

Chapter 680

2013 EDITION

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OCCUPATIONS AND PROFESSIONS

DENTAL HYGIENISTS**(Generally)**

680.010 Definitions for ORS 680.010 to 680.205. As used in ORS 680.010 to 680.205, unless the context requires otherwise, words shall have the meanings assigned by ORS 679.010. [Amended by 1963 c.266 §1; 1983 c.169 §18]

680.020 Practice of dental hygiene without license prohibited; applicability of dental hygiene license requirement. (1) It is unlawful for any person not otherwise authorized by law to practice dental hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued by the Oregon Board of Dentistry.

(2) The requirements of this section do not apply to:

(a) Dental hygienists licensed in another state making a clinical presentation sponsored by a bona fide dental or dental hygiene society or association or an accredited dental or dental hygiene education program approved by the board.

(b) Bona fide students of dental hygiene who engage in clinical studies during the period of their enrollment and as a part of the course of study in an Oregon dental hygiene education program. The program must be accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, if any, and approved by the board. The clinical study may be conducted on the premises of the program or in a clinical setting located off the premises. The facility, the instructional staff, and the course of study at the off-premises location must meet minimum requirements prescribed by the rules of the board, and the clinical study at the off-premises location must be performed under the direct supervision of a member of the faculty.

(c) Bona fide students of dental hygiene who engage in community-based or clinical studies as an elective or required rotation in a clinical setting located in Oregon during the period of their enrollment and as a part of the course of study in a dental hygiene education program located outside of Oregon. The program must be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency. The community-based or clinical studies must:

(A) Meet minimum requirements prescribed by the rules of the board; and

(B) Be performed under the direct supervision of a member of the faculty of the Oregon Health and Science University School of Dentistry or another Oregon institution

with an accredited dental hygiene education program approved by the board.

(d) Students of dental hygiene or graduates of dental hygiene programs who engage in clinical studies as part of a course of study or continuing education course offered by an institution with a dental or dental hygiene program. The program must be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency.

(e) Candidates who are preparing for licensure examination to practice dental hygiene and whose application has been accepted by the board or its agent, if such clinical preparation is conducted in a clinic located on premises approved for that purpose by the board and if the procedures are limited to examination only.

(f) Dental hygienists practicing in the discharge of official duties as employees of the United States Government and any of its agencies.

(g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teaching activities and while employed in accredited dental hygiene educational programs.

(h) Dental hygienists employed by public health agencies who are not engaged in direct delivery of clinical dental hygiene services to patients.

(i) Counselors and health assistants who have been trained in the application of fluoride varnishes to the teeth of children and who apply fluoride varnishes only to the teeth of children enrolled in or receiving services from the Women, Infants and Children Program, the Oregon prekindergarten program or a federal Head Start grant program.

(j) Dental hygienists licensed in another state and in good standing, while practicing dental hygiene without compensation for no more than five consecutive days in any 12-month period, provided the dental hygienist submits an application to the board at least 10 days before practicing dental hygiene under this paragraph and the application is approved by the board. [Amended by 1963 c.266 §2; 1983 c.169 §19; 2003 c.310 §2; 2005 c.504 §2; 2007 c.379 §5; 2009 c.582 §1; 2012 c.80 §2]

680.025 [1971 c.48 §3; 1975 c.323 §1; repealed by 1983 c.169 §34]

680.026 Application of fluoride varnishes to teeth of children by certain counselors and health assistants. Counselors and health assistants who have been trained in the application of fluoride varnishes to the teeth of children may apply fluoride varnishes to the teeth of children enrolled in or receiving services or benefits

from the Women, Infants and Children Program, the Oregon prekindergarten program or a federal Head Start grant program. [2007 c.379 §6]

Note: 680.026 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 680 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

680.030 [Amended by 1963 c.266 §3; repealed by 1983 c.169 §34]

(Licensing)

680.040 Qualifications of applicants for dental hygiene licensure examination. (1) An applicant for a dental hygiene license shall be entitled to take the examination to practice dental hygiene in Oregon if the applicant:

(a) Is 18 years of age or older; and

(b) Is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, if any, which must have been approved by the Oregon Board of Dentistry.

(2) Foreign trained graduates of dental hygiene programs may apply for the dental hygiene licensure examination, providing the applicant meets the board's requirements, by rule, as will reasonably assure that an applicant's training and education are sufficient for licensure. [Amended by 1963 c.266 §4; 1973 c.122 §1; 1975 c.323 §2; 1979 c.526 §1; 1983 c.169 §20]

680.050 Application for examination; fees; grounds for refusal to issue or renew license. (1) Any person desiring to practice dental hygiene in this state shall file an application with the Oregon Board of Dentistry.

(2) At the time of making application, the applicant shall:

(a) Pay to the board the required application and examination fee.

(b) Furnish the board with evidence satisfactory to the board of details of any convictions recorded in any police records. Such details are subject to the findings required by ORS 670.280.

(c) Present to the board a diploma or evidence satisfactory to the board of having graduated from an accredited dental hygiene program approved by the board.

(3) If an applicant has been in practice in another state or states the applicant shall furnish an affidavit from the board of dental examiners or similar body of such state or states that the applicant has been engaged in the legal practice of dental hygiene in such state or states for a period of time prescribed by the rules of the Oregon Board of Dentistry.

