Dear Congressperson

I support and herewith vote for the United States of America (USA) Congress to enact into law, a USA “Dental Patients Bill of Rights” clause, that declares to the effect that:

“No dental patient may legally be denied dental care for refusing to be X-rayed,
(1) if the dental patient — being intellectually competent and adequately informed of both the dental patient's previous X-ray exposure-based current risk of, and the dental patient's dental care provider's current best dentist-estimated extent of, new initial and cumulative tissue damage and cancer risk, that the dental patient may sustain from the dental patient receiving every dental X-ray that the dental patient's dental care provider proposes for the dental patient to receive — without being or having been coerced to sign, voluntarily signs or has voluntarily signed, or (2) if the dental patient is a ward dental patient, such as a minor dental patient, and is intellectually competent and adequately informed of both the dental patient's previous X-ray exposure-based current risk of, and the dental patient's dental care provider's current best dentist-estimated extent of, new initial and cumulative tissue damage and cancer risk, that the dental patient may sustain from the dental patient receiving every dental X-ray that the dental patient's dental care provider proposes for the dental patient to receive; and both the dental patient and the dental patient's intellectually competent legal guardian, — who also is adequately informed of both the dental patient's previous X-ray exposure-based current risk of, and the dental patient's dental care provider's current best dentist-estimated extent of, new initial and cumulative tissue damage and cancer risk, that the dental patient may sustain from the dental patient receiving every dental X-ray that the dental patient's dental care provider proposes for the dental patient to receive — without being or having been coerced to sign, voluntarily separately sign or have separately voluntarily signed, or
(3) if the dental patient is not intellectually competent and is a ward dental patient, such as a minor dental patient, and the dental patient's intellectually competent legal guardian, — who is adequately informed of both the dental patient's previous X-ray exposure-based current risk of, and the dental patient’s dental care provider’s current best dentist-estimated extent of, new initial and cumulative tissue damage and cancer risk, that the dental patient may sustain from the dental patient receiving every dental X-ray, that the dental patient's dental care provider proposes for the dental patient to receive — without being or having been coerced to sign, voluntarily signs or has voluntarily signed

a legally valid and binding “Waiver of Dental Treatment Liability”, that denies all permission for the dental patient to, in a specific dental treatment that is of the dental patient's dental care provider that is specified in the waiver, be dentally X-rayed, and that renounces from all of the dental patient's dental care provider's dental personnel, who provide anatomical and/or counseling dental treatment to the dental patient, all legal responsibility that the dental personnel could have, for of a dental treatment that the dental personnel are qualified to administer, causing an accidental dental treatment error to the dental patient, where the error is due to the “Waiver of Dental Treatment Liability” -- per the waiver's legal signature of the aforesaid (1) dental patient, or per the waiver's legal signatures of the aforesaid (2) dental patient and the dental patient's intellectually competent legal guardian, or per the waiver's legal signature of the aforesaid (3) dental patient's intellectually competent legal guardian -- denying permission for the dental patient to be dentally X-rayed.”

Herewith immediately following, is an example of a Waiver of Dental Treatment Liability form, that may be adequate to receive of, dental treatment without being X-rayed for that dental treatment:

Waiver of Dental Treatment Liability
Herewith I, __________________________ (Dental Patient’s Name), now this __________________________ (Month, Day Number, and Year), waive as legally not binding for me, all legal responsibility that both my dentist, Dr. __________________________, and Dr. __________________________’s dental assistants could have for causing an accidental dental treatment error to me, that is due to me preferring not to be dentally X-rayed of, and/or refusing to be dentally X-rayed of Dr. __________________________’s dental care practice.

_______________________________________________________________

Current March 09, 2022:

Clarification on Radiographs

The Oregon Board of Dentistry (Board) regularly receives questions about the requirement for radiographs/Xrays, and how often they are required.

The decision when to take or not to take radiographs is the responsibility of an Oregon licensed Dentist or an Expanded Practice Permit Dental Hygienist and is based on factors including the patient’s oral health, patient’s age, the risk for disease and any sign or symptoms of oral disease that a patient may be experiencing.

The Board does not have a time requirement for how often radiographs or X-rays are to be taken. So if your Dentist says we (the Board) require X-rays every year, that is not true. The Dentist is the one who decides if the radiographs are needed, not the patient. They are an important diagnostic tool and it is the responsibility of the treating Dentist to determine how often they are needed.

The Board takes the following into consideration when it reviews care provided by our Licensees:

Oregon Revised Statute (ORS) 679.140(4) states: “In determining what constitutes unacceptable patient care, the board may 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 Dentistry in this state, the current teachings at accredited dental schools, relevant technical reports published in recognized dental journals and the desirability of reasonable experimentation in the furtherance of the dental arts.”

To put this in perspective, in order to diagnose dental pathology and do an adequate examination on a new or existing patient, the Dentist must have adequate dental radiographs, periodontal probings if appropriate and a current medical history.
If during the dental examination pathology is diagnosed, the Dentist is obligated to tell the patient what the problem is, to explain the treatment options, explain the risks of providing or not providing the treatment, and answer questions. The Dentist is also required to document in the patient’s records any dental pathology that is diagnosed during the examination. When treatment is provided, the Dentist is expected to have obtained the patient’s informed consent prior to providing the treatment. The Board expects that the treatment is acceptable; i.e. crowns fit appropriately, restorations are not placed over caries, and that periodontal disease is treated (including home health maintenance instruction).

Further, Oregon Dentists and Expanded Practice Permit Dental Hygienists should follow the guidelines established by the American Dental Association and the Food and Drug Administration regarding the attached document.

Please call if you have additional questions or need further information. The rules regulating Dentistry are at this site: [http://www.oregon.gov/Dentistry/Pages/laws-rules.aspx](http://www.oregon.gov/Dentistry/Pages/laws-rules.aspx)
anatomical and/or counseling dental treatment to the dental patient, all legal responsibility that the dental personnel could have, for of a dental treatment that the dental personnel are qualified to administer, causing an accidental dental treatment error to the dental patient, where the error is due to the “Waiver of Dental Treatment Liability” -- per the waiver's legal signature of the aforesaid (1) dental patient, or per the waiver's legal signatures of the aforesaid (2) dental patient and the dental patient's intellectually competent legal guardian, or per the waiver's legal signature of the aforesaid (3) dental patient's intellectually competent legal guardian -- denying permission for the dental patient to be dentally X-rayed.”

"Waiver of Dental Treatment Liability" form:
Herewith I, ____ (Dental Patient's Name), now this ____ (Month, Day Number, and Year), waive as legally not binding for me, all legal responsibility that both my dentist, Dr. ___, and Dr. ___'s dental assistants could have for causing an accidental dental treatment error to me, that is due to me preferring not to be dentally X-rayed of, and/or refusing to be dentally X-rayed of Dr. ___'s dental care practice.}