

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 818
OREGON BOARD OF DENTISTRY

FILED

03/31/2022 2:59 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: The OBD is proposing 10 new rules and amending 19 others for Dental Therapy.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/03/2022 4:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Portland, OR 97201

Filed By:
Stephen Prisby
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/22/2022

TIME: 9:00 AM - 10:00 AM

OFFICER: OBD President

ADDRESS: Oregon Board of Dentistry
1500 SW 1st Ave.

Suite 770

Portland, OR 97201-5837

SPECIAL INSTRUCTIONS:

In person & Teleconference Option Call 971-673-3200 for details closer to meeting date.

DATE: 05/18/2022

TIME: 12:00 PM - 12:30 PM

OFFICER: Stephen Prisby

ADDRESS: Oregon Board of Dentistry
1500 SW 1st Ave.

Suite 770

Portland, OR 97201-5837

SPECIAL INSTRUCTIONS:

Only Teleconference Call 971-673-3200 for details closer to meeting date.

NEED FOR THE RULE(S)

Due to the passage of HB 2528 (2021) the OBD must create rules for dental therapy and issue dental therapist licenses.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 2528(2021) and current Dental Practice Act (DPA)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The OBD utilized a dedicated new committee to address rulemaking issues that included participants from the dental therapy community as directed by HB 2528.

FISCAL AND ECONOMIC IMPACT:

There is no or limited material financially impact identified.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no way to identify impact as this is a new Licensee and there will only be a limited number of licenses issued in 2022.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The OBD's Committees are comprised of small business owners and professional association representatives.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

818-001-0002, 818-001-0082, 818-001-0087, 818-012-0020, 818-012-0030, 818-021-0026, 818-021-0052, 818-021-0054, 818-021-0076, 818-021-0080, 818-021-0085, 818-021-0088, 818-021-0090, 818-021-0095, 818-021-0110, 818-026-0055, 818-038-0001, 818-038-0005, 818-038-0010, 818-038-0020, 818-038-0025, 818-038-0030, 818-038-0035, 818-042-0010, 818-042-0020, 818-042-0050, 818-042-0060, 818-042-0090, 818-042-0114

AMEND: 818-001-0002

RULE SUMMARY: Dental therapy and dental therapist references are being added to the rule.

CHANGES TO RULE:

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) "Dental Hygienist" means a person licensed pursuant to ORS 680.010 to 680.210 to practice dental hygiene.¶¶

(5) "Dental Therapist" means a person licensed to practice dental therapy under ORS 679.603.¶¶

(6) "Dental Therapy" means the provision of preventative dental care, restorative dental treatment and other educational, clinical and therapeutic patient services as part of a dental care team, including the services described under ORS 679.621. ¶¶

(7) "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.¶¶

(68) "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.¶

(79) "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)10 "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)11 "Licensee" means a dentist, ~~or~~ hygienist or dental therapist.¶

(10)2 "Volunteer Licensee" is a dentist, hygienist or dental hygienist licensed according to rule to provide dental health care without receiving or expecting to receive compensation.¶

(11)3 "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)4 "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 specialty 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) "Oral Medicine" is the specialty of dentistry responsible for the oral health care of medically complex patients and for the diagnosis and management of medically-related diseases, disorders and conditions affecting the oral and maxillofacial region.¶

(h) "Orofacial Pain" Orofacial Pain is the specialty of dentistry that encompasses the diagnosis, management and treatment of pain disorders of the jaw, mouth, face, head and neck. The specialty of Orofacial Pain is dedicated to the evidenced-based understanding of the underlying pathophysiology, etiology, prevention, and treatment of these disorders and improving access to interdisciplinary patient care. ¶

(i) "Orthodontics and Dentofacial Orthopedics" is the specialty 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.¶

(j) "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.¶

(k) "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.¶

(l) "Prosthodontics" is the specialty 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.¶

(135) "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, dental hygiene or dental therapy.¶

(146) 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).¶

(157) "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.¶

(168) "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.¶

(179) "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.¶

(1820) "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 BLS/CPR expiration date to be the last day of the month that the BLS/CPR instructor indicates that the certification expires.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.010, 680.010

AMEND: 818-001-0082

RULE SUMMARY: Dental therapist reference is being added to the rule

CHANGES TO RULE:

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; \$0.20 per name and address for computer-generated lists on paper sorted by specific zip code;¶¶

(b) Data files submitted electronically or on a device:¶¶

(A) All Licensed Dentists - \$50;¶¶

(B) All Licensed Dental Hygienists and Dental Therapists - \$50;¶¶

(C) All Licensees - \$100.¶¶

(c) Written verification of licensure - \$2.50 per name; and¶¶

(d) Certificate of Standing - \$20.

Statutory/Other Authority: ORS 183, 192, 670, 679

Statutes/Other Implemented: ORS 192.420, 192.430, 192.440

AMEND: 818-001-0087

RULE SUMMARY: Dental therapist fees are being added to the rule.

