

House Bill 2384

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Dental Hygiene Committee in Oregon Board of Dentistry. Directs committee to make recommendations to board on regulation of dental hygienists, and directs board to carry out recommendations except in certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the regulation of dental hygienists; creating new provisions; amending ORS 680.020,
3 680.040, 680.050, 680.060, 680.070, 680.072, 680.075, 680.082, 680.100, 680.150, 680.172, 680.200 and
4 680.205; and declaring an emergency.

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

6 **SECTION 1. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS 680.010**
7 **to 680.205.**

8 **SECTION 2. (1) The Dental Hygiene Committee is established in the Oregon Board of**
9 **Dentistry. The committee consists of nine members appointed by the Governor. All members**
10 **of the committee must be residents of this state. Of the members of the committee:**

11 **(a) Four must be dental hygienists licensed under ORS 680.010 to 680.205, one of whom**
12 **must be one of the dental hygienists serving on the board;**

13 **(b) One must be a dentist licensed under ORS 679.060 to 679.180; and**

14 **(c) Four must be members of the public.**

15 **(2) The Governor may appoint the dental hygienist members of the committee from a list**
16 **of names submitted by a statewide association of dental hygienists.**

17 **(3) The Governor may appoint the dentist member of the committee from a list of names**
18 **submitted by a statewide association of dentists.**

19 **(4) In selecting the members of the committee, the Governor shall strive to balance the**
20 **representation on the committee according to:**

21 **(a) Geographic areas of this state; and**

22 **(b) Ethnic group.**

23 **(5) The term of office of each member is four years, but a member serves at the pleasure**
24 **of the Governor. The terms must be staggered so that the term of one dental hygienist ends**
25 **on July 1 of each year. A member is eligible for reappointment. If there is a vacancy in the**
26 **membership of the committee for any reason, the Governor shall make an appointment to**
27 **become immediately effective for the unexpired term.**

28 **(6) A committee member shall be removed immediately from the committee if, during the**
29 **member's term, the member:**

30 **(a) Is not a resident of this state;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) Has been absent from three consecutive committee meetings, unless at least one ab-**
 2 **sence is excused;**

3 **(c) Is not a licensed dental hygienist or a retired dental hygienist whose license was in**
 4 **good standing at the time of retirement, if the committee member was appointed to serve**
 5 **on the committee as a dental hygienist; or**

6 **(d) Is not a licensed dentist or a retired dentist whose license was in good standing at**
 7 **the time of retirement, if the committee member was appointed to serve on the committee**
 8 **as a dentist.**

9 **(7) The dental hygienist who is serving on the board shall chair the committee.**

10 **(8) The committee shall meet at the call of the chair, at least four times a year and at**
 11 **least once every 120 days.**

12 **(9) A majority of committee members, including three dental hygienists, constitutes a**
 13 **quorum.**

14 **(10) Members of the committee are entitled to compensation and expenses as provided in**
 15 **ORS 292.495. The committee may provide by rule for compensation to committee members**
 16 **for the performance of official duties at a rate that is greater than the rate provided in ORS**
 17 **292.495.**

18 **SECTION 3. (1) The Dental Hygiene Committee shall make recommendations to the**
 19 **Oregon Board of Dentistry on:**

20 **(a) The adoption of rules necessary to enforce the provisions of ORS 680.010 to 680.205;**

21 **(b) The issuance, denial, renewal, suspension and revocation of licenses and permits to**
 22 **practice dental hygiene;**

23 **(c) The examination of applicants for licenses to practice dental hygiene; and**

24 **(d) The discipline of dental hygienists.**

25 **(2) The board shall carry out the recommendations of the committee unless the board**
 26 **determines that a recommendation:**

27 **(a) Is outside of the jurisdiction of the committee;**

28 **(b) Would impose an undue financial burden on the board; or**

29 **(c) Is not supported by the record.**

30 **SECTION 4.** ORS 680.020 is amended to read:

31 680.020. (1) *[It is unlawful for any]* **A person not otherwise authorized by law to practice dental**
 32 **hygiene may not practice dental hygiene** or purport to be a dental hygienist without a valid li-
 33 **cence to practice dental hygiene issued by the Oregon Board of Dentistry.**

