Chapter 679

1977 REPLACEMENT PART

Dentists

GENERAL PROVISIONS

679.010 Definition
679.020 Practice of dentistry or conducting dental office without license prohibited
679.025 What constitutes practice of dentistry
679.026 Dentistry practice restrictions not applicable to certain students
679.027 Enjoining violations
679.040 Designation as dentist is prima facie evidence
679.050 Nonresident dentists giving or receiving instruction; hospital permits

LICENSING

679.060 Application for license; qualifications of applicants; examination fees
679.070 Scope and conduct of examination; national board certificate in lieu of examination
679.080 Reexamination of applicants; fees
679.090 Registration; issuance of certificates
679.110 Replacement of lost certificates
679.120 License fees; renewal; display of licenses
679.130 Failure to make annual renewal payment
679.140 Grounds for suspension or revocation of licenses
679.150 Hearing procedure; cancellation of license
679.160 Appeal from board decision
679.165 Automatic suspension of license in case of mental disease
679.170 Prohibited practices
679.176 Written work orders required for certain services
679.180 Enforcement; jurisdiction

STATE BOARD

679.230 State Board of Dental Examiners; appointment and qualification of members; confirmation; compensation and expenses
679.240 Oath of office
679.250 Powers and duties of board
679.260 Disbursement of receipts
679.280 Dental committees or consultants for improving standards of practice; liability; confidentiality of proceedings

PENALTIES

679.991 Penalties

CROSS REFERENCES

Administrative agencies generally, Ch. 182
Administrative procedures and rules of state agencies, Ch. 183
Child abuse, reporting of suspected cases, 418.740 to 418.775
Compensation by health insurers for services performed, 743.052
Deaths or injuries, report, Chs. 146, 418
Dentists exempt from jury duty, 10.040
Disclosure of minor patients' information without liability to dentist, 109.650
Employment of dental hygienists by dentists, 680.150 to 680.170
Health certificate, signature by physician licensed by Board of Medical Examiners only, 433.010
Legislative review of need for agency, 182.615
Medical or dental treatment for minors without parental consent, 109.640
Medical services to minors, 109.640
Military or naval service, persons relieved from payment of fees, 408.450
Physicians' assistants law, nonapplicability, 677.055
Professional corporations, Ch. 58

679.027

Injunction against practicing after suspension or revocation of license, 676.220

679.040

Professional designation of licensed dentist, 676.110
Use of professional designation by unlicensed person prohibited, 676.120

679.060

Waiver of educational requirement for admission to examination, 670.010

679.140

Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.280
Injunction against practicing after suspension or revocation of license, 676.220
Revocation of license for permitting dental hygienist to practice unlawfully, 680.030

679.230

Alternatives in dental advertising, 1977 c.192 §12
Appointment of members, 1977 c.747 §3

Assistant Director for Health as ex officio member of board, 184.835
Health Division, 184.830

679.250

Employment of attorneys, under control of Attorney General, 180.220
Licensing dental hygienists, Ch. 680

679.260

Expenditures without allotment prohibited in certain cases, 291.238
Receipts from licensing dental hygienists, 680.110
Subsistence and mileage allowance for travel, reimbursement, 292.210 to 292.250

679.991

Classification of criminal offenses, penalties, 161.505 to 161.585

GENERAL PROVISIONS

Note: Section 36, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 36. ORS 679.010, 679.020, 679.025, 679.026, 679.027, 679.030, 679.040, 679.050, 679.060, 679.070, 679.080, 679.090, 679.110, 679.120, 679.130, 679.140, 679.150, 679.160, 679.165, 679.170, 679.176, 679.180, 679.230, 679.240, 679.250, 679.260, 679.280 and 679.991 relating to dentists are repealed.

679.010 Definition. As used in this chapter, unless the context requires otherwise, "board" means the State Board of Dental Examiners.

679.020 Practice of dentistry or conducting dental office without license prohibited. (1) No person shall practice dentistry without a license.

(2) Every individual shall, before engaging, conducting, operating or maintaining any dental office, in any way, obtain a license to practice dentistry in this state.
[Amended by 1977 c.192 §1]

679.025 What constitutes practice of dentistry. (1) Any person shall be considered to be practicing dentistry within the meaning of this chapter who:

(a) Uses or permits to be used, for a profit or otherwise for himself or any other person, the title "Doctor," "Dr.," "Doctor of Dental Surgery," "D.D.S.," "Doctor of Dental Medicine," "D.M.D.," or any other letters, titles, terms or descriptive matter, personal or not, which represents him to be engaged in the practice of dentistry.

