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**Health Care & Wellness Committee**

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**HB 1514**

**Brief Description:** Concerning dental office support services.

**Sponsors:** Representatives Jenkins, Manweller and Cody.

**Brief Summary of Bill**

- Modifies the definition of the practice of dentistry to include owning a dental practice to engage in the clinical practice of dentistry.
- Provides that an unlicensed person practices dentistry by employing the services of a licensed dentist or dental hygienist, owning a dental practice or patient records, or interfering with a dentist's independent clinical judgment.
- Permits a person who is not a licensed dentist to perform functions that support, but do not constitute, the clinical practice of dentistry.
- Requires a dental practice owner who is discontinuing practice to make reasonable arrangements for transfer of patient records.

**Hearing Date:** 2/4/15

**Staff:** Alexa Silver (786-7190).

**Background:**

Practice of Dentistry.

Dentists are licensed and regulated by the Dental Quality Assurance Commission. The practice of dentistry is defined as:

- owning, maintaining, or operating an office for the practice of dentistry;
- representing oneself as being able to diagnose, treat, remove stains and concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw;

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- offering or undertaking to diagnose, treat, remove stains or concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same, or taking impressions of the teeth or jaw;
- engaging in any of the practices included in the curricula of recognized and approved dental schools or colleges; or
- professing to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

Corporations are prohibited from practicing dentistry or soliciting dental patronage for dentists employed by a corporation. This restriction does not apply to corporations or associations that furnish information or clerical services to a licensed dentist, so long as the information or services can be furnished by unlicensed persons and the dentist assumes full responsibility for the information and services.

### Practice of Dentistry in Oregon and Alaska.

In Oregon and Alaska, only a licensed dentist may own, operate, conduct, or maintain a dental practice, office, or clinic, but an unlicensed person is explicitly permitted to:

- own or lease tangible or intangible assets used in a dental office or clinic;
- employ or contract for services of personnel other than licensed dentists; and
- manage the business aspects of a dental office or clinic that do not include the clinical practice of dentistry.

The assets owned or leased by the unlicensed person may include real property, furnishing, equipment, and inventory, but may not include dental records of patients related to clinical care.

### **Summary of Bill:**

The practice of dentistry includes owning a dental practice to engage in the clinical practice of dentistry (rather than owning, maintaining, or operating an office for the practice of dentistry). A "dental practice" is a business operation that engages in the clinical practice of dentistry that does not include activities that are exempted from the dentistry chapter of law. "Clinical" means offering, undertaking, or representing oneself as being able to diagnose, treat, remove stains and concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaw.

The dentistry chapter of law does not apply to performing functions that support, but do not constitute, the clinical practice of dentistry in exchange for a fee calculated on any basis and agreed to by the dental practice owner. Permitted activities include: (1) owning or leasing assets used by a dental practice; (2) employing or contracting for the services of personnel other than licensed dentists or dental hygienists; and (3) managing the business or administrative aspects of a dental practice. "Dental practice owner" means a licensed dentist who owns a dental practice as a sole proprietor or a professional entity that owns a dental practice.

An unlicensed person, or an entity that is not a professional entity, practices dentistry in violation of law if the person or entity: employs or contracts for the services of a licensed dentist or dental

hygienist for the clinical practice of dentistry; owns a dental practice or dental patient records; or interferes with a licensed dentist's independent clinical judgment by:

- limiting or imposing requirements on the length of time the dentist spends with a patient or performing dental services, or placing conditions on the number of patients the dentist must treat or the number of procedures a dentist must perform;
- limiting or imposing requirements on the dentist's decision regarding a course of treatment;
- limiting or imposing requirements on the manner in which the dentist uses equipment or materials;
- limiting or imposing requirements on the use of a laboratory or supplies, instruments, or equipment the dentist deems reasonably necessary to provide diagnoses and treatment;
- limiting or imposing requirements for professional training;
- limiting or imposing requirements on referrals to specialists or other practitioners;
- interfering with the dentist's right to access patient records;
- interfering with the dentist's decision to refund a payment;
- limiting or imposing requirements on advertising if it would result in a violation of law; or
- limiting or imposing requirements on communications with patients that are clinical in nature.

"Professional entity" means a professional corporation or other entity that is wholly owned by one or more licensed dentists and that is authorized to engage in the clinical practice of dentistry.

A dental practice owner who is discontinuing the practice must make reasonable arrangements for the transfer of patient records for active patients to a licensed dentist or professional entity or, at the patient's request, to the patient. An unlicensed person or entity may not intentionally preventing a dental practice owner from complying with this requirement. "Active patient" means a person who has received clinical dental services during the two-year period before discontinuation of the practice.

The Dental Quality Assurance Commission must adopt reasonable rules requiring professional entities that own dental records to maintain and produce the records for examination.

The prohibition on the corporate practice of dentistry does not apply to corporations or associations that furnish real property, furnishings, inventory, goods, or non-clinical services (rather than information or clerical services) to a person lawfully engaged in the practice of dentistry.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.