



OREGON DENTAL ASSOCIATION

2021 END OF LEGISLATIVE SESSION REPORT

Oregon's 81st Legislative Session adjourned on Saturday, June 26th, finishing what will be characterized as one of the most challenging sessions in Oregon's history. The state Capitol, closed to the public because of the coronavirus pandemic, was limited to just legislators and staff. All committee hearings were conducted virtually, House and Senate floor sessions were limited to smaller groups of people at one time, and lobbying occurred by text, email, and phone calls. Legislators had more money to spend (\$2.6 billion) in over a decade, with the federal government providing significant COVID-19 relief dollars and Oregon's economy growing at a quicker pace than before the pandemic. All of this occurred in a heightened political time, as one House legislator resigned under pressure following an accusation of sexual harassment, and another House member was expelled for allegedly participating in a state Capitol incursion.

Despite working away from the Capitol and having limited contact with legislators, the Oregon Dental Association was able to achieve many successes and victories this year. Much of this was the result of ODA's ongoing work with legislators in the interim, strategic contributions from the Dentists of Oregon PAC, and hours and hours of commitment from volunteer dentists on our Board and task forces.

ODA PRIORITY BILLS

The following are bills on which ODA provided testimony, worked with partners, negotiated, and talked about with legislators because they have direct impact on ODA members and the practice of dentistry. These bills were prioritized by ODA's Legislative Task Force and represent the areas of most work during the 2021 Legislative Session.

HB 2528 Dental Therapy

ODA had significant concerns with HB 2528 as introduced, and spent the entire session working with legislators and negotiating the bill to add critical constraints that will increase patient safety, increase education, and limit scope. [You can learn more about HB 2528 and ODA's work on the bill here.](#)

STATUS: Passed House 38-17, passed Senate 20-9 with additional amendments, House concurred 45-11 on amendments

HB 2627 Interim Therapeutic Restorations

The bill allows expanded practice dental hygienists to perform interim therapeutic restorations (or "scoop and fill") and contains crucial sideboards around training, scope, and supervision. ODA supported the bill after its efficacy was proven through Pilot Project #200, a pilot project sponsored by OHSU and Capitol Dental Care. This bill expands access to dental care, particularly for children, by expanding the scope for dental hygienists in ways that are practical and safe.

STATUS: Signed by the Governor

HB 2969 Oral Health Education

The Legislature passed HB 2969 this session, which requires school districts to provide age-appropriate instruction in oral health as part of the overall health curriculum beginning July 1, 2025. ODA was pleased to join our oral health partners in advancing this bill.

STATUS: Passed House 53-1, passed Senate 25-2

HB 2970 Dental Practice Ownership

Section 11 of HB 2970 adds an exemption to the dental practice ownership requirements for: *Nonprofit charitable corporations as described in section 501(c)(3) of the Internal Revenue Code and determined by the board as providing dental services to individuals who are 65 years of age or older and individuals who are unable to stand or walk unassisted.* The exemption was drafted for the Geriatric Dental Group in Northeast Portland, which had been found to be out of compliance with the Dental Practice Act, as it is not owned by a dentist. The exemption will sunset (expire) as of January 1, 2023, with the legislative directive that stakeholders discuss a permanent solution moving beyond that date.

STATUS: Governor signed

HB 2977 Dental Director Funding

HB 2977 creates funding for a dental director position, housed within the Oregon Health Authority. A top priority, ODA continues to believe that a dental director is a necessity for a health agency that believes in the tripartite philosophy of physical, mental, and oral health. The bill passed out of the House Health Care Committee unanimously. After OHA agreed to fill the position, now and through the next biennium, legislators decided a bill was unnecessary. ODA is pleased the position was filled, and we look forward to working with the new dental director.

STATUS: DEAD — agency filled the position

HB 2979 DMD Act

ODA introduced the Dental Management and Delivery (DMD) Act this session to address access to dental care in a comprehensive way — including a review of reimbursement rates by OHA, expansion of COFA benefits, and student loan forgiveness. While this legislation was aspirational, and ODA understood it was unlikely to pass in its entirety, we were disappointed that OHA placed an insurmountable fiscal on the bill, and it did not receive a hearing.

STATUS: DEAD

HB 5006 Dental Rate Cut Funding

At the beginning of year, OHA cut reimbursement rates for dental care to 2014 levels, significantly impacting the Medicaid population. ODA successfully joined our Dental Care Organization partners in lobbying legislators to restore these cuts. In the last bill of session — commonly called the “Christmas tree bill,” so groups can add/hang their last requests — Section 265 included a \$19 million appropriation to the emergency board to be allocated to the Oregon Health Authority to fund dental rates for medical assistance programs.

STATUS: Passed House 55-0, passed Senate 24-3

SB 640 Tribal Scholarship

This bill would have established an Indian Health Scholarship Program to provide free tuition and fees for qualifying indigenous health profession students in exchange for their commitment to work at a tribal service site after graduation. ODA testified in support and introduced a similar bill in the House. We continue to advocate for additional pathways for more tribal members to attend dental school.