CHANGES TO RULE:

818-001-0087

Fees ¶¶

(1) The Board adopts the following fees:¶¶

(a) Biennial License Fees:¶¶

(A) Dental - \$390;¶¶

(B) Dental - retired - \$0;¶¶

(C) Dental Faculty - \$335;¶¶

(D) Volunteer Dentist - \$0;¶¶

(E) Dental Hygiene - \$230;¶¶

(F) Dental Hygiene - retired - \$0;¶¶

(G) Volunteer Dental Hygienist - \$0;¶¶

(H) Dental Therapy - \$230;¶¶

(I) Dental Therapy - retired - \$0;¶¶

(b) Biennial Permits, Endorsements or Certificates:¶¶

(A) Nitrous Oxide Permit - \$40;¶¶

(B) Minimal Sedation Permit - \$75;¶¶

(C) Moderate Sedation Permit - \$75;¶¶

(D) Deep Sedation Permit - \$75;¶¶

(E) General Anesthesia Permit - \$140;¶¶

(F) Radiology - \$75;¶¶

(G) Expanded Function Dental Assistant - \$50;¶¶

(H) Expanded Function Orthodontic Assistant - \$50;¶¶

(I) Instructor Permits - \$40;¶¶

(J) Dental Hygiene Restorative Functions Endorsement - \$50;¶¶

(K) Restorative Functions Dental Assistant - \$50;¶¶

(L) Anesthesia Dental Assistant - \$50;¶¶

(M) Dental Hygiene, Expanded Practice Permit - \$75;¶¶

(N) Non-Resident Dental Background Check - \$100.00;¶¶

(c) Applications for Licensure:¶¶

(A) Dental - General and Specialty - \$345;¶¶

(B) Dental Faculty - \$305;¶¶

(C) Dental Hygiene - \$180;¶¶

(D) Dental Therapy - \$180;¶¶

(E) Licensure Without Further Examination - Dental and, Dental Hygiene and¶¶

Dental Therapy - \$790.¶¶

(d) Examinations:¶¶

(Ae) Jurisprudence - \$0;¶¶

(ef) Duplicate Wall Certificates - \$50.¶¶

(2) Fees must be paid at the time of application and are not refundable.¶¶

(3) The Board shall not refund moneys under \$5.01 received in excess of amounts due-¶¶ or to which the Board has no legal interest unless the person who made the payment or-¶¶ the person's legal representative requests a refund in writing within one year of payment-¶¶ to the Board.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 293.445, 679.060, 679.115, 679.120, 679.250, 680.050, 680.075, 680.200, 680.205, 679.615

AMEND: 818-012-0020

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-012-0020

Additional Methods of Discipline for Unacceptable Patient Care ¶

~~[Reserved]~~ In addition to other discipline, the Board may order a licensee who engaged in or permitted unacceptable patient care to:¶

(1) Make restitution to the patient in an amount to cover actual costs in correcting the unacceptable care.¶

(2) Refund fees paid by the patient with interest.¶

(3) Complete a Board-approved course of remedial education.¶

(4) Discontinue practicing in specific areas of dentistry, dental therapy or hygiene.¶

(5) Practice under the supervision of another licensee.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.140(5)(h), 680.100

AMEND: 818-012-0030

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

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-~~or~~ dental therapy. ¶
- (16) Practice dentistry-~~or~~, dental hygiene or dental therapy 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.¶

(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, or dental therapy.~~¶

(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 order to have access to the Program's electronic system if the Licensee holds a Federal DEA registration.¶

~~{Publications: Publications referenced are available from the agency.}~~ Drug Enforcement Administration (DEA) registration

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.140(1)(c), 679.140(2), 679.170(6), 680.100

AMEND: 818-021-0026

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-021-0026

State and Nationwide Criminal Background Checks, Fitness Determinations ¶¶

(1) The Board requires fingerprints of all applicants for a dental, dental therapy or dental hygiene license to determine the fitness of an applicant. The purpose of this rule is to provide for the reasonable screening of dental and dental hygiene applicants and licensees in order to determine if they have a history of criminal behavior such that they are not fit to be granted or hold a license that is issued by the Board.¶¶

(2) These rules are to be applied when evaluating the criminal history of all licensees and applicants for a dental, dental therapy or dental hygiene license and for conducting fitness determinations consistent with the outcomes provided in OAR 125-007-0260.¶¶

(3) Criminal records checks and fitness determinations are conducted according to ORS 181A.170 to 181A.215, ORS 670.280 and OAR 125-007-0200 to 127-007-0310.¶¶

(a) The Board will request the Oregon Department of State Police to conduct a state and nationwide criminal records check. Any original fingerprint cards will subsequently be destroyed.¶¶

(b) All background checks must include available state and national data, unless obtaining one or the other is an acceptable alternative.¶¶

(c) The applicant or licensee must disclose all arrests, charges, and convictions regardless of the outcome or date of occurrence. Disclosure includes but is not limited to military, dismissed or set aside criminal records.¶¶

(4) If the applicant or licensee has potentially disqualifying criminal offender information, the Board will consider the following factors in making a fitness determination:¶¶

