

# House Bill 2220

Sponsored by Representatives SCHOUTEN, HAYDEN; Representatives NOSSE, SALINAS (Presession filed.)

## 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**.

Authorizes trained and certified dentists to prescribe and administer vaccines. Directs Oregon Board of Dentistry to adopt rules related to prescription and administration of vaccines by dentists. Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to vaccines administered by dentists; creating new provisions; amending ORS 433.095,  
3 679.010 and 679.020; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 679.**

6 **SECTION 2. (1) In accordance with rules adopted by the Oregon Board of Dentistry, a  
7 dentist certified under subsection (2) of this section may prescribe and administer vaccines  
8 to a person with whom the dentist has established a patient relationship.**

9 **(2)(a) The board shall issue a vaccination certificate to a dentist who:**

10 **(A) Has completed a training course described in this subsection;**

11 **(B) Pays the certification fee; and**

12 **(C) Meets other requirements of the board established by rule.**

13 **(b) The board shall approve a training course on the prescription and administration of  
14 vaccines. The board may approve a training course offered by the Centers for Disease Con-  
15 trol and Prevention, the American Dental Association or its successor organization or other  
16 similar federal agency or professional organization.**

17 **(c) The board may adopt other rules as necessary to establish the vaccination certificate  
18 process, including rules related to renewal of the vaccination certificate.**

19 **(3) The board shall adopt rules relating to the prescription and administration of vaccines  
20 by dentists, including rules requiring dentists to:**

21 **(a) Report the prescription and administration of vaccines to the immunization registry  
22 created by the Oregon Health Authority pursuant to ORS 433.094;**

23 **(b) Prior to administering a vaccine, review the patient's vaccination history in the im-  
24 munization registry described in this subsection;**

25 **(c) Comply with protocols established by the authority for the prescription and adminis-  
26 tration of vaccines under section (1) of this section; and**

27 **(d) Comply with any applicable rules adopted by the authority related to vaccines.**

28 **(4) In consultation with the board, the authority may adopt rules related to vaccines  
29 prescribed and administered by dentists.**

30 **SECTION 3. ORS 433.095 is amended to read:**

31 **433.095. The Oregon Health Authority shall adopt rules requiring **dentists and** pharmacists to**

**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 report information about the administration of vaccines to the immunization registry created under  
 2 ORS 433.094.

3 **SECTION 4.** ORS 679.010 is amended to read:

4 679.010. As used in this chapter and ORS 680.010 to 680.205, unless the context requires other-  
 5 wise:

6 (1) "Dental assistant" means a person who, under the supervision of a dentist, renders assistance  
 7 to a dentist, dental hygienist, dental technician or another dental assistant or who, under the  
 8 supervision of a dental hygienist, renders assistance to a dental hygienist providing dental hygiene.

9 (2) "Dental hygiene" is that portion of dentistry that includes, but is not limited to:

10 (a) The rendering of educational, preventive and therapeutic dental services and diagnosis and  
 11 treatment planning for such services;

12 (b) Prediagnostic risk assessment, scaling, root planing, curettage, the application of sealants  
 13 and fluoride and any related intraoral or extraoral procedure required in the performance of such  
 14 services; and

15 (c) Prescribing, dispensing and administering prescription drugs for the services described in  
 16 paragraphs (a) and (b) of this subsection.

17 (3) "Dental hygienist" means a person who, under the supervision of a dentist, practices dental  
 18 hygiene.

19 (4) "Dental technician" means a person who, at the authorization of a dentist, makes, provides,  
 20 repairs or alters oral prosthetic appliances and other artificial materials and devices that are re-  
 21 turned to a dentist and inserted into the human oral cavity or that come in contact with its adjacent  
 22 structures and tissues.

23 (5) "Dentist" means a person who may perform any intraoral or extraoral procedure required  
 24 in the practice of dentistry.

25 (6) "Dentist of record" means a dentist that either authorizes treatment for, supervises treat-  
 26 ment of or provides treatment for a patient in a dental office or clinic owned or operated by an in-  
 27 stitution as described in ORS 679.020 (3).

28 (7)(a) "Dentistry" means the healing art concerned with:

29 (A) The examination, diagnosis, treatment planning, treatment, care and prevention of conditions  
 30 within the human oral cavity and maxillofacial region, and of conditions of adjacent or related tis-  
 31 sues and structures; and

32 (B) The prescribing, dispensing and administering of prescription drugs for purposes related to  
 33 the activities described in subparagraph (A) of this paragraph.

34 (b) "Dentistry" includes, but is not limited to[,]:

35 (A) The cutting, altering, repairing, removing, replacing or repositioning of hard or soft tissues  
 36 and other acts or procedures as determined by the Oregon Board of Dentistry and included in the  
 37 curricula of:

38 [(A)] (i) Dental schools accredited by the Commission on Dental Accreditation of the American  
 39 Dental Association;

40 [(B)] (ii) Post-graduate training programs; or

41 [(C)] (iii) Continuing education courses.

42 **(B) The prescription and administration of vaccines.**

43 (8) "Direct supervision" means supervision requiring that a dentist diagnose the condition to be  
 44 treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the  
 45 dental treatment room while the procedures are performed.

1 (9) “Expanded practice dental hygienist” means a dental hygienist who performs dental hygiene  
 2 services in accordance with ORS 680.205 as authorized by an expanded practice dental hygienist  
 3 permit issued by the board under ORS 680.200.

4 (10) “General supervision” means supervision requiring that a dentist authorize the procedures  
 5 by standing orders, practice agreements or collaboration agreements, but not requiring that a den-  
 6 tist be present when the authorized procedures are performed. The authorized procedures may also  
 7 be performed at a place other than the usual place of practice of the dentist.

8 (11) “Indirect supervision” means supervision requiring that a dentist authorize the procedures  
 9 and that a dentist be on the premises while the procedures are performed.

10 **SECTION 5.** ORS 679.020 is amended to read:

11 679.020. (1) A person may not practice dentistry without a license.

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

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

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

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

23 (c) Public universities listed in ORS 352.002.

24 (d) Local governments.

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

27 (f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas  
 28 and medically underserved populations of migrant, rural community or homeless individuals under  
 29 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(1)(2)(B) operating in com-  
 30 pliance with other applicable state and federal law.

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

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

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

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

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

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

2 (C) The treatment plan of any dental patient.

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

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

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

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

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

11 **(I) The prescription and administration of vaccines.**

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

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

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

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

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

22 (c) Management of the business aspects of a dental office or clinic that do not include the clin-  
23 ical practice of dentistry.

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

31 **SECTION 6. (1) Section 2 of this 2019 Act and the amendments to ORS 433.095, 679.010**  
32 **and 679.020 by sections 3 to 5 of this 2019 Act become operative on January 1, 2020.**

33 **(2) The Oregon Board of Dentistry and the Oregon Health Authority may take any action**  
34 **before the operative date specified in subsection (1) of this section that is necessary to enable**  
35 **the board and the authority to exercise, on and after the operative date specified in sub-**  
36 **section (1) of this section, all of the duties, functions and powers conferred on the board and**  
37 **the authority by section 2 of this 2019 Act and the amendments to ORS 433.095, 679.010 and**  
38 **679.020 by sections 3 to 5 of this 2019 Act.**

39 **SECTION 7. This 2019 Act being necessary for the immediate preservation of the public**  
40 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
41 **on its passage.**