STATUS: DEAD

SB 5511 Board of Dentistry Budget

The Oregon Board of Dentistry budget passed both chambers with minimal fanfare, as expected. The budget totals \$3,791,758 and includes eight positions. The budget includes an increase of \$85,416 to implement a new database and pay for other increased IT expenses.

STATUS: Passed Senate 26-3, passed House 52-0

OTHER KEY BILLS OF INTEREST

These bills would have direct or secondary impact on Oregon dentists. ODA weighed in on these bills throughout the session, joining with partners and ensuring dentists were included in relevant conversations and negotiations.

HB 2074 PDMP \$10 Fee Increase

The Legislature approved the PDMP fee increase. The bill increases PDMP fees from \$25 to \$35 biannually.

STATUS: Governor signed

HB 2359 Health Care Interpreters

HB 2359 requires use of health care interpreters from the OHA's registry and sets requirements for providers who use an interpreter not on the registry. Licensing boards will be doing additional rulemaking on the requirements and enforcement, which is of concern to many provider groups. In the House Health Care Committee, Representative Hayden (a dentist) was the sole no vote, explaining he was concerned with the requirements falling on providers, including dentists.

STATUS: Passed House 50-9, passed Senate 21-8

HB 2362 Mergers and Acquisitions

HB 2362 directs the Oregon Health Authority to examine and monitor the competitiveness of the health care market, and approve or deny mergers, acquisitions, and affiliations among hospitals, insurers, and provider organizations. Review by OHA is triggered when at least one party had an average revenue of \$25 million or more in the preceding three fiscal years, and another party has an average revenue of at least \$10 million in the preceding three fiscal years. The goal of this legislation is to allow OHA to approve large transactions so as to try to avoid negative outcomes for patients.

STATUS: Passed House 32-23, passed Senate 16-12

HB 2508 Telemedicine Reimbursement

HB 2508 sets requirements for Medicaid and private payers to reimburse for certain telehealth visits, including dental visits.

STATUS: Governor Signed

HB 2622 Surgical Smoke

As amended, the bill requires Hospitals and Ambulatory Surgical Centers to adopt policies and procedures around the use of surgical smoke evacuation tools but offers flexibility that prioritizes patient safety and unties the requirements from licensure at OHA. ODA participated throughout the session on workgroups to make sure the bill was acceptable to members.

STATUS: Governor signed

HB 2891 PPE Stockpile Bill

HB 2891 would have required EMS, physicians, health care facilities (of all sizes), dentists, and others to stockpile enough PPE and supplies to operate for 120 days during a pandemic or emergency with a 25% mortality rate. ODA spent significant time with the sponsor of the bill, as

well as with the chair of the Veterans Affairs and Emergency Management Committee, to explain the impacts of the bill to the practice of dentistry. The chair of the committee agreed to table the bill to a future legislative session.

STATUS: DEAD

HB 3159B REAL D/SOGI

As introduced, the bill would have required all providers to survey patients on race, ethnicity, language, disability, sexual orientation and gender identity (43 questions total) and report this data to OHA, or face a steep \$1,000-per-day penalty. This applied to all providers, including dentists.

ODA participated in drafting an amendment that creates an infrastructure for the data collection and defers any penalty for collecting the data until this system is in place. The amendment also allows for flexibility to remove certain classes of providers from the requirements through rule. While ODA pushed to remove all provider penalties, we were pleased to see that the \$1,000-per-day fine was removed and replaced with much lighter penalties based on first offense, second offense, and so on. Additionally, OHA testified on the record that they intend to work with providers toward compliance rather than impose harsh penalties.

STATUS: Passed House 40-18, passed Senate 17-11

HB 3352 Cover All People

The Legislature passed HB 3352, which extends Medicaid benefits to those who are eligible regardless of their immigration status.

STATUS: Passed House 37-21, passed Senate 17-11

SB 143 and HB 2433 Rural Medical Provider Tax Credit

SB 143 extends the Rural Medical Provider Tax Credit, which is set to sunset at the end of the year to 2028. Ultimately, the committee amended the bill language into an omnibus bill, HB 2433.

STATUS: HB 2433 passed House 59-0, passed Senate 23-6

SB 780 Medical Limited Liability Protection

SB 780, the result of more than a year of negotiations, provides limited liability protections to health care providers and facilities who had to alter their standard of care to comply with the Governor's executive orders or rules around COVID-19. ODA participated in many of these negotiations to provide perspectives from our members that were different from the medical side.

STATUS: Passed Senate 21-1, DIED in House

SJR 12 Hope Amendment

SJR 12 proposes an amendment to the Oregon Constitution to establish an obligation of the state to ensure every resident has access to cost-effective, clinically appropriate and affordable health care. It will now go before Oregon's voters next year.

STATUS: Passed Senate 17-13, passed House 34-23

TOBACCO BILLS

HB 2261 Remote Vape Sales

HB 2261 prohibits remote (online) sales of inhalant delivery systems like vape products.

STATUS: Passed House 44-4, passed Senate 24-5, Governor signed

SB 587 Tobacco Retail Licensure

SB 587 creates a statewide tobacco retail licensure program.