(4) The board may refuse to issue a license to or renew a license of an applicant who has been convicted of a violation of law if the board makes the findings required by ORS 670.280. A certified copy of the record of conviction is conclusive evidence of conviction.

(5) The board may refuse to issue a license to or renew a license of an applicant who has been disciplined by a state licensing or regulatory agency of this or another state regarding any health care profession when, in the judgment of the board, the acts or conduct resulting in the disciplinary action bears a demonstrable relationship to the ability of the licensee or applicant to practice dental hygiene in accordance with the provisions of ORS 680.010 to 680.205. A certified copy of the record of the disciplinary action is conclusive evidence of the disciplinary action.

(6) The board may refuse to issue a license to or renew a license of an applicant who has falsified a license application, or any person for any cause described under ORS 679.140 or 679.170.

(7) Fees paid are not refundable. [Amended by 1963 c.266 §5; 1967 c.90 §1; 1973 c.122 §2; 1983 c.169 §21; 1985 c.323 §16; 1995 c.199 §5; 2003 c.83 §9]

680.060 Examination; scope and conduct; results of national standardized examination, regional testing agencies or clinical board examinations administered in other states in lieu of examination. (1) The Oregon Board of Dentistry may administer written, laboratory or clinical examinations to test professional knowledge and skills.

(2) The examination shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. It shall include, written in the English language, questions on any subjects pertaining to dental hygiene. The written examination may be supplemented by oral examination. Demonstrations of the applicant's skill in clinical dental hygiene also may be required.

(3) The board may accept the results of national standardized examinations in satisfaction of the written examination as authorized by this section, and shall accept the results of regional testing agencies or of clinical board examinations administered by other states in satisfaction of the clinical examination authorized under this section, provided:

(a) The test or examination was taken within five years of the date of application; and

(b) The applicant received a passing score on the test or examination as established by the board by rule.

(4) The board shall accept the results of regional testing agencies or of clinical board examinations administered by other states in satisfaction of the examinations authorized under this section for applicants who have engaged in the active practice of dental hygiene in Oregon, other states, the Armed Forces of the United States, the United States Public Health Service or the United States Department of Veterans Affairs for a period of at least 3,500 hours in the five years immediately preceding application and who meet all other requirements for licensure. [Amended by 1963 c.266 §6; 1983 c.169 §22; 2001 c.193 §2; 2003 c.83 §10; 2005 c.229 §2; 2009 c.582 §2]

680.070 Additional requirements for certain applicants; rules. The Oregon Board of Dentistry may adopt rules requiring additional education and examination of applicants who have failed the licensing examination three times. [Amended by 1963 c.266 §7; 1967 c.90 §2; 1971 c.34 §3; 1977 c.444 §4; 1979 c.526 §2; 1981 c.232 §3; 1983 c.169 §23; 2003 c.83 §11]

680.072 Issuing license. The Oregon Board of Dentistry shall, upon the applicant's satisfactory completion of the educational requirements and written, laboratory and clinical examinations authorized under ORS 680.060 and upon receipt of the requisite fees, issue or renew the appropriate dental hygiene license. [1983 c.169 §26]

680.075 License fees; waiver; reinstatement of inactive status license; notice of change of address. (1) The Oregon Board of Dentistry may impose application fees for the following:

- (a) Examinations;
- (b) Biennial dental hygiene license, active;
- (c) Biennial dental hygiene license, inactive;
- (d) Permits and certificates; and
- (e) Delinquency.

(2) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section and ORS chapter 679 shall not exceed the costs of administering the regulatory program of the board as authorized by the Legislative Assembly within the board budget, as the budget may be modified by the Emergency Board.

(3)(a) The board may waive the payment of the license fee in the case of any licensee who furnishes satisfactory evidence that the licensee has discontinued the actual practice of dental hygiene because of retirement.

(b) Application to reinstate a license retired under paragraph (a) of this subsection

or to convert an inactive status license to an active status license shall be made in accordance with the rules of the board and with the submission of the license fee prescribed for such license; provided, however, that if more than one year has expired since the license was retired or inactivated, satisfactory evidence of clinical competence must be submitted to the board.

(4) Every dental hygienist shall advise the board within 30 days of any change of address.

(5) Each dental hygienist must renew the hygienist's license every two years through submitting a renewal application and paying the license fee.

(6) Dental hygienists licensed in even-numbered years must renew by September 30 of each even-numbered year. Dental hygienists licensed in odd-numbered years must renew by September 30 of each odd-numbered year.

(7) A reasonable charge may be made in the event that the license fee or renewal application is more than 10 days delinquent.

(8) Fees paid are not refundable. [1983 c.169 §25; 1985 c.323 §17; 1989 c.338 §9; 1991 c.703 §26]

680.080 [Amended by 1963 c.266 §8; 1973 c.122 §3; 1975 c.323 §3; 1979 c.526 §3; 1983 c.169 §27; 1991 c.67 §183; repealed by 1999 c.578 §6]

680.082 Licensure of dental hygiene instructor; rules. (1) Notwithstanding any other provision of ORS 680.010 to 680.205, the Oregon Board of Dentistry shall issue a dental hygiene instructor's license to any person who:

(a) Is or will be a full-time instructor of dental hygiene engaged in the practice of dental hygiene, including but not limited to participation in a faculty practice plan within the scope of the applicant's employment at Oregon Health and Science University;

(b) Is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, if any; and

(c) Is licensed to practice dental hygiene in another state or a Canadian province.

