

## LICENSING, STANDARDS AND COMPETENCY COMMITTEE

### Minutes December 15, 2017

MEMBERS PRESENT: Amy B. Fine, D.M.D., Chair  
Yadira Martinez, R.D.H., E.P.P.  
Todd Beck, D.M.D.  
Hai Pham, D.M.D.  
Julie Ann Smith, D.D.S., M.D., M.C.R.  
Bruce Burton, D.M.D. - ODA Representative  
Lisa Rowley, R.D.H. - ODHA Representative  
Mary Harrison, CDA, EFDA, EFODA, MADAA - ODAA Representative

STAFF PRESENT: Stephen Prisby, Executive Director  
Paul Kleinstub, D.D.S., M.S., Dental Director/Chief Investigator  
Daniel Blickenstaff, D.D.S., Investigator  
Teresa Haynes, Office Manager  
Ingrid Nye, Examination & Licensing Manager

ALSO PRESENT: Lori Lindley, Sr. Assistant Attorney General

BOARD MEMBERS PRESENT: Gary Underhill, D.M.D., Alicia Riedman, R.D.H., E.P.P.

VISITORS PRESENT: Jen Lewis-Goff, Dr. Jim McMahan, Dr. Richie Kohli, Dr. Harjit Sehgal, Dr. Ted Rothstein, Dr. Bill Knight.

**Call to Order:** The meeting was called to order by Dr. Fine, at 1:59 p.m.

### **MINUTES**

Dr. Smith moved and Dr. Beck seconded that the minutes of the June 23, 2017 Licensing, Standards and Competency meeting be approved as presented. The motion passed with Ms. Martinez, Dr. Beck, Dr. Pham, Dr. Smith, Dr. Burton, Ms. Rowley, and Ms. Harrison voting aye.

### **CORRESPONDENCE**

The Committee reviewed and discussed correspondence from the American Association of Dental Boards regarding the American Dental Association (ADA)'s OSCE examination.

The Committee reviewed and discussed redefining "Teledentistry/Telehealth" per the Board's referral. The Committee took no action.

The Committee reviewed and discussed correspondence from Dr. Richie Kohli regarding scope of practice for a licensee whose license is limited to the specialty of Dental Public Health. Ms. Martinez moved and Dr. Beck seconded that the Committee recommend that the Board move OAR 818-01-0002 as amended to the Rules Oversight Committee. The motion passed with Ms. Martinez, Dr. Beck, Dr. Pham, Dr. Burton, Ms. Rowley, and Ms. Harrison voting aye. Dr. Smith

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recused.

**OAR 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)(a) "Licensee" means a dentist or hygienist.
- (b) "Volunteer Licensee" is a dentist or dental hygienist licensed according to rule to provide dental health care without receiving or expecting to receive compensation.
- (10) "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.
- (11) "Specialty." Specialty areas of dentistry are as defined by the American Dental Association, Council on Dental Education. 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 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. **Dental Public Health includes the clinical practice of dentistry limited to the following locations or populations:**
    - (A) Patients or residents of the following facilities or programs who, due to age, infirmity or disability, are unable to receive regular dental treatment:**
      - (i) Nursing homes as defined in ORS 678.710;**
      - (ii) Adult foster homes as defined in ORS 443.705;**
      - (iii) Residential care facilities as defined in ORS 443.400;**
      - (iv) Adult congregate living facilities as defined in ORS 441.525;**
      - (v) Mental health residential programs administered by the Oregon Health Authority;**
      - (vi) Facilities for persons with mental illness, as those terms are defined in ORS 426.005;**
      - (vii) Facilities for persons with developmental disabilities, as those terms are defined in ORS 427.005;**
      - (viii) Local correctional facilities and juvenile detention facilities as those terms are defined in ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Corrections institutions as defined in ORS 421.005; or**
      - (ix) Public and nonprofit community health clinics.**

(B) Adults who are homebound.

(C) Students or enrollees of nursery schools and day care programs and their siblings under 18 years of age, Job Corps and similar employment training facilities, primary and secondary schools, including private schools and public charter schools, and persons entitled to benefits under the Women, Infants and Children Program.

(D) Patients in hospitals, medical clinics, medical offices or offices operated or staffed by nurse practitioners, physician assistants or midwives.

(E) Patients whose income is less than the federal poverty level.

(F) Other populations that the Oregon Board of Dentistry determines are underserved or lack access to dental services.

(G) Low-income persons, as defined by earning 200% of the Federal Poverty Level or on specific populations of the Federal Poverty Level or on specific population groups designated by the Dental Health Professional Shortage Areas (DHPSA) that lack access to care and that are underserved.

(b) "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.

(c) "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.

(d) "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.

(e) "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.

(f) "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.

(g) "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.

(h) "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.

(i) "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.

(12) "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.

(13) 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).

(14) “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.

The Committee reviewed and discussed correspondence from Mr. Frank Recker regarding the Board’s rules on specialty advertising. Ms. Martinez moved and Dr. Pham seconded that the Committee recommend that the Board move OAR 818-015-0007, OAR 818-021-0015, and OAR 818-021-0017 to the Rules Oversight Committee to remove or revise all language referencing the American Dental Association (ADA). The motion passed with Ms. Martinez, Dr. Beck, Dr. Pham, Dr. Smith, Dr. Burton, Ms. Rowley, and Ms. Harrison voting aye.

The Committee reviewed and discussed OAR 818-021-0060 and OAR 818-021-0070 Continuing Education and reaffirmed the rules as written.

