



WHO: Health Licensing Office
Board of Certified Advanced Estheticians
TELEPHONE CONFERENCE CALL ONLY
1430 Tandem Ave. N.E. Suite 180 Salem, OR 97301

WHEN: June 14, 2021 at 9 a.m.

In order to limit the exposure and spread of the COVID-19 virus and adhere to the Governor's social distancing measures the Health Licensing Office (Office) is prohibiting in-person attendance at the Board meeting. All audience members may attend the public meeting by telephone conference call. Conference call instructions are provided below.

What is the purpose of the meeting?

The purpose of the meeting is to conduct board business. A copy of the agenda is printed with this notice. Please visit <https://www.oregon.gov/oha/PH/HLO/Pages/Board-Certified-Advanced-Estheticians-Meetings.aspx> for current meeting information.

May the public attend ONLY via teleconference meeting?

Yes, however, for the courtesy of all participants on the call all non-board members are asked to **mute** the call until the public and interested parties feedback period.

Approximately five minutes prior to the start of the meeting please follow the directions listed below:

-Dial 1(877)336-1828 and enter the following participants pass code: 4111788 to be connected to the meeting. This phone line will stay connected for the duration of the meeting.

-The teleconference system will notify you that you are connected. For the record, Office staff will do a roll call of all audience members prior to and after the Executive Session.

Audience members are asked to send email to April Fleming at april.fleming@dhsoha.state.or.us stating they are logged on to the conference call and whether they want to make a comment during the public and interested parties feedback period.

What if the board/council enters into executive session?

Prior to entering executive session, the board/council chairperson will announce the nature of and the authority for holding executive session. Board members, designated staff, and representatives of the news media shall be allowed to attend the executive session. All other audience members are not allowed to attend the executive session. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact April Fleming at April.fleming@dhsoha.state.or.us.

Approval of Agenda



Health Licensing Office
Board of Certified Advanced Estheticians
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June 14, 2021 at 9 a.m.

1. **Call to Order**
2. **Items for Board Action**
 - ◆ Approval of Agenda
3. **Reports**
 - ◆ Director Report
 - ◆ Licensing and Fiscal Statistical Reports
 - ◆ Regulatory Report
 - ◆ Policy Report
-2021 Legislation – HB 2970
 - ◆ COVID-19 Status Update
4. **Public/Interest Parties Feedback**
5. **Other Board Business**

Agenda is subject to change.
For the most up to date information visit www.oregon.gov/oha/ph/hlo

Director Report

Licensing and Fiscal Statistical Report

Board of Certified Advanced Estheticians (CAE)

Report Date: **25-May-21**

(data as of most recently closed month to Report Date)

Licensing Statistics

17-19
Bien

19-21
Bien

Fiscal Year	Quarter	Issued	Renewed	Total
2019	Q1	7	32	39
	Q2	9	131	140
	Q3	11	21	32
	Q4	14	32	46
2020	Q1	13	31	44
	Q2	18	124	142
	Q3	25	19	44
	Q4	12	33	45
2021	Q1	25	37	62
	Q2	35	117	152
	Q3	24	22	46
	Q4	18	23	36
Total:		211	599	828

Board of Certified Advanced Estheticians (CAE)

Report Date: 25-May-21

(data as of most recently closed month to Report Date)