(2) The board shall by rule establish standards, procedures and fees for the issuance, suspension, revocation and renewal of a dental hygiene instructor's license.

(3) The board may refuse to issue or renew a dental hygiene instructor's license to an applicant or licensee:

(a) Who has been convicted of an offense or disciplined by a dental licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the

ability of the applicant or licensee to practice dental hygiene in accordance with the provisions of ORS 680.010 to 680.205;

(b) Who has falsified an application for licensure; or

(c) For cause as described under ORS 679.140 or 679.170.

(4) A person issued a dental hygiene instructor's license is restricted to the practice of dental hygiene for or on behalf of Oregon Health and Science University.

(5) An applicant who receives a dental hygiene instructor's license is subject to the professional ethics, standards and discipline of ORS 680.010 to 680.205. [2001 c.193 §4; 2013 c.413 §2]

Note: 680.082 was added to and made a part of 680.010 to 680.205 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

680.090 [Repealed by 1983 c.169 §34]

680.100 Discipline of dental hygienist; grounds; method; procedure. (1) The Oregon Board of Dentistry may discipline any dental hygienist for any of the causes for which a dentist may be disciplined under ORS 679.140 and may impose any or all of the methods of discipline, modify such methods and reinstate dental hygiene licenses as provided in ORS 679.140 for dentists.

(2) The provisions of ORS 679.160 and 679.250 apply to proceedings by the board for the revocation or suspension of or refusal to renew a license issued pursuant to ORS 680.010 to 680.205. [Amended by 1963 c.266 §9; 1975 c.323 §4; 1977 c.745 §52; 1983 c.169 §28; 1983 c. 338 §963; 1999 c.578 §5]

680.110 Disposition of receipts. All moneys paid by applicants to the Oregon Board of Dentistry as examination and licensing fees under ORS 680.010 to 680.205 shall be used for the same purposes and accounted for by the board in the same manner as moneys obtained as fees from applicants for license to practice dentistry in Oregon.

680.150 Employment of dental hygienist; supervision; rules. (1) Any dentist may employ a dental hygienist who may engage in the practice of dental hygiene in the office of such dentist under the general supervision of a dentist.

(2) Any public institution, health care facility or health maintenance organization, as those terms are defined in ORS 442.015, may employ a dental hygienist who may engage in the practice of dental hygiene under the general supervision of a dentist.

(3) A dental hygienist under the general supervision of a dentist may engage in the practice of dental hygiene in any place where limited access patients are located.

(4) The Oregon Board of Dentistry may adopt rules specifying other locations where dental hygienists may work and shall specify in its rules the degree of supervision a dentist must exercise over the procedures the hygienist performs.

(5) Notwithstanding ORS 679.010 (3), supervision by a dentist is not required when a dental hygienist determines the need for and appropriateness of sealants or fluoride, and applies sealants or fluoride at the locations and for persons described in ORS 680.205 (1). [Amended by 1963 c.266 §10; 1973 c.122 §4; 1979 c.526 §4; 1985 c.323 §9; 1991 c.476 §1; 2007 c.379 §4; 2011 c.716 §6]

680.160 [Amended by 1973 c.122 §5; 1975 c.323 §5; 1979 c.526 §5; repealed by 1991 c.476 §2]

(Miscellaneous)

680.165 Monitoring performance; information available to monitor; confidentiality; liability. (1) The Oregon Board of Dentistry may appoint a consultant or a committee or committees, each consisting of one or more licensed dental hygienists in this state, to study and report to the board the condition of and dental hygiene treatment rendered to any person or persons by any licensed dental hygienist in this state, or by any person purporting to practice dental hygiene in this state. Any person, hospital, sanitarium, professional grievance committee, nursing or rest home or other organization may, subject to the laws governing privileged or confidential communications, provide information, interviews, reports, statements, memoranda or other data relating to the condition and treatment of any person, to any such consultant, committee or the board, to be used in the course of any study for the purpose of improving the standards of dental hygiene practice, or to enable the board to assess the desirability of disciplinary action relating thereto. No liability of any kind or character for damages or other relief shall arise or be enforced against any such person or organization by reason of having provided such information or material, or arise or be enforced against any consultant or member of such committee by reason of having released or published the findings and conclusions of such consultants or committees to advance dental hygiene science and dental hygiene education, or by reason of having released or published generally a summary of such studies. Testimony given to and the proceedings, reports, statements, opinions, findings and conclusions of such consultants and committees and the board shall be confidential but this shall not preclude the use of the subpoena power with respect to the actual records of dentists, dental hygienists, patients, hospitals, sanitarium, nursing or rest homes.

