

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Health Authority (OHA), Division of Medical Assistance Programs (Division)	410
Agency and Division	Administrative Rules Chapter Number
Sandy Cafourek	(503) 945-6430
Rules Coordinator	Telephone

**RULE CAPTION**

Defines Medicament in the Context of Dental Rules

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

June 15, 2016	10:30 a.m.	500 Summer St. NE, Salem, OR 97301 Room 137B	Sandy Cafourek
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

AMEND: OAR 410-123-1060

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 414.065

Other Auth.:

Stats. Implemented: ORS 414.065

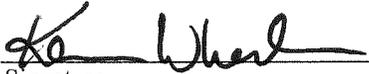
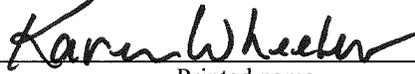
**RULE SUMMARY**

The Authority needs to define "medicament" in program rules to clarify that the word is being used in alignment with existing industry standards.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

June 17, 2016 by 5 p.m. Send written comments to: [dmap.rules@state.or.us](mailto:dmap.rules@state.or.us)

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

		
Signature	Printed name	Date

**Note:** Hearing Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*.

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority (Authority), Health Systems Division (Division)  
Agency and Division

410

Administrative Rules Chapter Number

Defines Medicament in the Context of Dental Rules

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: The amendment of OAR 410-123-1060

Statutory Authority: ORS 414.065

Other Authority:

Stats. Implemented: ORS 414.065

Need for the Rule(s): The Authority needs to define "medicament" in program rules to clarify that the word is being used in alignment with existing industry standards.

Documents Relied Upon, and where they are available: <http://www.ada.org/en/publications/cdt/glossary-of-dental-clinical-and-administrative-terms> (Note: this is the URL for the glossary site, although you cannot get there directly. To get to the reference, go to <http://www.ada.org/en/publications/cdt/>, then click the "Glossary of Dental Clinical and Administrative Terms" on the left side of the page.)

Fiscal and Economic Impact: There is no fiscal or economic impact of this change.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Amending these rules will have no fiscal impact on the Authority, other state agencies, units of local government, the public, or businesses, including small businesses.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Several hundred dentists and other oral health care providers throughout the state.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None

c. Equipment, supplies, labor and increased administration required for compliance: None

How were small businesses involved in the development of this rule? Dentists were invited to join a rules advisory committee.

Administrative Rule Advisory Committee consulted?: Yes, RAC participants included representatives from Advantage Dental, AllCare, Capitol Dental Care, Intercommunity Health Care, ODS Health Plan, and PacificSource. If not, why?:

  
Signature

  
Printed Name

  
Date

## 410-123-1060

### Definition of Terms

(1) "Anesthesia"— The following depicts the ~~Division of Medical Assistance Programs~~Health System Division, Medical Assistance Programs' (Division) usage of certain anesthesia terms; however, for further details refer also to the Oregon Board of Dentistry administrative rules (OAR chapter 818, division 026):

(a) "Conscious Sedation" means the following:

(A) "Deep Sedation" —Ameans a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance maintaining a patient airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained;

(B) "Minimal Sedation" —Ameans a minimally depressed level of consciousness produced by non-intravenous pharmacological methods that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. When the intent is minimal sedation for adults, the appropriate initial dosing of a single non-intravenous pharmacological method is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for unmonitored home use. Nitrous oxide/oxygen may be used in combination with a single non-intravenous pharmacological method in minimal sedation;

(C) "Moderate Sedation" —Ameans a drug-induced depression of consciousness during which the patient responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patient airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained;

(b) "General Anesthesia" —Ameans a drug-induced loss of consciousness during which the patient is not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patient airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired;

(c) "Local Anesthesia" —Themeans the elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug;

(d) "Nitrous Oxide Sedation" —Anmeans an induced controlled state of minimal sedation produced solely by the inhalation of a combination of nitrous oxide and oxygen

in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

(2) Citizen/Alien-Waived Emergency Medical (CAWEM)— Refer to OAR 410-120-0000 for definition of clients who are eligible for limited emergency services under the CAWEM benefit package. The definition of emergency services does not apply to CAWEM clients. OAR 410-120-1210 provides a complete description of limited emergency coverage pertaining to the CAWEM benefit package.