(b) Informs the public in any manner that he practices or attempts to practice dentistry by any means or methods, as defined in this section.

(c) Diagnoses, treats, prescribes or attempts to diagnose, treat or prescribe for any of the lesions, diseases, injuries, defects (both developmental or acquired), disorders or deficiencies of the human oral cavity, teeth, investing tissue, maxilla or mandible, or adjacent structures, gratuitously or for a salary, fee, money or other remuneration, paid or to be paid directly or indirectly to him or to any other person who or legal entity which is a proprietor or a person who is a manager of a place where dentistry is practiced as defined in this section.

(d) Extracts or attempts to extract human teeth or corrects or attempts to correct the malposition or malformation of human teeth.

(e) Administers anesthetics, either general or local, of any nature in connection with the practice of dentistry.

(f) Takes impressions of any part of the human oral cavity or directs, authorizes, supervises or administers the taking of impressions of such cavity by the patient or any third person for any purpose whatsoever, including but not limited to constructing, or having constructed therefrom, or repairing, or relining, or reproducing any dental prosthetic appliance, denture, bridge, or other structure to be worn in the human mouth.

(g) Constructs, reproduces, repairs or relines any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written work order of a duly licensed dentist as provided in ORS 679.176.

(h) Adjusts or attempts to adjust a prosthetic denture, bridge, appliance or other structure in the human mouth.

(i) Professes to the public by any method to construct, reproduce, repair or reline any prosthetic denture, bridge, appliance or other structure to be worn in the human mouth.

(j) Uses a Roentgen or X-ray machine to take dental roentgenograms or X-rays, or gives or attempts to give interpretations or readings of dental roentgenograms or X-rays.

(2) Nothing in this section shall apply to:

(a) Bona fide students of dentistry in pursuit of clinical studies as provided by ORS 679.026.

(b) Persons licensed to practice medicine in the State of Oregon in the regular discharge of their duties.

(c) Any graduate of a class A dental school regularly appointed and acting as a dental resident in the University of Oregon Health Sciences Center.

(d) Any person who is, in the regular discharge of duties, practicing dentistry as an instructor, at a dental college, an employe of the Health Division or an employe of a state institution.

(e) Dentists of the Armed Forces, of the United States Public Health Service and of the Veterans' Administration of the United States, while engaged in the regular discharge of their duties under the jurisdiction of their respective departments.

(f) Any person filling the work orders of a licensed dentist pursuant to ORS 679.176.

(g) A person licensed as a dental hygienist pursuant to ORS chapter 680 performing services permitted by ORS chapter 680 under the personal direction of a licensed dentist in accordance with the rules and regulations adopted by the board.

(h) Any person performing services relating to anesthesia under the personal direction of a licensed dentist.

(i) Any person engaging in any of the acts enumerated in this section to or upon himself as the patient.

(j) A dental assistant performing services under the personal direction of a licensed dentist in accordance with the rules and regulations adopted by the board.

[1953 c.574 §2; 1955 c.560 §1; 1957 c.552 §4; 1963 c.284 §1; 1971 c.48 §1; 1973 c.390 §1; 1975 c.693 §19]

679.026 Dentistry practice restrictions not applicable to certain students. Subsection (1) of ORS 679.025 does not apply to a bona fide full-time student of dentistry who, during the period of his enrollment and as part of the course of study at the University of Oregon Health Sciences Center, engages in clinical studies:

(1) On the Health Sciences Center premises; or

(2) In any clinical setting located off the Health Sciences Center premises if:

(a) The facilities, the instructional staff and the course of study to be pursued at the off-premises location meet minimum requirements prescribed by the regulations of the board; and

(b) The clinical study is performed under the direct supervision of a member of the faculty who is either a professor, associate professor, assistant professor, instructor, clinical assistant or clinical associate.

[1971 c.48 §2; 1975 c.693 §20; 1977 c.192 §2]

679.027 Enjoining violations. The board may, in its own name, maintain a suit for an injunction against any person violating any provision of subsection (1) of ORS 679.020, subsection (1) of ORS 679.025, ORS 679.170 or 679.176. The suit shall be commenced and prosecuted in the same manner as other suits in equity. Any person who has been so enjoined may be punished for contempt by the court issuing the injunction. An injunction may be issued without proof of actual damage sustained by any person. An injunction shall not relieve a person from criminal prosecution for violation of any provision of subsection (1) of ORS 679.020, subsection (1) of ORS 679.025, ORS 679.170 or 679.176.