(2) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any consultant or member of a duly appointed committee for any act or proceeding undertaken or performed within the scope of the functions of any such consultant or committee, if such consultant or committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which the member acts, and acts in a reasonable belief that the action taken is warranted by the facts known after such reasonable effort to obtain the facts. [1985 c.323 §19]

680.170 [Repealed by 2001 c.11 §1]

680.172 Oral health screening by dental hygienists and dental assistants. Oral health screenings may be performed by dental hygienists and dental assistants under written training and screening protocols adopted by the Oregon Board of Dentistry. Screening results must be provided to individuals screened or to the parents or guardians of minors needing a dental referral for diagnosis. Screening results are not a diagnosis for purposes of ORS chapter 679 or ORS 680.010 to 680.205. [2003 c.310 §5]

(Expanded Practice Dental Hygienists)

680.200 Issuing expanded practice permit; requirements. (1) Upon application accompanied by the fee established by the Oregon Board of Dentistry, the board shall grant a permit to practice as an expanded practice dental hygienist to an applicant who:

(a) Holds a valid, unrestricted Oregon dental hygiene license;

(b) Presents proof of current professional liability insurance coverage;

(c) Presents documentation satisfactory to the board of successful completion of an emergency life support course for health professionals, including cardiopulmonary resuscitation, from an agency or educational institution approved by the board; and

(d) Presents documentation satisfactory to the board that the applicant has:

(A)(i) Completed 2,500 hours of supervised dental hygiene practice; and

(ii) After licensure as a dental hygienist, completed 40 hours of courses, chosen by the applicant, in clinical dental hygiene or public health sponsored by continuing education providers approved by the board; or

(B) Completed a course of study approved by the board that includes at least 500 hours of dental hygiene practice, completed before or after graduation from a dental hygiene program, on patients described in ORS 680.205 while under the direct supervision of

a member of the faculty of a dental program or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency.

(2) A permit issued pursuant to subsection (1) of this section expires two years following the date of issuance unless renewed on or before that date by:

(a) Payment of the renewal fee as set by the board;

(b) Submission to the board of satisfactory evidence of completion of at least 36 hours of continuing education;

(c) Presentation to the board of proof of professional liability insurance coverage; and

(d) Completion of a survey developed by the board that measures the success of the expanded practice dental hygienist program against baseline data.

(3) The board may refuse to issue or renew an expanded practice dental hygienist permit or may suspend or revoke the permit of an expanded practice dental hygienist who has been convicted of an offense or been disciplined by a dental licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant to practice expanded practice dental hygiene in accordance with the provisions of this chapter or ORS chapter 679, or who has falsified an application for permit, or any person for any cause described under ORS 679.140 or 679.170. [1997 c.251 §2; 2003 c.310 §3; 2007 c.379 §2; 2009 c.582 §3; 2011 c.716 §7]

680.205 Services rendered under permit. (1) An expanded practice dental hygienist may render all services within the scope of practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as authorized by the expanded practice dental hygienist permit to:

(a) Patients or residents of the following facilities or programs who, due to age, infirmity or disability, are unable to receive regular dental hygiene treatment:

(A) Nursing homes as defined in ORS 678.710;

(B) Adult foster homes as defined in ORS 443.705;

(C) Residential care facilities as defined in ORS 443.400;

(D) Adult congregate living facilities as defined in ORS 441.525;

(E) Mental health residential programs administered by the Oregon Health Authority;

(F) Facilities for persons with mental illness, as those terms are defined in ORS 426.005;

(G) Facilities for persons with developmental disabilities, as those terms are defined in ORS 427.005;

(H) Local correctional facilities and juvenile detention facilities as those terms are defined in ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Corrections institutions as defined in ORS 421.005; or

(I) Public and nonprofit community health clinics.

(b) Adults who are homebound.

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

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

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

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

(2) At least once each calendar year, an expanded practice dental hygienist shall refer each patient or resident to a dentist who is available to treat the patient or resident.

(3) An expanded practice dental hygienist may render the services described in paragraphs (a) to (d) of this subsection to the patients described in subsection (1) of this section if the expanded practice dental hygienist has entered into an agreement in a format approved by the board with a dentist licensed under ORS chapter 679. The agreement must set forth the agreed-upon scope of the dental hygienist's practice with regard to:

(a) Administering local anesthesia;

(b) Administering temporary restorations without excavation;

(c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the agreement; and

(d) Overall dental risk assessment and referral parameters.

(4) This section does not authorize an expanded practice dental hygienist to administer nitrous oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

(5) An expanded practice dental hygienist may assess the need for and appropriateness of sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is applied or supplied to patients.

(6) An expanded practice dental hygienist must also procure all other permits or certificates required by the board under ORS 679.250. [1997 c.251 §3; 2001 c.592 §1; 2005 c.52 §1; 2007 c.70 §306; 2007 c.379 §3; 2009 c.582 §4; 2009 c.595 §1062; 2011 c.658 §41; 2011 c.716 §8; 2013 c.360 §63]

680.210 Compilation of data on expanded practice dental hygienists; reports by health insurers; report to legislature; rules. (1) The Oregon Board of Dentistry shall compile data, including baseline data, in every odd-numbered year on the use of expanded practice dental hygienists, as defined in ORS 679.010, in this state.

(2)(a) The Department of Consumer and Business Services shall adopt rules requiring health insurers to report to the department on the reimbursement of services provided by expanded practice dental hygienists.

(b) The department shall provide the information collected under paragraph (a) of this subsection to the board.