STATUS: Passed Senate 20-8, passed House 43-15

OTHER HEALTH CARE BILLS OF INTEREST

HB 2010 Public Option

The bill as amended requires DCBS and OHA to conduct a study on creating a public option to allow consumers to enroll in state-designed health plans through the health insurance exchange. During the work session in the House Health Care Committee, Representative Hayden stated that this bill is huge, and that we need a path to get to a single-payer system, or at least fewer payers.

STATUS: Passed House 56-0, passed Senate 23-5

HB 2081 Health Care Cost Growth

View the [staff summary of the bill as amended here](#).

STATUS: Passed House 52-5, passed Senate 21-6, signed by Governor

HB 2376 Naloxone Co-prescribing

STATUS: DEAD

HB 2464 Surgical Techs Apprenticeship

STATUS: DEAD

HB 2755- Cash Clinics

STATUS: DEAD

HB 2836 Concussion Charting Requirements

STATUS: DEAD

SB 567B Health Care Discrimination

STATUS: Passed Senate 24-4, passed House 40-11

[See Democrats' press release here](#).

SB 699 Preexisting Conditions

STATUS: Passed Senate 29-1, passed House 57-0

SB 781A Access to Test Results

STATUS: Passed Senate 28-0, passed House 56-0, Governor signed

VACCINES

HB 2751, SB 454, and SB 505 Anti-vaccine

STATUS: All DEAD

SB 254 Non-medical Vaccine Exemption

STATUS: DEAD

BUDGET

The Oregon Legislature balanced the 2021-23 Budget via a series of agency funding bills and policy bills. State agency budgets cover one biennium, or two fiscal years. A biennium runs from July 1 of an odd-numbered year to June 30 of the next odd-numbered year. For example, July 1, 2021, to June 30, 2023, is a biennium. In May, legislators saw a “stunning” revenue forecast, predicting an additional \$1.25 billion in new revenue for the 2021-23 two-year budget cycle. Senate President Courtney said, “In all my years in the Oregon Legislature, I have never seen a forecast like this.” One of the first budgets funded was the K-12 schools’ budget with \$9.3 billion – the largest investment in K-12 the Legislature has ever made to the State School Fund. While Governor Brown did use her [line-item veto power to pull out the \\$200 million](#) legislators used from the Education Stability Fund, the legislators replaced that funding with General Fund dollars in the program change bill. In the final budget bills, legislators made significant investments in infrastructure, fire rebuilding and recovery, housing, water, and district-specific projects. The enhanced discretionary spending is largely due to Oregon’s \$2.6 billion share of the latest round of COVID stimulus money, which states can largely use interchangeably as any other state revenue source.

LIABILITY

[SB 193](#) Wrongful Death

The bill as amended includes a provision that repeals the statutory \$500,000 cap on non-economic damages for every cause of action except wrongful death. ODA, along with the Oregon Medical Association and Oregon Liability Reform Coalition, strongly opposed the bill.

STATUS: Passed Senate 17-10, passed House 33-26

[HB 2525](#) OHSU Tort Claims

STATUS: DEAD

[HB 2638](#) General Employer Liability Protection

STATUS: DEAD

See Republicans’ press release [here](#).

TAX BILLS

New taxes did not take center stage this session. However, there were several unsuccessful efforts to disconnect from some of the federal tax cuts/credits, including taxing forgiven PPP loans as taxable income.

[HB 2433](#) Tax Credits Package

STATUS: Awaiting signature by Governor

[HB 2457/SB 137](#) Federal Reconnect

STATUS: HB 2457 awaiting signature by Governor

[SB 139](#) Increase of Tax Rate on Pass-through Entities

STATUS: Awaiting signature by Governor

[SB 164](#) CAT Technical Fix Bill
STATUS: Awaiting signature by Governor

[SB 727B](#) Pass-through Alternative Tax
STATUS: Awaiting signature by Governor

[SB 852](#) Mortgage Interest Deduction for 2nd Homes
STATUS: DEAD

LABOR & EMPLOYMENT BILLS

[HB 2205](#) Private Attorney General Act (PAGA)
STATUS: DEAD

[HB 2474](#) OFLA Expansion
STATUS: Signed by Governor
Effective Date: January 1, 2022

[HB 2489](#) Independent Contractors
STATUS: DEAD

[HB 2818](#) Vaccine Incentive Pay Equity Fix Amendment
STATUS: Signed by Governor
Effective Date: June 23, 2021

[HB 3389](#) COVID UI Look Back Fix
STATUS: Awaiting signature by Governor

[HB 3398](#) PFMLI Delay
STATUS: Awaiting signature by Governor

[HB 3409](#) Essential Worker Pay & Hiring/Return to Work Bonus
STATUS: DEAD

[SB 169A](#) Noncompete Bill
STATUS: Signed by Governor
Effective Date: January 1, 2022

[SB 483](#) Rebuttable Presumption
STATUS: Signed by Governor
Effective Date: June 15, 2021

[SB 801](#) and [SB 802](#) Workers' Compensation Presumption/Self-insured Mandates
STATUS: DEAD

Please note: Each bill status is accurate as of the drafting of this report. The Governor will sign bills throughout the next month.