[1957 c.552 §2; 1963 c.284 §2]

679.030 [Amended by 1953 c.574 §5; repealed by 1977 c.192 §13]

679.040 Designation as dentist is prima facie evidence. If any person appends the letters "D.D.S." or "D.M.D." or word "dentist" to his name, in any way, for advertising, or upon any door or sign, or causes either of the same to be done, it is prima facie evidence that such person is engaged in the practice of dentistry and subject to the regulations and convictions and penalties of this chapter.

[Amended by 1963 c.284 §3]

679.050 Nonresident dentists giving or receiving instruction; hospital permits. (1) If a reputable and duly licensed practitioner in dentistry of another state is asked to appear and demonstrate, receive or give instruction in the practice of dentistry before any qualified dental college or dental organization or dental study group recognized by the board, the secretary of the board shall issue on written request of an authorized officer of such college or dental organization or dental study group, without fee, a permit for such purpose. A permit shall be issued upon such terms as the board shall prescribe.

(2) If a reputable and duly licensed practitioner in dentistry of another state has been granted staff privileges, either limited, special or general, by any duly licensed hospital in this state, the secretary of the board shall issue on written request and verification of an authorized officer of such hospital, a permit for such nonresident practitioner to practice dentistry in said hospital.

[Amended by 1963 c.284 §4; 1965 c.122 §3; 1967 c.282 §1; 1973 c.390 §2]

LICENSING

679.060 Application for license; qualifications of applicants; examination fees. (1) Any person desiring to practice dentistry in this state shall file his name, together with an application for examination, with the board at least 45 days before the date set for the beginning of the examination.

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

(a) Pay to the board the required examination fee.

(b) Furnish the board with evidence satisfactory to the board of details of any convictions recorded in any police records. Such

details are subject to the findings required by ORS 670.280.

(c) Present to the board his diploma or evidence satisfactory to the board of his having graduated from a dental school or college which must have been approved by the board.

(3) No person shall be licensed who is not 18 years of age.

(4) If the applicant has been graduated from a dental school or college subsequent to June 30, 1941, he shall be a graduate of a dental school or college which has been approved by the board. Such dental school or college must require four full terms of instruction of not less than eight months each or the equivalent thereof as determined by the board. The applicant also shall comply with such other reasonable regulations as the board shall require of all other applicants for the privilege of taking the examination.

(5) If an applicant has been in practice in another state or states he shall furnish an affidavit from the secretary of the board of dental examiners or similar body of such state or states that he has been engaged in the legal and reputable practice of dentistry in such state or states for the five years immediately preceding, unless the applicant graduated from a dental college less than five years previously, in which case the affidavit shall cover the period since graduation.

(6) Maximum examination fees shall be:

(a) $50 for an examination for the practice of general dentistry.

(b) $150 for an examination for an applicant who has graduated from a foreign dental school and who has fulfilled all of the requirements established by the rules of the board.

(c) $150 for a specialty examination providing such applicant has fulfilled all of the requirements established by the rules of the board.

(7) Examination fees paid are not refundable.

[Amended by 1963 c.284 §5; 1973 c.390 §3; 1973 c.827 §69; 1973 c.829 §62a; 1977 c.444 §1]

679.070 Scope and conduct of examination; national board certificate in lieu of examination. (1) The examination shall be elementary and practical in character but sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on any subjects pertaining to dental science. The written examination may be supplemented by oral examination. Demonstrations of the applicant's skill in operative and prosthetic dentistry also may be required. The examination shall be conducted under oath or affirmation before the board, and any member of the board may administer the necessary oath or affirmation.

(2) A certificate of the National Board of Dental Examiners may be accepted in lieu of written examination.

[Amended by 1965 c.122 §4]

679.080 Reexamination of applicants; fees. (1) Any person failing to pass the first examination may apply for a second and a third examination at a subsequent examination conducted by the board. A fee of $25 and application for reexamination for the practice of general dentistry shall be submitted to the board at least 45 days before each such examination. A fee of $150 and application for reexamination for a specialty practice shall be submitted to the board at least 45 days before each such examination. If the applicant fails to pass the third examination for the practice of general dentistry he will not be permitted to take any further examination until he has attended and successfully passed the examinations of the senior year of a dental college approved by the board.