(a) The nature of the crime;¶¶

(b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;¶¶

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services, employment, license, or permit; and¶¶

(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, employment, license, or permit. Intervening circumstances include but are not limited to:¶¶

(A) The passage of time since the commission of the crime;¶¶

(B) The age of the subject individual at the time of the crime;¶¶

(C) The likelihood of a repetition of offenses or of the commission of another crime;¶¶

(D) The subsequent commission of another relevant crime;¶¶

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and¶¶

(F) A recommendation of an employer.¶¶

(e) Any false statements or omissions made by the applicant or licensee; and¶¶

(f) Any other pertinent information obtained as part of an investigation.¶¶

(5) The Board will make a fitness determination consistent with the outcomes provided in OAR 125-007-0260.¶¶

(a) A fitness determination approval does not guarantee the granting or renewal of a license.¶¶

(b) An incomplete fitness determination results if the applicant or licensee refuses to consent to the criminal history check, refuses to be fingerprinted or respond to written correspondence, or discontinues the criminal records process for any reason. Incomplete fitness determinations may not be appealed.¶¶

(6) The Board may require fingerprints of any licensed Oregon dentist, dental therapist or dental hygienist, who is the subject of a complaint or investigation for the purpose of requesting a state or nationwide criminal records background check.¶¶

(7) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.¶¶

(8) Additional information required. In order to conduct the Oregon and National Criminal History Check and fitness determination, the Board may require additional information from the licensee/applicant as necessary, such but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.¶¶

(9) Criminal offender information is confidential. Dissemination of information received may be disseminated only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175(1).¶¶

(10) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted, to inspect the individual's own state and national criminal offender records and, if requested by the individual,

provide the individual with a copy of the individual's own state and national criminal offender records.¶

(11) The Board shall determine whether an individual is fit to be granted a license or permit, based on fitness determinations, on any false statements made by the individual regarding criminal history of the individual, or any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as a part of an investigation. If an individual is determined to be unfit, then the individual may not be granted a license or permit. The Board may make fitness determinations conditional upon applicant's acceptance of probation, conditions, or limitations, or other restrictions upon licensure.¶

(12) An applicant or licensee may appeal a final fitness determination pursuant to OAR 125-007-0300. Challenges to the accuracy of completeness of criminal history information must be made in accordance with OAR 125-007-0030(7).

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 181, 183, 670.280, 679.060, 679.115, 679.140, 679.160, 680.050, 680.082, 680.100

ADOPT: 818-021-0052

RULE SUMMARY: A new dental therapy license rule is being added to the DPA.

CHANGES TO RULE:

818-021-0052

Application for License to Practice Dental Therapy

(1) An applicant to practice dental therapy, in addition to the requirements set forth in ORS 679.603 and 679.609, shall submit to the Board satisfactory evidence of: ¶

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

(b) Having successfully completed or graduated from a Board-approved dental therapy education program that includes all procedures outlined in OAR 818-038-0020, and includes at least 500 hours of didactic and hands-on clinical dental therapy practice.¶

(2) An applicant who has not met the educational requirements for licensure may apply if the Director of an accredited program certifies the applicant will graduate. ¶

(3) An applicant must pass a Board examination consisting of a clinical portion administered by the Board, or any clinical Board examination administered by any state, regional testing agency, national testing agency or other Board-recognized testing agency and a jurisprudence portion administered by the Board. Clinical examination results will be recognized by the Board for five years. ¶

(4) A person who fails any Board approved clinical examination three times must successfully complete the remedial training recommended by the testing agency. Such remedial training must be conducted by a dental therapy program accredited by the Commission on Dental Accreditation of the American Dental Association.

Statutory/Other Authority: ORS 679, ORS 679.603, ORS 679.609

Statutes/Other Implemented: ORS 679.603, ORS 679.609

ADOPT: 818-021-0054

RULE SUMMARY: A new dental therapy licensure rule is being added to the DPA.

CHANGES TO RULE:

818-021-0054

Application for License to Practice Dental Therapy Without Further Examination

(1) The Oregon Board of Dentistry may grant a license without further examination to a dental therapist who holds a license to practice dental therapy in another state or states if the dental therapist meets the requirements set forth in ORS 679.603 and 679.609 and submits to the Board satisfactory evidence of:

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

(b) Having successfully completed or graduated from a Board-approved dental therapy education program that includes all procedures outlined in OAR 818-038-0020, and includes at least 500 hours of didactic and hands-on clinical dental therapy practice; and

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

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

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

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

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

Statutory/Other Authority: ORS 679, ORS 679.603, ORS 679.609

Statutes/Other Implemented: ORS 679.603, ORS 679.609

ADOPT: 818-021-0076

RULE SUMMARY: A new dental therapist continuing education rule is being added to the DPA.