(3) The board shall report to an interim legislative committee related to dental health on the reimbursement of services provided by expanded practice dental hygienists on or before October 1 of each even-numbered year. [2011 c.716 §12]

Note: 680.210 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 680 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

DENTAL PILOT PROJECTS

Note: Sections 1, 2 and 17, chapter 716, Oregon Laws 2011, provide:

Sec. 1. (1) The Oregon Health Authority may approve pilot projects to encourage the development of innovative practices in oral health care delivery systems with a focus on providing care to populations that evidence-based studies have shown have the highest disease rates and the least access to dental care. The authority may approve a pilot project that is designed to:

(a) Operate for three to five years or a sufficient amount of time to evaluate the validity of the pilot project;

(b) Evaluate quality of care, access, cost, workforce and efficacy; and

(c) Achieve at least one of the following:

(A) Teach new skills to existing categories of dental personnel;

(B) Develop new categories of dental personnel;

(C) Accelerate the training of existing categories of dental personnel; or

(D) Teach new oral health care roles to previously untrained persons.

(2) The authority shall adopt rules:

(a) Establishing an application process for pilot projects;

(b) Establishing minimum standards, guidelines and instructions for pilot projects; and

(c) Requiring an approved pilot project to report to the authority on the progress and outcomes of the pilot project, including:

(A) The process used to evaluate the progress and outcomes of the pilot project;

(B) The baseline data and information to be collected;

(C) The nature of program data that will be collected and the methods for collecting and analyzing the data;

(D) The provisions for protecting the safety of patients seen or treated in the project; and

(E) A statement of previous experience in providing related health care services.

(3) The authority shall seek the advice of appropriate professional societies and licensing boards before adopting rules under subsection (2) of this section.

(4)(a) Notwithstanding ORS 679.020 and 680.020, a person may practice dentistry or dental hygiene without a license as part of a pilot project approved under this section under the general supervision of a dentist licensed under ORS chapter 679 and in accordance with rules adopted by the authority.

(b) A person practicing dentistry or dental hygiene without a license under this section is subject to the same standard of care and is entitled to the same immunities as a person performing the services with a license.

(5) The authority may accept gifts, grants or contributions from any public or private source for the purpose of carrying out this section. Funds received under this subsection shall be deposited in the Dental Pilot Projects Fund established under section 17 of this 2011 Act. [2011 c.716 §1]

Sec. 2. Section 1 of this 2011 Act is repealed on January 2, 2018. [2011 c.716 §2]

Sec. 17. The Dental Pilot Projects Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Dental Pilot Projects Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Health Authority for the purposes of carrying out the provisions of section 1, chapter 716, Oregon Laws 2011. [2011 c.716 §17; 2013 c.113 §2]

DENTURISTS

(Generally)

680.500 Definitions for ORS 680.500 to 680.565. As used in ORS 680.500 to 680.565:

(1) “Denture” means any removable full or partial upper or lower prosthetic dental appliance to be worn in the human mouth to replace any missing natural teeth.

(2) “Denturist” means a person licensed under ORS 680.500 to 680.565 to engage in the practice of denture technology and who is authorized within the person’s scope of practice to provide to the public full or partial upper or lower dentures or other removable nonorthodontic dental appliances intended to be worn in the human mouth.

(3) “Practice of denture technology” means:

(a) Constructing, repairing, relining, reproducing, duplicating, supplying, fitting or altering a denture or other removable nonorthodontic dental appliance intended to be worn in the human mouth in respect of which a service is performed under paragraph (b) of this subsection; and

(b) The following services when performed for a purpose listed in paragraph (a) of this subsection:

(A) The taking of impressions;

(B) The taking of bite registrations;

(C) Try-ins of dentures or other removable nonorthodontic dental appliances intended to be worn in the human mouth; and

(D) Insertions of dentures or other removable nonorthodontic dental appliances intended to be worn in the human mouth. [1979 c.1 §1; 1991 c.921 §1; 1993 c.142 §2; 1999 c.885 §26; 2003 c.1 §1; 2005 c.648 §23; 2011 c.53 §1]

680.505 Practice of denture technology prohibited without license; use of title “denturist.” Unless a person holds an active license issued under ORS 680.500 to 680.565, a person may not:

(1) Engage, or offer to engage, in the practice of denture technology; or

(2) Use in connection with the name of the person the word “denturist” or any other words, letters or abbreviations or insignia tending to indicate that such person is engaged in the practice of denture technology. [1979 c.1 §2; 1993 c.142 §3; 2013 c.314 §22]

680.510 Application of ORS 680.500 to 680.565. The prohibitions of ORS 680.500 to 680.565 do not apply to:

(1) Any activity described in ORS 680.500 (3)(a) by a person acting under the supervision of a denturist.

(2) The practice of dentistry or medicine by persons authorized to do so by this state, or any other practices allowed under ORS chapters 677 and 679.