Examination

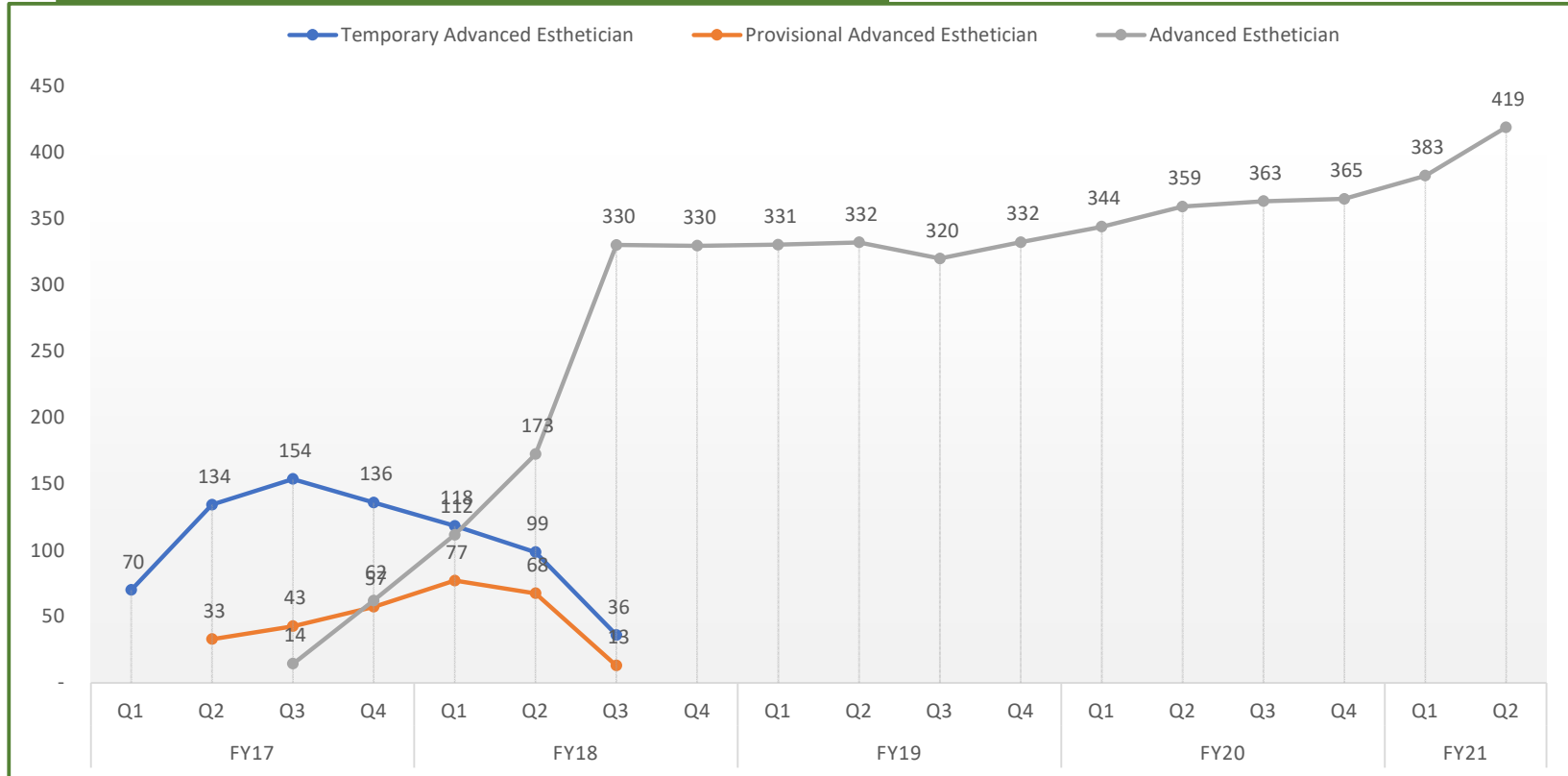
Fiscal	Quarter	Passed	Failed	Total	% Passed
2020	Q2	0	1	1	0%
	Q3	21	2	23	91%
	Q4	0	1	1	0%
2021	Q1	13	0	13	100%
	Q2	67	13	80	84%
	Q3	26	6	32	81%
	Q4				
Total:		127	23	150	59%

Board of Certified Advanced Estheticians (CAE)

Report Date: 25-May-21

(data as of most recently closed month to Report Date)

License Volume Trends (averages by State Fiscal Year/Quarter)