CHANGES TO RULE:

818-021-0076

Continuing Education - Dental Therapists

(1) Each dental therapist must complete 36 hours of continuing education every two years. Continuing education (C.E.) must be directly related to clinical patient care or the practice of dental public health.¶

(2) Dental therapists must maintain records of successful completion of continuing education for at least four licensure years consistent with the licensee's licensure cycle. (A licensure year for dental therapists is October 1 through September 30.) The licensee, upon request by the Board, shall provide proof of successful completion of continuing education courses.¶

(3) Continuing education includes:¶

(a) Attendance at lectures, dental study groups, college post-graduate courses, or scientific sessions at conventions.¶

(b) Research, graduate study, teaching or preparation and presentation of scientific sessions. No more than six hours may be in teaching or scientific sessions. (Scientific sessions are defined as scientific presentations, table clinics, poster sessions and lectures.)¶

(c) Correspondence courses, videotapes, distance learning courses or similar self-study course, provided that the course includes an examination and the dental therapist passes the examination.¶

(d) Continuing education credit can be given for volunteer pro bono dental therapy services provided in the state of Oregon; community oral health instruction at a public health facility located in the state of Oregon; authorship of a publication, book, chapter of a book, article or paper published in a professional journal; participation on a state dental board, peer review, or quality of care review procedures; successful completion of the National Board Dental Therapy Examination, taken after initial licensure; or test development for clinical dental therapy examinations. No more than 6 hours of credit may be in these areas.¶

(4) At least three hours of continuing education must be related to medical emergencies in a dental office. No more than two hours of Practice Management and Patient Relations may be counted toward the C.E. requirement in any renewal period.¶

(5) At least two (2) hours of continuing education must be related to infection control. ¶

(6) At least two (2) hours of continuing education must be related to cultural competency.¶

(7) At least one (1) hour of continuing education must be related to pain management.

Statutory/Other Authority: ORS 679, ORS 679.603, ORS 679.609

Statutes/Other Implemented: ORS 679.603, ORS 679.609

AMEND: 818-021-0080

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

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 licensee holding a current license. The licensee must complete the online renewal application and pay the 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, dental therapy or dental hygiene until the license is reinstated and are subject to the provisions of OAR 818-021-0085, "Reinstatement of Expired Licenses." ¶¶

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

(4) The renewal application shall contain: ¶¶

(a) Licensee's full name; ¶¶

(b) Licensee's mailing address; ¶¶

(c) Licensees 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 their specific license renewal set forth in OAR 818-021-0060 or OAR 818-021-0070 or OAR 818-021-0076; ¶¶

(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.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.090, 679.120, 680.072, 680.075

AMEND: 818-021-0085

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-021-0085

Renewal or Reinstatement of Expired License ¶¶

Any person whose license to practice as a dentist ~~or~~, dental hygienist or dental therapist has expired, may apply for reinstatement under the following circumstances:¶¶

- (1) If the license has been expired 30 days or less, the applicant shall:¶¶
 - (a) Pay a penalty fee of \$50;¶¶
 - (b) Pay the biennial renewal fee; and¶¶
 - (c) Submit a completed renewal application and certification of having completed the Board's continuing education requirements.¶¶
- (2) If the license has been expired more than 30 days but less than 60 days, the applicant shall:¶¶
 - (a) Pay a penalty fee of \$100;¶¶
 - (b) Pay the biennial renewal fee; and¶¶
 - (c) Submit a completed renewal application and certification of having completed the continuing education requirements.¶¶
- (3) If the license has been expired more than 60 days, but less than one year, the applicant shall:¶¶
 - (a) Pay a penalty fee of \$150;¶¶
 - (b) Pay a fee equal to the renewal fees that would have been due during the period the license was expired;¶¶
 - (c) Pay a reinstatement fee of \$500; and¶¶
 - (d) Submit a completed application for reinstatement provided by the Board, including certification of having completed continuing education credits as required by the Board during the period the license was expired. The Board may request evidence of satisfactory completion of continuing education courses.¶¶
- (4) If the license has been expired for more than one year but less than four years, the applicant shall:¶¶
 - (a) Pay a penalty fee of \$250;¶¶
 - (b) Pay a fee of equal to the renewal fees that would have been due during the period the license was expired;¶¶
 - (c) Pay a reinstatement fee of \$500;¶¶
 - (d) Pass the Board's Jurisprudence Examination;¶¶
 - (e) Pass any other qualifying examination as may be determined necessary by the Board after assessing the applicant's professional background and credentials;¶¶
 - (f) Submit evidence of good standing from all states in which the applicant is currently licensed; and¶¶
 - (g) Submit a completed application for reinstatement provided by the Board including certification of having completed continuing education credits as required by the Board during the period the license was expired. The Board may request evidence of satisfactory completion of continuing education courses.¶¶
- (5) If a ~~dentist or dental hygienist~~ Licensee fails to renew or reinstate ~~his or her~~ their license within four years from expiration, the ~~dentist or dental hygienist~~ Licensee must apply for licensure under the current statute and rules of the Board.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.090, 679.120, 680.072, 680.075

AMEND: 818-021-0088

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-021-0088

Volunteer License ¶¶

(1) An Oregon licensed dentist, dental therapist 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, dental therapy 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, dental therapist, 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.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 676.345, 679.010, 679.020, 679.025, 679.090, 680.010, 680.020, 680.050, 680.072