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

35 (a) Dental hygienists licensed in another state making a clinical presentation sponsored by a
 36 bona fide dental or dental hygiene society or association or an accredited dental or dental hygiene
 37 education program approved by the board, **adopted after consultation with the Dental Hygiene**
 38 **Committee as provided in section 3 of this 2011 Act.**

39 (b) Bona fide students of dental hygiene who engage in clinical studies during the period of their
 40 enrollment and as a part of the course of study in an Oregon dental hygiene education program. The
 41 program must be accredited by the Commission on Dental Accreditation of the American Dental
 42 Association, or its successor agency, if any, and approved by the board **in consultation with the**
 43 **committee as provided in section 3 of this 2011 Act.** The clinical study may be conducted on the
 44 premises of the program or in a clinical setting located off the premises. The facility, the instruc-
 45 tional staff, and the course of study at the off-premises location must meet minimum requirements

1 prescribed by the rules of the **board, adopted after consultation with the committee as provided**
 2 **in section 3 of this 2011 Act**, and the clinical study at the off-premises location must be performed
 3 under the direct supervision of a member of the faculty.

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

9 (A) Meet minimum requirements prescribed by the rules of the **board, adopted after consulta-**
 10 **tion with the committee as provided in section 3 of this 2011 Act;** and

11 (B) Be performed under the direct supervision of a member of the faculty of the Oregon Health
 12 and Science University School of Dentistry or another Oregon institution with an accredited dental
 13 hygiene education program approved by the board **in consultation with the committee as pro-**
 14 **vided in section 3 of this 2011 Act.**

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

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

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

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

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

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

33 **SECTION 5.** ORS 680.040 is amended to read:

34 680.040. (1) An applicant for a dental hygiene license shall be entitled to take the examination
 35 to practice dental hygiene in Oregon if the applicant:

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

37 (b) Is a graduate of a dental hygiene program accredited by the Commission on Dental Accred-
 38 itation of the American Dental Association or its successor agency, if any, which must have been
 39 approved by the Oregon Board of Dentistry **in consultation with the Dental Hygiene Committee**
 40 **as provided in section 3 of this 2011 Act.**

41 (2) A foreign trained [*graduates*] **graduate** of a dental hygiene [*programs*] **program** may apply
 42 for the dental hygiene licensure examination[, *providing*] **if** the applicant meets the board's require-
 43 ments, **established** by rule[, *as will*] **adopted after consultation with the committee as provided**
 44 **in section 3 of this 2011 Act.** **The requirements established under this subsection must rea-**
 45 **sonably [*assure*] ensure** that an applicant's training and education are sufficient for licensure.

1 **SECTION 6.** ORS 680.050 is amended to read:

2 680.050. (1) Any person desiring to practice dental hygiene in this state shall file an application
3 with the Oregon Board of Dentistry.

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

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

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

8 (c) Present to the board a diploma or evidence satisfactory to the board of having graduated
9 from an accredited dental hygiene program approved by the board **in consultation with the Dental
10 Hygiene Committee as provided in section 3 of this 2011 Act.**

11 (3) If an applicant has been in practice in another state or states, the applicant shall furnish
12 an affidavit from the board of dental examiners or similar body of such state or states that the ap-
13 plicant has been engaged in the legal practice of dental hygiene in such state or states for a period
14 of time prescribed by the rules of the Oregon Board of **Dentistry adopted after consultation with
15 the committee as provided in section 3 of this 2011 Act.**

16 **(4) The board shall forward the application to the committee for the committee's rec-
17 ommendation.**

18 [(4)] (5) The board, **in consultation with the committee as provided in section 3 of this 2011
19 Act,** may refuse to issue a license to or renew a license of an applicant who has been convicted of
20 a violation of law if the board makes the findings required by ORS 670.280. A certified copy of the
21 record of conviction is conclusive evidence of conviction.

22 [(5)] (6) The board may refuse to issue a license to or renew a license of an applicant who has
23 been disciplined by a state licensing or regulatory agency of this **state** or another state regarding
24 any health care profession when, in the judgment of the board **in consultation with the committee
25 as provided in section 3 of this 2011 Act,** the acts or conduct resulting in the disciplinary action
26 bears a demonstrable relationship to the ability of the licensee or applicant to practice dental hy-
27 giene in accordance with the provisions of ORS 680.010 to 680.205. A certified copy of the record
28 of the disciplinary action is conclusive evidence of the disciplinary action.

