is unprofessional conduct.
- (6) Upon the death or permanent disability of a licensee, the administrator, executor, personal representative, guardian, conservator or receiver of the former licensee must notify the Board in writing of the management arrangement for the custody and transfer of patient records. This individual must ensure the security of and access to patient records by the patient or other authorized party, and must report arrangements for permanent custody of patient records to the Board in writing within 90 days of the death of the licensee.

Dr. Underhill moved and Mr. Dunn seconded that the Board move OAR 818-012-0070 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Goin moved and Ms. Kramer seconded that the Committee recommend that the Board move OAR 818-021-0080 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

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 licensee** holding a current license. The licensee must ~~return the~~ completed **the online** renewal application **and pay the** ~~along with~~ current renewal fees prior to the expiration of said license. Licensees who fail to renew their license prior to the expiration date may not practice dentistry 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 online** 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 **dental** hygienist must submit the renewal fee and completed ~~and signed~~ **online** renewal application ~~form~~ by September 30 every other year. **Dental H**ygienists licensed in odd numbered years shall apply for renewal in odd numbered years and **dental** hygienists licensed in even numbered years shall apply for renewal in even numbered years.

(3) 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 **continuing** educational requirements for renewal set forth in OAR 818-021-0060 or 818-021-0070;

(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.~~;

(k) A statement disclosing if the licensee has been arrested and or convicted of a misdemeanor or felony;

(l) A statement disclosing if the licensee or licensees malpractice insurance company or risk retention group has had any claims for an alleged injury; and

(m) A statement disclosing any physical or mental condition that would inhibit licensee's ability to practice safely.

Dr. Fine moved and Ms. Riedman seconded that the Board move OAR 818-012-0080 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Gojn moved and Mr. Dunn seconded that the Committee recommend that the Board move OAR 818-026-0040 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-026-0040

Qualifications, Standards Applicable, and Continuing Education Requirements for Anesthesia

Permits: Nitrous Oxide Permit

Nitrous Oxide Sedation.

(1) The Board shall issue a Nitrous Oxide Permit to an applicant who:

(a) Is either a licensed dentist or licensed hygienist in the State of Oregon;

(b) Maintains a current BLS for Healthcare Providers certificate or its equivalent; and

(c) Has completed a training course of at least 14 hours of instruction in the use of nitrous oxide from a dental school or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association, or as a postgraduate.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedure and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow delivery of appropriate care in an emergency situation;

- (b) An operating table or chair which permits the patient to be positioned so that the patient's airway can be maintained, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;
 - (c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;
 - (d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;
 - (e) An oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;
 - (f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system; and
 - (g) Sphygmomanometer and stethoscope and/or automatic blood pressure cuff.
- (3) Before inducing nitrous oxide sedation, a permit holder shall:
- (a) Evaluate the patient **and document, using the American Society of Anesthesiologists (ASA) Patient Physical Status Classifications, that the patient is an appropriate candidate for nitrous oxide sedation;**
 - (b) Give instruction to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian;
 - (c) Certify that the patient is an appropriate candidate for nitrous oxide sedation; and
 - (d) Obtain informed consent from the patient or patient's guardian for the anesthesia. The obtaining of the informed consent shall be documented in the patient's record.
- (4) If a patient chronically takes a medication which can have sedative side effects, including, but not limited to, a narcotic or benzodiazepine, the practitioner shall determine if the additive sedative effect of nitrous oxide would put the patient into a level of sedation deeper than nitrous oxide. If the practitioner determines it is possible that providing nitrous oxide to such a patient would result in minimal sedation, a minimal sedation permit would be required.
- (5) A patient under nitrous oxide sedation shall be visually monitored by the permit holder or by an anesthesia monitor at all times. The patient shall be monitored as to response to verbal stimulation, oral mucosal color and preoperative and postoperative vital signs.
- (6) The permit holder or anesthesia monitor shall record the patient's condition. The record must include documentation of **preoperative and postoperative vital signs, and** all medications administered with dosages, time intervals and route of administration.
- (7) Persons serving as anesthesia monitors in a dental office shall maintain current certification in BLS for Healthcare Providers Basic Life Support (BLS)/Cardio Pulmonary Resuscitation (CPR) training, or its equivalent, shall be trained and competent in monitoring patient vital signs, in the use of monitoring and emergency equipment appropriate for the level of sedation utilized. ("competent" means displaying special skill or knowledge derived from training and experience.)
- (8) The person administering the nitrous oxide sedation may leave the immediate area after initiating the administration of nitrous oxide sedation only if a qualified anesthesia monitor is continuously observing the patient.
- (9) The permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:
- (a) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;
 - (b) The patient can talk and respond coherently to verbal questioning;
 - (c) The patient can sit up unaided or without assistance;
 - (d) The patient can ambulate with minimal assistance; and
 - (e) The patient does not have nausea, vomiting or dizziness.
- (10) The permit holder shall make a discharge entry in the patient's record indicating the patient's condition upon discharge.

(11) Permit renewal. In order to renew a Nitrous Oxide Permit, the permit holder must provide proof of a current BLS for Healthcare Providers certificate or its equivalent. In addition, Nitrous Oxide Permit holders must also complete four (4) hours of continuing education in one or more of the following areas every two years: sedation, nitrous oxide, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current BLS for Healthcare Providers certificate or its equivalent, may not be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060 and 818-021-0070.

Dr. Underhill moved and Dr. Pham seconded that the Board move OAR 818-026-0040 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Goin moved and Ms. Kramer seconded that the Committee recommend that the Board move OAR 818-026-0050 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-026-0050

Minimal Sedation Permit

Minimal sedation and nitrous oxide sedation.