The Committee reviewed and discussed correspondence from Ms. Jamasa Graham, R.D.H., regarding amending OAR 818-035-0072 to allow hygienists with a restorative endorsement to place restorative material including glass ionomers. Ms. Rowley moved and Dr. Burton seconded that the Committee recommend that the Board move OAR 818-035-0072 and OAR 818-042-0095 as amended to the Rules Oversight Committee. The motion passed with Ms. Martinez, Dr. Beck, Dr. Pham, Dr. Smith, Dr. Burton, Ms. Rowley, and Ms. Harrison voting aye.

#### **OAR 818-035-0072 – Restorative Functions of Dental Hygienists**

(1) The Board shall issue a Restorative Functions Endorsement (RFE) to a dental hygienist who holds an unrestricted Oregon license, and has successfully completed:

- (a) A Board approved curriculum from a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, and successfully passed the Western Regional Examining Board’s Restorative Examination or other equivalent examinations approved by the Board within the last five years; or
- (b) If successful passage of the Western Regional Examining Board’s Restorative Examination or other equivalent examinations approved by the Board occurred over five years from the date of application, the applicant must submit verification from another state or jurisdiction where the applicant is legally authorized to perform restorative functions and certification from the supervising dentist of successful completion of at least 25 restorative procedures within the immediate five years from the date of application.

(2) A dental hygienist may perform the placement and finishing of direct ~~alloy and direct composite~~ restorations, **except gold foil**, under the indirect supervision of a licensed dentist, after the supervising dentist has prepared the tooth (teeth) for restoration(s):

- (a) These functions can only be performed after the patient has given informed consent for the procedure and informed consent for the placement of the restoration(s) by a Restorative Functions Endorsement dental hygienist;
- (b) Before the patient is released, the final restoration(s) shall be checked by a dentist and documented in the chart.

### **OAR 818-042-0095 – Restorative Functions of Dental Assistants**

- (1) The Board shall issue a Restorative Functions Certificate (RFC) to a dental assistant who holds an Oregon EFDA Certificate, and has successfully completed:
- (a) A Board approved curriculum from a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, and successfully passed the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board within the last five years, or
  - (b) If successful passage of the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board occurred over five years from the date of application, the applicant must submit verification from another state or jurisdiction where the applicant is legally authorized to perform restorative functions and certification from the supervising dentist of successful completion of at least 25 restorative procedures within the immediate five years from the date of application.
- (2) A dental assistant may perform the placement and finishing of direct ~~alloy or direct composite~~ restorations, **except gold foil**, under the indirect supervision of a licensed dentist, after the supervising dentist has prepared the tooth (teeth) for restoration(s):
- (a) These functions can only be performed after the patient has given informed consent for the procedure and informed consent for the placement of the restoration by a Restorative Functions dental assistant.
  - (b) Before the patient is released, the final restoration(s) shall be checked by a dentist and documented in the chart.

The Committee reviewed and discussed OAR 818-042-0040. Ms. Martinez moved and Dr. Burton seconded that the Committee recommend that the Board move OAR 818-042-0040 as amended to the Rules Oversight Committee. The motion passed with Ms. Martinez, Dr. Beck, Dr. Pham, Dr. Smith, Dr. Burton, Ms. Rowley, and Ms. Harrison voting aye.

### **OAR 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 (818-042-0070 and 818-042-0090) or Expanded Orthodontic Function duty (818-042-0100) 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 818-026-0030(6), 818-026-0050(5)(a), 818-026-0060(11), 818-026-0065(11), 818-026-0070(11) and as provided in 818-042-0070 and 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.
- (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 prosthetic or orthodontic appliance including bands, brackets, retainers, tooth moving devices, or orthopedic appliances except as provided in 818-042-0100.

- (17) Condense and carve permanent restorative material except as provided in OAR 818-042-0095.
- (18) Place any type of cord subgingivally except as provided by in OAR 818-042-0090.
- (19) Take jaw registrations, ~~or~~ oral impressions, and intraoral digital scans for supplying artificial teeth as substitutes for natural teeth, except diagnostic or opposing models or for the fabrication of temporary or provisional restorations or appliances.
- (20) Apply denture relines except as provided in OAR 818-042-0090(2).
- (21) Expose radiographs without holding a current Certificate of Radiologic Proficiency issued by the Board (818-042-0050 and 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.
- (22) Use the behavior management techniques known as Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.
- (23) Perform periodontal probing.
- (24) Place or remove healing caps or healing abutments, except under direct supervision.
- (25) Place implant impression copings, except under direct supervision.
- (26) Any act in violation of Board statute or rules.

The Committee reviewed and discussed correspondence from Dr. Matt Anderson requesting clarification as to whether EFDAs and EFPDAs are permitted to scale calculus. The Committee reviewed the current rules and determined that pursuant to OAR 818-042-0040(10) dental assistants are not permitted to scale calculus.

The Committee reviewed and discussed correspondence from the Oregon State Society of Orthodontists (OSSO) requesting that the Expanded Function Orthodontic Dental Assistant (EFODA) rules be updated to reflect current practices. Dr. Beck moved and Dr. Burton seconded that the Committee recommend that the Board move OAR 818-042-0110 as amended to the Rules Oversight Committee. The motion passed with Ms. Martinez, Dr. Beck, Dr. Pham, Dr. Smith, Dr. Burton, Ms. Rowley, and Ms. Harrison voting aye.

**OAR 818-042-0110 – Certification — Expanded Function Orthodontic Assistant**

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 Basic, CDA or 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 a licensed dentist that the applicant has successfully ~~removed cement from bands using an ultrasonic or hand scaler, or a slow speed hand piece, on six (6) patients and recemented loose orthodontic bands, fit and adjust headgear, remove fixed orthodontic appliances and take impressions for four (4) patients.~~ 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 hand piece from teeth on four (4) patients.

The meeting adjourned at 3:30 p.m.