

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 781

By: Jolley, Crain, David,
Paddack and Loveless of the
Senate

6 and

7 Cox of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to the State Dental Act; amending 59
11 O.S. 2011, Section 328.2, as amended by Section 1,
12 Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014, Section
13 328.2), which relates to declarations; clarifying
14 language; amending 59 O.S. 2011, Section 328.3, as
15 amended by Section 2, Chapter 405, O.S.L. 2013 (59
16 O.S. Supp. 2014, Section 328.3), which relates to
17 definitions; adding, deleting, and amending certain
18 definitions; amending 59 O.S. 2011, Section 328.10,
19 which relates to the Board of Dentistry; permitting
20 Board to hold certain meetings; deleting language
21 referring to certain personnel; permitting certain
22 reimbursement; amending 59 O.S. 2011, Section 328.15,
23 as last amended by Section 3, Chapter 405, O.S.L.
24 2013 (59 O.S. Supp. 2014, Section 328.15), which
relates to powers of the Board; modifying powers;
amending 59 O.S. 2011, Section 328.17, which relates
to certain appointments; deleting certain power of
appointment; creating certain committees; providing
for membership; providing standards for meetings;
providing jurisdiction of committees; providing
appointing authority; amending 59 O.S. 2011, Section
328.19, as amended by Section 4, Chapter 405, O.S.L.
2013 (59 O.S. Supp. 2014, Section 328.19), which
relates to the practice of dentistry; expanding
certain acts constituting practice of dentistry;
amending 59 O.S. 2011, Section 328.21, as amended by
Section 5, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
2014, Section 328.21), which relates to licensure and

1 examinations; removing certain exception; requiring
2 certain examinations and standards for licensure;
3 deleting certain requirement; permitting certain
4 persons to submit licenses under certain
5 circumstances; removing certain required
6 documentation; providing for reexaminations under
7 certain circumstances; permitting recognition of
8 certain credits under certain circumstances;
9 permitting reciprocal licensure for certain
10 applicants; specifying requirements for reciprocal
11 licensure; requiring licensees to display certain
12 information; amending 59 O.S. 2011, Section 328.22,
13 which relates to specialty licenses; revising
14 requirements for certain applicants; providing
15 specialty licenses for certain applicants; removing
16 certain requirements relating to examinations and
17 applications; requiring submission of certain
18 documents by certain persons; requiring disclosure of
19 certain information; deleting certain requirement;
20 providing limitations on licensure; permitting
21 application for certain review; amending 59 O.S.
22 2011, Section 328.23, as last amended by Section 6,
23 Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014, Section
24 328.23), which relates to licensing of out-of-state
dentists; removing provisions for issuance of certain
licenses; permitting issuance of certain licenses;
extending certain rights and privileges to certain
licensees; amending 59 O.S. 2011, Section 328.23a,
which relates to special volunteer licenses; revising
time period for duration of license; requiring
certain information for issuance of license;
permitting certain personnel to be issued license
under certain circumstances; providing that certain
personnel receive no compensation for services;
restricting use of license to certain purposes;
permitting certain persons to apply for certain
licenses; waiving continuing education requirements
for certain licensees; prohibiting certain licensees
from receiving compensation for services; amending 59
O.S. 2011, Section 328.24, which relates to certain
licenses for out-of-state applicants; removing
provisions relating to licenses; requiring licensure
for practice of certain acts; requiring certain
supervision; providing standards for license
applications; permitting Board to establish certain
requirements; providing for issuance of certain
permits under certain circumstances; amending 59 O.S.