29 [(6)] (7) The **board, in consultation with the committee as provided in section 3 of this 2011
30 Act,** may refuse to issue a license to or renew a license of an applicant who has falsified a license
31 application, or any person for any cause described under ORS 679.140 or 679.170.

32 [(7)] (8) Fees paid are not refundable.

33 **SECTION 7.** ORS 680.060 is amended to read:

34 680.060. (1) The Oregon Board of **Dentistry, in consultation with the Dental Hygiene Com-
35 mittee as provided in section 3 of this 2011 Act,** may administer written, laboratory or clinical
36 examinations to test professional knowledge and skills.

37 (2) The examination [*shall*] **must** be sufficiently thorough to test the fitness of the applicant to
38 practice dental hygiene. [*It shall include,*] **The examination must be** written in the English
39 language[,] **and include** questions on any subjects pertaining to dental hygiene. The written exam-
40 ination may be supplemented by oral examination. Demonstrations of the applicant's skill in clinical
41 dental hygiene also may be required.

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

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

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

4 (4) The board shall accept the results of regional testing agencies or of clinical board examina-
5 tions administered by other states in satisfaction of the examinations authorized under this section
6 for applicants who have engaged in the active practice of dental hygiene in Oregon, other states,
7 the Armed Forces of the United States, the United States Public Health Service or the United States
8 Department of Veterans Affairs for a period of at least 3,500 hours in the five years immediately
9 preceding application and who meet all other requirements for licensure.

10 **SECTION 8.** ORS 680.070 is amended to read:

11 680.070. The Oregon Board of Dentistry, **in consultation with the Dental Hygiene Committee**
12 **as provided in section 3 of this 2011 Act,** may adopt rules requiring additional education and ex-
13 amination of applicants who have failed the licensing examination three times.

14 **SECTION 9.** ORS 680.072 is amended to read:

15 680.072. The Oregon Board of Dentistry shall, *[upon the applicant's satisfactory completion of]* **in**
16 **consultation with the Dental Hygiene Committee as provided in section 3 of this 2011 Act,**
17 **issue or renew a dental hygiene license to an applicant who has:**

18 (1) **Completed** the educational requirements and written, laboratory and clinical examinations
19 authorized under ORS 680.060 *[and upon receipt of the requisite fees, issue or renew the appropriate*
20 *dental hygiene license.]; and*

21 (2) **Paid the required fees.**

22 **SECTION 10.** ORS 680.075 is amended to read:

23 680.075. (1) The Oregon Board of Dentistry, **in consultation with the Dental Hygiene Com-**
24 **mittee as provided in section 3 of this 2011 Act,** may impose application fees for the following:

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

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

35 (3)(a) The **Oregon Board of Dentistry** may waive the payment of the license fee in the case of
36 any licensee who furnishes satisfactory evidence that the licensee has discontinued the actual
37 practice of dental hygiene because of retirement.

38 (b) Application to reinstate a license retired under paragraph (a) of this subsection or to convert
39 an inactive status license to an active status license shall be made in accordance with the rules of
40 the board, **adopted after consultation with the committee as provided in section 3 of this 2011**
41 **Act,** and with the submission of the license fee prescribed for such license.; *provided, however,*
42 *that]* If more than one year has expired since the license was retired **under paragraph (a) of this**
43 **subsection** or inactivated, satisfactory evidence of clinical competence must be submitted to the
44 board.

45 (4) *[Every]* **A** dental hygienist shall advise the board within 30 days of any change of address.

1 (5) *[Each]* A dental hygienist must renew the hygienist's license every two years through sub-
 2 mitting a renewal application and paying the license fee.

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

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

8 (8) Fees paid are not refundable.

9 **SECTION 11.** ORS 680.082 is amended to read:

10 680.082. (1) Notwithstanding any other provision of ORS 680.010 to 680.205, the Oregon Board
 11 of Dentistry, **in consultation with the Dental Hygiene Committee as provided in section 3 of**
 12 **this 2011 Act,** shall issue a dental hygiene instructor's license to any person who:

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

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

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

19 (2) The board, **in consultation with the committee as provided in section 3 of this 2011 Act,**
 20 shall by rule establish standards, procedures and fees for the issuance, suspension, revocation and
 21 renewal of a dental hygiene instructor's license.