AMEND: 818-021-0090

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-021-0090

Retirement of License ¶¶

(1) A ~~dentist or dental hygienist~~ Licensee who no longer practices in any jurisdiction may retire ~~their or his~~ license by submitting a request to retire such license on a form provided by the Board.¶¶

(2) A license that has been retired may be reinstated if the applicant:¶¶

(a) Pays a reinstatement fee of \$500;¶¶

(b) Passes the Board's Jurisprudence Examination;¶¶

(c) Passes any other qualifying examination as may be determined necessary by the Board after assessing the applicant's professional background and credentials;¶¶

(d) Submits evidence of good standing from all states in which the applicant is currently licensed; and¶¶

(e) Submits a completed application for reinstatement provided by the Board including certification of having completed continuing education credits as required by the Board during the period the license was expired. The Board may request evidence of satisfactory completion of continuing education courses.¶¶

(3) If the ~~dentist or dental hygienist~~ Licensee fails to reinstate ~~their or his~~ license within four years from retiring the license, the ~~dentist or dental hygienist~~ Licensee must apply for licensure under the current statute and rules of the Board.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.090, 679.120, 680.072, 680.075

AMEND: 818-021-0095

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-021-0095

Resignation of License ¶¶

(1) The Board may allow a dentist ~~or~~, dental hygienist or dental therapist who no longer practices in Oregon to resign ~~their~~ ~~or his~~ license, unless the Board determines the license should be revoked.¶¶

(2) Licenses that are resigned under this rule may not be reinstated.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.090, 679.120, 680.072, 680.075

AMEND: 818-021-0110

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-021-0110

Reinstatement Following Revocation ¶

~~Reserved~~ (1) Any person whose license has been revoked for a reason other than failure to pay the renewal fee may petition the Board for reinstatement after five years from the date of revocation.¶

(2) The Board shall hold a hearing on the petition and, if the petitioner demonstrates that reinstatement of the license will not be detrimental to the health or welfare of the public, the Board may allow the petitioner to retake the Board examination.¶

(3) If the license was revoked for unacceptable patient care, the petitioner shall provide the Board with satisfactory evidence that the petitioner has completed a course of study sufficient to remedy the petitioner's deficiencies in the practice of dentistry, dental therapy or dental hygiene.¶

(4) If the petitioner passes the Board examination, the Board may reinstate the license, place the petitioner on probation for not less than two years, and impose appropriate conditions of probation.

Statutory/Other Authority: ORS 679

Statutes/Other Implemented: ORS 679.140, ORS 679.600

AMEND: 818-026-0055

RULE SUMMARY: Dental Therapy reference is being added to the rule.

CHANGES TO RULE:

818-026-0055

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

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

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

(b) The permit holder, or an anesthesia monitor, monitors the patient; or¶¶

(c) If a dental hygienist with a nitrous oxide permit administers nitrous oxide sedation to a patient and then performs authorized procedures on the patient, an anesthesia monitor is not required to be present during the time the patient is sedated unless the permit holder leaves the patient.¶¶

(d) The permit holder performs the appropriate pre- and post-operative evaluation and discharges the patient in accordance with ~~818-026-0050(7)~~ and ~~(8)~~ Board rules.¶¶

(2) Under indirect supervision, a dental assistant may perform those procedures for which the dental assistant holds the appropriate certification for a patient who is under nitrous oxide or minimal sedation under the following conditions:¶¶

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

(b) The permit holder, or an anesthesia monitor, monitors the patient; and¶¶

(c) The permit holder performs the appropriate pre- and post-operative evaluation and discharges the patient in accordance with ~~818-026-0050(7)~~ and ~~(8)~~ Board rules.¶¶

(3) Under indirect supervision, a dental therapist may perform procedures for which they hold the appropriate license for a patient who is under nitrous oxide or minimal sedation under the following conditions:¶¶

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

(b) The permit holder, or an anesthesia monitor, monitors the patient; and¶¶

(c) The permit holder performs the appropriate pre- and post-operative evaluation and discharges the patient in accordance with Board rules

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.250(7), 679.250(10), ORS 679.600

ADOPT: 818-038-0001

RULE SUMMARY: A new rule referencing dental therapy is being added to the DPA.

CHANGES TO RULE:

818-038-0001

Definitions

(1) "Dental Therapist" means a person licensed to practice dental therapy under ORS 679.603.¶

(2) "Dental Therapy" means the provision of preventive dental care, restorative dental treatment and other educational, clinical and therapeutic patient services as part of a dental care team, including the services described under ORS 679.621. ¶

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

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

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

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

(7) "Collaborative Agreement" means a written and signed agreement entered into between a dentist and a dental therapist under ORS 679.618.

Statutory/Other Authority: ORS 679, ORS 679.600

Statutes/Other Implemented: ORS 679.600, ORS 679.603, ORS 679.618, ORS 679.621

ADOPT: 818-038-0005

RULE SUMMARY: A new dental therapy education program definition rule is being added to the DPA.