1 2011, Section 328.25, which relates to temporary
2 certificates; removing language relating to issuance
3 of certain licenses; requiring obtainment of certain
4 license prior to practice; providing standards for
5 application and issuance; establishing certain time
6 limit for certain permit; providing guidelines for
7 supervision of certain persons; providing
8 requirements for applicants; requiring continuing
9 education for certain persons; permitting
10 consideration of provisional licenses; providing
11 guidelines for delegated duties; providing
12 definition; extending responsibility of certain acts
13 to certain persons; providing certain construction;
14 amending 59 O.S. 2011, Section 328.26, as last
15 amended by Section 7, Chapter 405, O.S.L. 2013 (59
16 O.S. Supp. 2014, Section 328.26), which relates to
17 dental interns; permitting issuance of certain
18 licenses to certain persons under certain
19 circumstances; providing limitation on eligible
20 persons; permitting annual renewal of certain permits
21 at the request of certain persons; providing certain
22 exemption; requiring supervision of students by
23 certain persons; amending 59 O.S. 2011, Section
24 328.27, as amended by Section 8, Chapter 405, O.S.L.
2013 (59 O.S. Supp. 2014, Section 328.27), which
relates to faculty permits; expanding acceptable
documentation for faculty licensure; requiring
certain request and certification prior to issuance
of faculty license; providing for expiration of
license; limiting scope of practice for licensees;
permitting issuance of faculty licenses to foreign
applicants; providing standards for issuance;
permitting issuance of temporary licenses under
certain circumstances and for certain purposes;
providing for expiration of temporary licenses;
amending Section 6, Chapter 270, O.S.L. 2012, as
amended by Section 9, Chapter 405, O.S.L. 2013 (59
O.S. Supp. 2014, Section 328.28a), which relates to
criminal background checks; extending effective date
of background checks; providing certain exemption;
amending 59 O.S. 2011, Section 328.29a, as amended by
Section 10, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
2014, Section 328.29a), which relates to dental
assistants; expanding grounds of revocations of
licenses; amending 59 O.S. 2011, Section 328.31a,
which relates to the use of trade names; requiring
name of dentist to be included on certain forms;

1 requiring certain information on advertisements;
2 requiring certain facilities to maintain written
3 records of certain information; providing standards
4 and guidelines for required information; requiring
5 records to be maintained for certain duration;
6 amending 59 O.S. 2011, Section 328.32, as last
7 amended by Section 12, Chapter 405, O.S.L. 2013 (59
8 O.S. Supp. 2014, Section 328.32), which relates to
9 grounds for penalties; broadening grounds for
10 penalties to include certain acts; extending period
11 of maintaining certain records; amending 59 O.S.
12 2011, Section 328.34, as amended by Section 14,
13 Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014, Section
14 328.34), which relates to dental supervision;
15 providing definitions; requiring submission of
16 certain information; amending 59 O.S. 2011, Section
17 328.41, as last amended by Section 15, Chapter 405,
18 O.S.L. 2013 (59 O.S. Supp. 2014, Section 328.41),
19 which relates to renewal certificates; establishing
20 continuing education requirements; deleting language
21 relating to waiver of certain fees and renewal of
22 licenses; permitting application for renewal of
23 licenses under certain circumstances; requiring new
24 applications for certain persons; amending 59 O.S.
2011, Section 328.43a, as amended by Section 10,
Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2014, Section
328.43a), which relates to complaints; removing
provisions relating to written complaints; requiring
Board President to assign certain panel; providing
powers and duties of panel; permitting panel to
conduct certain actions in investigations and
reviews; prohibiting discussion of deliberations to
certain persons; providing exemption from certain
Act; providing for conduct of certain proceedings;
removing language relating to the acceptance and
disclosure of settlement agreements; requiring
approval of settlements by certain persons;
permitting panel to make certain recommendations;
requiring certain information in complaints;
providing standards for delivery of certain notices;
removing language relating to disclosure of
documents; requiring investigation of fatalities
within certain time period; providing standards for
investigations; amending 59 O.S. 2011, Section
328.44a, as amended by Section 16, Chapter 405,
O.S.L. 2013 (59 O.S. Supp. 2014, Section 328.44a),
which relates to penalties; expanding types of

1 facilities subject to certain penalties; removing
2 certain grounds for penalties; amending 59 O.S. 2011,
3 Section 328.62, which relates to definitions;
4 modifying definition to include certain persons;
5 amending 59 O.S. 2011, Section 328.63, which relates
6 to protection from liability; stating that certain
7 mediation is voluntary; providing certain
8 construction; permitting involved parties to request
9 dismissal; requiring certain notice; clarifying
10 language; clarifying references; removing obsolete
11 language; providing for codification; providing an
12 effective date; and declaring an emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.2, as
15 amended by Section 1, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
16 Section 328.2), is amended to read as follows:

17 Section 328.2. The practice of dentistry in the State of
18 Oklahoma is hereby declared to affect the public health, safety and
19 general welfare and to be subject to regulation and control in the
20 public's best interest. It is further declared to be a matter of
21 public interest and concern that the dental profession, through
22 advancement and achievement, merits and receives the confidence of
23 the public and that only properly qualified dentists be permitted to
24 practice dentistry and supervise dental hygienists, dental
assistants and oral maxillofacial surgery assistants in the State of
Oklahoma. All provisions of this act relating to the practice of
dentistry, the practice of dental hygiene, the procedures performed
by dental assistants and oral maxillofacial surgery assistants, and

1 the fabrication of dental appliances in dental laboratories by
2 dental laboratory technicians shall be liberally construed to carry
3 out these objects and purposes.

