

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

3-1

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on February 9, 2007 by the
Date prior to or same as filing date

Oregon Board of Dentistry Chapter 818
Agency and Division Administrative Rules Chapter Number

Sharon Ingram 1600 SW 4th Avenue, Suite 770, Portland, OR 97201 (971) 673-3200
Rules Coordinator Address Telephone

to become effective Upon Filing Rulemaking Notice was published in the January 2007 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Repeals rules regarding Exceptions and amends rules regarding Unprofessional Conduct.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION
List each rule number separately, 000-000-0000.

ADOPT:

AMEND: 818-012-0030

REPEAL: 818-001-0015, 818-001-0021

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.



ORS 679 & 680
Stat. Auth.

Other Authority

ORS 679.010, 679.140, 679.170, 679.250, & 680.100
Stats. Implemented

RULE SUMMARY

OAR 818-001-0015, Filing Exceptions and Argument to the Board and 818-001-0021, Petition for Reconsideration or Rehearing as Condition for Judicial Review, are repealed as the procedures already exist in the Administrative Procedures Act.

OAR 818-012-0030, Unprofessional Conduct, is amended to include the requirement to release photographs; adds the addiction and dependency or abuse of alcohol, illegal or uncontrolled drugs or mind altering substances; and requires a dentist or dental hygienist to work in a clinic owned by an Oregon licensed dentist except as described under ORS 679.020(3) and ORS 680.205(1)(2).

Authorized Signer

Patrick D. Braatz
Printed name

February 28, 2007
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 930-2005

OBD 1-2007

DIVISION 12
STANDARDS OF PRACTICE

818-012-0030

Unprofessional Conduct

The Board finds that in addition to the conduct set forth in ORS 679.140(2), a licensee engages in unprofessional conduct if the licensee does or permits any person to:

- (1) Attempt to obtain a fee by fraud or misrepresentation.
- (2) Offer rebates, split fees, or commissions for services rendered to a patient to any person other than a partner, employee, or employer.
- (3) Accept rebates, split fees, or commissions for services rendered to a patient from any person other than a partner, employee, or employer.
- (4) Initiate, or engage in, with a patient, any behavior with sexual connotations. The behavior can include but is not limited to, inappropriate physical touching; kissing of a sexual nature; gestures or expressions, any of which are sexualized or sexually demeaning to a patient; inappropriate procedures, including, but not limited to, disrobing and draping practices that reflect a lack of respect for the patient's privacy; or initiating inappropriate communication, verbal or written, including, but not limited to, references to a patient's body or clothing that are sexualized or sexually demeaning to a patient; and inappropriate comments or queries about the professional's or patient's sexual orientation, sexual performance, sexual fantasies, sexual problems, or sexual preferences.
- (5) Engage in an unlawful trade practice as defined in ORS 646.605 to 646.608.
- (6) Fail to present a treatment plan with estimated costs to a patient upon request of the patient or to a patient's guardian upon request of the patient's guardian.
- (7) Misrepresent any facts to a patient concerning treatment or fees.
- (8)(a) Fail to provide a patient or patient's guardian within 14 days of written request:
 - (A) Legible copies of records; and
 - (B) Duplicates of study models and radiographs, photographs or legible copies thereof if the radiographs, photographs or study models have been paid for.
- (b) The dentist may require the patient or guardian to pay in advance a fee reasonably calculated to cover the costs of making the copies or duplicates. The dentist may charge a fee not to exceed \$0.25 per page (or \$0.50 for records copied from microfilm), plus any reasonable clerical costs incurred in the duplication of records. The actual cost of duplicating X-rays may also be charged to the patient. Patient records or summaries may not be withheld from the patient because of any prior unpaid bills, except as provided in (8)(a)(B) of this rule.
- (9) Fail to identify to a patient, patient's guardian, or the Board the name of an employee, employer, contractor, or agent who renders services.
- (10) Use prescription forms pre-printed with any Drug Enforcement Administration number, name of controlled substances, or facsimile of a signature.
- (11) Use a rubber stamp or like device to reproduce a signature on a prescription form or sign a blank prescription form.
- (12) Order drugs listed on Schedule II of the Drug Abuse Prevention and Control Act, 21 U.S.C. Sec. 812, for office use on a prescription form.
- (13) Violate any Federal or State law regarding controlled substances.
- (14) Becomes addicted to, or dependent upon, or abuses alcohol, illegal or controlled drugs, or mind altering substances.

(15) Practice dentistry or dental hygiene in a dental office or clinic not owned by an Oregon licensed dentist(s), except for an entity described under ORS 679.020(3) and dental hygienists practicing pursuant to ORS 680.205(1)(2).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.140(1)(c), 679.140(2), 679.170(6) & 680.100