CHANGES TO RULE:

818-038-0005

Dental Therapy Education Program

The Board defines "Dental Therapy Education Program" as:

(1) A program accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor organization, and approved by the Board by rule;

(2) A dental pilot project as defined in ORS 679.600 and includes at least 500 hours of combined didactic and hands-on clinical dental therapy practice.

(3) A program determined by the Board to be substantially equivalent to subsection (1) or (2) of this paragraph with the same hour requirements as section 2.

Statutory/Other Authority: ORS 679, ORS 679.600

Statutes/Other Implemented: ORS 679.621, ORS 679.600, ORS 679.603

ADOPT: 818-038-0010

RULE SUMMARY: A new rule referencing dental therapy is being added to the DPA.

CHANGES TO RULE:

818-038-0010

Authorization to Practice

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

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

(3) A dental therapist may perform the procedures listed in OAR 818-038-0020 so long as the procedures were included in the dental therapist's education program or the dental therapist has received additional training in the procedure through a Board approved course.

Statutory/Other Authority: ORS 679, ORS 679.621

Statutes/Other Implemented: ORS 679.621, ORS 679.600

RULE SUMMARY: A new rule referencing dental therapy is being added to the DPA.

CHANGES TO RULE:

818-038-0020

Scope of Practice

- (1) A dental therapist may perform, pursuant to the dental therapist's collaborative agreement, the following procedures under the general supervision of the dentist:¶
- (a) Identification of conditions requiring evaluation, diagnosis or treatment by a dentist, a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375 to 678.390 or other licensed health care provider;¶
 - (b) Comprehensive charting of the oral cavity;¶
 - (c) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;¶
 - (d) Exposing and evaluation of radiographic images;¶
 - (e) Dental prophylaxis, including subgingival scaling and polishing procedures;¶
 - (f) Application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;¶
 - (g) Administering local anesthetic;¶
 - (h) Pulp vitality testing;¶
 - (i) Application of desensitizing medication or resin;¶
 - (j) Fabrication of athletic mouth guards;¶
 - (k) Changing of periodontal dressings;¶
 - (L) Simple extractions of erupted primary anterior teeth and coronal remnants of any primary teeth;¶
 - (m) Emergency palliative treatment of dental pain;¶
 - (n) Preparation and placement of direct restoration in primary and permanent teeth;¶
 - (o) Fabrication and placement of single-tooth temporary crowns;¶
 - (p) Preparation and placement of preformed crowns on primary teeth;¶
 - (q) Indirect pulp capping on permanent teeth;¶
 - (r) Indirect pulp capping on primary teeth;¶
 - (s) Suture removal;¶
 - (t) Minor adjustments and repairs of removable prosthetic devices;¶
 - (u) Atraumatic restorative therapy and interim restorative therapy;¶
 - (v) Oral examination, evaluation and diagnosis of conditions within the scope of practice of the dental therapist and with the supervising dentist's authorization;¶
 - (w) Removal of space maintainers;¶
 - (x) The dispensation and oral or topical administration of:¶
 - (A) Nonnarcotic analgesics;¶
 - (B) Anti-inflammatories; and¶
 - (C) Antibiotics; and¶
 - (y) Other services as specified by the Oregon Board of Dentistry by rule.¶
- (2) A dental therapist may perform, pursuant to the dental therapist's collaborative agreement, the following procedures under the indirect supervision of the dentist:¶
- (a) Placement of temporary restorations; ¶
 - (b) Fabrication of soft occlusal guards;¶
 - (c) Tissue reconditioning and soft reline;¶
 - (d) Tooth reimplantation and stabilization;¶
 - (e) Recementing of permanent crowns;¶
 - (f) Pulpotomies on primary teeth;¶
 - (g) Simple extractions of:¶
 - (A) Erupted posterior primary teeth; and¶
 - (B) Permanent teeth that have horizontal movement of greater than two millimeters or vertical movement and that have at least 50 percent periodontal bone loss;¶
 - (h) Brush biopsies; and¶
 - (i) Direct pulp capping on permanent teeth.¶
- (3) The dentist described in subsection (2) of this section shall review a procedure described in subsection (2) of this section that is performed by the dental therapist and the patient chart that contains information regarding the procedure.¶

(4)(a) A dental therapist may supervise a dental assistant and an expanded function dental assistant, as defined by the board by rule, if the dental therapist is authorized to perform the services provided by the dental assistant or expanded function dental assistant.¶

(b) A dental therapist may supervise up to two individuals under this subsection.

Statutory/Other Authority: ORS 679, ORS 679.600

Statutes/Other Implemented: ORS 679.600, ORS 679.603, ORS 679.618

ADOPT: 818-038-0025

RULE SUMMARY: A new dental therapy rule is being added to the DPA.

CHANGES TO RULE:

818-038-0025

Prohibited Acts

A dental therapist may not:

(1) Place or Restore Dental Implants or any other soft tissue surgery except as described in 818-038-0020

(2) Prescribe any drugs, unless permitted by ORS 679.010

(3) Use the behavior management techniques of Hand Over Mouth (HOM) or Hand Over Mouth Airway Restriction (HOMAR) on any patient.

