

# Senate Bill 474

Sponsored by Senator GELSER (Pre-session 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**.

Allows certain nonprofit charitable corporations to own and operate dental clinics that serve children with special needs.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to dental business entities for children with special needs; amending ORS 679.020; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 679.020 is amended to read:

6 679.020. (1) A person may not practice dentistry without a license.

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

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

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

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

18 (c) Public universities listed in ORS 352.002.

19 (d) Local governments.

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

22 (f) Nonprofit corporations organized under Oregon law to provide dental services to rural areas  
23 and medically underserved populations of migrant, rural community or homeless individuals under  
24 42 U.S.C. 254b or 254c or health centers qualified under 42 U.S.C. 1396d(l)(2)(B) operating in com-  
25 pliance with other applicable state and federal law.

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

30 **(h) Nonprofit charitable corporations as described in section 501(c)(3) of the Internal**  
31 **Revenue Code and determined by the Oregon Board of Dentistry as having an existing pro-**

**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 **gram that provides medical and dental care to medically underserved children with special**  
 2 **needs.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**  
 40 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
 41 **on its passage.**