(1) The Board shall issue a Minimal Sedation Permit to an applicant who:

- (a) Is a licensed dentist in Oregon;
- (b) Maintains a current BLS for Healthcare Providers certificate or its equivalent; and
- (c) Completion of a comprehensive training program consisting of at least 16 hours of training and satisfies the requirements of the current ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students at the time training was commenced or postgraduate instruction was completed, or the equivalent of that required in graduate training programs, in sedation, recognition and management of complications and emergency care; or
- (d) In lieu of these requirements, the Board may accept equivalent training or experience in minimal sedation anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

- (a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;
- (b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;
- (c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;
- (d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;
- (e) An oxygen delivery system with adequate full facemask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;
- (f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;
- (g) Sphygmomanometer, stethoscope, pulse oximeter, and/or automatic blood pressure cuff; and

(h) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) Before inducing minimal sedation, a dentist permit holder who induces minimal sedation shall:(a) Evaluate the patient and document, using the American Society of Anesthesiologists (ASA) Patient Physical Status Classifications, that the patient is an appropriate candidate for minimal sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian;

(c) Certify that the patient is an appropriate candidate for minimal sedation; and

(d) Obtain written informed consent from the patient or patient's guardian for the anesthesia. The obtaining of the informed consent shall be documented in the patient's record.

(4) No permit holder shall have more than one person under minimal sedation at the same time.

(5) While the patient is being treated under minimal sedation, an anesthesia monitor shall be present in the room in addition to the treatment provider. The anesthesia monitor may be the dental assistant. After training, a dental assistant, when directed by a dentist permit holder, may administer oral sedative agents or anxiolysis agents calculated and dispensed by a dentist permit holder under the direct supervision of a dentist permit holder.

(6) A patient under minimal sedation shall be visually monitored at all times, including recovery phase. The record must include documentation of all medications administered with dosages, time intervals and route of administration. The dentist permit holder or anesthesia monitor shall monitor and record the patient's condition.

(7) Persons serving as anesthesia monitors for minimal sedation in a dental office shall maintain current certification in BLS for Healthcare Providers Basic Life Support (BLS)/Cardio Pulmonary Resuscitation (CPR) training, or its equivalent, shall be trained and competent in monitoring patient vital signs, in the use of monitoring and emergency equipment appropriate for the level of sedation utilized. ("competent" means displaying special skill or knowledge derived from training and experience.)

(8) The patient shall be monitored as follows:

(a) Color of mucosa, skin or blood must be evaluated continually. Patients must have continuous monitoring using pulse oximetry. The patient's response to verbal stimuli, blood pressure, heart rate, pulse oximetry and respiration shall be monitored and documented every fifteen minutes, if they can reasonably be obtained.

(b) A discharge entry shall be made by the dentist permit holder in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(9) The dentist permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(g) A dentist permit holder shall not release a patient who has undergone minimal sedation except to the care of a responsible third party.

(10) The permit holder shall make a discharge entry in the patient's record indicating the patient's condition upon discharge.

~~(10)~~ (11) Permit renewal. In order to renew a Minimal Sedation Permit, the permit holder must provide documentation of a current BLS for Healthcare Providers certificate or its equivalent. In addition, Minimal Sedation Permit holders must also complete four (4) hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation,

medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current BLS for Healthcare Providers certificate, or its equivalent, may not be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

Dr. Pham moved and Dr. Javier seconded that the Board move OAR 818-026-0050 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

The Committee reviewed and discussed OAR 818-026-0065 and decided not to take any action.

818-026-0065

Deep Sedation Permit

Deep sedation, moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue a Deep Sedation Permit to a licensee who holds a Class 3 Permit on or before July 1, 2010 who:

(a) Is a licensed dentist in Oregon; and

(b) In addition to a current BLS for Healthcare Providers certificate or its equivalent, maintains a current Advanced Cardiac Life Support (ACLS) certificate and/or a Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm

platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under deep sedation, moderate sedation, minimal sedation, or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation, and at all times while the patient is under deep sedation, an anesthesia monitor, and one other person holding a current BLS for Healthcare Providers certificate or its equivalent, shall be present in the operatory, in addition to the dentist permit holder performing the dental procedures.

(5) Before inducing deep sedation, a dentist permit holder who induces deep sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists (ASA) Patient Physical Status Classifications, that the patient is an appropriate candidate for deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia. The obtaining of the informed consent shall be documented in the patient's record.

(6) A patient under deep sedation shall be visually monitored at all times, including the recovery phase. The dentist permit holder or anesthesia monitor shall monitor and record the patient's condition.

(7) Persons serving as anesthesia monitors for deep sedation in a dental office shall maintain current certification in BLS for Healthcare Providers Basic Life Support (BLS)/Cardio Pulmonary Resuscitation (CPR) training, or its equivalent, shall be trained and competent in monitoring patient vital signs, in the use of monitoring and emergency equipment appropriate for the level of sedation utilized. ("competent" means displaying special skill or knowledge derived from training and experience.)

(8) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry, electrocardiograph monitors (ECG) and End-tidal CO₂ monitors. The patient's heart rhythm shall be continuously monitored and the patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 5 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation shall be continuously monitored;

(b) Once sedated, a patient shall remain in the operatory for the duration of treatment until criteria for transportation to recovery have been met.

(c) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from deep sedation.

(9) A dentist permit holder shall not release a patient who has undergone deep sedation except to the care of a responsible third party. When a reversal agent is administered, the dentist permit holder shall document justification for its use and how the recovery plan was altered.

