

Enrolled House Bill 2627

Sponsored by Representatives HAYDEN, SCHOUTEN; Representatives DEXTER, GRAYBER, PRUSAK, Senator MANNING JR (Presession filed.)

CHAPTER

AN ACT

Relating to interim therapeutic restorations; creating new provisions; amending ORS 680.205; and prescribing an effective date.

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

SECTION 1. ORS 680.205 is amended to read:

680.205. (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 naturopathic physicians, 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) Unless different criteria for referral of a patient or resident to a dentist are included in an agreement described in subsection (3) of this section, 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)] (e) 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 **with or** without excavation;
- (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the agreement; [and]

(d) Performing interim therapeutic restoration after diagnosis by a dentist; and

[(d)] (e) 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.

(7) As used in this section and section 4 of this 2021 Act, "interim therapeutic restoration" means a direct provisional restoration placed to temporarily stabilize a tooth until a dentist subsequently diagnoses the need for further definitive treatment, and that:

(a) Consists of the removal of soft material from the tooth using only hand instrumentation and subsequent placement of an adhesive restorative material; and

(b) Does not require the administration of local anesthesia.

SECTION 2. The amendments to ORS 680.205 by section 1 of this 2021 Act apply to agreements described in ORS 680.205 that are entered into or renewed on or after the operative date specified in section 6 of this 2021 Act.

SECTION 3. (1) Not later than January 1, 2022, the Oregon Board of Dentistry shall adopt rules to establish educational and instructional requirements for interim therapeutic restoration to be performed by an expanded practice dental hygienist under ORS 680.205. In establishing these requirements, the board shall use the curriculum, competency-based training protocols and learning outcomes established by the Dental Health Workforce Pilot Project No. 200 through the dental pilot project program of the Oregon Health Authority.

(2) Expanded practice dental hygienists performing interim therapeutic restorations under the dental pilot project program of the Oregon Health Authority as of the effective date of this 2021 Act may continue performing interim therapeutic restorations until the rules established by the board take effect.

SECTION 4. (1) The Oregon Board of Dentistry shall approve applications from oral health care education providers for training courses that meet the requirements established in rules adopted by the board establishing educational and instructional requirements for interim therapeutic restoration to be performed by an expanded practice dental hygienist.

(2) An expanded practice dental hygienist must successfully complete a training course approved by the board under this section before performing interim therapeutic restorations under ORS 680.205 (3)(d).

(3) Notwithstanding subsection (2) of this section, an expanded practice dental hygienist who is operating within the Dental Health Workforce Pilot Project No. 200 through the dental pilot project program of the Oregon Health Authority as of the effective date of this

2021 Act, and who has completed training to perform interim therapeutic restorations, is exempt from completing training under subsection (2) of this section.

SECTION 5. Section 4 of this 2021 Act is added to and made a part of ORS chapter 680.

SECTION 6. (1) Section 4 of this 2021 Act and the amendments to ORS 680.205 by section 1 of this 2021 Act become operative on January 1, 2022.

(2) The Oregon Board of Dentistry may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by section 4 of this 2021 Act and the amendments to ORS 680.205 by section 1 of this 2021 Act.

SECTION 7. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House April 10, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 12, 2021

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Peter Courtney, President of Senate

Received by Governor:

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

Approved:

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

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Kate Brown, Governor

Filed in Office of Secretary of State:

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

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Shemia Fagan, Secretary of State