(3) "Covered Services" —~~means~~ services on the Health Evidence Review Commission's (HERC) Prioritized List of Health Services (Prioritized List) that have been funded by the legislature and identified in specific program rules. Services are limited as directed by General Rules —Excluded Services and Limitations (OAR 410-120-1200), the Division's Dental Services Program rules (chapter 410, division 123), and the Prioritized List. Services that are not considered emergency dental services as defined by ~~410-123-1060~~section (12) of this rule are considered routine services.

(4) "Dental Hygienist" —~~A~~means an individual person licensed to practice dental hygiene pursuant to state law.

(5) "Dental Hygienist with Expanded Practice Dental Hygiene Permit (EPDH)" —~~A~~means an person licensed to practice dental hygiene with an EPDH permit issued by the Board of Dentistry and within the scope of an EPDH permit pursuant to state law.

(6) "Dental Practitioner" means an ~~person~~individual licensed pursuant to state law to engage in the provision of dental services within the scope of the practitioner's license and ~~or~~ certification.

(7) "Dental Services" —~~means~~ services provided within the scope of practice as defined under state law by or under the supervision of a dentist or dental hygienist or denture services provided within the scope of practice as defined under state law by a denturist.

(8) "Dental Services Documentation" —~~Shall meet~~means meeting the requirements of the Oregon Dental Practice Act statutes; administrative rules for client records and requirements of OAR 410-120-1360; "Requirements for Financial, Clinical and Other Records;" and any other documentation requirements as outlined in OAR chapter 410 division 123~~the (Dental rules)~~.

(9) "Dentally Appropriate"—~~In accordance with OAR 410-141-0000,~~ means services that are required for prevention, diagnosis, or treatment of a dental condition and that are:

(a) Consistent with the symptoms of a dental condition or treatment of a dental condition;

(b) Appropriate with regard to standards of good dental practice and generally recognized by the relevant scientific community, evidence-based medicine, and professional standards of care as effective;

(c) Not solely for the convenience of an OHP member or a provider of the service; and

(d) The most cost effective of the alternative levels of dental services that can be safely provided to a member.

(10) “Dentist” — ~~A~~means an personindividual licensed to practice dentistry pursuant to state law.

(11) “Denturist” — ~~A~~means an personindividual licensed to practice denture technology pursuant to state law.

(12) “Direct Pulp Cap” — ~~The~~means the procedure in which the exposed pulp is covered with a dressing or cement that protects the pulp and promotes healing and repair.

(13) Emergency Services means:

~~(a) Refer to OAR 410-120-0000 for the complete definition of emergency services. (This definition of emergency services does not apply to CAWEM clients. 410-120-1210 provides a complete description of limited emergency coverage pertaining to the CAWEM benefit package);~~

~~(b)~~ Covered services for an emergency dental condition manifesting itself by acute symptoms of sufficient severity requiring immediate treatment. This includes services to treat the following conditions:

(A) Acute infection;

(B) Acute abscesses;

(C) Severe tooth pain;

(D) Unusual swelling of the face or gums; or

(E) A tooth that has been avulsed (knocked out);

~~(e)~~ The treatment of an emergency dental condition is limited only to covered services. The Division recognizes that some non-covered services may meet the criteria of treatment for the emergency condition; however, this rule does not extend to those non-covered services. Routine dental treatment or treatment of incipient decay does not constitute emergency care (See also OAR 410-120-0000);

(14) "Hospital Dentistry" — ~~means d~~Dental services normally done in a dental office setting but due to specific client need (as detailed in OAR 410-123-1490) are provided in an ambulatory surgical center, inpatient, or outpatient hospital setting under general anesthesia, ~~(or IV conscious sedation, if appropriate).~~

(15) "Medical Practitioner" means — A ~~an person~~individual licensed pursuant to state law to engage in the provision of medical services within the scope of the practitioner's license and certification.

(16) "Medicament" means a substance or combination of substances intended to be pharmacologically active, specially prepared to be prescribed, dispensed, or administered to prevent or treat disease.

(167) "Procedure Codes" means the — ~~The procedure codes set forth in in the Dental Services rulebook (OAR chapter 410, division 123)~~ that refer to Current Dental Terminology (CDT), unless otherwise noted. Codes listed in this rulebook and other documents incorporated in rule by reference are subject to change by the American Dental Association (ADA) without notification.

(1718) "Standard of Care" — ~~What means what~~ reasonable and prudent practitioners would do in the same or similar circumstances.

Stat. Auth.: ORS 413.042, 414.065

Stats. Implemented: ORS 414.065