4 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.3, as
5 amended by Section 2, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
6 Section 328.3), is amended to read as follows:

7 Section 328.3. As used in the State Dental Act, the following
8 words, phrases, or terms, unless the context otherwise indicates,
9 shall have the following meanings:

10 1. "Accredited dental college" means an institution whose
11 dental educational program is accredited by the Commission on Dental
12 Accreditation of the American Dental Association;

13 2. "Accredited dental hygiene program" means a dental hygiene
14 educational program which is accredited by the Commission on Dental
15 Accreditation of the American Dental Association;

16 3. "Accredited dental assisting program" means a dental
17 assisting program which is accredited by the Commission on Dental
18 Accreditation of the American Dental Association;

19 4. "Board" means the Board of Dentistry;

20 5. "Certified dental assistant" means a dental assistant who
21 has earned and maintains current certified dental assistant
22 certification from the Dental Assisting National Board (DANB);

23 6. "Coronal polishing means a procedure limited to the removal
24 of plaque and stain from exposed tooth surfaces, utilizing a slow

1 speed hand piece with a rubber cup or brush and polishing agent and
2 is not prophylaxis. To be considered prophylaxis, examination for
3 calculus and scaling must be done by a hygienist or dentist;

4 ~~4.~~ 7. "Dentistry" means the practice of dentistry in all of its
5 branches;

6 ~~5.~~ 8. "Dentist" means a graduate of an accredited dental
7 college who has been issued a license by the Board to practice
8 dentistry as defined in Section 328.19 of this title;

9 9. "Dental ambulatory surgical center (DASC)" means a facility
10 that operates exclusively for the purpose of furnishing outpatient
11 surgical services to patients. A DASC shall have the same
12 privileges and requirements as a dental office and additionally must
13 be an accredited facility by the appropriate entity;

14 ~~6.~~ 10. "Dental office" means an establishment owned and
15 operated by a dentist for the practice of dentistry, which may be
16 composed of reception rooms, business offices, private offices,
17 laboratories, and dental operating rooms where dental operations are
18 performed;

19 ~~7.~~ 11. "Dental hygienist" means an individual who has fulfilled
20 the educational requirements and is a graduate of an accredited
21 dental hygiene program and who has passed an examination and has
22 been issued a license by the Board and who is authorized to practice
23 dental hygiene as hereinafter defined;

24

1 ~~8.~~ 12. "Dental assistant or oral maxillofacial surgery
2 assistant" means an individual working for a dentist, under the
3 dentist's direct supervision or direct visual supervision, and
4 performing duties in the dental office or a treatment facility,
5 including the limited treatment of patients in accordance with the
6 provisions of the State Dental Act. A dental assistant or oral
7 maxillofacial surgery assistant may assist a dentist with the
8 patient; provided, this shall be done only under the direct
9 supervision or direct visual supervision and control of the dentist
10 and only in accordance with the educational requirements and rules
11 promulgated by the Board;

12 ~~9.~~ 13. "Dental laboratory" means a location, whether in a
13 dental office or not, where a dentist or a dental laboratory
14 technician performs dental laboratory technology;

15 ~~10.~~ 14. "Dental laboratory technician" means an individual
16 whose name is duly filed in the official records of the Board, which
17 authorizes the technician, upon the laboratory prescription of a
18 dentist, to perform dental laboratory technology, which services
19 must be rendered only to the prescribing dentist and not to the
20 public;

21 ~~11.~~ 15. "Dental laboratory technology" means using materials
22 and mechanical devices for the construction, reproduction or repair
23 of dental restorations, appliances or other devices to be worn in a
24 human mouth;

1 ~~12.~~ 16. "Dental specialty" means a specialized practice of a
2 branch of dentistry, recognized and defined by the American Dental
3 Association and ~~the rules of the Board~~ whose specialty program is
4 accredited by the Commission on Dental Accreditation (CODA);