License Volume Trends Year-to-Year Growth Rate

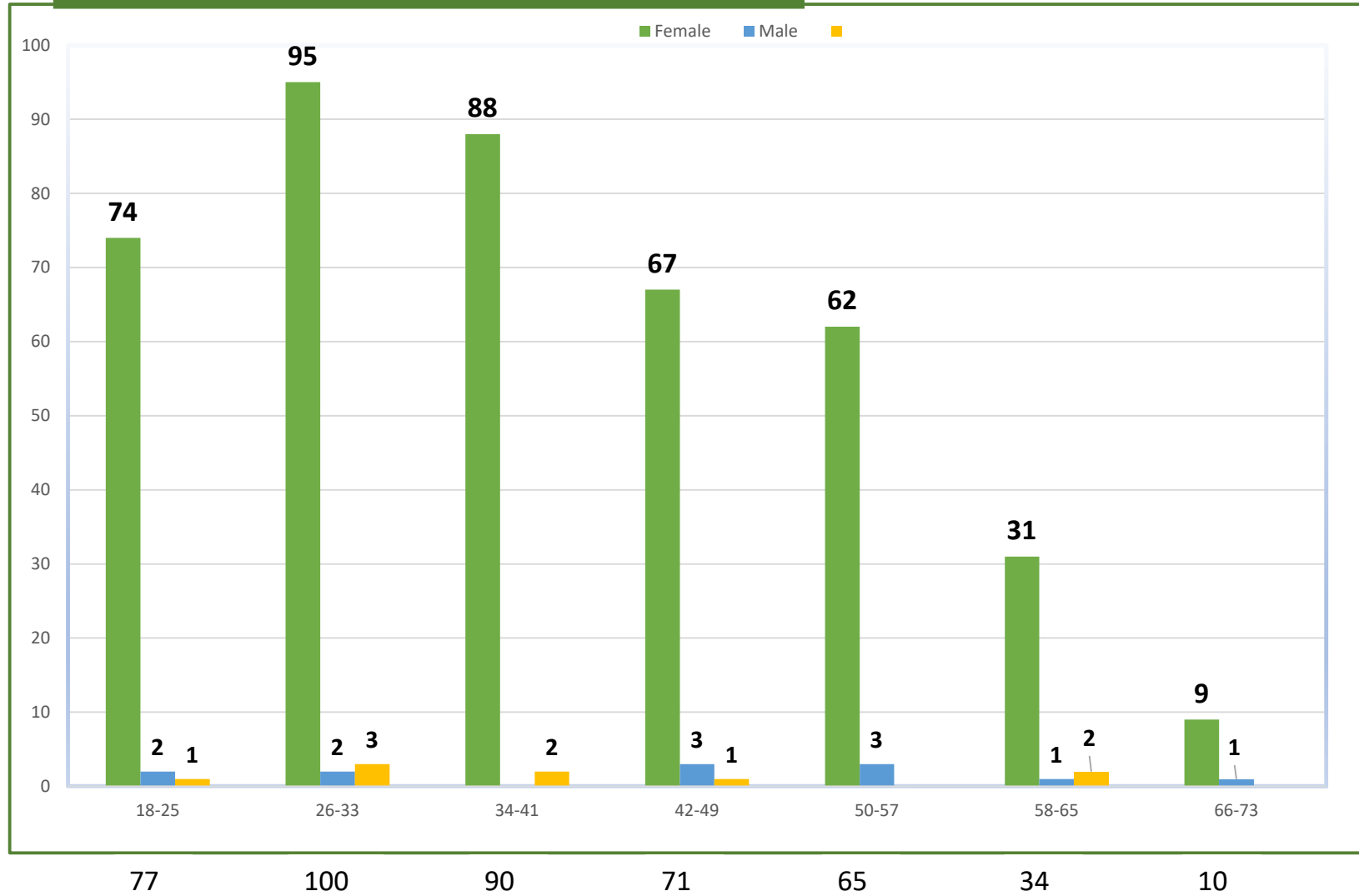
State Fiscal Year	2019 <i>(Jul18-Jun19)</i>	2020 <i>(Jul19-Jun20)</i>	2021 <i>(Jul20-Current*)</i>
Advanced Esthetician	32.3%	8.2%	11.6%
Provisional Advanced Esthetician	0.0%	0.0%	0.0%
Temporary Advanced Esthetician	0.0%	0.0%	0.0%

Board of Certified Advanced Estheticians (CAE)

Report Date: **25-May-21**

(data as of most recently closed month to Report Date)

Active Licensees Grouped by Age and Gender



Board of Certified Advanced Estheticians (CAE)

Report Date: 25-May-21

(data as of most recently closed month to Report Date)

Cash Flow by State Fiscal

	<i>Biennium</i>		<i>< 2017-19 ></i>		<i>< 2019-21</i>	
State Fiscal Year	2019		2020		2021	
	<i>(Jul18-Jul19)</i>		<i>(Jul19-Jul20)</i>		<i>(Jul19-Current*)</i>	
Beginning Cash Balance	\$	68,928	\$	71,031	\$	84,503
Revenues	\$	40,695	\$	46,912	\$	53,494
Expenditures	\$	38,592	\$	33,441	\$	21,839
Net Operations	\$	2,103	\$	13,471	\$	31,655
	<i>(Rev - Exp Only)</i>					
Ending Cash Balance	\$	71,031	\$	84,503	\$	116,157
	<i>(Beg Cash + Rev - Exp)</i>					

HLO Pooled Expenditures Allocation Share for Board <i>(allocated based on average license volume and inspections/examinations counts)</i>			
Shared Assessment	0.445%	0.439%	0.466%
Small Board Examinations	4.064%	3.680%	3.415%
Inspections			

* As noted in header, to ensure consistency 'Current' data in all reports are based on data from the most recently closed month to the report date.

Regulatory Report



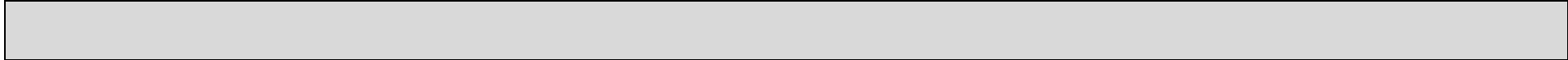
HEALTH LICENSING OFFICE

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 Salem, OR 97301-2192
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 Email: hlo.info@dhsosha.state.or.us
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BOARD REPORT

Board of Certified Advanced Estheticians

5/25/2021



	2015-2017	2017-2019	2019-2021	TOTAL
CAE Unassigned		2	4	6
Unlicensed		2		2
TOTAL OPEN		4	4	8
CAE Unassigned	2	2		4
Temporary Advanced Esthetician	5	2		7
Unlicensed	5	10	1	16
TOTAL CLOSED	12	14	1	27
TOTAL	12	18	5	35

Complainant Type	TOTAL
Complainant is anonymous	6
Complainant is client	4
Complainant is other	19

Complaint Type	2015-2017	2017-2019	2019-2021	TOTAL
Laser Services	1	1	1	3
Licensing Concern	11	10		21
Safety/Sanitation Issues		1		1
Services Provided		6	4	10
TOTAL	12	18	5	35

Policy Report

2021 Legislation

Oregon Health Authority 2021 Legislative Summary

HEALTH LICENSING OFFICE

[HB 2359](#) Requires health care providers to work with health care interpreters from health care interpreter registry operated by Oregon Health Authority to provide interpretation services.