(4) Perform any dental therapy procedure unless it is documented in the collaborative agreement and rendered under appropriate Oregon Licensed Dentist supervision.

(5) Operate a hard or soft tissue Laser.

(6) Treat a patient under moderate, deep or general anesthesia.

(7) Order a computerized tomography scan

Statutory/Other Authority: ORS 679, ORS 679.603, ORS 679.010

Statutes/Other Implemented: ORS 679.603, ORS 679.010

ADOPT: 818-038-0030

RULE SUMMARY: A new rule referencing dental therapy is being added to the DPA.

CHANGES TO RULE:

818-038-0030

Collaborative Agreements

(1) A dentist may supervise and enter into collaborative agreements with up to three dental therapists at any one time.¶

(2) A dental therapist may enter into a collaborative agreement with more than one dentist if each collaborative agreement includes the same supervision and requirements of scope of practice.¶

(3) The collaborative agreement must include at least the following information: ¶

(a) The level of supervision required for each procedure performed by the dental therapist; ¶

(b) Circumstances under which the prior knowledge and consent of the dentist is required to allow the dental therapist to provide a certain service or perform a certain procedure; ¶

(c) The practice settings in which the dental therapist may provide care; ¶

(d) Any limitation on the care the dental therapist may provide; ¶

(e) Patient age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;¶

(f) Procedures for creating and maintaining dental records for patients treated by the dental therapist; ¶

(g) Guidelines for the management of medical emergencies in each of the practice settings in which the dental therapist provides care; ¶

(h) A quality assurance plan for monitoring care provided by the dental therapist, including chart review, patient care review and referral follow-up;¶

(i) Protocols for the dispensation and administration of drugs by the dental therapist, (as described in ORS 679.621) including circumstances under which the dental therapist may dispense and administer drugs; ¶

(j) Criteria for the provision of care to patients with specific medical conditions or complex medical histories, including any requirements for consultation with the dentist prior to the provision of care; and¶

(k) Protocols for when a patient requires treatment outside the dental therapist's scope of practice (in accordance with ORS 679.618), including for referral of the patient for evaluation and treatment by the dentist, a physician licensed under ORS chapter 677, a nurse practitioner licensed under ORS 678.375 to 678.390 or other licensed health care provider. ¶

(4) In addition to the information described in subsection (3) of this section, a collaborative agreement must include a provision that requires the dental therapist to consult with a dentist if the dental therapist intends to perform an irreversible surgical procedure under general supervision on a patient who has a severe systemic disease. Severe systemic disease is defined as ASA III.

Statutory/Other Authority: ORS 679, ORS 679.618

Statutes/Other Implemented: ORS 679.618, ORS 679.621

ADOPT: 818-038-0035

RULE SUMMARY: A new dental therapy rule is being added to the DPA.

CHANGES TO RULE:

818-038-0035

Record Keeping

(1) A dental therapist shall annually submit a signed copy of their collaborative agreement (s) to the Oregon Board of Dentistry. If the collaborative agreement(s) are revised in between annual submissions, a signed and dated copy of the revised collaborative agreement(s) must be submitted to the board as soon as practicable after the revision is made.¶

(2) The annual submission of the collaborative agreement shall coincide with the license renewal period between August 1 and September 30 each year.¶

(3) A dental therapist shall purchase and maintain liability insurance.

Statutory/Other Authority: ORS 679

Statutes/Other Implemented: ORS 679.618, ORS 679.624

AMEND: 818-042-0010

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-042-0010

Definitions ¶¶

(1) "Dental Assistant" means a person who, under the supervision of a dentist, renders assistance to a dentist, dental hygienist, dental technician or another dental assistant or renders assistance under the supervision of a dental hygienist providing dental hygiene services.¶¶

(2) "Expanded Function Dental Assistant" means a dental assistant certified by the Board to perform expanded function duties.¶¶

(3) "Expanded Function Orthodontic Assistant" means a dental assistant certified by the Board to perform expanded orthodontic function duties.¶¶

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

(6) "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.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.025(2)(j), 679.250(7), ORS 679.600

AMEND: 818-042-0020

RULE SUMMARY: Dental therapy reference and clarification changes made to the rule.

CHANGES TO RULE:

818-042-0020

Dentist, Dental Therapist and Dental Hygienist Responsibility ¶

(1) A dentist is responsible for assuring that a dental assistant has been properly trained, has demonstrated proficiency, and is supervised in all the duties the assistant performs in the dental office. Unless otherwise specified, dental assistants shall work under indirect supervision in the dental office. ¶

(2) A dental hygienist who works under general supervision may supervise dental assistants in the dental office if the dental assistants are rendering assistance to the dental hygienist in providing dental hygiene services and the dentist is not in the office to provide indirect supervision. A dental hygienist with an Expanded Practice Permit may hire and supervise dental assistants who will render assistance to the dental hygienist in providing dental hygiene services. ¶

(3) A dental therapist who works under general supervision may supervise dental assistants in the dental office if the dental assistants are rendering assistance to the dental therapist in providing dental therapy services. ¶

(4) The supervising dentist, dental therapist or dental hygienist is responsible for assuring that all required licenses, permits or certificates are current and posted in a conspicuous place. ¶

(45) Dental assistants who are in compliance with written training and screening protocols adopted by the Board may perform oral health screenings under general supervision.