22 (3) The board, **in consultation with the committee as provided in section 3 of this 2011 Act,**
 23 may refuse to issue or renew a dental hygiene instructor's license to an applicant or licensee:

24 (a) Who has been convicted of an offense or disciplined by a dental licensing body in a manner
 25 that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant
 26 or licensee to practice dental hygiene in accordance with the provisions of ORS 680.010 to 680.205;

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

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

29 (4) An applicant who receives a dental hygiene instructor's license is restricted to the practice
 30 of dental hygiene in a facility devoted to dental care on the campus of the Oregon Health and Sci-
 31 ence University.

32 (5) An applicant who receives a dental hygiene instructor's license is subject to the professional
 33 ethics, standards and discipline of ORS 680.010 to 680.205.

34 **SECTION 12.** ORS 680.100 is amended to read:

35 680.100. (1) The Oregon Board of Dentistry, **in consultation with the Dental Hygiene Com-**
 36 **mittee as provided in section 3 of this 2011 Act,** may discipline any dental hygienist for any of
 37 the causes for which a dentist may be disciplined under ORS 679.140 and may impose any or all of
 38 the methods of discipline, modify such methods and reinstate dental hygiene licenses as provided in
 39 ORS 679.140 for dentists.

40 (2) The provisions of ORS 679.160 and 679.250 apply to proceedings by the board for the revo-
 41 cation or suspension of or refusal to renew a license issued pursuant to ORS 680.010 to 680.205.

42 **SECTION 13.** ORS 680.150 is amended to read:

43 680.150. (1) *[Any]* A dentist may employ a dental hygienist who may engage in the practice of
 44 dental hygiene in the office of *[such]* the dentist under the general supervision of a dentist.

45 (2) *[Any]* A public institution, health care facility or health maintenance organizations, as those

1 terms are defined in ORS 442.015, may employ a dental hygienist who may engage in the practice
2 of dental hygiene under the general supervision of a dentist.

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

5 (4) The Oregon Board of Dentistry, **in consultation with the Dental Hygiene Committee as**
6 **provided in section 3 of this 2011 Act,** may adopt rules specifying other locations where dental
7 hygienists may work and shall specify in its rules the degree of supervision a dentist must exercise
8 over the procedures the hygienist performs.

9 (5) Notwithstanding ORS 679.010 (4), supervision by a dentist is not required when a dental
10 hygienist determines the need for and appropriateness of sealants or fluoride, and applies sealants
11 or fluoride at the locations and for persons described in ORS 680.205 (1) and (2).

12 **SECTION 14.** ORS 680.172 is amended to read:

13 680.172. Oral health screenings may be performed by dental hygienists and dental assistants
14 under written training and screening protocols adopted by the Oregon Board of Dentistry **in con-**
15 **sultation with the Dental Hygiene Committee as provided in section 3 of this 2011 Act.**
16 Screening results must be provided to individuals screened or to the parents or guardians of minors
17 needing a dental referral for diagnosis. Screening results are not a diagnosis for purposes of ORS
18 chapter 679 or ORS 680.010 to 680.205.

19 **SECTION 15.** ORS 680.200 is amended to read:

20 680.200. (1) Upon application accompanied by the fee established by the Oregon Board of
21 Dentistry, **and in consultation with the Dental Hygiene Committee as provided in section 3**
22 **of this 2011 Act,** the board shall grant a permit to practice as a limited access permit dental
23 hygienist to any applicant who:

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

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

26 (c) Presents documentation satisfactory to the board of successful completion of an emergency
27 life support course for health professionals, including cardiopulmonary resuscitation, from an agency
28 or educational institution approved by the **board in consultation with the committee as provided**
29 **in section 3 of this 2011 Act;** and

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

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

32 (ii) Completed 40 hours of courses in a formal, post-secondary educational program accredited
33 by the Commission on Dental Accreditation of the American Dental Association or its successor
34 agency and approved by the **board in consultation with the committee as provided in section 3**
35 **of this 2011 Act;** or

36 (B) Completed a course of study approved by the board, **in consultation with the committee**
37 **as provided in section 3 of this 2011 Act,** that includes at least 500 hours of dental hygiene
38 practice on patients described in ORS 680.205 while under the direct supervision of a member of the
39 faculty of a dental program or dental hygiene program accredited by the Commission on Dental
40 Accreditation of the American Dental Association or its successor agency. Practice hours from be-
41 fore and after graduation from the dental hygiene program may be combined to meet the require-
42 ment of this subparagraph.