5 ~~13.~~ 17. "Direct supervision" means the supervisory dentist is
6 in the dental office or treatment facility and, during the
7 appointment, personally examines the patient, diagnoses any
8 conditions to be treated, and authorizes the procedures to be
9 performed by a dental hygienist, dental assistant, or oral
10 maxillofacial surgery assistant, ~~remains~~. The supervising dentist
11 is continuously on site and physically present in the dental office
12 or treatment facility while the procedures are being performed and,
13 before dismissal of the patient, evaluates the results of the dental
14 treatment;

15 18. "Direct visual supervision" means the supervisory dentist
16 has direct ongoing visual oversight which shall be maintained at all
17 times during any procedure authorized to be performed by a dental
18 assistant or an oral maxillofacial surgery assistant;

19 19. "Fellowship" means a program designed for post-residency
20 graduates to gain knowledge and experience in a specialized field;

21 ~~14.~~ 20. "General supervision" means the supervisory dentist has
22 ~~previously~~ diagnosed any conditions to be treated within the past
23 thirteen (13) months, has personally authorized the procedures to be
24 performed by a dental hygienist, and will evaluate the results of

1 the dental treatment within a reasonable time as determined by the
2 nature of the procedures performed, the needs of the patient, and
3 the professional judgment of the supervisory dentist. General
4 supervision may only be used to supervise a hygienist and may not be
5 used to supervise an oral maxillofacial surgery assistant or dental
6 assistant;

7 ~~15.~~ 21. "Indirect supervision" means the supervisory dentist is
8 in the dental office or treatment facility and has personally
9 diagnosed any conditions to be treated, authorizes the procedures to
10 be performed by a dental hygienist, remains in the dental office or
11 treatment facility while the procedures are being performed, and
12 will evaluate the results of the dental treatment within a
13 reasonable time as determined by the nature of the procedures
14 performed, the needs of the patient, and the professional judgment
15 of the supervisory dentist. Indirect supervision may not be used
16 for an oral maxillofacial surgery assistant or a dental assistant;

17 ~~16.~~ 22. "Investigations" means an investigation proceeding,
18 authorized under Sections 328.15A and 328.43a of this title, to
19 investigate alleged violations of the State Dental Act or the rules
20 of the Board;

21 23. "Mobile dental unit means a motor vehicle or trailer that
22 contains dental equipment and is used to provide dental services;

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1 ~~17.~~ 24. "Laboratory prescription" means a written description,
2 dated and signed by a dentist, of dental laboratory technology to be
3 performed by a dental laboratory technician;

4 25. "Prophylaxis" means the removal of any and all calcareous
5 deposits, stains, accretions or concretions from the supragingival
6 and subgingival surfaces of human teeth, utilizing instrumentation
7 by scaler or periodontal curette on the crown and root surfaces of
8 human teeth including rotary or power driven instruments. This
9 procedure may only be performed by a dentist or dental hygienist;

10 ~~18.~~ 26. "Out-of-state dental hygienist" means a graduate of an
11 accredited dental hygienist program who holds a license to practice
12 dental hygiene in another state but who is not licensed to practice
13 dental hygiene in this state;

14 ~~19.~~ 27. "Out-of-state dentist" means a graduate of an
15 accredited dental college who holds a license to practice dentistry
16 in another state but who is not licensed to practice dentistry in
17 this state;

18 ~~20.~~ 28. "Patient" or "patient of record" means an individual
19 who has given a medical history and has been examined and accepted
20 ~~for dental care~~ by a dentist for dental care;

21 ~~21.~~ "Retired dentist" means a person that has a current active
22 dental or specialty license but is limited to practicing in a
23 volunteer nonpaid capacity;

1 29. "Residencies" are programs designed for advanced clinical
2 and didactic training in general dentistry or other specialties or
3 other specialists at the post-doctoral level recognized by the
4 American Dental Association or the Board;

5 ~~22.~~ 30. "Supervision" means direct supervision, direct visual
6 supervision, indirect supervision~~7~~ or general supervision; and

7 ~~23.~~ 31. "Treatment facility" means:

8 a. a federal, tribal, state or local public health
9 facility,

10 b. a federal qualified health care facility (FQHC),

11 c. a private health facility,

12 ~~e.~~

13 d. a group home or residential care facility serving the
14 elderly, handicapped or juveniles,