(2) Examination fees paid are not refundable.

[Amended by 1973 c.829 §63; 1977 c.444 §2]

679.090 Registration; issuance of certificates. (1) All persons successfully passing the examination and who otherwise qualify under the provisions of this chapter and rules and regulations promulgated by the board shall be registered as licensed dentists in the board register and shall also receive a certificate signed by the president and secretary of the board, in substantially the following form:

This is to certify that ——— hereby is licensed to practice dentistry in the State of Oregon.

Dated at ———, this —— day of ———, 19—.

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(2) The certificate entitles the holder thereof to practice dentistry in any county in this state in accordance with the rules of the board if the annual license fee specified in ORS 679.120 has been paid.

[Amended by 1963 c.284 §6; 1971 c.34 §1]

679.100 [Repealed by 1963 c.284 §17]

679.110 Replacement of lost certificates. The board shall upon satisfactory proof of the loss of any certificate issued under this chapter, issue a new certificate in place thereof.

679.120 License fee; renewal; display of licenses. (1) In addition to the examination fee required of applicants by ORS 679.060, every licensed dentist shall pay each year a license fee to the board. The license fee shall be established by the board and approved by the Executive Department and shall not exceed the maximum amount set forth in the following schedule:

(a) Dentists with an active status, as defined by the rules of the board, an amount not to exceed $50.

(b) Dentists with an inactive status, as defined by the rules of the board, an amount not to exceed $25.

(c) Dentists with a special status, as defined by the rules of the board, an amount not to exceed $50.

(2) (a) The board may waive the payment of the annual license fee in the case of any licensee who furnishes satisfactory evidence that he has discontinued the actual practice of dentistry because of physical disability or retirement resulting from advanced age.

(b) Application to reinstate a license retired under paragraph (a) of this subsection or to convert an inactive status license to an active status license shall be made in accordance with the rules of the board and with the submission of the license fee prescribed for such license; provided, however, that if more than one year has expired since the license was retired or inactivated, satisfactory evidence of operative competence must be submitted to the board.

(3) Payment of the annual license fee shall be made prior to April 1 each year, and a receipt or certificate given therefor. Every licensee shall display the certificate or receipt in some conspicuous place in his office. A reasonable charge not to exceed $10 may be made in the event the annual license fee is more than 10 days delinquent.

(4) Every dentist shall keep the board advised within 30 days of any change of address or status.

[Amended by 1963 c.284 §7; 1967 c.19 §2; 1971 c.34 §2; 1973 c.390 §4; 1977 c.192 §3; 1977 c.444 §3a]

679.130 Failure to make annual renewal payment. In case of default in payment of the annual fee by any licensee, his license shall be revoked by the board upon 20 days' notice given to the licensee at the time and place of considering such revocation. A registered letter addressed to the last-known address of the licensee failing to comply with the requirements is sufficient notice. Any license so revoked may be reinstated within five years after the date of revocation upon payment to the board of all unpaid fees for each intervening year, plus a penalty of $10 and upon furnishing satisfactory evidence to the board of operative competence, continued good character and good standing with the applicable regulatory agency of any jurisdiction in which the applicant has engaged in the active practice of dentistry since the last payment of the annual fee under this chapter. But no license shall be revoked for nonpayment if the licensee so notified pays, before or at the time of such consideration, the fee required and such penalty, not to exceed $10, as may be imposed by the board, but the board may collect any such dues by law.

[Amended by 1973 c.390 §5]

679.140 Grounds for suspension or revocation of licenses. (1) The board may discipline as provided in this section any person licensed to practice dentistry in this state for any of the following causes:

(a) Conviction of any offense for which the court could impose a punishment of imprisonment in a state or federal penal institution if the board makes the finding required by ORS 670.280. The record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is entered, is conclusive evidence of the conviction.

(b) Renting or loaning to any person his license or diploma to be used as a license or diploma of such person.

(c) Unprofessional conduct, or for gross ignorance, incompetence or inefficiency in his profession.

(d) Any violation of ORS 679.170 or 679.176.

(2) Unprofessional conduct as used in this chapter includes but is not limited to the following:

(a) Employing what are known as "cappers" or "steerers" to obtain business.

(b) Obtaining any fee by fraud or misrepresentation.

(c) Wilfully betraying confidences involved in the patient-dentist relationship.