43 (2) All permits issued pursuant to subsection (1) of this section expire two years following the
44 date of issuance unless renewed on or before that date by:

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

1 (b) Submission to the board of satisfactory evidence of completion of at least 36 hours of con-
 2 tinuing education; and

3 (c) Presentation to the board of proof of professional liability insurance coverage.

4 (3) The board, **in consultation with the committee as provided in section 3 of this 2011 Act,**
 5 may refuse to issue or renew a limited access permit or may suspend or revoke the permit of a
 6 limited access permit dental hygienist who has been convicted of an offense or been disciplined by
 7 a dental licensing body in a manner that bears, in the judgment of the board **in consultation with**
 8 **the committee as provided in section 3 of this 2011 Act,** a demonstrable relationship to the
 9 ability of the applicant to practice limited access permit dental hygiene in accordance with the
 10 provisions of this chapter or ORS chapter 679, or who has falsified an application for permit, or any
 11 person for any cause described under ORS 679.140 or 679.170.

12 **SECTION 16.** ORS 680.205 is amended to read:

13 680.205. (1) A dental hygienist issued a permit to act as a limited access permit dental hygienist
 14 under ORS 680.200 [*shall be authorized to*] **may** render all services within the scope of practice of
 15 dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as authorized
 16 by the limited access permit to:

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

19 (A) Nursing homes as defined in ORS 678.710;

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

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

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

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

24 (F) Facilities for mentally ill persons, as those terms are defined in ORS 426.005;

25 (G) Facilities for persons with mental retardation, as those terms are defined in ORS 427.005;

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

30 (I) Public and nonprofit community health clinics.

31 (b) Adults who are homebound.

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

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

38 (2) The Oregon Board of Dentistry, **in consultation with the Dental Hygiene Committee as**
 39 **provided in section 3 of this 2011 Act,** may authorize the provision of dental hygiene services by
 40 a limited access permit dental hygienist at locations or to populations that are underserved or lack
 41 access to dental hygiene services.

42 (3) At least once each calendar year, a dental hygienist issued a permit to act as a limited ac-
 43 cess permit dental hygienist shall refer each patient or resident to a dentist who is available to treat
 44 the patient or resident.

45 (4) This section does not authorize a limited access permit dental hygienist to administer local

1 anesthesia or temporary restorations except under the general supervision of a dentist licensed un-
2 der ORS chapter 679, or to administer nitrous oxide except under the indirect supervision of a
3 dentist licensed under ORS chapter 679.

4 (5) A limited access permit dental hygienist may assess the need for and appropriateness of
5 sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is
6 applied or supplied to patients.

7 (6) A person granted a limited access permit under ORS 680.200 shall also procure all other
8 permits or certificates required by the board under ORS 679.250.

9 **SECTION 17.** (1) **Section 3 of this 2011 Act and the amendments to ORS 680.020, 680.040,**
10 **680.050, 680.060, 680.070, 680.072, 680.075, 680.082, 680.100, 680.150, 680.172, 680.200 and 680.205**
11 **by sections 4 to 16 of this 2011 Act become operative on January 1, 2011.**

12 **(2) The Oregon Board of Dentistry and the Dental Hygiene Committee established under**
13 **section 2 of this 2011 Act may take any action before the operative date specified in sub-**
14 **section (1) of this section that is necessary to enable the board or committee to exercise,**
15 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
16 **functions and powers conferred on the board and committee by section 3 of this 2011 Act and**
17 **the amendments to ORS 680.020, 680.040, 680.050, 680.060, 680.070, 680.072, 680.075, 680.082,**
18 **680.100, 680.150, 680.172, 680.200 and 680.205 by sections 4 to 16 of this 2011 Act.**

19 **SECTION 18.** **This 2011 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
21 **on its passage.**

22