15 ~~d.~~

16 e. a hospital~~7~~ or dental ambulatory surgery center
17 (DASC),

18 ~~e.~~

19 f. a nursing home,

20 ~~f.~~

21 g. a penal institution operated by or under contract with
22 the federal or state government,

23 ~~g.~~

24 h. a public or private school,

1 ~~h.~~

2 i. a patient of record's private residence,

3 ~~i.~~

4 j. a mobile dental unit,

5 ~~j. an accredited dental college,~~

6 ~~k. an accredited dental hygiene program, or a dental~~
7 college, dental program, dental hygiene program or
8 dental assisting program accredited by the Commission
9 on Dental Accreditation, or

10 l. such other places as are authorized by the rules of
11 the Board.

12 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.10, is
13 amended to read as follows:

14 Section 328.10. A. The Board of Dentistry shall organize
15 annually at the last regularly scheduled meeting of the Board before
16 the beginning of each fiscal year, by electing from among its
17 members a president, a first vice-president, a second vice-
18 president, and a secretary-treasurer. The duties of each officer
19 shall be prescribed in the rules of the Board. The term of office
20 of the persons elected president, vice-presidents and secretary-
21 treasurer shall be for the following fiscal year and until their
22 successors are elected and qualified.

23 B. The Board shall hold regularly scheduled meetings during
24 each quarter of the year at a time and place determined by the Board

1 and may hold such additional regular meetings, special meetings,
2 emergency meetings, or continued or reconvened meetings as found by
3 the Board to be expedient or necessary. A majority of the Board
4 shall constitute a quorum for the transaction of business.

5 ~~C. The Board may appoint an individual to be the principal
6 administrative officer of the Board and may confer upon that person
7 the title selected by the Board, based upon the person's education,
8 background, experience and ability. The principal administrative
9 officer shall be responsible for the performance of administrative
10 functions delegated by the Board.~~

11 ~~D.~~ The Board shall act in accordance with the provisions of the
12 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
13 Administrative Procedures Act.

14 ~~E. All members of the Board and such employees, as determined
15 by the Board, shall be bonded as required by Sections 85.26 through
16 85.31 of Title 74 of the Oklahoma Statutes.~~

17 ~~F.~~ D. The responsibilities and rights of any member or employee
18 of the Board who acts within the scope of Board duties or employment
19 shall be governed by the Governmental Tort Claims Act.

20 ~~G.~~ E. Members of the Board shall serve without compensation but
21 shall be reimbursed for all actual and necessary expenses incurred
22 in the performance of their duties in accordance with the State
23 Travel Reimbursement Act. Committee members and anesthesia
24

1 inspectors appointed by the Board may be reimbursed for travel
2 expenses in accordance with the State Travel Reimbursement Act.

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.15, as
4 last amended by Section 3, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
5 2014, Section 328.15), is amended to read as follows:

6 Section 328.15. A. Pursuant to and in compliance with Article
7 I of the Administrative Procedures Act, the Board of Dentistry shall
8 have the power to formulate, adopt, and promulgate rules as may be
9 necessary to regulate the practice of dentistry in this state and to
10 implement and enforce the provisions of the State Dental Act.

11 B. The Board is authorized and empowered to:

12 1. Examine and test the qualifications of applicants for a
13 license or permit to be issued by the Board;

14 2. Affiliate by contract or cooperative agreement with another
15 state or combination of states for the purpose of conducting
16 simultaneous regional examinations of applicants for a license to
17 practice dentistry, dental hygiene, or a dental specialty;

18 3. Maintain a list of the name, current mailing address and
19 principal office address of all persons who hold a license or permit
20 issued by the Board;

21 4. Account for all receipts and expenditures of the monies of
22 the Board, including annually preparing and publishing a statement
23 of receipts and expenditures of the Board for each fiscal year;

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1 5. Within limits prescribed in the State Dental Act, set all
2 fees and administrative penalties to be imposed and collected by the
3 Board;

4 6. Employ an Executive Director, legal counsel and other
5 advisors to the Board, including advisory committees;

6 7. Investigate and issue investigative and other subpoenas,
7 pursuant to Article II of the Administrative Procedures Act;