(d) Employing, aiding, abetting or permitting any unlicensed personnel to practice dentistry.

(e) Making use of any advertising statements of a character tending to deceive or mislead the public, or which are untruthful.

(f) Advertising professional superiority or the performance of professional services in a superior manner.

(g) Advertising prices for professional service, unless in accord with rules developed by the board.

(h) Advertising by means of large display, glaring light signs, or advertising containing as a part thereof the representation of a tooth, teeth, bridgework or any portion of the human head.

(i) Employing or making use of advertising solicitors or publicity press agents.

(j) Advertising any free dental work or free examination.

(k) Advertising to guarantee any dental service, or to perform any dental operation painlessly.

(L) Advertising which makes reference to any anesthetic, drug, formula, material, medicine, method or system to be used in treatment.

(m) Advertising extractions, artificial teeth or dentures.

(n) Habitual or excessive use of intoxicants or a controlled substance as defined under ORS 161.705, 167.203 to 167.247, 181.010, 430.325, 430.405, 471.665, 475.005 to 475.285, 475.992 to 475.995, 483.710, 680.100, 689.290, 689.410, 689.620 and this section.

(o) Obtaining or attempting to obtain a narcotic drug or a dangerous drug, as previously defined in this section, in any manner proscribed by the rules of the board.

(p) Prescribing or dispensing drugs outside the scope of the practice of dentistry.

(q) Using, in any advertisement, a portrait cut, photograph or reproduced likeness which is more than five years old of the dentist so advertising.

(3) The proceedings under this section and ORS 679.150 may be taken by the board from the matters within its knowledge, or may be taken upon the information of another, but if the informant is a member of the board, the other members of the board shall constitute the board for the purpose of finding judgment of the accused.

(4) In determining what constitutes "gross ignorance, incompetence or inefficiency in his profession" within the meaning of paragraph (c) of subsection (1) of this section, the board may take into account all relevant factors and practices, including but not limited to the practices generally and currently followed and accepted by persons licensed to practice dentistry in this state, the current teachings at accredited dental schools, relevant technical reports published in recognized dental journals and the desirability of reasonable experimentation in the furtherance of the dental arts.

(5) In disciplining a person as authorized by subsection (1) of this section, the board may use any or all of the following methods:

(a) Suspend judgment.

(b) Place him upon probation.

(c) Suspend his license to practice dentistry in this state.

(d) Revoke his license to practice dentistry in this state.

(e) Place limitations on his license to practice dentistry in this state.

(f) Refuse to renew his license to practice dentistry in this state.

(g) Take such other disciplinary action as the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings.

(6) If the board places any person upon probation as set forth in paragraph (b) of subsection (5) of this section, the board may determine and may at any time modify the conditions of the probation and may include among them any reasonable condition for the purpose of protection of the public and for the purpose of the rehabilitation of the probationer or both. Upon expiration of the term of probation, further proceedings shall be abated by the board if the holder of the license furnishes the board with evidence that he is competent to practice dentistry, and has complied with the terms of probation. If such evidence fails to establish to the satisfaction of the board that he is competent, or if such evidence shows that he has not complied with the terms of the probation, the board may revoke or suspend the license.

(7) If a license to practice dentistry in this state is suspended, the holder of the license may not practice during the term of suspension. Upon the expiration of the term of suspension, the license shall be reinstated by the board if the holder of the license furnishes

the board evidence on the basis of which the board finds that he is competent to practice dentistry, and that he has not practiced dentistry in this state during the term of suspension. If such evidence fails to establish to the satisfaction of the board that the holder is competent, or if any evidence shows he has practiced dentistry in this state during the term of suspension, the board may revoke his license after notice and hearing.

[Amended by 1955 c.560 §2; 1961 c.311 §1; 1963 c.284 §8; 1965 c.122 §5; 1971 c.157 §1; 1973 c.554 §1; 1977 c.192 §3a; 1977 c.745 §51]

Note: The Amendments to 679.140 by section 51, chapter 745, Oregon Laws 1977, take effect July 1, 1978. Until then 679.140 (1975 Replacement Part) remains in effect. See section 56, chapter 745, Oregon Laws 1977.

679.150 Hearing procedure; cancellation of license. (1) All accusations relating to the revocation or suspension of a license must be in writing, verified by some party familiar with the facts charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it considers the accusation sufficient, hold a hearing thereon pursuant to ORS chapter 183 and rules of procedure adopted by the board pursuant thereto. Such hearing may be before a hearings examiner appointed by the board in which case the provisions of ORS 183.460 shall apply.