House Committee on Health Care – March 2 hearing held, April 13 work session held – do pass recommendation
Joint Ways and Means – June 11 work session held

[HB 2970](#) Defines “device” for purposes of practice of advanced nonablative esthetics. Allows person certified to practice esthetics to use items other than devices. Prohibits person certified to practice esthetics from using mechanical or electrical apparatus, appliance or device without specific authorization by Board of Certified Advanced Estheticians. Defines “mechanical or electrical apparatus, appliance or device.”

House Committee on Health Care – March 18 hearing held, April 1 work session held – do pass recommendation
Senate Committee on Health Care – May 5 public hearing held, May 19 work session held – do pass recommendation
Signed by Speaker of the House

[HB 2619](#) Authorizes Health Licensing Office to issue license to practice genetic counseling to qualified applicant. Defines “genetic counseling.” Prohibits unlicensed use of “licensed genetic counselor” title and practice of genetic counseling. Provides exemptions to prohibition. Allows office to impose discipline for certain violations. Requires licensed genetic counselor to refer patient as necessary to appropriate licensed health care practitioner for diagnosis and treatment. Requires licensed genetic counselor to practice genetic counseling in culturally and linguistically appropriate manner. Directs office to provide administrative and regulatory oversight to genetic counseling program. Imposes civil penalty for violation of licensure requirements. Becomes operative January 1, 2022. Takes effect on 91st day following adjournment sine die.

House Committee on Health Care – February 4 hearing held, March 4 work session held – do pass recommendation
Senate Committee on Health Care – May 3 hearing held, May 12 work session held – do pass recommendation
Signed by Speaker of the House & Senate President

SB 64 Housekeeping bill - Section 19 of SB 64 clarifies the timeline for the application of statutes to the Health Licensing Office's handling of complaints and investigations.

Senate Committee on Health Care - February 8 hearing held, February 22 work session held – do pass recommendation with amendments

House Committee on Health Care – May 6 hearing held, May 18 work session held – do pass recommendation

Signed by Senate President and Speaker of the House

SB 358 Changes authorization to practice for behavior analysis interventionists from registration to licensure. Allows applied behavior analysis professional to provide outpatient treatment for mental or emotional disorder or chemical dependency without patient's parental consent. Requires applied behavior analysis professional to report child abuse and to report prohibited or unprofessional conduct of another applied behavior analysis professional. Prohibits applied behavior analysis professional from practicing conversion therapy. Extends requirement that health benefit plan provide coverage for treatment of autism spectrum disorder provided by applied behavior analysis professional to January 2, 2030. Takes effect on 91st day following adjournment sine die.

Senate Committee on Health Care – March 1 hearing held, March 10 work session held – do pass recommendation with amendments

Referred to Joint Ways and Means

SB 820 Removes exception from regulation by Sexual Offense Treatment Board for certain persons.

Senate Judiciary and Ballot Measure 110 Implementation – March 31 hearing held, April 7 work session held, April 13 work session held – do pass recommendation with amendments

Referred to Joint Ways and Means

HB 2970 Enrolled

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Esthetics & Advanced

Esthetics

Scope of Practice

Enrolled House Bill 2970

Sponsored by Representative NOSSE; Representatives HAYDEN, PRUSAK, SCHOUTEN

CHAPTER

AN ACT

Relating to health care; creating new provisions; amending ORS 676.579, 676.612, 676.613, 676.622, 676.630, 678.733, 679.020 and 690.005; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

ESTHETICS

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 676.630 to 676.660.

SECTION 2. (1) A person may not use a device that is not registered with the United States Food and Drug Administration to perform advanced nonablative esthetics procedures.

(2) The Board of Certified Advanced Estheticians may adopt rules to carry out this section.

SECTION 3. ORS 676.579 is amended to read:

676.579. (1)(a) The Health Licensing Office is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers and for the organization of the office.

(b) The Director of the Oregon Health Authority shall establish the qualifications for and appoint the Director of the Health Licensing Office, who holds office at the pleasure of the Director of the Oregon Health Authority.

(c) The Director of the Health Licensing Office shall receive a salary as provided by law or, if not so provided, as prescribed by the Director of the Oregon Health Authority.

(d) The Director of the Health Licensing Office is in the unclassified service.

(2) The Director of the Health Licensing Office shall provide the boards, councils and programs administered by the office with any services and employees as the office requires to carry out the office's duties. Subject to any applicable provisions of the State Personnel Relations Law, the Director of the Health Licensing Office shall appoint all subordinate officers and employees of the office, prescribe their duties and fix their compensation.

(3) The Director of the Health Licensing Office is responsible for carrying out the duties, functions and powers under ORS 675.365 to 675.410, 676.560 to 676.625, **676.630 to 676.660**, 676.665 to 676.689, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700.

(4) The enumeration of duties, functions and powers in subsection (3) of this section is not intended to be exclusive or to limit the duties, functions and powers imposed on or vested in the office by other statutes.

SECTION 4. ORS 676.612 is amended to read:

676.612. (1) Subject to ORS 676.616 and 687.445, and in the manner prescribed in ORS chapter 183 for contested cases and as specified in ORS 675.385, **676.660**, 676.685, 676.825, 678.780, 680.535, 681.733, 681.755, 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111, the Health Licensing Office may refuse to issue or renew, may suspend or revoke or may otherwise condition or limit an authorization or may discipline or place on probation an authorization holder for commission of the prohibited acts listed in subsection (2) of this section.

(2) A person subject to the authority of a board, council or program listed in ORS 676.565 commits a prohibited act if the person engages in:

(a) Fraud, misrepresentation, concealment of material facts or deception in applying for or obtaining an authorization to practice in this state, or in any written or oral communication to the office concerning the issuance or retention of the authorization.

(b) Using, causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, insignia or any other representation, however disseminated or published, that is false, misleading or deceptive.

(c) Making a representation that the authorization holder knew or should have known is false or misleading regarding skill or the efficacy or value of treatment or remedy administered by the authorization holder.

(d) Practicing under a false, misleading or deceptive name, or impersonating another authorization holder.

(e) Permitting a person other than the authorization holder to use the authorization.

(f) Practicing with a physical or mental condition that presents an unreasonable risk of harm to the authorization holder or to the person or property of others in the course of performing the authorization holder's duties.

(g) Practicing while under the influence of alcohol, cannabis, controlled substances or other skill-impairing substances, or engaging in the illegal use of controlled substances or other skill-impairing substances so as to create a risk of harm to the person or property of others in the course of performing the duties of an authorization holder.

(h) Failing to properly and reasonably accept responsibility for the actions of employees.

(i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered person to practice a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565.

(j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from or failure to conform to standards of practice in performing services or practicing in a regulated occupation or profession subject to the authority of the boards, councils and programs listed under ORS 676.565.

(k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence of the conviction. A plea of no contest or an admission of guilt is a conviction for purposes of this paragraph.

(L) Failing to report any adverse action, as required by statute or rule, taken against the authorization holder by another regulatory jurisdiction or any peer review body, health care institution, professional association, governmental agency, law enforcement agency or court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action as described in this section.

(m) Violation of a statute regulating an occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565.

(n) Violation of any rule regulating an occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565.

(o) Failing to cooperate with the office in any investigation, inspection or request for information.

(p) Selling or fraudulently obtaining or furnishing an authorization to practice in a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565, or aiding or abetting such an act.

(q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated occupation or profession subject to the authority of the boards, councils and programs listed in ORS 676.565, or aiding or abetting such an act.

(r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of any order issued by the office that has become final.

(3) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the office may require the fingerprints of a person who is:

(a) Applying for an authorization;

(b) Applying for renewal of an authorization; or

(c) Under investigation by the office.

(4) If the office places an authorization holder on probation under subsection (1) of this section, the office, in consultation with the appropriate board, council or program, may determine and at any time modify the conditions of the probation.

(5) If an authorization is suspended, the authorization holder may not practice during the term of suspension. Upon the expiration of the term of suspension, the authorization may be reinstated by the office if the conditions of suspension no longer exist and the authorization holder has satisfied all requirements in the relevant statutes or administrative rules for issuance, renewal or reinstatement.

SECTION 5. ORS 676.613 is amended to read:

676.613. (1) In addition to all other remedies, when it appears to the Health Licensing Office that a person is engaged in, has engaged in or is about to engage in any act, practice or transaction that violates any provision of ORS 675.365 to 675.410, **676.630 to 676.660**, 676.665 to 676.689, 676.810, 676.815, 678.710 to 678.820, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 or 694.015 to 694.170 or ORS chapter 700, the office may, through the Attorney General or the district attorney of the county in which the act, practice or transaction occurs or will occur, apply to the court for an injunction restraining the person from the act, practice or transaction.

(2) A court may issue an injunction under this section without proof of actual damages. An injunction issued under this section does not relieve a person from any other prosecution or enforcement action taken for violation of statutes listed in subsection (1) of this section.

SECTION 6. ORS 676.622 is amended to read:

676.622. (1) A transaction conducted through a state or local system or network that provides electronic access to the Health Licensing Office information and services is exempt from any requirement under ORS 675.365 to 675.410, 676.560 to 676.625, **676.630 to 676.660**, 676.665 to 676.689, 676.810, 676.815, 676.992, 680.500 to 680.565, 681.700 to 681.730, 681.740 to 681.758, 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter 700, and rules adopted thereunder, requiring an original signature or the submission of handwritten materials.

(2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile signatures are acceptable and have the same force as original signatures.

SECTION 7. ORS 676.630 is amended to read:

676.630. As used in ORS 676.630 to 676.660:

(1) "Advanced nonablative esthetics procedure" means a procedure that uses a laser, **intense pulsed light** or other device [*registered with the United States Food and Drug Administration*] for nonablative procedures performed on the skin or hair, including, but not limited to, procedures performed in conjunction with one of the following modalities:

(a) Skin rejuvenation;

- (b) Photo rejuvenation;
- (c) Body contouring;
- (d) Dyschromia reduction;
- (e) Cellulite reduction;
- (f) Hair removal or reduction; and
- (g) Nonablative tattoo removal.

(2) “Certified advanced esthetician” means a person certified to practice advanced nonablative esthetics procedures under ORS 676.630 to 676.660.

(3) “Device” has the meaning given that term by the Board of Certified Advanced Estheticians by rule, in collaboration with the Board of Cosmetology.

[3] (4) “Esthetician” means a person certified to practice esthetics under ORS 690.005 to 690.225.

[4] (5) “Nonablative” means involving an action performed on the skin or hair of a person that does not result in the wounding of skin or underlying tissue.

SECTION 8. ORS 690.005 is amended to read:

690.005. As used in ORS 690.005 to 690.225:

(1) “Barbering” means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

- (a) Shampooing, styling, cutting, singeing and conditioning of the hair of an individual.
- (b) Applying hair tonics, dressings and rinses.

(c) Massaging of the scalp, face and neck and applying facial and scalp treatments with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, except that the mechanical appliances may not be galvanic or faradic.

(d) Shaving, trimming or cutting of the beard or mustache.

(2) “Certificate” means a written authorization for the holder to perform in one or more fields of practice.

(3) “Cosmetology” means the art or science of beautifying and improving the skin, nails and hair and the study of cosmetics and their application.

(4) “Demonstration permit” means a written authorization for a person to practice, demonstrate and teach one or more fields of practice on a temporary basis.

(5) “Esthetics” means any of the following skin care or facial care practices performed on the human body or face for the purpose of keeping the skin of the human body or face healthy and attractive and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) The use of the hands or mechanical or electric apparatuses, [or] appliances **or devices** for cleansing, stimulating, manipulating, exfoliating or applying lotions or creams.

(b) Temporary removal of hair **by using lotion, cream, an appliance, wax, thread, sugar, tweezers, dermaplaning, a depilatory or other means.**

(c) Makeup artistry.

(d) **Eyebrow and** eyelash services.

(e) Facial and body [wrapping] **treatments.**

[f] *Facial and body waxing.*

(6) “Facility” means an establishment operated on a regular or irregular basis for the purpose of providing services in one or more fields of practice.

(7) “Field of practice” means the following cosmetology disciplines:

- (a) Barbering.
- (b) Esthetics.
- (c) Hair design.
- (d) Nail technology.
- (e) Natural hair care.

(8) “Freelance license” means a written authorization that allows a practitioner to practice outside or away from a licensed facility.

(9) "Hair design" means any of the following practices, when done upon the human body for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) Shaving, trimming or cutting of the beard or mustache.

(b) Styling, permanent waving, relaxing, cutting, singeing, bleaching, coloring, shampooing, conditioning, applying hair products or similar work upon the hair of an individual.

(c) Massaging the scalp and neck when performed in conjunction with activities in paragraph (a) or (b) of this subsection.

(10) "Independent contractor" means a practitioner who qualifies as an independent contractor under ORS 670.600 and who is not under the control and direction of a facility license holder.

(11) "License" means a written authorization issued under ORS 690.055 to a person to operate a facility or freelance business for providing services related to one or more fields of practice to the public.

(12)(a) "Mechanical or electrical apparatus, appliance or device" includes, but is not limited to, galvanic current, high-frequency microcurrents, light-emitting diode therapy and microdermabrasion that does not penetrate beyond the epidermis except through natural physiological effects.

(b) "Mechanical or electrical apparatus, appliance or device" does not include lasers or intense pulsed light or a device, as that term is defined by the Board of Cosmetology by rule, in collaboration with the Board of Certified Advanced Estheticians.

[(12)] (13) "Nail technology" means any of the following manicuring or pedicuring practices performed for cosmetic purposes and not for medical diagnosis or treatment of disease or physical or mental ailments:

(a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating the nails of the hands or feet.

(b) Massaging, cleansing, treating or beautifying the hands, arms below the elbow, feet or legs below the knee.

(c) Applying, sculpturing or removing artificial nails of the hands or feet.

[(13)(a)] (14)(a) "Natural hair care" means:

(A) The braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping of human hair, natural fibers, synthetic fibers or hair extensions through the use of hands or simple devices such as clips, combs, hairpins or needle and thread;

(B) The use of scissors to trim synthetic fibers, hair extensions or sewn-in weave extensions as is necessary to perform the activities described in this paragraph;

(C) The making of customized wigs from natural hair, natural fibers, synthetic fibers or hair extensions; or

(D) Shampooing or conditioning of the hair of an individual.

(b) "Natural hair care" does not include the use of scissors, except as provided in paragraph (a)(B) of this subsection, penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents.

[(14)] (15) "Practitioner" means a person certified to perform services included within a field of practice.

[(15)] (16) "Registration" means a written authorization issued to an independent contractor to hold forth to the public as a business entity providing services in a field of practice.

[(16)] (17) "School" means an educational establishment that has a license issued by the Department of Education and is operated for the purpose of teaching one or more fields of practice. For purposes of this subsection, "field of practice" does not include natural hair care.

[(17)] (18) "Temporary facility permit" means a written authorization issued under ORS 690.055 to provide services on a temporary basis in one or more fields of practice.

RESIDENTIAL CARE FACILITY ADMINISTRATORS

SECTION 9. ORS 678.733 is amended to read:

678.733. (1) The Health Licensing Office may issue a residential care facility administrator license to an applicant who:

(a) Is at least 21 years of age;

(b) Has earned at least a high school diploma or its equivalent[;], **as indicated by evidence of the following, in a form deemed sufficient by the office:**

(A) Completion of high school or an equivalent educational level;

(B) Passage of an approved high school equivalency test, including but not limited to the General Educational Development (GED) test; or

(C) Graduation from a post-secondary institution;

(c)(A) For at least two of the last five years has been employed in a professional or managerial capacity in a health or social service related field, or has a combination of experience and education deemed sufficient by the office; or

(B) Has earned at least a bachelor's degree in a health or social service related field;

(d) Has completed at least 40 hours of training approved by the office by rule;

(e) Pays a licensure fee; and

(f) Passes an examination described in ORS 678.743.

(2) Evidence of the education described in subsection (1)(b) of this section may be provided by a diploma or other document, or by facts, circumstances or other indicators deemed sufficient by the office.

[2)] **(3) When issuing a license under this section, the office shall consider the qualifications for employment under ORS 443.004.**

SECTION 10. The amendments to ORS 678.733 by section 9 of this 2021 Act apply to residential care facility administrator license applications submitted to the Health Licensing Office on or after the effective date of this 2021 Act.

DENTAL CLINICS

SECTION 11. ORS 679.020 is amended to read:

679.020. (1) A person may not practice dentistry without a license.

(2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate, conduct or maintain a dental practice, office or clinic in this state.

(3) The restrictions of subsection (2) of this section, as they relate to owning and operating a dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the following:

(a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organization formed by or on behalf of such labor organization for the purpose of providing dental services. Such labor organization must have had an active existence for at least three years, have a constitution and bylaws, and be maintained in good faith for purposes other than providing dental services.

(b) The School of Dentistry of the Oregon Health and Science University.

(c) Public universities listed in ORS 352.002.

(d) Local governments.

(e) Institutions or programs accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training.

(f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas and medically underserved populations of migrant, rural community or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.

(g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer

licensed dentists to populations with limited access to dental care at no charge or a substantially reduced charge.

(h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the Oregon Board of Dentistry as having an existing program that provides medical and dental care to medically underserved children with special needs at an existing single fixed location or multiple mobile locations.

(i) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the board as providing dental services to individuals who are 65 years of age or older and individuals who are unable to stand or walk unassisted.

(4) For the purpose of owning or operating a dental office or clinic, an entity described in subsection (3) of this section must:

(a) Except as provided in ORS 679.022, name an actively licensed dentist as its dental director, who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental director, or an actively licensed dentist designated by the director, shall have responsibility for the clinical practice of dentistry, which includes, but is not limited to:

(A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

(B) Prescribing drugs that are administered to patients in the practice of dentistry.

(C) The treatment plan of any dental patient.

(D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

(E) Supervision of dental hygienists, dental assistants or other personnel involved in direct patient care and the authorization for procedures performed by them in accordance with the standards of supervision established by statute or by the rules of the board.

(F) Other specific services within the scope of clinical dental practice.

(G) Retention of patient dental records as required by statute or by rule of the board.

(H) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

(I) The prescription and administration of vaccines.

(b) Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care utilized by the entity. The records must be available to the board upon written request.

(5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist who renders services authorized by a permit issued by the board pursuant to ORS 680.200.

(6) Nothing in this chapter precludes a person or entity not licensed by the board from:

(a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic. These assets include real property, furnishings, equipment and inventory but do not include dental records of patients related to clinical care.

(b) Employing or contracting for the services of personnel other than licensed dentists.

(c) Management of the business aspects of a dental office or clinic that do not include the clinical practice of dentistry.

(7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held by an administrator, executor, personal representative, guardian, conservator or receiver of the estate of a former shareholder, member or partner, the administrator, executor, personal representative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months following the creation of the ownership interest. The board shall extend the ownership period for an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable request.

SECTION 12. ORS 679.020, as amended by section 11 of this 2021 Act, is amended to read:

679.020. (1) A person may not practice dentistry without a license.

(2) Only a person licensed as a dentist by the Oregon Board of Dentistry may own, operate, conduct or maintain a dental practice, office or clinic in this state.

(3) The restrictions of subsection (2) of this section, as they relate to owning and operating a dental office or clinic, do not apply to a dental office or clinic owned or operated by any of the following:

(a) A labor organization as defined in ORS 243.650 and 663.005 (6), or to any nonprofit organization formed by or on behalf of such labor organization for the purpose of providing dental services. Such labor organization must have had an active existence for at least three years, have a constitution and bylaws, and be maintained in good faith for purposes other than providing dental services.

(b) The School of Dentistry of the Oregon Health and Science University.

(c) Public universities listed in ORS 352.002.

(d) Local governments.

(e) Institutions or programs accredited by the Commission on Dental Accreditation of the American Dental Association to provide education and training.

(f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas and medically underserved populations of migrant, rural community or homeless individuals under 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(g) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the Oregon Board of Dentistry as providing dental services by volunteer licensed dentists to populations with limited access to dental care at no charge or a substantially reduced charge.

(h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the Oregon Board of Dentistry as having an existing program that provides medical and dental care to medically underserved children with special needs at an existing single fixed location or multiple mobile locations.

[(i) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the board as providing dental services to individuals who are 65 years of age or older and individuals who are unable to stand or walk unassisted.]

(4) For the purpose of owning or operating a dental office or clinic, an entity described in subsection (3) of this section must:

(a) Except as provided in ORS 679.022, name an actively licensed dentist as its dental director, who shall be subject to the provisions of ORS 679.140 in the capacity as dental director. The dental director, or an actively licensed dentist designated by the director, shall have responsibility for the clinical practice of dentistry, which includes, but is not limited to:

(A) Diagnosis of conditions within the human oral cavity and its adjacent tissues and structures.

(B) Prescribing drugs that are administered to patients in the practice of dentistry.

(C) The treatment plan of any dental patient.

(D) Overall quality of patient care that is rendered or performed in the practice of dentistry.

(E) Supervision of dental hygienists, dental assistants or other personnel involved in direct patient care and the authorization for procedures performed by them in accordance with the standards of supervision established by statute or by the rules of the board.

(F) Other specific services within the scope of clinical dental practice.

(G) Retention of patient dental records as required by statute or by rule of the board.

(H) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

(I) The prescription and administration of vaccines.

(b) Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care utilized by the entity. The records must be available to the board upon written request.

(5) Subsections (1) and (2) of this section do not apply to an expanded practice dental hygienist who renders services authorized by a permit issued by the board pursuant to ORS 680.200.

(6) Nothing in this chapter precludes a person or entity not licensed by the board from:

(a) Ownership or leasehold of any tangible or intangible assets used in a dental office or clinic. These assets include real property, furnishings, equipment and inventory but do not include dental records of patients related to clinical care.

(b) Employing or contracting for the services of personnel other than licensed dentists.

(c) Management of the business aspects of a dental office or clinic that do not include the clinical practice of dentistry.

(7) If all of the ownership interests of a dentist or dentists in a dental office or clinic are held by an administrator, executor, personal representative, guardian, conservator or receiver of the estate of a former shareholder, member or partner, the administrator, executor, personal representative, guardian, conservator or receiver may retain the ownership interest for a period of 12 months following the creation of the ownership interest. The board shall extend the ownership period for an additional 12 months upon 30 days' notice and may grant additional extensions upon reasonable request.

SECTION 13. The amendments to ORS 679.020 by section 12 of this 2021 Act become operative on January 1, 2023.

CAPTIONS

SECTION 14. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

EMERGENCY CLAUSE

SECTION 15. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 15, 2021

Received by Governor:

Repassed by House June 8, 2021

.....M.,....., 2021

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2021

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Tina Kotek, Speaker of House

.....
Kate Brown, Governor

Passed by Senate June 7, 2021

Filed in Office of Secretary of State:

.....M.,....., 2021

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Peter Courtney, President of Senate

.....
Shemia Fagan, Secretary of State

COVID-19 Update

Public/ Interest Parties Feedback

Other Board Business