8 8. Initiate individual proceedings and issue orders imposing
9 administrative penalties, pursuant to Article II of the
10 Administrative Procedures Act, against any dentist, dental
11 hygienist, dental assistant, oral maxillofacial surgery assistant,
12 dental laboratory technician, or holder of a permit to operate a
13 dental laboratory who has violated the State Dental Act or the rules
14 of the Board;

15 9. Conduct, in a uniform and reasonable manner, inspections of
16 dental offices and dental laboratories and their business records;

17 10. Establish guidelines for courses of study necessary for
18 dental assistants, oral maxillofacial surgery assistants and, when
19 appropriate, issue permits authorizing dental assistants to perform
20 expanded duties;

21 11. Establish continuing education requirements for dentists,
22 dental hygienists, dental assistants and oral maxillofacial surgery
23 assistants who hold permits issued by the Board;

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1 12. Recognize the parameters and standards of care established
2 and approved by the American Dental Association;

3 13. Formulate, adopt, and promulgate rules, pursuant to Article
4 I of the Administrative Procedures Act, as may be necessary to
5 implement and enforce the provisions of the Oklahoma Dental
6 Mediation Act;

7 14. Seek and receive advice and assistance of the Office of the
8 Attorney General of this state;

9 15. Promote the dental health and the education of dental
10 health of the people of this state;

11 16. Inform, educate, and advise all persons who hold a license
12 or permit issued by the Board, or who are otherwise regulated by the
13 Board, regarding the State Dental Act and the rules of the Board;

14 17. Affiliate with the American Association of Dental Boards as
15 an active member, pay regular dues, and send members of the Board as
16 delegates to its meetings;

17 18. Enter into contracts;

18 19. Acquire by purchase, lease, gift, solicitation of gift or
19 by any other manner, hold, encumber, and dispose of personal
20 property as is needed, maintain, use and operate or contract for the
21 maintenance, use and operation of or lease of any and all property
22 of any kind, real, personal or mixed or any interest therein unless
23 otherwise provided by the State Dental Act; provided, all contracts
24

1 for real property shall be subject to the provisions of Section 63
2 of Title 74 of the Oklahoma Statutes;

3 20. Receive or accept the surrender of a license, permit, or
4 certificate granted to any person by the Board as provided in
5 Section ~~328.44a~~ 328.44b of this title; and

6 21. Take all other actions necessary to implement and enforce
7 the State Dental Act.

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.17, is
9 amended to read as follows:

10 Section 328.17. A. 1. The Board of Dentistry shall have ~~power~~
11 ~~to appoint one dental hygienist in an advisory capacity to sit with~~
12 ~~the Board to:~~

13 ~~1. Assist the Board in the administration and enforcement of~~
14 ~~the dental hygienist provisions of the State Dental Act; and~~

15 ~~2. Be present only at a Board meeting when the agenda of the~~
16 ~~meeting includes matters pertinent to the administration and~~
17 ~~enforcement of the dental hygiene provision of the State Dental Act.~~

18 ~~B. The appointment shall be made from a list of names submitted~~
19 ~~to the Board by the dental hygienists of this state.~~

20 ~~C. The appointment shall be for a period of two (2) years or~~
21 ~~until a successor is appointed the following standing committees~~
22 ~~that shall meet once per year and other times as needed to study~~
23 ~~issues affecting the practice of dentistry and the safety of the~~
24 ~~public and to make recommendations to the Board:~~

- 1 a. Dental Practice Committee,
- 2 b. Anesthesia Committee,
- 3 c. Specialty Practice Committee,
- 4 d. Historical and Retirement Committee, and
- 5 e. Assistants, Dental Labs and Other Auxiliary Personnel
- 6 Committee.

7 2. Each committee shall be cochaired by a current or past Board
8 member to be appointed by the Board President with approval by the
9 Board and a member of a statewide organization representing dentists
10 as recommended by such organization;

11 3. Each committee may have up to ten committee members with the
12 exception of the Anesthesia Committee which may have up to eighteen
13 members, exclusive of the cochairs;

14 4. The Board President, with approval of the Board, shall
15 appoint all committee members. One-half (1/2 or 50%) of the
16 committee members shall be recommended by the Board and one-half
17 (1/2 or 50%) of the committee members shall be recommended to the
18 Board President by a statewide organization representing dentists;
19 and

20 5. Committee members shall be on staggered three-year terms and
21 shall serve at the pleasure of the Board.