(2) Upon the revocation or suspension of or refusal to renew any license the fact shall be noted upon the records of the board and any license revoked shall be marked as canceled upon the date of its revocation.

[Amended by 1961 c.311 §2; 1963 c.284 §9; 1965 c.122 §6; 1967 c.282 §2]

679.160 Appeal from board decision. (1) In case of the revocation or suspension or refusal to renew a license by the board, the licensee whose license has been revoked or suspended or renewal thereof refused by the board may obtain judicial review of the decision in the manner prescribed by ORS chapter 183.

(2) Pending judicial review by the Court of Appeals or the Supreme Court, the licensee shall not be permitted to practice dentistry if the grounds for action by the board were:

(a) Mental incompetency;

(b) Advanced physical disability impairing the licensee's ability to carry out his functions;

(c) Habitual and excessive use of intoxicants; or

(d) Habitual and excessive use of narcotics or drugs.

[Amended by 1961 c.311 §3; 1967 c.282 §3; 1973 c.390 §6; 1977 c.192 §4]

679.165 Automatic suspension of license in case of mental disease. The entry of a decree by any court of competent jurisdiction establishing the mental disease of any person holding a license under this chapter operates as a suspension of such license. Such person may resume his practice only upon a finding by the Board of Dental Examiners that the licensee has been declared restored to mental competence by an order of a court of competent jurisdiction.

[1957 c.552 §3]

679.170 Prohibited practices. No person shall:

(1) Sell or barter, or offer to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made, pursuant to the laws regulating the license and registration of dentists.

(2) Purchase or procure by barter, any such diploma, certificate or transcript, with intent that it be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice.

(3) With fraudulent intent, alter in a material regard any such diploma, certificate or transcript.

(4) Use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist.

(5) Practice dentistry under a false or assumed name.

(6) In an affidavit, required of an applicant for examination, license or registration, under this chapter, wilfully make a false statement in a material regard.

(7) Engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each person employed in the practice of dentistry therein, together with the words "dental assistant" or "dental technician" after the name of each unlicensed person employed.

(8) Within 10 days after demand made by the secretary of the board, fail to furnish to the board the name and address of all persons practicing or assisting in the practice of

dentistry in the office of such person at any time within 60 days prior to the notice, together with a sworn statement showing under and by what license or authority such person and employe are and have been practicing dentistry.

(9) Knowingly display in or about the office or building a sign or signs of a former dentist, owner or occupant, or use the name of a former dentist in any form of advertising or listing for a period longer than 12 months after such person ceases to be connected with such office.

(10) Employ or use the services of any unlicensed person, to practice dentistry, except as permitted by ORS 679.025, 679.176 and ORS chapter 680.

[Amended by 1963 c.284 §10; 1977 c.192 §5]

679.175 [1953 c.574 §3; repealed by 1957 c.552 §9]

679.176 Written work orders required for certain services. (1) No dentist may use the services of any person, not licensed to practice dentistry in this state, to construct, alter, repair, reline, reproduce or duplicate any prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, unless the dentist first furnishes to such person a written work order, in substantially the following form:

(Date) ———, 19—

TO: (Name of dental technician or laboratory with address)

RE: (Name or number of patient)

(Description of the work to be done, including diagrams if necessary, together with specifications of the type of materials to be used.)

(Name of ordering dentist)
(Address) ———
(Current license number) ——

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(2) A duplicate copy of each such work order issued by him shall be retained by each dentist for not less than two years. The board or its agents shall be permitted to inspect, upon demand, the duplicate copies of all such work orders retained by each dentist.

(3) No work order shall permit or require the taking of impressions of any part of the human oral cavity by any person not a dentist licensed by the board.

[1963 c.284 §15]

679.180 Enforcement; jurisdiction. (1) The district attorney of each county shall attend to the prosecution of all complaints made under this chapter, and may represent the board in any proceeding brought pursuant to ORS 679.027 either upon a complaint, or upon the information or indictment filed against any person under this chapter, or upon request of the board with respect to proceedings under ORS 679.027. However, nothing in this chapter shall be construed to prevent the prosecution of any person for violation of this chapter upon the information of the district attorney directly, or to prevent assistance being rendered to the district attorney by the executive secretary of the board.

