

CHAPTER 558

AN ACT

HB 2972

Relating to dental screenings of students; creating new provisions; amending ORS 326.580 and 680.020; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) "Dental screening" means a dental screening test to identify potential dental health problems that is conducted by:

(A) A dentist licensed under ORS chapter 679;

(B) A dental hygienist licensed under ORS 680.010 to 680.205;

(C) A health care practitioner who is acting in accordance with rules adopted by the State Board of Education; or

(D) A person who:

(i) Is one of the following:

(I) An employee of an education provider; or

(II) Trained in accordance with guidelines established by the dental director appointed by the Oregon Health Authority; and

(ii) Is acting in accordance with rules adopted by the State Board of Education in collaboration with the dental director appointed by the Oregon Health Authority.

(b) "Education provider" means:

(A) An entity that offers a program that is recognized as an Oregon prekindergarten program under ORS 329.170 to 329.200.

(B) A school district board.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received a dental screening within the previous 12 months.

(b) The certification required by this subsection:

(A) Must be provided no later than 120 days after the student begins the educational program.

(B) May be provided by a person identified in subsection (1)(a) of this section who conducts the dental screening at a location not associated with the education provider or who conducts regular dental screenings of the student.

(3) A student is not required to submit certification as required under subsection (2) of this section if the student provides a statement from the parent or guardian of the student that:

(a) The student submitted certification to a prior education provider;

(b) The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or

(c) The dental screening is a burden, as defined by the State Board of Education by rule, for the student or the parent or guardian of the student.

(4) Each education provider shall:

(a) File in the student's dental health record any certifications and any results of a dental screening known by the education provider.

(b) Provide the parent or guardian of each student with information about:

(A) The dental screenings;

(B) Further examinations or necessary treatments; and

(C) Preventive care, including fluoride varnish, sealants and daily brushing and flossing.

(5) The dental director appointed by the Oregon Health Authority shall develop standardized information described in subsection (4)(b) of this section for distribution by education providers.

(6)(a) No later than October 1 each year, each school district shall submit to the Department of Education a report that identifies the percentage of students who failed to submit the certification required under this section for the previous school year.

(b) No later than December 1 each year, the department shall summarize the reports received under paragraph (a) of this subsection and submit the summary to the interim legislative committees on education and to the dental director appointed by the Oregon Health Authority.

(7) The State Board of Education, in consultation with the Oregon Health Policy Board and the Oregon Board of Dentistry, shall adopt by rule any standards for the implementation of this section.

SECTION 2. (1) Section 1 of this 2015 Act becomes operative on July 1, 2016.

(2) Section 1 of this 2015 Act first applies to the 2016-2017 school year.

(3) For the purpose of section 1 (6) of this 2015 Act:

(a) The first report required under section 1 (6)(a) of this 2015 Act must be submitted to the Department of Education no later than October 1, 2017.

(b) The first report required under section 1 (6)(b) of this 2015 Act must be submitted to the interim legislative committees on education and to the dental director appointed by the Oregon Health Authority no later than December 1, 2017.

SECTION 3. The State Board of Education, in consultation with the Oregon Health Policy Board and the Oregon Board of Dentistry, may adopt rules or take any action before the operative date specified in section 2 of this 2015 Act that is necessary to enable the board to exer-

cise, on or after the operative date specified in section 2 of this 2015 Act, all the duties, functions and powers conferred on the board by section 1 of this 2015 Act.

SECTION 4. ORS 326.580 is amended to read:

326.580. (1) As used in this section, "educational institution" means:

(a) An "educational institution" as defined in ORS 326.575.

(b) A state agency.

(c) A local correctional facility.

(2) The State Board of Education may adopt by rule standards for the content and format of an Oregon electronic student record. An Oregon electronic student record may be used to transfer student record information from one educational institution to another.

(3) The board may define the Oregon electronic student record to constitute a full and complete copy of the official student permanent record, student education record, student vision health record, **student dental health record** and certificate of immunization status that are required by state and federal law.

(4) The standards established by the board shall include procedures and criteria for participation in the Oregon electronic student record program by educational institutions. An educational institution may apply to the Department of Education for a certificate of participation in the Oregon electronic student record program.

(5) An educational institution that is approved for participation in the Oregon electronic student record program by the Department of Education:

(a) Shall not be required to forward by mail or other means physical items such as original documents or photocopies to a receiving educational institution that also is approved for participation in the program. This paragraph does not apply to special education records that are specifically required by federal law to be physically transferred.

(b) May elect to designate the Oregon electronic student record as the official student record.

(c) Shall retain the official student record in compliance with state and federal law.

SECTION 5. ORS 680.020 is amended to read:

680.020. (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) **Persons acting in accordance with rules adopted by the State Board of Education under section 1 of this 2015 Act to provide dental screenings to students.**

[(j)] (k) 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] **Oregon Board of Dentistry** at least 10 days

before practicing dental hygiene under this paragraph and the application is approved by the board.

SECTION 6. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Approved by the Governor June 25, 2015
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