(10) The dentist permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(11) A discharge entry shall be made by the dentist permit holder in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(12) Pursuant to OAR 818-042-0115 a Certified Anesthesia Dental Assistant, when directed by a dentist permit holder, may administer oral sedative agents calculated by a dentist permit holder or introduce additional anesthetic agents into an infusion line under the direct visual supervision of a dentist.

(13) Permit renewal. In order to renew a Deep Sedation Permit, the permit holder must provide

documentation of a current BLS for Healthcare Providers certificate or its equivalent; a current Advanced Cardiac Life Support (ACLS) certificate and/or a current Pediatric Advanced Life Support (PALS) certificate; and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS and/or PALS certificates may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

The Committee reviewed and discussed OAR 818-026-0070 and decided not to take any action.

818-026-0070

General Anesthesia Permit

General anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide sedation.

(1) The Board shall issue a General Anesthesia Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) In addition to a current BLS for Healthcare Providers certificate or its equivalent, maintains a current Advanced Cardiac Life Support (ACLS) certificate and/or a Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated, and

(c) Satisfies one of the following criteria:

(A) Completion of an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum that satisfies the requirements described in the current ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students consisting of a minimum of 2 years of a postgraduate anesthesia residency at the time training was commenced.

(B) Completion of any ADA accredited postdoctoral training program, including but not limited to Oral and Maxillofacial Surgery, which affords comprehensive and appropriate training necessary to administer and manage general anesthesia, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in general anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedure and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least three individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter,

electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, intravenous medications for treatment of cardiac arrest, narcotic antagonist, antihistaminic, antiarrhythmics, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation or general anesthesia, and at all times while the patient is under deep sedation or general anesthesia, an anesthesia monitor, and one other person holding a current BLS for Healthcare Providers certificate or its equivalent, shall be present in the operatory in addition to the dentist permit holder performing the dental procedures.

(5) Before inducing deep sedation or general anesthesia the dentist permit holder who induces deep sedation or general anesthesia shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists (ASA) Patient Physical Status Classifications, that the patient is an appropriate candidate for general anesthesia or deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia. The obtaining of the informed consent shall be documented in the patient's record.

(6) A patient under deep sedation or general anesthesia shall be visually monitored at all times, including recovery phase. A dentist permit holder who induces deep sedation or general anesthesia or anesthesia monitor trained in monitoring patients under deep sedation or general anesthesia shall monitor and record the patient's condition on a contemporaneous record.

(7) Persons serving as anesthesia monitors for general anesthesia in a dental office shall maintain current certification in BLS for Healthcare Providers Basic Life Support (BLS)/Cardio Pulmonary Resuscitation (CPR) training, or its equivalent, shall be trained and competent in monitoring patient vital signs, in the use of monitoring and emergency equipment appropriate for the level of sedation utilized. ("competent" means displaying special skill or knowledge derived from training and experience.)

(8) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring of their heart rate, heart rhythm, oxygen saturation levels and respiration using pulse oximetry, electrocardiograph monitors (ECG) and End-tidal CO₂ monitors. The patient's blood pressure, heart rate and oxygen saturation shall be assessed every five minutes, and shall be contemporaneously documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. The person administering the anesthesia and the person monitoring the patient may not leave the patient while the patient is under deep sedation or general anesthesia;

(b) Once sedated, a patient shall remain in the operatory for the duration of treatment until criteria for transportation to recovery have been met.

(c) During the recovery phase, the patient must be monitored, including the use of pulse oximetry, by an individual trained to monitor patients recovering from general anesthesia.

(9) A dentist permit holder shall not release a patient who has undergone deep sedation or general anesthesia except to the care of a responsible third party. When a reversal agent is administered, the dentist permit holder shall document justification for its use and how the recovery plan was altered.

(10) The dentist permit holder shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

- (c) The patient can talk and respond coherently to verbal questioning;
 - (d) The patient can sit up unaided;
 - (e) The patient can ambulate with minimal assistance; and
 - (f) The patient does not have nausea or vomiting and has minimal dizziness.
- (11) A discharge entry shall be made in the patient's record by the dentist permit holder indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.
- (12) Pursuant to OAR 818-042-0115 a Certified Anesthesia Dental Assistant, when directed by a dentist permit holder, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist permit holder.
- (13) Permit renewal. In order to renew a General Anesthesia Permit, the permit holder must provide documentation of a current BLS for Healthcare Providers certificate or its equivalent; a current Advanced Cardiac Life Support (ACLS) certificate and/or a current Pediatric Advanced Life Support (PALS) certificate; and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS and/or PALS certificates may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

Ms. Kramer moved and Dr. Goin seconded that the Committee recommend that the Board move OAR 818-035-0020 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

818-035-0020

Authorization to Practice

- (1)** A supervising dentist, without first examining a new patient, may authorize a dental hygienist:
- (a) To take a health history from a patient;
 - (b) To take dental radiographs;
 - (c) To perform periodontal probings and record findings;
 - (d) To gather data regarding the patient; and
 - (e) To diagnose, treatment plan and provide dental hygiene services.
- (2)** When dental hygiene services are provided pursuant to subsection **(1)**, the supervising dentist need not be on the premises when the services are provided.
- (3)** When dental hygiene services are provided pursuant to subsection **(1)**, the patient must be scheduled to be examined by the supervising dentist within fifteen business days following the day the dental hygiene services are provided.
- (4)** If a new patient has not been examined by the supervising dentist subsequent to receiving dental hygiene services pursuant to subsection **(1)**, no further dental hygiene services may be provided until an examination is done by the supervising dentist.
- (5)** A dental hygienist may practice dental hygiene in the places specified by ORS 680.150 under general supervision upon authorization of a supervising dentist.
- (6)** A dentist who authorizes a dental hygienist to practice dental hygiene on a limited access patient must review the dental hygienist's findings.
- (7) When dental hygiene services are provided pursuant to subsection (5), subsections (2), (3) and (4) also apply.**