(3) A student of denture technology in pursuit of clinical studies under an approved school program, or a person having met the formal educational requirements, who is operating, for no more than two years, under the direct supervision of a denturist or a licensed dentist in pursuit of practical clinical experience as required for licensure by ORS 680.515. [1979 c.1 §3; 1981 c.313 §1; 1989 c.694 §1; 1993 c.142 §4; 2005 c.648 §24; 2007 c.419 §1; 2011 c.53 §3]

(Licenses)

680.515 Application for license; qualifications of applicants; waiver of examination requirement; temporary license; rules. (1) Subject to the provisions of ORS 676.612, the Health Licensing Office shall issue a license to practice denture technology

to an applicant who, in addition to submitting an application and paying the applicable fees established under ORS 676.592:

(a) Provides to the office official transcripts verifying completion of an associate degree program in denture technology, or the equivalent in formal, post-secondary education, approved by the office in consultation with the Higher Education Coordinating Commission and the Department of Education.

(b) Provides to the office documentation of 1,000 hours of supervised clinical practice in denture technology, completed while enrolled in or after having completed a course of study offered in a post-secondary educational institution, or through equivalent supervised experience, as determined by the office in consultation with the commission and the department.

(c) Passes a written and a practical examination prescribed, recognized or approved by the State Board of Denture Technology. An applicant who fails the practical examination must complete additional hours of clinical and laboratory training in an approved work experience program, as determined by the board, to qualify for reexamination.

(d) Meets other requirements established by the office by rule.

(2) The educational program required by subsection (1)(a) of this section must include pertinent courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology emphasizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical denture technology and denture laboratory technology.

(3) Notwithstanding subsection (1)(a) of this section, the board may accept educational training obtained in any other state or country if, upon review of satisfactory evidence, the office determines that the educational program in the other state or country meets the educational standards prescribed under this section.

(4) An applicant meets the requirements of subsection (1)(a) or (b) of this section if the applicant provides the office with documentation of military training or experience that the office determines is substantially equivalent to the training or experience required by subsection (1)(a) or (b) of this section.

(5) Notwithstanding subsection (1)(c) of this section, the office may adopt rules providing for waiver of the practical examination requirement.

(6) The office may adopt rules allowing for issuance of a temporary license to prac-

tice denture technology. [1979 c.1 §4; 1981 c.313 §2; 1989 c.694 §2; 1991 c.921 §2; 1993 c.142 §5; 1997 c.652 §39; 2003 c.547 §13; 2005 c.415 §3; 2005 c.648 §25; 2007 c.419 §2; 2011 c.53 §2; 2011 c.637 §285; 2012 c.43 §9; 2013 c.314 §23; 2013 c.568 §44; 2013 c.747 §173]

Note: The amendments to 680.515 by section 44, chapter 568, Oregon Laws 2013, and section 173, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013, and see section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 9, chapter 43, Oregon Laws 2012, and section 23, chapter 314, Oregon Laws 2013, is set forth for the user's convenience.

680.515. (1) Subject to the provisions of ORS 676.612, the Oregon Health Licensing Agency shall issue a license to practice denture technology to an applicant who, in addition to submitting an application and paying the applicable fees established under ORS 676.592:

(a) Provides to the agency official transcripts verifying completion of an associate degree program in denture technology, or the equivalent in formal, post-secondary education, approved by the agency in consultation with the Oregon Student Access Commission and the Department of Education.

(b) Provides to the agency documentation of 1,000 hours of supervised clinical practice in denture technology, completed while enrolled in or after having completed a course of study offered in a post-secondary educational institution, or through equivalent supervised experience, as determined by the agency in consultation with the commission and the department.

(c) Passes a written and a practical examination prescribed, recognized or approved by the State Board of Denture Technology. An applicant who fails the practical examination must complete additional hours of clinical and laboratory training in an approved work experience program, as determined by the board, to qualify for reexamination.

(d) Meets other requirements established by the agency by rule.

(2) The educational program required by subsection (1)(a) of this section must include pertinent courses in anatomy, including histology, microbiology, physiology, pharmacology, pathology emphasizing periodontology, dental materials, medical emergencies, geriatrics, professional ethics, clinical denture technology and denture laboratory technology.

(3) Notwithstanding subsection (1)(a) of this section, the board may accept educational training obtained in any other state or country if, upon review of satisfactory evidence, the agency determines that the educational program in the other state or country meets the educational standards prescribed under this section.

(4) An applicant meets the requirements of subsection (1)(a) or (b) of this section if the applicant provides the agency with documentation of military training or experience that the agency determines is substantially equivalent to the training or experience required by subsection (1)(a) or (b) of this section.

(5) Notwithstanding subsection (1)(c) of this section, the agency may adopt rules providing for waiver of the practical examination requirement.

(6) The agency may adopt rules allowing for issuance of a temporary license to practice denture technology.

680.520 Examination of applicants. (1) Examinations of applicants for licensure under ORS 680.500 to 680.565 shall be held at least once a year at such times and places as the State Board of Denture Technology

may determine. Timely and appropriate notice shall be given to each applicant.

(2) The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice denture technology. The examination may be in the form of written, oral or practical demonstration of skills, or a combination of any such types. The examination shall cover at least subjects listed in ORS 680.515 (2) and any additional subjects required by the Health Licensing Office by rule that are based on changes in industry technology, health care delivery systems, client safety or scientific infection control techniques. [1979 c.1 §5; 1981 c.313 §3; 1991 c.921 §3; 1993 c.142 §6; 2005 c.415 §4; 2005 c.648 §25a; 2012 c.43 §10; 2013 c.568 §45]

Note: The amendments to 680.520 by section 45, chapter 568, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 10, chapter 43, Oregon Laws 2012, is set forth for the user's convenience.

680.520. (1) Examinations of applicants for licensure under ORS 680.500 to 680.565 shall be held at least once a year at such times and places as the State Board of Denture Technology may determine. Timely and appropriate notice shall be given to each applicant.

(2) The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice denture technology. The examination may be in the form of written, oral or practical demonstration of skills, or a combination of any such types. The examination shall cover at least subjects listed in ORS 680.515 (2) and any additional subjects required by the Oregon Health Licensing Agency by rule that are based on changes in industry technology, health care delivery systems, client safety or scientific infection control techniques.

680.525 [1979 c.1 §6; 1981 c.313 §8; 1991 c.921 §4; 1993 c.142 §7; 1999 c.885 §27; 2003 c.547 §14; 2005 c.648 §26; 2009 c.701 §18; repealed by 2013 c.314 §65]

680.527 Licensure without examination; fees. The Health Licensing Office may issue a license to practice denture technology, without examination, to any person who:

(1) Submits an application and pays the applicable fees established under ORS 676.592;

(2) Has satisfied the educational requirements established by ORS 680.515;

(3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada or a territory of the United States, and the standards for licensing of denturists in the licensing jurisdiction are determined by the office to be substantially equivalent to those of ORS 680.500 to 680.565;

(4) Has passed a written and practical examination that the office determines to be substantially equivalent to the examination required for licensure in this state; and

(5) Has engaged in the full-time active practice of denture technology as a licensed

denturist in another jurisdiction for a minimum of two years immediately preceding the date of application for licensure under this section. [2005 c.415 §2; 2005 c.648 §25b; 2007 c.419 §3; 2013 c.314 §24; 2013 c.568 §47]

Note: The amendments to 680.527 by section 47, chapter 568, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 24, chapter 314, Oregon Laws 2013, is set forth for the user's convenience.

680.527. The Oregon Health Licensing Agency may issue a license to practice denture technology, without examination, to any person who:

(1) Submits an application and pays the applicable fees established under ORS 676.592;

(2) Has satisfied the educational requirements established by ORS 680.515;

(3) Is a denturist licensed under the laws of any other state, the District of Columbia, Canada or a territory of the United States, and the standards for licensing of denturists in the licensing jurisdiction are determined by the agency to be substantially equivalent to those of ORS 680.500 to 680.565;

(4) Has passed a written and practical examination that the agency determines to be substantially equivalent to the examination required for licensure in this state; and

(5) Has engaged in the full-time active practice of denture technology as a licensed denturist in another jurisdiction for a minimum of two years immediately preceding the date of application for licensure under this section.

Note: 680.527 was added to and made a part of 680.500 to 680.565 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

680.530 [1979 c.1 §7; 1989 c.694 §3; 1991 c.921 §5; 1993 c.142 §8; 2001 c.274 §1; 2003 c.547 §15; 2005 c.648 §27; 2009 c.701 §19; repealed by 2013 c.314 §65]

680.535 Grounds for imposing discipline. In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against any person practicing denture technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 680.500 to 680.565, or the rules adopted thereunder. [1979 c.1 §8; 1991 c.921 §6; 1993 c.142 §9; 2003 c.547 §16; 2005 c.648 §28; 2013 c.568 §49]

Note: The amendments to 680.535 by section 49, chapter 568, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

680.535. In the manner prescribed in ORS chapter 183 for contested cases, the Oregon Health Licensing Agency may impose a form of discipline listed in ORS 676.612 against any person practicing denture technology for any of the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 680.500 to 680.565, or the rules adopted thereunder.

680.540 [1979 c.1 §18; 1981 c.313 §4; 1991 c.921 §7; 1993 c.142 §10; repealed by 2003 c.547 §118]

680.542 [1997 c.791 §29; repealed by 2001 c.274 §5]

(Practice)

680.545 Statement of dentist or physician before treatment by denturist. Denturists licensed prior to January 1, 2004, who have not received an oral pathology endorsement from the State Board of Denture Technology may not treat any person without having first received a statement, dated within 30 days of the date of treatment and signed by a dentist, physician or nurse practitioner, that the person's oral cavity is substantially free from disease and mechanically sufficient to receive a denture. [1979 c.1 §13; 1981 c.313 §5; 1989 c.694 §4; 1991 c.921 §8; 1993 c.142 §10a; 1997 c.652 §40; 2003 c.547 §17; 2005 c.471 §10]

680.547 Business or professional association of denturist and dentist. A dentist, as defined in ORS 679.010, and a denturist may cooperate and maintain any business or professional association that is mutually agreeable with each being responsible for their respective area of expertise. [2003 c.1 §3]

680.550 Board to establish policies and criteria for assessment. The State Board of Denture Technology shall establish policies and criteria for the assessment of the quality of the practice of denture technology based on practice standards subject to the approval of the Health Licensing Office. [1979 c.1 §19; 1991 c.921 §9; 1993 c.142 §11; 2005 c.648 §29; 2013 c.568 §50]

Note: The amendments to 680.550 by section 50, chapter 568, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

680.550. The State Board of Denture Technology shall establish policies and criteria for the assessment of the quality of the practice of denture technology based on practice standards subject to the approval of the Oregon Health Licensing Agency.

680.555 [1979 c.1 §9; 1989 c.694 §5; repealed by 1991 c.921 §22]

(State Board)

680.556 State Board of Denture Technology; membership; compensation and expenses. (1) There is established, within the Health Licensing Office, the State Board of Denture Technology. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Four must be active licensed denturists;

(b) One must be an Oregon licensed dentist in active practice; and

(c) Two must be members of the public who do not possess the professional quali-

fications of other members and who are not a spouse, domestic partner, child, parent or sibling of an active licensed denturist or dentist.

(2)(a) Board members required to be denturists may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing denturists.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed denturist or a retired denturist who was a licensed denturist in good standing at the time of retirement, if the board member was appointed to serve on the board as a denturist; or

(D) Is not a licensed dentist or a retired dentist whose license to practice dentistry was in good standing at the time of retirement, if the board member was appointed to serve on the board as a dentist.

(4) Members are entitled to compensation and expenses as provided in ORS 292.495. The office may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495. [1991 c.921 §11; 1993 c.142 §12; 1999 c.885 §28; 2003 c.125 §1; 2005 c.415 §5; 2005 c.648 §30a; 2009 c.535 §15; 2009 c.701 §20a; 2013 c.568 §51]

Note: The amendments to 680.556 by section 51, chapter 568, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

680.556. (1) There is established, within the Oregon Health Licensing Agency, the State Board of Denture Technology. The board consists of seven members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

- (a) Four must be active licensed denturists;
- (b) One must be an Oregon licensed dentist in active practice; and

(c) Two must be members of the public who do not possess the professional qualifications of other members and who are not a spouse, domestic partner, child, parent or sibling of an active licensed denturist or dentist.

(2)(a) Board members required to be denturists may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by a professional organization representing denturists.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

- (A) Geographic areas of this state; and
- (B) Ethnic group.

(3)(a) The term of office of each member is three years, but a member serves at the pleasure of the Governor. The terms must be staggered so that no more than three terms end each year. Vacancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold the member's office until the appointment and qualification of a successor. A member is eligible for reappointment.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

- (A) Is not a resident of this state;
- (B) Has been absent from three consecutive board meetings, unless at least one absence is excused;
- (C) Is not a licensed denturist or a retired denturist who was a licensed denturist in good standing at the time of retirement, if the board member was appointed to serve on the board as a denturist; or
- (D) Is not a licensed dentist or a retired dentist whose license to practice dentistry was in good standing at the time of retirement, if the board member was appointed to serve on the board as a dentist.

(4) Members are entitled to compensation and expenses as provided in ORS 292.495. The agency may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

680.560 Board meetings. The State Board of Denture Technology shall hold a meeting at least once each year and shall annually elect a chairperson from its members. [1979 c.1 §10; 1981 c.313 §6; 1991 c.921 §13; 1993 c.142 §13; 1999 c.885 §29; 2003 c.547 §18]

680.565 Authority of Health Licensing Office and director; rules; issuance of license. (1) The Health Licensing Office has

such authority as is reasonably necessary to administer ORS 680.500 to 680.565 and 680.990 (2), including the authority to adopt rules pursuant to ORS chapter 183.

(2) The Director of the Health Licensing Office shall keep a record of all proceedings of the State Board of Denture Technology including a register of all persons licensed to practice denture technology.

(3) When the office is satisfied that the applicant for licensure under ORS 680.500 to 680.565 has complied with all the requirements, it shall issue to such applicant an appropriate license under ORS 680.500 to 680.565. [1979 c.1 §11; 1981 c.313 §7; 1991 c.921 §14; 1993 c.142 §14; 1999 c.885 §30; 2005 c.648 §31; 2013 c.568 §52]

Note: The amendments to 680.565 by section 52, chapter 568, Oregon Laws 2013, become operative July 1, 2014. See section 142, chapter 568, Oregon Laws 2013, as amended by section 146, chapter 568, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

680.565. (1) The Oregon Health Licensing Agency has such authority as is reasonably necessary to administer ORS 680.500 to 680.565 and 680.990 (2), including the authority to adopt rules pursuant to ORS chapter 183.

(2) The Director of the Oregon Health Licensing Agency shall keep a record of all proceedings of the State Board of Denture Technology including a register of all persons licensed to practice denture technology.

(3) When the agency is satisfied that the applicant for licensure under ORS 680.500 to 680.565 has complied with all the requirements, it shall issue to such applicant an appropriate license under ORS 680.500 to 680.565.

680.567 [1993 c.142 §17; repealed by 2003 c.547 §118]

680.570 [1979 c.1 §12; 1999 c.885 §31; 2005 c.648 §32; repealed by 2009 c.701 §67]

680.572 [1991 c.921 §18; repealed by 2003 c.547 §118]

PENALTIES

680.990 Criminal penalties. (1) Violation of any of the provisions of ORS 680.010 to 680.205 is a Class C misdemeanor.

(2) Violation of any provision of ORS 680.505 and 743A.028 is a Class B misdemeanor. [Amended by 1977 c.192 §11; subsection (2) enacted as 1979 c.1 §17; 1983 c.169 §32; 2003 c.547 §19]

OCCUPATIONS AND PROFESSIONS
