

Chapter 680

1977 REPLACEMENT PART

Dental Hygienists and Auxiliaries

680.010	Definitions	680.090	Issuance of certificates; display of certificate or license
680.020	Practice of dental hygiene without license prohibited	680.100	Grounds for revocation of license
680.025	Applicability of dental hygiene practice restrictions	680.110	Disposition of receipts
680.030	Persons not affected by chapter	680.150	Who may employ a dental hygienist
680.040	Qualifications of applicants for licenses	680.160	How many hygienists may be employed
680.050	Filing of applications	680.170	Registration of hygienists employed
680.060	Examination of applicants	680.990	Penalties
680.070	Fees; subsequent examinations; notice of change of address or employer		
680.080	Issuing license; term; revocation for nonpayment of fees; reinstatement		

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
 Physicians' assistants law, nonapplicability, 677.055
 State Board of Dental Examiners, Ch. 679

680.060
 Waiver of educational requirement for admission to examination, 670.010

680.070
 Military or naval service, persons relieved from payment of fees, 408.450

680.100
 Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.280

680.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board" means the Oregon State Board of Dental Examiners.

(2) "Dental hygienist" means a person having successfully completed a course from an institution offering such a course approved by the American Dental Association and accepted by the State Board of Dental Examiners.

(3) "Dentist" means a person holding a license to practice as a dentist in the State of Oregon.

(4) "Practicing dental hygienist" means any person other than a dentist, who:

(a) Uses the title "Dental Hygienist" or the letters "D. H." or "R. D. H." in connection with his name; or

(b) Holds himself out to the public in any manner whatsoever as one who can or will render service or practice as a dental hygienist; or

(c) Removes stains, deposits or accretions from the exposed surfaces of the human teeth of another person beginning at the epithelial attachment or cleans or polishes the exposed surfaces of such teeth; or

(d) Subject to rules and regulations adopted by the board regulating the same and under the personal direction of a licensed dentist, applies and uses within a patient's mouth such technical procedures as may be approved by the board, including the use of drugs, administering anesthetics, either general or local, exposing and taking dental X-ray films, removing and inserting temporary dressings and generally clearing the area after work has been performed by the dentist. No person shall do any of the acts or carry out any of the procedures described in this paragraph until the board has adopted rules and regulations regulating such procedures.

(5) "Public institution" means any federal, state or municipal institution.

(6) "Dental auxiliary" means any person, other than a dentist or dental hygienist, who, subject to rules and regulations adopted by the board, and under the personal direction of a licensed dentist, assists a dentist in practicing dentistry.

[Amended by 1963 c.266 §1]

680.020 Practice of dental hygiene without license prohibited. No person shall engage in the practice of dental hygiene or practice as a dental hygienist in this state

until such person has passed an examination given or approved by the board under such rules and regulations as it may deem fit and proper to formulate and has been issued a license therefor by the board. No person shall assist a dentist as a dental auxiliary except as may be authorized by the rules and regulations of the board.

[Amended by 1963 c.266 §2]

680.025 Applicability of dental hygiene practice restrictions. ORS 680.020 does not apply to a bona fide, full-time student of dental hygiene who, during the period of his enrollment and as part of the course of study at a school or college, engages in clinical studies:

(1) On the school or college premises; or

(2) In any clinical setting located off the school or college premises if the facilities, the instructional staff, the supervision, and the course of study to be pursued at the off-premises location meet minimum requirements prescribed by the rules and regulations of the board.

[1971 c.48 §3; 1975 c.323 §1]

680.030 Persons not affected by chapter. (1) Nothing contained in this chapter relating to the practice of dental hygiene shall apply to the practice thereof by a dentist. However, the board may revoke or suspend or refuse to renew the license of a dentist who permits:

(a) Any dental hygienist operating under his supervision to perform any operation other than those provided in subsection (4) of ORS 680.010; or

(b) Any dental auxiliary operating under his supervision to perform any operation other than those provided for in rules and regulations adopted by the board pursuant to subsection (6) of ORS 680.010.

(2) Nothing in this chapter applies to a regularly licensed physician and surgeon in Oregon and nothing in this chapter shall be so construed as to affect the practice of medicine or dentistry, prevent students of a dental college from practicing dental hygiene under the supervision of their instructors or prevent persons from practicing dental hygiene in a dental study group recognized by the board under ORS 679.050.

[Amended by 1963 c.266 §3]

680.040 Qualifications of applicants for licenses. No person shall be issued a license to engage in the practice of dental hygiene or practice as a dental hygienist in

Oregon unless he:

- (1) Is of good moral character;
 - (2) Is over the age of 18 years;
 - (3) Is a graduate of a high school or the equivalent thereof;
 - (4) Has satisfactorily completed two years' work, or the equivalent thereof, in a school of dental hygiene approved by the board. Such work must include the minimum subject content and clinical requirements set forth by the American Dental Association's Council on Dental Education for accredited schools of dental hygiene;
 - (5) Has satisfactorily completed that part of the curriculum of an accredited dental school that includes the subject content and clinical requirements equivalent to that set forth by the American Dental Association's Council on Dental Education for accredited schools of dental hygiene; and
 - (6) Has passed an examination given or approved by the board under such rules and regulations as the board may adopt.
- [Amended by 1963 c.266 §4; 1973 c.122 §1; 1975 c.323 §2]

680.050 Filing of applications. Every application for a license to practice dental hygiene or as a dental hygienist shall be filed with the board on or before the 45th day prior to the date of the next succeeding examination given by the board, or if no examination is to be given, prior to a date to be established by the board by rule or regulation. Said application shall be accompanied by the payment of the examination fee provided for in ORS 680.070 which shall not be refunded if the applicant is permitted or fails to take the examination given by the board.

[Amended by 1963 c.266 §5; 1967 c.90 §1; 1973 c.122 §2]

680.060 Examination of applicants. Upon satisfactory evidence that an applicant for examination as a dental hygienist possesses the qualifications named in ORS 680.040, or is entitled to waiver under ORS 670.010, the board shall give the applicant a thorough examination consisting of practical demonstrations and written tests on such subjects as the board may prescribe, or in lieu of such examination given by it, the board may accept a certificate verifying results of any examination given by any accrediting agency or agencies as may be recognized by it.

[Amended by 1963 c.266 §6]

680.070 Fees; subsequent examinations; notice of change of address or employer. (1) The fee for the examination is \$30, which shall be paid upon filing the application

for the examination.

(2) 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 \$15 and application for reexamination shall be submitted to the board at least 45 days before each such examination. If the applicant fails to pass the third examination he will not be permitted to take any further examination until he has attended and successfully passed the examinations of the second year of a course in dental hygiene approved by the board.

(3) Examination fees paid are not refundable.

(4) The annual license fee for a dental hygienist shall not exceed \$25 for each year or fraction thereof. The annual license fee shall be paid on or before July 1 of each year for the ensuing 12 months and expires on June 30 in the year following. Every dental hygienist shall keep the board advised within 30 days of any change of address and any change of employer.

[Amended by 1963 c.266 §7; 1967 c.90 §2; 1971 c.34 §3; 1977 c.444 §4]

680.080 Issuing license; term; revocation for nonpayment of fees; reinstatement. (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 dental hygienists in the board register and shall also receive a certificate therefor.

(2) The certificate entitles the holder thereof to practice dental hygiene in any county in this state in accordance with the rules of the board if the annual license fee specified in subsection (3) of ORS 680.070 has been paid. In the event the annual license fee is more than 10 days delinquent a reasonable charge not to exceed \$10 may be made.

(3) In case of default in the payment of the annual fee by any licensee, his license shall be revoked by the board upon 20 days' notice given to the licensee of 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 requirement 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 competency, 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 dental hygiene 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 reinstatement fee, not to exceed \$10, as may be imposed by the board, but the board may collect any such dues by law.

[Amended by 1963 c.266 §8; 1973 c.122 §3; 1975 c.323 §3]

680.090 Issuance of certificates; display of certificate or license. The board shall issue certificates of registration as dental hygienist to those who pass the examination in a manner satisfactory to the board and pay the license fee required in ORS 680.070. The certificate of registration or license shall be conspicuously displayed in the office in which the dental hygienist is employed.

680.100 Grounds for revocation of license. (1) The board may revoke or suspend the license of any dental hygienist for any of the following causes:

(a) Conviction of any offense for which the court could impose a punishment of imprisonment in the county jail or any penal institution other than for traffic offenses and other offenses which are unrelated to the ability of such hygienist to practice dental hygiene in accordance with the provisions of this chapter.

(b) Permitting any other person to use or display his license as the license of such other person.

(c) A finding by the board of the violation of any law of this state relating to the practice of dentistry or the practice of dental hygiene.

(d) For unprofessional conduct, or for gross ignorance, incompetence or inefficiency in his profession. For the purposes of this chapter, the board shall by rule or regulation define what constitutes unprofessional conduct, gross ignorance, incompetence or inefficiency. In defining such terms the board shall 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 dental hygiene in this state, the current teachings at accredited schools, relevant technical reports published in recognized dental journals and the desirability of reasonable experimentation

in the furtherance of the practice of dental hygiene.

(e) 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, 679.140, 689.290, 689.410, 689.620 and this section.

(2) The provisions of ORS 679.150, 679.160 and 679.250 shall apply to proceedings by the board for the revocation or suspension of or refusal to renew a license issued pursuant to this chapter.

[Amended by 1963 c.266 §9; 1975 c.323 §4; 1977 c.745 §52]

Note: The amendments to 680.100 by section 52, chapter 745, Oregon Laws 1977, take effect July 1, 1978. Until then 680.100 (1975 Replacement Part) remains in effect. See section 56, chapter 745, Oregon Laws 1977.

680.110 Disposition of receipts. All moneys paid by applicants to the board as examination and licensing fees under this chapter shall be used for the same purposes and accounted for by the board in the same manner as moneys obtained as fees from applicants for license to practice dentistry in Oregon.

680.150 Who may employ a dental hygienist. (1) Any dentist may employ a dental hygienist, which hygienist may engage in the practice of dental hygiene in the office of such dentist under the personal direction of a dentist.

(2) Any public institution or nonprofit organization may employ a dental hygienist, which hygienist may engage in the practice of dental hygiene in such institution or nonprofit organization under the general supervision of a dentist.

[Amended by 1963 c.266 §10; 1973 c.122 §4]

680.160 How many hygienists may be employed. The number of dental hygienists employed in the office of a licensed dentist or any public institution or nonprofit organization shall not exceed the number of dentists practicing in such office or institution or nonprofit organization, except upon petition to and approval by the board indicating need. Such petition shall be reviewed annually and approval may be suspended at the discretion of the board upon 30 days' written notice.

[Amended by 1973 c.122 §5; 1975 c.323 §5]

680.170 Registration of hygienists employed. Every dentist and public institution employing the services of one or more dental hygienists shall, within 30 days, regis-

ter the names and dates of employment and termination of employment, of all such dental hygienists with the board.

680.990 Penalties. Violation of any of the provisions of this chapter is a Class C misdemeanor.

[Amended by 1977 c.192 §11]

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