Ms. Riedman moved and Dr. Javier seconded that the Board move OAR 818-035-0020 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Goin moved and Dr. Pham seconded that the Committee recommend that the Board move

OAR 818-035-0025 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-035-0025

Prohibitions

A dental hygienist may not:

- (1) Diagnose and treatment plan other than for dental hygiene services;
- (2) Cut hard or soft tissue with the exception of root planing;
- (3) Extract any tooth;
- (4) Fit or adjust any correctional or prosthetic appliance except as provided by OAR 818-035-0030(1)(h);
- (5) Prescribe, administer or dispense any drugs except as provided by OAR 818-035-0030, [OAR 818-035-0040](#), [OAR 818-026-0060](#)(~~11~~ [12](#)), [OAR 818-026-0065](#)([12](#)) and 818-026-0070(~~11~~ [12](#));
- (6) Place, condense, carve or cement permanent restorations except as provided in OAR 818-035-0072, or operatively prepare teeth;
- (7) Irrigate or medicate canals; try in cones, or ream, file or fill canals;
- (8) Use the behavior management techniques of Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.
- (9) Place or remove healing caps or healing abutments, except under direct supervision.
- (10) Place implant impression copings, except under direct supervision.

Dr. Underhill moved and Dr. Javier seconded that the Board move OAR 818-035-0025 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Pham moved and Ms. Kramer seconded that the Committee recommend that the Board move OAR 818-042-0040 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-042-0040

Prohibited Acts

No licensee may authorize any dental assistant to perform the following acts:

- (1) Diagnose or plan treatment.
- (2) Cut hard or soft tissue.
- (3) Any Expanded Function duty (OAR 818-042-0070 and OAR 818-042-0090) or Expanded Orthodontic Function duty (OAR 818-042-0100) or Restorative Functions (OAR 818-042-0095 or Expanded Preventive Duty ([OAR 818-042-0113](#) and [OAR 818-042-0114](#)) or Expanded Function Anesthesia (OAR 818-042-0115) without holding the appropriate certification.
- (4) Correct or attempt to correct the malposition or malocclusion of teeth except as provided by OAR 818-042-0100.
- (5) Adjust or attempt to adjust any orthodontic wire, fixed or removable appliance or other structure while it is in the patient's mouth.
- (6) Administer any drug except fluoride, topical anesthetic, desensitizing agents, over the counter medications per package instructions or drugs administered pursuant to OAR 818-026-0050(5)(a), OAR 818-026-0060(~~11~~ [12](#)), OAR 818-026-0065(~~11~~ [12](#)), OAR 818-026-0070(~~11~~ [12](#)) and as provided in OAR 818-042-0070, OAR 818-042-0090 and OAR 818-042-0115.
- (7) Prescribe any drug.
- (8) Place periodontal packs.
- (9) Start nitrous oxide.
- (10) Remove stains or deposits except as provided in OAR 818-042-0070.
- (11) Use ultrasonic equipment intra-orally except as provided in OAR 818-042-0100.

- (12) Use a high-speed handpiece or any device that is operated by a high-speed handpiece intra-orally except as provided in OAR 818-042-0095, and only for the purpose of adjusting occlusion, contouring, and polishing restorations on the tooth or teeth that are being restored.
- (13) Use lasers, except laser-curing lights.
- (14) Use air abrasion or air polishing.
- (15) Remove teeth or parts of tooth structure.
- (16) Cement or bond any fixed prosthesis or orthodontic appliance including bands, brackets, retainers, tooth moving devices, or orthopedic appliances except as provided in OAR 818-042-0100.
- (17) Condense and carve permanent restorative material except as provided in OAR 818-042-0095.
- (18) Place any type of retraction material subgingivally except as provided in OAR 818-042-0090.
- (19) Apply denture relines except as provided in OAR 818-042-0090(2).
- (20) Expose radiographs without holding a current Certificate of Radiologic Proficiency issued by the Board (OAR 818-042-0050 and OAR 818-042-0060) except while taking a course of instruction approved by the Oregon Health Authority, Oregon Public Health Division, Office of Environmental Public Health, Radiation Protection Services, or the Oregon Board of Dentistry.
- (21) Use the behavior management techniques known as Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.
- (22) Perform periodontal probing.
- (23) Place or remove healing caps or healing abutments, except under direct supervision.
- (24) Place implant impression copings, except under direct supervision.
- (25) Any act in violation of Board statute or rules.

Dr. Javier moved and Dr. Fine seconded that the Board move OAR 818-042-0040 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Goin moved and Dr. Pham seconded that the Committee recommend that the Board move OAR 818-042-0080 as presented to the next regularly scheduled Licensing, Standards and Competency Meeting for further review. The motion passed unanimously.