(2) Nothing contained in this chapter shall be construed to require the district attorney to prosecute any person who is licensed by the board and who is subject to disciplinary action directly by the board under any provision of this chapter, or of ORS chapter 680.

[Amended by 1963 c.284 §11; 1967 c.282 §4; 1977 c.192 §6]

STATE BOARD

679.230 State Board of Dental Examiners; appointment and qualification of members; confirmation; compensation and expenses. The State Board of Dental Examiners in the Health Division shall consist of seven members. A member shall be appointed to the board by the Governor upon the expiration of the term of office of each of the preceding board members. Appointments to the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570. Each member shall hold the office for four years and until his successor is appointed and qualified. Of the first five members appointed to the board after September 2, 1963, two shall be appointed to serve for a term of four years, and the other members shall be appointed for one, two, and three-year terms as designated by the Governor. Succeeding members shall be appointed for terms of four years. Terms of office begin on the first Monday of April after the time of appointment. No person is eligible to membership on the board who is not a citizen of the United States or a resident of the State of Oregon. Five members shall be certified dentists, one member shall be a public member and one member shall be a licensed dental hygienist. Appointments of dentists made by the Governor to the State Board of Dental Examiners may be selected by the Governor from a list of five names for each appointment suggested by the Oregon

Dental Association. Members are entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1963 c.284 §12; 1969 c.314 §82; 1971 c 650 §30; 1973 c.792 §36; 1977 c.747 §1]

679.240 Oath of office. Each member of the board shall, before entering upon the duties of his office, take and subscribe an oath or affirmation substantially to the effect that he will support the Constitution and laws of the United States and the State of Oregon, will faithfully perform the duties of the office of a member of the State Board of Dental Examiners, and that he is a citizen of the United States and a resident of this state.

679.250 Powers and duties of board. The powers and duties of the board are as follows:

(1) To, during the month of April of each year, organize and elect from its membership a president who shall hold office for one year, or until the election and qualification of a successor. The board shall appoint an executive secretary and administrative officer. They shall discharge such duties as the board shall, from time to time, prescribe.

(2) To authorize all necessary disbursements to carry out the provisions of this chapter, including but not limited to, payment for necessary supplies, office equipment, books and expenses for the conduct of examinations, payment for legal and investigative services rendered to the board, and such other expenditures as are provided for in this chapter.

(3) To employ such inspectors, examiners, special agents, investigators, clerical assistants, assistants and accountants as are necessary for the investigation and prosecution of alleged violations and the enforcement of this chapter and for such other purposes as the board may require. Nothing in this chapter shall be construed to prevent assistance being rendered by the executive secretary of the board in any hearing called by it. However, all obligations for salaries and expenses incurred under this chapter shall be paid from the fees accruing to the board under this chapter and not otherwise.

(4) (a) To conduct examinations of applicants for license to practice dentistry and dental hygiene at least twice in each year.

(b) In conducting examinations for licensure, the board may enter into a contract with other states for conducting regional examinations with other board of dental examiners concerned, or by a testing service recognized by such boards.

(5) To meet for the transaction of other business at the call of the president and the secretary. Three members of the board shall constitute a quorum, and its proceedings shall be open to public inspection in all matters affecting public interest.

(6) To keep an accurate record of all proceedings of the board and of all its meetings, of all receipts and disbursements, of all prosecutions for violation of this chapter, of all examinations for license to practice dentistry, with the names and qualifications for examination of any person examined, together with the addresses of those licensed and the results of such examinations, a record of the names of all persons licensed to practice dentistry in Oregon together with the addresses of all such persons having paid the annual license fee prescribed in ORS 679.120 and the names of all persons whose license to practice has been revoked or suspended.

(7) To make and enforce rules necessary for the procedure of the board, for the conduct of examinations, for regulating the practice of dentistry, and for regulating the services of dental hygienists and dental auxiliary personnel not inconsistent with the provisions of this chapter. In adopting rules, the board shall take into account all relevant factors germane to an orderly and fair administration of this chapter and of ORS chapter 680, the practices and materials generally and currently used and accepted by persons licensed to practice dentistry in this state, dental techniques commonly in use, relevant technical reports published in recognized dental journals, the curriculum at accredited dental schools, the desirability of reasonable experimentation in the furtherance of the dental arts, and the desirability of providing the highest standard of dental care to the public consistent with the lowest economic cost.