Statutory/Other Authority: ORS 679, 680

Statutes/Other Implemented: ORS 679.025(2)(j), 679.250(7), ORS 679.600

AMEND: 818-042-0050

RULE SUMMARY: Dental therapy reference being added to the rule.

CHANGES TO RULE:

818-042-0050

Taking of X-Rays - Exposing of Radiographic Images ¶¶

(1) A ~~dentist~~Licensee may authorize the following persons to place films/sensors, adjust equipment preparatory to exposing films/sensors, and expose the films and create the images under general supervision:¶¶

(a) A dental assistant certified by the Board in radiologic proficiency; or¶¶

(b) A radiologic technologist licensed by the Oregon Board of Medical Imaging and certified by the Oregon Board of Dentistry (OBD) who has completed ten (10) clock hours in a Board approved dental radiology course.¶¶

(2) A dentist, dental therapist or dental hygienist may authorize a dental assistant who has completed a course of instruction approved by the Oregon Board of Dentistry, and who has passed the written Dental Radiation Health and Safety Examination administered by the Dental Assisting National Board, or comparable exam administered by any other testing entity authorized by the Board, or other comparable requirements approved by the Oregon Board of Dentistry to place films/sensors, adjust equipment preparatory to exposing films/sensors, and expose the films and create the images under the indirect supervision of a dentist, dental therapist, dental hygienist, or dental assistant who holds an Oregon Radiologic Proficiency Certificate. The dental assistant must submit within six months, certification by an Oregon licensed dentist, dental therapist or dental hygienist that the assistant is proficient to take radiographic images.¶¶

(3) A dental therapist may not order a computerized tomography scan

Statutory/Other Authority: ORS 679

Statutes/Other Implemented: ORS 679.025(2)(j), 679.250(7), ORS 679.603

AMEND: 818-042-0060

RULE SUMMARY: Dental therapy reference being added to the rule.

CHANGES TO RULE:

818-042-0060

Certification - Radiologic Proficiency ¶¶

(1) The Board may certify a dental assistant in radiologic proficiency by credential in accordance with OAR 818-042-0120, or if the assistant:¶¶

(2) Submits an application on a form approved by the Board, pays the application fee and:¶¶

(a) Completes a course of instruction approved by the Oregon Board of Dentistry, in accordance with OAR 333-106-0055 or submits evidence that the Oregon Health Authority, Center for Health Protection, Radiation Protection Services recognizes that the equivalent training has been successfully completed;¶¶

(b) Passes the written Dental Radiation Health and Safety Examination administered by the Dental Assisting National Board, Inc. (DANB), or comparable exam administered by any other testing entity authorized by the Board, or other comparable requirements approved by the Oregon Board of Dentistry; and¶¶

(c) Certification by an Oregon licensed dentist, dental therapist or dental hygienist that the assistant is proficient to take radiographs.

Statutory/Other Authority: ORS 679

Statutes/Other Implemented: ORS 679.020, 679.025, 679.250, ORS 679.600

AMEND: 818-042-0090

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-042-0090

Additional Functions of EFDAs ¶¶

Upon successful completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association, or other course of instruction approved by the Board, a certified Expanded Function Dental Assistant may perform the following functions under the indirect supervision of a dentist, dental therapist or dental hygienist providing that the procedure is checked by the dentist, dental therapist or dental hygienist prior to the patient being dismissed:¶¶

(1) Apply pit and fissure sealants provided the patient is examined before the sealants are placed. The sealants must be placed within 45 days of the procedure being authorized by a dentist, dental therapist or dental hygienist.¶¶

(2) Apply temporary soft relines to complete dentures for the purpose of tissue conditioning.¶¶

~~(3) Place cord retraction material subgingivally.~~

Statutory/Other Authority: ORS 679

Statutes/Other Implemented: ORS 679.025(2)(j), 679.250(7), ORS 679.600

AMEND: 818-042-0114

RULE SUMMARY: Dental therapy reference is being added to the rule.

CHANGES TO RULE:

818-042-0114

Additional Functions of Expanded Function Preventive Dental Assistants (EFPDA)

(1) Upon successful completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association, or other course of instruction approved by the Board, a certified Expanded Function Preventive Dental Assistant may perform the following functions under the indirect supervision of a dentist, dental therapist or dental hygienist providing that the procedure is checked by the dentist, dental therapist or dental hygienist prior to the patient being dismissed:¶

(2) Apply pit and fissure sealants provided the patient is examined before the sealants are placed. The sealants must be placed within 45 days of the procedure being authorized by a dentist, dental therapist or dental hygienist.

Statutory/Other Authority: ORS 676

Statutes/Other Implemented: ORS 676, ORS 679.600