818-042-0080

Certification — Expanded Function Dental Assistant (EFDA)

The Board may certify a dental assistant as an expanded function assistant:

- (1) By credential in accordance with OAR 818-042-0120, or
- (2) If the assistant submits a completed application, pays the fee and provides evidence of:
 - (a) Certification of Radiologic Proficiency (OAR 818-042-0060); and satisfactory completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association; or
 - (b) Certification of Radiologic Proficiency (OAR 818-042-0060); and passage of the Oregon Basic, Infection Control or Certified Dental Assisting (CDA) examination, and the Expanded Function Dental Assistant examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by [an Oregon](#) licensed dentist that the applicant has successfully polished six (6) amalgam or composite surfaces, removed supra-gingival excess cement from four (4) crowns and/or fixed partial dentures (bridges) with hand instruments; placed temporary restorative material in three (3) teeth; preliminarily fitted four (4) crowns to check contacts or to adjust occlusion outside the mouth; removed four (4) temporary crowns for final cementation and cleaned teeth for final cementation; fabricated four (4) temporary crowns and/or fixed partial dentures (bridges) and temporarily cemented the crowns and/or fixed partial dentures (bridges); polished the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis in six (6) patients; placed matrix bands on four (4) teeth prepared for Class II restorations. [The dental assistant must submit within six months' certification by a licensed dentist that the dental assistant is proficient to perform all the expanded function duties in subsection \(b\). If no](#)

expanded function certificate is issued within the six months, the dental assistant is no longer able to continue to perform expanded function duties until EFDA certification is achieved.

Dr. Underhill moved and Dr. Javier seconded that the Board move OAR 818-042-0080 as presented to the next Licensing, Standards & Competency Committee Meeting for further review. The motion passed unanimously.

Dr. Pham moved and Dr. Goin seconded that the Committee recommend that the Board move OAR 818-042-0110 as amended to the next regularly scheduled Licensing, Standards and Competency Meeting for further review. The motion passed unanimously.

818-042-0110

Certification— Expanded Function Orthodontic Dental Assistant (EFODA)

The Board may certify a dental assistant as an expanded function orthodontic assistant:

- (1) By credential in accordance with OAR 818-042-0120, or
- (2) Completion of an application, payment of fee and satisfactory evidence of:
 - (a) Completion of a course of instruction in a program in dental assisting accredited by the American Dental Association Commission on Dental Accreditation; or
 - (b) Passage of the Oregon Basic, Infection Control, Certified Dental Assistant (CDA) or Certified Orthodontic Assistant (COA) examination, and Expanded Function Orthodontic Assistant examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by an Oregon licensed dentist that the applicant has successfully placed and ligated orthodontic wires on ten (10) patients and removed bands/brackets and remaining adhesive using an ultrasonic, hand scaler or a slow speed handpiece from teeth on four
- (4) patients. The dental assistant must submit within six months' certification by a licensed dentist that the dental assistant is proficient to perform all the expanded function orthodontic duties in subsection (b). If no expanded function certificate is issued within the six months, the dental assistant is no longer able to continue to perform expanded function orthodontic duties until EFODA certification is achieved.

Dr. Javier moved and Dr. Pham seconded that the Board move OAR 818-042-0110 as amended to the next Licensing, Standards & Competency Committee Meeting for further review. The motion passed unanimously.

Dr. Goin moved and Dr. Pham seconded that the Committee recommend that the Board move OAR 818-042-0113 as presented to the next regularly scheduled Licensing, Standards and Competency Meeting for further review. The motion passed unanimously.

818-042-0113

Certification — Expanded Function Preventive Dental Assistants (EFPDA)

The Board may certify a dental assistant as an expanded function preventive dental assistant:

- (1) By credential in accordance with OAR 818-042-0120, or
- (2) If the assistant submits a completed application, pays the fee and provides evidence of:
 - (a) Certification of Radiologic Proficiency (OAR 818-042-0060); and satisfactory completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association; or

(b) Certification of Radiologic Proficiency (OAR 818-042-0060); and passage of the Oregon Basic or Infection Control examination, and Certified Preventive Functions Dental Assistant (CPFDA) examination, or the Expanded Function Dental Assistant (EFDA) examination, or the Coronal Polish (CP) examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by an Oregon licensed dentist that the applicant has successfully polished the coronal surfaces of teeth with a brush or rubber cup as part of oral prophylaxis to remove stains on six **(6)** patients. The dental assistant must submit within six months' certification by a licensed dentist that the dental assistant is proficient to perform all the expanded function preventive duties in subsection (b). If no expanded function preventive certificate is issued within the six months, the dental assistant is no longer able to continue to perform expanded function preventive duties until EFPDA certification is achieved.

Ms. Riedman moved and Dr. Javier seconded that the Board move OAR 818-042-0113 as presented to the next Licensing, Standards & Competency Committee Meeting for further review. The motion passed unanimously.

The Committee reviewed and discussed information and correspondence regarding sleep apnea. Treatment and devices were discussed.

Dr. Goin moved and Dr. Pham seconded the recommendation that the Board accept that it is within a dentist's scope of practice to use a portable monitor to help determine the optimal effective position of a patient's oral appliance. The motion passed unanimously.

Dr. Underhill moved and Dr. Pham seconded that the Board accept that it is within a dentist's scope of practice to use a portable monitor to help determine the optimal effective position of a patient's oral appliance. The motion passed unanimously.

Dr. Pham moved and Dr. Goin seconded that the Committee recommend that the Board move OAR 818-021-0088 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

818-021-0088

Volunteer License

- (1) An Oregon licensed dentist or dental hygienist who will be practicing for a supervised volunteer dental clinic, as defined in ORS 679.020(3)(f) and (g), may be granted a volunteer license provided licensee completes the following:
- (a) Licensee must register with the Board as a health care professional and provide a statement as required by ORS 676.345.
 - (b) Licensee will be responsible to meet all the requirements set forth in ORS 676.345.
 - (c) Licensee must provide the health care service without compensation.
 - (d) Licensee shall not practice dentistry or dental hygiene for remuneration in any capacity under the volunteer license.
 - (e) Licensee must comply with all continuing education requirements for active licensed dentist or dental hygienist.
 - (f) Licensee must agree to volunteer for a minimum of 80 hours in Oregon per renewal cycle.
- (2) Licensee may surrender the volunteer license designation at anytime and request a return to an active license. The Board will grant an active license as long as all active license

requirements have been met.

Dr. Javier moved and Dr. Pham seconded that the Board move OAR 818-021-0088 as amended to the Rules Oversight Committee for further review. The motion passed unanimously.

The Committee reviewed and discussed OAR 818-012-0040 and decided not to take any action. Oregon OSHA is promulgating rules that will impact all businesses in Oregon which will overlap and in some cases exceed Board infection control guidelines.

818-012-0040

Infection Control Guidelines

In determining what constitutes unacceptable patient care with respect to infection control, the Board may consider current infection control guidelines such as those of the Centers for Disease Control and Prevention and the American Dental Association.

(1) Additionally, licensees must comply with the following requirements:

(a) Disposable gloves shall be worn whenever placing fingers into the mouth of a patient or when handling blood or saliva contaminated instruments or equipment. Appropriate hand hygiene shall be performed prior to gloving.

(b) Masks and protective eyewear or chin-length shields shall be worn by licensees and other dental care workers when spattering of blood or other body fluids is likely.

(c) Between each patient use, instruments or other equipment that come in contact with body fluids shall be sterilized.

(d) Environmental surfaces that are contaminated by blood or saliva shall be disinfected with a chemical germicide which is mycobactericidal at use.

(e) Impervious backed paper, aluminum foil, or plastic wrap may be used to cover surfaces that may be contaminated by blood or saliva and are difficult or impossible to disinfect. The cover shall be replaced between patients.

(f) All contaminated wastes and sharps shall be disposed of according to any governmental requirements.

(2) Licensees must comply with the requirement that heat sterilizing devices shall be tested for proper function by means of a biological monitoring system that indicates micro-organisms kill each calendar week in which scheduled patients are treated. Testing results shall be retained by the licensee for the current calendar year and the two preceding calendar years.

Dr. Goin moved and Ms. Kramer seconded that the Committee recommend that the Board move OAR 818-015-0007 and OAR 818-021-0012 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

818-015-0007

Specialty Advertising

(1) A dentist may only advertise as a specialist in an area of dentistry which is recognized by the Board and in which the dentist is licensed or certified by the Board.

(2) The Board recognizes the following specialties:

(a) Endodontics;

(b) Oral and Maxillofacial Surgery;

(c) Oral and Maxillofacial Radiology;

(d) Oral and Maxillofacial Pathology;

(e) Orthodontics and Dentofacial Orthopedics;

(f) Pediatric Dentistry;

(g) Periodontics;

(h) Prosthodontics;

(i) Dental Public Health;

(j) Dental Anesthesiology;

(k) Oral Medicine;

(l) Orofacial Pain.

(3) A dentist whose license is not limited to the practice of a specialty under OAR 818-021-0017 may advertise that the dentist performs or limits practice to specialty services even if the dentist is not a specialist in the advertised area of practice so long as the dentist clearly discloses that the dentist is a general dentist or a specialist in a different specialty. For example, the following disclosures would be in compliance with this rule for dentists except those licensed pursuant to 818-021-0017: "Jane Doe, DDS, General Dentist, practice limited to pediatric dentistry." "John Doe, DMD, Endodontist, practice includes prosthodontics."

818-021-0012

Specialties Recognized

(1) A dentist may advertise that the dentist is a dentist anesthesiologist, endodontist, oral and maxillofacial pathologist, oral and maxillofacial surgeon, oral and maxillofacial radiologist, oral medicine dentist, orofacial pain dentist, orthodontist and dentofacial orthopedist, pediatric dentist, periodontist, prosthodontist or dental public health dentist, only if the dentist is licensed or certified by the Board in the specialty in accordance with Board rules.

(2) A dentist may advertise that the dentist specializes in or is a specialist in dental anesthesiology, endodontics, oral and maxillofacial pathology, oral and maxillofacial surgery, oral and maxillofacial radiology, oral medicine, orofacial pain, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics or dental public health only if the dentist is licensed or certified by the Board in the specialty in accordance with Board rules.

Dr. Javier moved and Dr. Pham seconded that the Board move OAR 818-015-0007 and OAR 818-021-0012 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

The Committee reviewed and discussed OAR 818-012-0006 and did not to take any action.

818-012-0006 – Qualifications – Administration of Vaccines

(1) A dentist may administer vaccines to a patient of record.

(2) A dentist may administer vaccines under Section (1) of this rule only if:

(a) The dentist has completed a course of training approved by the Board;

(b) The vaccines are administered in accordance with the "Model Standing Orders" approved by the Oregon Health Authority (OHA); and

(3) The dentist may not delegate the administration of vaccines to another person.

Dr. Goin moved and Dr. Pham seconded that the Committee recommend that the Board move OAR 818-026-0080 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

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~~ Board, 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 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 his/her intent. Such notification need only be submitted once every licensing period.

Dr. Javier moved and Mr. Dunn seconded that the Board move OAR 818-026-0080 as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Pham moved and Ms. Kramer seconded that the Committee recommend that the Board move OAR 818-012-XXXX - Compliance with Governor's Executive Orders as presented to the Rules Oversight Committee for further review. Ms. Martinez, Ms. Jorgensen, Dr. Pham, Dr. Javier, Ms. Kramer, and Mr. Dunn voted aye. Dr. Goin opposed the motion. The motion passed.

818-012-XXXX - Compliance with Governor's Executive Orders

- (1) During a declared emergency, unprofessional conduct includes failing to comply with any applicable provision of a Governor's Executive Order or any provision of this rule.**
- (2) Failing to comply as described in subsection (1) includes, but is not limited to:**
 - (a) Operating a business required by an Executive Order to be closed under any current Executive Order.**
 - (b) Providing services at a business required by an Executive Order to be closed under any current Executive Order.**
 - (c) Failing to comply with Oregon Health Authority (OHA) guidance implementing an Executive Order, including but not limited to:**
 - (A) Failing to satisfy required criteria in OHA guidance prior to resuming elective**

- and non-emergent procedures;
(B) Failing to implement a measured approach when resuming elective and nonemergent procedures in accordance with OHA guidance;
(d) Failing to comply with any Board of Dentistry guidance implementing an Executive Order;
(3) No disciplinary action or penalty action shall be taken under this rule if the Executive Order alleged to have been violated is not in effect at the time of the alleged violation.
(4) Penalties for violating this rule include: up to \$5,000 per violation pursuant to ORS 679.140(10). Any such penalties shall be imposed in accordance with ORS 679.140.

Dr. Javier moved and Mr. Dunn seconded that the Board move OAR 818-012-XXXX as presented to the Rules Oversight Committee for further review. The motion passed unanimously.

Dr. Pham moved and Mr. Dunn seconded that the Committee recommend that the Board note that an application is considered valid from the actual date the OBD Staff receive it at the OBD Office. The motion passed unanimously.

818-021-0120

Application Valid for 180 Days

- (1) If all information and documentation necessary for the Board to act on an application is not provided to the Board by the applicant within 180 days from the date the application is received by the Board, the Board shall reject the application as incomplete.
- (2) An applicant whose application has been rejected as incomplete must file a new application and must pay a new application fee.
- (3) An applicant who fails the examination or who does not take the examination during the 180- day period following the date the Board receives the application, must file a new application and must pay a new application fee.

Dr. Underhill moved and Dr. Javier seconded that the Board accept that an application is considered valid from the actual date the OBD Staff receive it at the OBD office. The motion passed unanimously.

UNFINISHED BUSINESS & RULES

Request for Approval of Local Anesthesia Course – Minnesota State University, Mankato

Dr. Underhill moved and Dr. Javier seconded that the Board approve the local anesthesia course as requested. The motion passed unanimously.

ARTICLES AND NEWS (Informational Only)

- CDCA Summer 2020 Newsletter
- SRTA Update
- Recommendation About the use of Dental Amalgam
- ADA Reaffirms Dental Amalgam as Safe Restorative Material
- CODA Call for Nominations
- Washington Dept. of Health extends expiration date of Limited License
- HPSP Article

RATIFICATION OF LICENSES

Ms. Martinez moved and Dr. Javier seconded that the Board ratify the licenses presented. The motion passed unanimously.

CONSENT AGENDA

2020-0194, 2020-0202, 2021-0024, 2021-0039, 2021-0025, 2021-0026, 2021-0021, 2021-0013

Ms. Riedman moved and Mr. Dunn seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

2021-0032

Ms. Riedman moved and Mr. Dunn seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

COMPLETED CASES

2020-0178, 2020-0191, 2021-0030, 2020-0185, 2021-0033, 2020-0212, 2021-0020, 2020-0156, 2020-0120, 2020-0148

Ms. Riedman moved and Dr. Javier seconded that the Board close the matters with a finding of No Violation or No Further Action. The motion passed unanimously.

2020-0177

Dr. Pham moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all of the instruments he uses have been sterilized in an autoclave that is tested with a biological monitoring system on a weekly basis. And, instruct Board staff to open an investigation into the dental director where Licensee practices. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

BIANCO, MARC F., D.M.D. 2020-0211

Dr. Underhill moved Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a \$3,000.00 civil

penalty within 60 days, take four hours of infection control continuing education within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed unanimously.

2020-0141

Dr. Fine moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to document the strength of the local anesthetics he administers, and the number of tablets of a drug that he prescribes. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Javier and Dr. Fine voting aye. Dr. Pham recused.

2020-0132

Dr. Sharifi moved and Ms. Riedman seconded that the Board close the matter with a Letter of Concern, reminding Licensee to review and refine panoramic radiographic reading skills. The motion passed unanimously.

2020-0150

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all instruments that he uses have been sterilized in an autoclave that is tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

2020-0160

Dr. Javier moved and Dr. Pham seconded that the Board close the matter with a Letter of Concern, reminding Licensee to assure that he conduct biological monitoring of sterilization devices on a weekly basis, and reminding Licensee that he is required to maintain documentation evidence of all continuing education completed for a four-year period. The motion passed unanimously.

2020-0152

Dr. Pham moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern, reminding Licensee to assure that he thoroughly discusses and documents in his patient treatment record notes treatment options whenever invasive procedures are planned. The motion passed unanimously.

2020-0080

Dr. Underhill moved and Mr. Dunn seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he conducts weekly biological testing of his sterilization devices. The motion passed unanimously.

2020-0147

Dr. Fine moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding licensee to be cognizant of the preservation of tooth structure when recommending treatment to patients, and to test each of his autoclaves with a biological monitoring system on a weekly basis. The motion passed unanimously.

HARBOUR, STEPHEN P., D.M.D. 2020-0149

Dr. Sharifi moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$1,433.00

restitution to patient JB within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed unanimously.

2020-0128

Mr. Dunn moved and Dr. Pham seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all of the instruments that she uses have been sterilized in an autoclave that has been tested with a biological monitoring system on a weekly basis. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

2020-0154

Dr. Javier moved and Ms. Riedman seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he continues to improve the office communication between all employees, and improve his patient treatment record documentation, especially collaborating with his dental hygienists regarding the documentation, both radiographically and clinically, required for patient treatment records. The motion passed unanimously.

IRWIN, DURK V., D.M.D. 2020-0117

Dr. Pham moved and Dr. Underhill seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, a \$9,000.00 civil penalty, successfully complete a Board approved course on record keeping within 30 days, pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days from the effective date of the Order, and for a period of one year from the effective date of the Order submit monthly biological monitoring testing results to the Board. The motion passed unanimously.

2020-0143

Dr. Underhill moved and Dr. Pham seconded that the Board close the matter, in regards to Respondent #1, with a finding of No Violation, and in regards to Respondent #2, with a finding of No Violation. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

2020-0114

Dr. Fine moved and Dr. Pham seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that the patient records accurately reflect all treatment that was provided, and to document a dental diagnosis for any treatment recommended. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

2020-0169

Dr. Sharifi moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he verifies what treatment is indicated and that the patient understands the treatment proposed. The motion passed unanimously.

LASETER, JOHN D., D.M.D. 2020-0176

Mr. Dunn moved and Dr. Javier seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a \$2,000.00 civil penalty within 30 days, pay a restitution of \$3,000.00 to patient NH within 60 days, take a Board approved course on Record Keeping within 30 days, and pass the Oregon

Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the order. The motion passed unanimously.

2020-0192

Dr. Javier moved and Ms. Riedman seconded that the Board close the matter with a Letter of Concern reminding Licensee to document in the patient records the strength of the local anesthetics she administers, and to document in the patient records all radiographic images taken. The motion passed unanimously.

2020-0188

Dr. Pham moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding the Licensee to assure that diagnoses for all treatment are documented in the patient record, and to assure that the instruments she uses have been sterilized in an autoclave that is tested with a biological monitoring system on a weekly basis. The motion passed unanimously.

2020-0162

Dr. Underhill moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding the Licensee to assure that patients are scheduled for periodic oral exam annually if not more frequently. The motion passed unanimously.

2020-0167

Dr. Fine moved and Mr. Dunn seconded that the Board close the matter against Respondent #1 with a finding of No Violation, and to close the matter against Respondent #2 with a finding of No Violation. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

PARK, JOHN J., D.D.S. 2020-0184

Dr. Sharifi moved and Dr. Underhill seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay a \$2,000.00 civil penalty within 30 days, pay a \$1,218.60 restitution to KW's mother, MW, within 30 days, take a Board approved three hour continuing education course in record keeping within 30 days, and to pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed unanimously.

2020-0206

Mr. Dunn moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that the hand pieces are working properly before he uses them on a patient, to assure that he documents in the patient record the strength of the local anesthetics he administers, and to assure that the instruments he uses have been sterilized in an autoclave that is tested with a biologic monitor on a weekly basis. The motion passed unanimously.

PETERSON, ROBERT H., D.D.S. 2020-0124

Dr. Javier moved and Mr. Dunn seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, restitution of \$2,956.00 payable to patient JH within 60 days; complete the Dental Jurisprudence course within 30 days; and complete a Board approved six hour continuing education course in Endodontics within six months. The motion passed unanimously.

SMITH, BRENDEN L., D.M.D. 2020-0164

Dr. Pham moved and Mr. Dunn seconded that the Board issue a Notice of Proposed Disciplinary Action and offer Licensee a Consent Order incorporating a reprimand, pay restitution to patient FC of \$969.00 within 30 days, and pass the Oregon Board of Dentistry Jurisprudence Exam within 30 days of the effective date of the Order. The motion passed unanimously.

2020-0168

Dr. Underhill moved and _____ seconded that the Board, in regards to Respondent #1, close the matter with a Letter of Concern reminding Licensee to assure that the dental instruments she uses are provided for weekly biological testing of sterilization devices. In the matter of case 2020-0168, regarding Respondent #2, move to close the matter with a Letter of Concern reminding Licensee to assure that the dental instruments she uses are provided for weekly biological testing of sterilization devices. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

2020-0146

Dr. Fine moved and Dr. Underhill seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that the instruments he uses are provided for weekly biological testing of sterilization devices. The motion passed unanimously.

2020-0144

Dr. Sharifi moved and Dr. Javier seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that he tests his autoclaves with a biological monitoring system on a weekly basis. The motion passed unanimously.

2020-0119

Mr. Dunn moved and Dr. Pham seconded that the Board close the matter with a Letter of Concern reminding Licensee to assure that all instruments that he uses have been sterilized in an autoclave that has been tested with a biologic medium on a weekly basis. The motion passed with Ms. Riedman, Dr. Underhill, Dr. Sharifi, Mr. Dunn, Ms. Martinez, Dr. Pham and Dr. Fine voting aye. Dr. Javier recused.

PREVIOUS CASES REQUIRING BOARD ACTION

AGARWAL, ROHINI A., D.M.D. 2019-0201

Dr. Javier moved and Dr. Pham seconded that the Board deny the Licensee's request and reaffirm the Board's August 21, 2020 decision. The motion passed unanimously.

2018-0054

Dr. Pham moved and Dr. Javier seconded that the Board issue a Notice of Dismissal, dismissing the Notice of Proposed Discipline and close the matter with No Further Action. The motion passed unanimously.

2019-0116