(8) Upon its own motion or upon any complaint, to initiate and conduct investigations of and hearings on all matters relating to the practice of dentistry, the discipline of licensees, or pertaining to the enforcement of any provision of this chapter. In the conduct of investigations or upon the hearing of any matter of which the board may have jurisdiction, the board may take evidence, administer oaths, take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases, and compel their appearance before it in person the same as in civil cases, by subpena issued over the

signature of the secretary and the seal of the board and in the name of the people of the State of Oregon, require answers to interrogatories, and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or to the hearing. In all investigations and hearings, the board and any person affected thereby may have the benefit of counsel, and all hearings shall be held in compliance with ORS chapter 183.

(9) To require evidence as determined by rule of continuing education or to require satisfactory evidence of operative competency before reissuing or renewing licenses for the practice of dentistry or dental hygiene.

[Amended by 1953 c.8 §2; 1957 c.552 §8; 1963 c.284 §13; 1965 c.122 §7; 1973 c.390 §7; 1973 c.829 §64; 1977 c.192 §7]

679.260 Disbursement of receipts. (1) All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS chapter 680 and this chapter.

(2) All fines imposed and collected under this chapter shall be paid into the treasury of the county in which the suits, actions or proceedings were commenced. All money thus paid into the treasury, over and above the amount necessary to reimburse the county for any expense incurred by the county, in any suit, action or proceeding brought under this chapter, shall be paid before January 1 of each year, into the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are continuously appropriated and shall be used only for the administration and enforcement of ORS chapter 680 and this chapter.

(3) Ten percent of the annual license fee to be paid by each licensee of the board shall be used by the board to insure the continued professional competence of licensees. Such activities shall include the development of performance standards and professional peer review.

[Amended by 1957 c.552 §5; 1967 c.19 §3; 1967 c.282 §5; 1969 c.314 §103; 1973 c.427 §21; 1977 c.192 §8; 1977 c.747 §2]

679.270 [Repealed by 1973 c.829 §71]

679.280 Dental committees or consultants for improving standards of practice; liability; confidentiality of proceedings. (1) The board may appoint a consultant or a committee or committees, each consisting of one or more licensed dentists in this state, to study and report to the board the condition of and dental treatment rendered to any person or persons by any licensed dentist or dentists in this state, or by any person purporting to practice dentistry in this state. Any person, hospital, sanatorium, professional grievance committee, nursing or rest home or other organization may, subject to the laws governing privileged or confidential communications, provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person, to any such consultant, committee or the board, to be used in the course of any study for the purpose of improving the standards of dental practice, or to enable the board to assess the desirability of disciplinary action relating thereto; and no liability of any kind or character for damages or other relief shall arise or be enforced against any such person or organization by reason of having provided such information or material, or arise or be enforced against any consultant or member of such committee by reason of having released or published the findings and conclusions of such consultants or committees to advance dental science and dental education, or by reason of having released or published generally a summary of such studies. Testimony given to and the proceedings, reports, statements, opinions, findings and conclusions of such consultants and committees and the board shall be confidential but this shall not preclude the use of the subpena power with respect to the actual records of dentists, patients, hospitals, sanitaria, nursing or rest homes.

(2) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any consultant or member of a duly appointed committee for any act or proceeding undertaken or performed within the scope of the functions of any such consultant or committee, if such consultant or committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in a reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain the facts.

[1965 c.122 §2; 1977 c.192 §9]

PENALTIES

679.990 [Repealed by 1957 c.552 §6 (679.991 enacted in lieu of 679.990)]

679.991 Penalties. (1) Violation of any provision of subsection (1) of ORS 679.020 or subsection (1) of ORS 679.025, is a Class A misdemeanor.

(2) Violation of ORS 679.170 or 679.176 is a Class B misdemeanor.

(3) In the event of a second or subsequent conviction under subsection (1) of this section, it is mandatory upon the part of the court to sentence the convicted person to imprisonment in the county jail for not less than 10 days in addition to the maximum fine or imprisonment permitted.

(4) In any prosecution for violation of subsection (1) or (2) of this section it shall be sufficient to sustain a conviction to show a single act of conduct in violation of any of the provisions of this chapter and it shall not be necessary to show a general course of such conduct.

[1957 c.552 §7 (enacted in lieu of 679.990); 1963 c.284 §16; 1971 c.743 §407; 1973 c.390 §8; 1977 c.192 §10]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel