

Chapter 680

1981 REPLACEMENT PART

Dental Hygienists and Auxiliaries; Denturists

DENTAL HYGIENISTS AND AUXILIARIES

(Generally)

- 680.010 Definitions for ORS 680.010 to 680.170
- 680.020 Practice of dental hygiene without license prohibited
- 680.025 Applicability of dental hygiene practice restrictions
- 680.030 Persons not affected by ORS 680.010 to 680.170

(Licensing)

- 680.040 Qualifications of applicants for licenses
- 680.050 Filing of applications
- 680.060 Examination of applicants
- 680.070 Fees; waiver; subsequent examinations; notice of change of address or employer
- 680.080 Issuing license; term; revocation for non-payment of fees; reinstatement
- 680.090 Issuance of certificates; display of certificate or license
- 680.100 Grounds for revocation of license
- 680.110 Disposition of receipts
- 680.150 Who may employ a dental hygienist
- 680.160 How many hygienists may be employed

(Miscellaneous)

- 680.170 Registration of hygienists employed

DENTURISTS

(Generally)

- 680.500 Definitions for ORS 680.500 to 680.570
- 680.505 Practice of denture technology prohibited without certificate; use of title "denturist"
- 680.510 Applicability of ORS 680.500 to 680.570

(Certificates)

- 680.515 Application for certificate
- 680.520 Examination of applicants
- 680.525 Fees
- 680.530 Expiration of certificate; renewal
- 680.535 Grounds for refusal, suspension or revocation of certificate, or probation, reprimand or censure of holder

(Practice)

- 680.540 Notice to be posted; division to investigate complaints
- 680.545 Statement of dentist or physician before treatment by denturist; exceptions
- 680.550 Division to establish policies and criteria for assessment

(Administration)

- 680.555 State Advisory Council on Denture Technology
- 680.560 Council meetings; secretary; ministerial functions by Assistant Director for Health
- 680.565 Authority of division and chairperson and secretary of council; issuance of certificate
- 680.570 Disposition of receipts

PENALTIES

- 680.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, 183 310 to 183.550
Physicians' assistants law, nonapplicability, 677 505
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

680.500 to 680.570

Health insurance reimbursement for denturist services, 743 132

**DENTAL HYGIENISTS AND
AUXILIARIES
(Generally)**

680.010 Definitions for ORS 680.010 to 680.170. As used in ORS 680.010 to 680.170, 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 ORS 680.010 to 680.170. (1) Nothing contained in ORS 680.010 to 680.170 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 ORS 680.010 (4); 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 ORS 680.010 (6).

(2) Nothing in ORS 680.010 to 680.170 applies to a regularly licensed physician and surgeon in Oregon and nothing in ORS 680.010 to 680.170 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]

(Licensing)

680.040 Qualifications of applicants for licenses. (1) No person shall be issued a license to engage in the practice of dental hygiene or practice as a dental hygienist in Oregon unless the person:

- (a) Is over the age of 18 years;
- (b) Is a graduate of a high school or the equivalent thereof;
- (c) 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; and
- (d) Has passed an examination given or approved by the board under such rules as the board may adopt.

(2) The board may refuse to issue a license to an applicant who has been convicted of an offense that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant to practice dental hygiene in accordance with the provisions of ORS 680.010 to 680.170. [Amended by 1963 c 266 §4, 1973 c 122 §1, 1975 c 323 §2; 1979 c 526 §1]

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 agen-

cies as may be recognized by it. [Amended by 1963 c 266 §6]

680.070 Fees; waiver; 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 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, the applicant will not be permitted to take any further examination until the applicant 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 the maximum amount set forth in the following schedule:

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

(b) Dental hygienists with an inactive status, as defined by the rules of the board, an amount not to exceed \$40.

(5) The board may waive the payment of the annual license fee in the case of any licensee who furnishes satisfactory evidence that the licensee has discontinued the actual practice of dental hygiene because of retirement.

(6) The annual license fee shall be paid on or before July 1 of each year for the ensuing 12 months.

(7) Every dental hygienist shall keep the board advised within 30 days of any change of address, employer or practice status. [Amended by 1963 c 266 §7, 1967 c 90 §2, 1971 c 34 §3, 1977 c 44 §4, 1979 c 526 §2, 1981 c 232 §3]

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 ORS 680.010 to 680.170 and rules adopted 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 ORS 680.070 (4) 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, the 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 certified 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 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 ORS 680.010 to 680.170. 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 fees by law. [Amended by 1963 c 266 §8; 1973 c 122 §3, 1975 c 323 §3, 1979 c 526 §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 ORS 680.010 to 680.170.

(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 ORS 680.010 to 680.170, 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 ORS 680.010 to 680.170. [Amended by 1963 c 266 §9; 1975 c 323 §4; 1977 c 745 §52]

680.110 Disposition of receipts. All moneys paid by applicants to the board as examination and licensing fees under ORS 680.010 to 680.170 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 who 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 long term care facility may employ a dental hygienist who may engage in the practice of dental hygiene in such institution or long term care facility under the general supervision of a dentist. [Amended by 1963 c 266 §10; 1973 c 122 §4; 1979 c.526 §4]

680.160 How many hygienists may be employed. The number of dental hygienists employed in the office of a dentist shall not exceed the number of dentists practicing in such office except when authorized by rules adopted by the board. [Amended by 1973 c 122 §5, 1975 c 323 §5, 1979 c.526 §5]

(Miscellaneous)

680.170 Registration of hygienists employed. Every dentist and public institution employing the services of one or more dental hygienists shall, within 30 days, register the names and dates of employment and termination of employment, of all such dental hygienists with the board.

DENTURISTS (Generally)

680.500 Definitions for ORS 680.500 to 680.570. As used in ORS 679.025, 680.500 to 680.570 and 743.132, unless the context requires otherwise:

- (1) "Council" means the State Advisory Council on Denture Technology.
- (2) "Denture" means any removable full upper or lower prosthetic dental appliance to be worn in the human mouth.
- (3) "Denturist" means a person certified under ORS 679.025, 680.500 to 680.570 and 743.132 to engage in the practice of denture technology.
- (4) "Division" means the Health Division of the Department of Human Resources.
- (5) "Practice of denture technology" means:
 - (a) Constructing, repairing, relining, reproducing, duplicating, supplying, fitting or altering any denture in respect of which a service is performed under paragraph (b) of this subsection; and
 - (b) The taking of impressions, bite registrations, try-ins, and insertions of or in any part of the human oral cavity for any of the purposes listed in paragraph (a) of this subsection. [1979 c 1 §1]

680.505 Practice of denture technology prohibited without certificate; use of title "denturist." After July 1, 1980, unless he holds a valid certificate issued under ORS 679.025, 680.500 to 680.570 and 743.132, a person shall not:

- (1) Engage, or offer to engage, in the practice of denture technology; or

- (2) Use in connection with his name the word "denturist" or any other words, letters or abbreviations or insignia tending to indicate that such person is engaged in the practice of denture technology. [1979 c 1 §2]

680.510 Applicability of ORS 680.500 to 680.570. The prohibitions of ORS 679.025, 680.500 to 680.570 and 743.132 do not apply to:

- (1) Any activity described in ORS 680.500 (5)(a) by a person acting under the supervision of a denturist.
- (2) The practice of dentistry or medicine by persons authorized to do so by this state, or any other practices allowed under ORS chapters 677 and 679.
- (3) A student of denture technology in pursuit of clinical studies under an approved school program.

- (4) A graduate of a two-year formal training program, obtaining two years of practical experience necessary under ORS 680.515, who is operating under the personal supervision of a denturist or a licensed dentist. [1979 c 1 §3, 1981 c 313 §1]

(Certificates)

680.515 Application for certificate. Upon application therefor, accompanied by the fee established by the division, the division shall grant a certificate to practice denture technology to any applicant who:

- (1) Performs to the satisfaction of the division in an examination prescribed by the division; and
- (2) Furnishes evidence satisfactory that the applicant:
 - (a) Has completed at least two years of formal training, including courses covering the subjects of head and oral anatomy, pathology, physiology, clinical denture technology, and dental laboratory technology; and
 - (b) Has at least two years of practical experience; or
 - (c) Has had, prior to July 1, 1982, at least 4,000 hours of practical experience in denture technology as approved by the division and has satisfactorily completed a six-month training course approved by the division or equivalent training as defined by the division, covering subject matters in head and oral

anatomy, pathology, physiology, clinical denture technology and dental laboratory technology. [1979 c 1 §4, 1981 c 313 §2]

680.520 Examination of applicants.

(1) Examinations of applicants for certification under ORS 679.025, 680.500 to 680.570 and 743.132 shall be held at least once a year at such times and places as the division may determine. Timely and appropriate notice shall be given to each applicant.

(2) The examination shall be of such a character as to determine the qualifications, fitness and ability of the applicant to practice denture technology. It may be written, oral, or in the form of a demonstration of skills, or a combination of any such types. The examination shall at least cover the subject areas of: Head and oral anatomy, pathology, physiology, clinical denture technology and dental laboratory technology. Those portions of the examination covering the areas of clinical denture technology and dental laboratory technology shall include a demonstration of skills. [1979 c 1 §5, 1981 c 313 §3]

680.525 Fees. The division shall establish, subject to the approval of the Executive Department, and shall collect fees, not to exceed the following amounts:

(1) For examination of an applicant, the fee shall not exceed \$250.

(2) For certification of a denturist, the fee shall not exceed \$250.

(3) For timely renewal of the certificate of a denturist, the fee shall not exceed \$400.

(4) For replacement or duplicate certificate, the fee shall not exceed \$50 for each certificate. [1979 c 1 §6; 1981 c 313 §8]

680.530 Expiration of certificate; renewal. (1) Certification issued by the division shall expire on June 30 following the date of issue.

(2) Upon application therefor, accompanied by the fee established by the division, the division shall renew the certificate of a denturist who makes application therefor within one year of the expiration date of his certificate.

(3) The division shall not renew the certificate of any denturist who fails to renew his registration for one year, but shall grant certification to such person upon compliance with all the requirements of ORS 679.025, 680.500 to 680.570 and 743.132.

(4) The division shall not grant or renew the certificate of a denturist whose certificate has been denied, suspended or revoked and not renewed under ORS 680.535 until one year from the date of the denial of registration or the renewal or the date of the order of suspension or revocation. [1979 c 1 §7]

680.535 Grounds for refusal, suspension or revocation of certificate, or probation, reprimand or censure of holder. In the manner prescribed in ORS 183.310 to 183.550 for contested cases, the division shall refuse to issue a certificate, suspend or revoke a certificate, or shall place a certified person on probation for a period specified by the division and subject to such conditions as the division shall impose, or such person may be reprimanded or censured by the division for any of the following causes:

(1) Conviction of crime where such crime bears a demonstrable relationship to the practice of denture technology.

(2) Incompetence or gross negligence in the practice of denture technology.

(3) Wilful fraud or misrepresentation in the practice of denture technology or in the admission of such practice.

(4) Use of any narcotic or dangerous drug or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of denture technology.

(5) The wilful violation of any provision of ORS 679.025, 680.500 to 680.570 and 743.132 or rules adopted thereunder. [1979 c 1 §8]

(Practice)

680.540 Notice to be posted; division to investigate complaints. (1) There shall be posted in a conspicuous area on any premises where the practice of denture technology is carried on a notice with lettering of a size easily read by the average person and in substantially the following form:

Any consumer who has a complaint relating to practices of this establishment should contact the Health Division of the Department of Human Resources by mail at the following address: 1400 S.W. Fifth Avenue, Portland, Oregon 97201.

(2) The division shall investigate complaints made regarding the practice of denture technology and may revoke the certificate

issued under ORS 679.025, 680.500 to 680.570 and 743.132 in the manner prescribed in ORS 183.310 to 183.550 for a contested case. [1979 c 1 §18; 1981 c 313 §4]

680.545 Statement of dentist or physician before treatment by denturist; exceptions. (1) No denturist shall treat a person without having first received a statement, dated within 30 days of the date of treatment, and signed by a dentist or a physician, that such person's oral cavity is substantially free from disease and mechanically sufficient to receive a denture.

(2) Notwithstanding subsection (1) of this section, statements from a dentist or physician are not required:

- (a) For the purpose of repairing a denture;
- (b) For the purpose of relining a denture;
- (c) For the purpose of replacing a denture fitted within the prior year; or
- (d) If the denturist providing the work has successfully completed additional training in oral pathology prescribed by the division. [1979 c 1 §13, 1981 c 313 §5]

680.550 Division to establish policies and criteria for assessment. The Health Division, with the advice of the council, shall establish policies and criteria for the assessment of the quality of the practice of denture technology. Such evaluation shall include development of practice standards and performance reviews with appropriate samples of denturists certified under ORS 679.025, 680.500 to 680.570 and 743.132. [1979 c 1 §19]

(Administration)

680.555 State Advisory Council on Denture Technology. (1) There is hereby established within the Health Division of the Department of Human Resources a State Advisory Council on Denture Technology.

(2) The advisory council shall consist of seven members appointed by the Assistant Director for Health.

(3) Three members shall be representative of the public at large, two shall be dentists, and two members shall be denturists, except that prior to the certifying of any denturist under ORS 679.025, 680.500 to 680.570 and 743.132, two members shall be representative of those engaged in the practice of denture technology.

(4) The term of office of each member is three years but a member serves at the pleasure of the Assistant Director for Health. Before the expiration of the term of a member, the assistant director shall appoint a successor whose term begins on July 1, next following. A member is eligible for reappointment but no member shall serve more than two consecutive terms. If there is a vacancy for any cause, the assistant director shall make an appointment to become immediately effective for the unexpired term.

(5) The advisory council shall make recommendations to the Assistant Director for Health concerning policies for the administration of ORS 679.025, 680.500 to 680.570, 743.132 and 680.990 (2).

(6) Notwithstanding subsection (5) of this section, the Health Division shall not prescribe minimum educational or training requirements in excess of those specified in ORS 680.515. [1979 c 1 §9]

680.560 Council meetings; secretary; ministerial functions by Assistant Director for Health. (1) The council shall hold a meeting at least once each year and shall annually elect a chairperson from its members. Four members shall constitute a quorum.

(2) The Assistant Director for Health or a representative appointed by the assistant director from the staff of the Health Division shall serve without voting rights as secretary to the council. The secretary shall keep record of the transactions of the council and have custody of the records, documents and other related property.

(3) At the direction of the council, all other ministerial functions associated with carrying on the duties, functions and powers of the council, including, but not limited to, secretarial, clerical, investigative and fiscal, shall be performed by the secretary, or by employes of the Health Division under the direction of the Assistant Director for Health. [1979 c 1 §10, 1981 c 313 §6]

680.565 Authority of division and chairperson and secretary of council; issuance of certificate. (1) The division has such authority as is reasonably necessary to administer ORS 679.025, 680.500 to 680.570, 680.990 (2) and 743.132, including the authority to adopt rules pursuant to ORS 183.310 to 183.550.

(2) The secretary shall keep a record of all proceedings of the council including a register of all persons certified to practice denture technology.

(3) When the division is satisfied that the applicant for certification under ORS 679.025, 680.500 to 680.570 and 743.132 has complied with all the requirements therefor, it shall have issued to such applicant an appropriate certificate evidencing certification under ORS 679.025, 680.500 to 680.570 and 743.132. [1979 c 1 §11, 1981 c 313 §7]

680.570 Disposition of receipts. All moneys received by the Health Division under ORS 679.025, 680.500 to 680.570 and 743.132 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 679.025, 680.500 to 680.570, 680.990 (2) and 743.132. [1979 c 1 §12]

PENALTIES

680.990 Penalties. (1) Violation of any of the provisions of ORS 680.010 to 680.170 is a Class C misdemeanor.

(2) Violation of any provision of ORS 679.025, 680.500 to 680.570 and 743.132 is a Class C misdemeanor. [Amended by 1977 c 192 §11, subsection (2) enacted as 1979 c 1 §17]