22 B. There shall be a Dental Hygiene Advisory Committee to be
23 composed of the following members:

- 24 1. One current dental hygiene member of the Board;

1 2. Two dental hygienists recommended by the Board and two
2 dental hygienists recommended by a statewide organization
3 representing dental hygienists;

4 3. The Committee shall have the following functions:

5 a. to develop and propose recommendations to the Board
6 regarding the education, examination, licensure, and
7 regulation of dental hygienists,

8 b. to advise the Board in rulemaking regarding dental
9 hygiene,

10 c. to hold meetings at least annually, but not more than
11 four (4) times a year, and

12 d. to work directly with the Allied Dental Education
13 Committee in reviews and recommendations for
14 equivalent dental hygiene programs; and

15 4. Members of the Committee shall be appointed by the Board and
16 shall serve a term of three (3) years. Appointments shall be made
17 so that approximately one-third (1/3 or 33%) of the Committee is
18 reappointed at any given time. Members may be appointed for
19 consecutive terms if recommended by the Board President and approved
20 by the Board.

21 C. There shall be an Allied Dental Education Committee.

22 1. The Board President shall appoint all members of the Allied
23 Dental Education Committee upon approval by the Board;

24 2. The Allied Dental Education Committee shall:

- 1 a. review the standards and equivalency of in-state and
2 out-of-state dental and auxiliary program requirements
3 and make recommendations to the Board,
- 4 b. evaluate individual credentials and programs for the
5 purpose of issuing dental assistant expanded duty
6 permits and dental hygiene advanced procedure permits
7 from persons holding out-of-state licenses and permits
8 based on CODA or DANB programs and criteria as defined
9 by the State Dental Act and other statutes and shall
10 make recommendations to the Board,
- 11 c. recommend standards and guidelines and review criteria
12 for all expanded duty programs or courses for dental
13 assistants from CODA approved programs and non-CODA
14 approved providers and advanced procedures of dental
15 hygienists from CODA approved programs to the Board,
16 and
- 17 d. recommend and develop guidelines for classroom,
18 electronic media and other forms of education and
19 testing;

20 3. The Committee shall meet as deemed necessary by the Board
21 President;

22 4. The Committee may have up to ten (10) members of whom three
23 shall have a background in dental education. The Committee shall be
24 composed of:

- 1 a. the Board President or his or her designee who must be
2 a current or past Board Member,
3 b. the hygiene member of the Board or their designee who
4 must be a current or past Board Member,
5 c. the Dean of the University of Oklahoma College of
6 Dentistry or his or her designee,
7 d. up to seven at-large members, one of which must be an
8 educator and one of which must have a current
9 Certified Dental Assistant Permit.

10 D. The Board President shall have the authority to appoint
11 other ad hoc committees as needed.

12 E. All Committee members of standing committees, the Hygiene
13 Committee and the Allied Dental Education Committee shall serve
14 staggered three-year terms and serve at the pleasure of the Board.

15 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.19, as
16 amended by Section 4, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
17 Section 328.19), is amended to read as follows:

18 Section 328.19. A. The following acts by any person shall be
19 regarded as practicing dentistry within the meaning of the State
20 Dental Act:

21 1. Representing oneself to the public as being a dentist or as
22 one authorized to practice dentistry;

- 1 2. Representing oneself to the public as being able to diagnose
2 or examine clinical material ~~and~~ or contract for the treating
3 thereof;
- 4 3. ~~Treating~~ Representing oneself as treating or professing to
5 treat by professional instructions or by advertised use of
6 professional equipment or products;
- 7 4. Representing oneself to the public as treating any of the
8 diseases or disorders or lesions of the oral cavity, teeth, gums,
9 maxillary bones, and associate structures;
- 10 5. Removing human teeth;
- 11 6. Repairing or filling cavities in human teeth;
- 12 7. Correcting or attempting to correct malposed teeth;
- 13 8. Administering anesthetics, general or local;
- 14 9. Treating deformities of the jaws and adjacent structures;
- 15 10. Using x-ray and interpreting dental x-ray film;
- 16 11. Offering ~~or~~, undertaking or assisting, by any means or
17 methods, to remove stains, discolorations, or concretions from the
18 teeth;
- 19 12. Operating or prescribing for any disease, pain, injury,
20 deficiency, deformity, or any physical condition connected with the
21 human mouth;
- 22 13. Taking impressions of the teeth and jaws;
- 23 14. Furnishing, supplying, constructing, reproducing, or
24 repairing, or offering to furnish, supply, construct, reproduce, or

1 repair, prosthetic dentures, sometimes known as plates, bridges, or
2 other substitutes for natural teeth for the user or prospective user
3 thereof;

4 15. Adjusting or attempting to adjust any prosthetic denture,
5 bridge, appliance, or any other structure to be worn in the human
6 mouth;

7 16. Diagnosing, making, and adjusting appliances to artificial
8 casts of malposed teeth for treatment of the malposed teeth in the
9 human mouth, without instructions;

10 17. Writing a laboratory prescription to a dental laboratory or
11 dental laboratory technician for the construction, reproduction or
12 repair of any appliance or structure to be worn in the human mouth;
13 ~~or~~

14 18. Owning, maintaining, or operating an office or offices by
15 holding a financial interest in same for the practice of dentistry;
16 or

17 19. Any other procedure otherwise defined in the State Dental
18 Act requiring a valid license or permit to perform while the person
19 does not hold such valid license or permit issued by the Board.

20 B. The fact that a person uses any dental degree, or
21 designation, or any card, device, directory, poster, sign or other
22 media representing oneself to be a dentist shall be prima facie
23 evidence that the person is engaged in the practice of dentistry;

24

1 provided that nothing in this section shall be so construed as to
2 prevent the following:

3 1. Physicians or surgeons, who are licensed under the laws of
4 this state, from administering any kind of treatment coming within
5 the province of medicine or surgery;

6 2. The practice of dentistry in the discharge of their official
7 duties by dentists in the United States Army, the United States
8 Navy, the United States Air Force, the United States Marine Corps,
9 the United States Coast Guard, the United States Public Health
10 Service, or the United States Veterans Administration;

11 3. Dental schools or colleges, as now conducted and approved,
12 or as may be approved, and the practice of dentistry by students in
13 dental schools, colleges or hospitals, approved by the Board, when
14 acting under the direction and supervision of licensed dentists or
15 dentists holding properly issued permits acting as instructors;

16 4. Acts of a dental clinician or other participant at a dental
17 educational meeting or at an accredited dental college, when no fee
18 is charged to or paid by a patient;

19 5. The practice of dental hygiene, as defined herein, by a
20 person granted a license by the Board;

21 6. The performing of acts by a dental assistant or oral
22 maxillofacial surgery assistant who performs the acts under the
23 direct supervision or direct visual supervision of a dentist and in
24

1 accordance with the provisions of the State Dental Act and the rules
2 promulgated by the Board; or

3 7. The fabrication of dental appliances pursuant to a
4 laboratory prescription of a dentist, by a dental laboratory
5 technician in a dental laboratory using inert materials and
6 mechanical devices for the fabrication of any restoration, appliance
7 or thing to be worn in the human mouth.

8 SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.21, as
9 amended by Section 5, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
10 Section 328.21), is amended to read as follows:

11 Section 328.21. A. No person, ~~unless registered to practice~~
12 ~~dentistry or dental hygiene in this state on July 1, 1970,~~ shall
13 practice dentistry or dental hygiene without first applying for and
14 obtaining a license from the Board of Dentistry.

15 B. Application shall be made to the Board in writing and shall
16 be accompanied by the fee established by the rules of the Board,
17 together with satisfactory proof that the applicant:

18 1. Is of good moral character; ~~and~~

19 2. Is twenty-one (21) years of age, or over, at the time of
20 making application to practice dentistry or eighteen (18) years of
21 age, or over, if the applicant is to practice dental hygiene;

22 3. Has passed a written theoretical examination and a clinical
23 examination approved by the Board; and

24

1 4. Has passed a written jurisprudence examination over the
2 rules and laws affecting dentistry in this state.

3 C. An application from a candidate who desires to secure a
4 license from the Board to practice dentistry or dental hygiene in
5 this state shall be accompanied by satisfactory proof that the
6 applicant ~~is~~:

7 1. ~~A~~ Is a graduate of an accredited dental college, if the
8 applicant is to practice dentistry; ~~or~~

9 2. ~~A~~ Is a graduate of an accredited dental hygiene program, if
10 the applicant is to practice dental hygiene.

11 ~~The college or program, in either case, shall be accredited by~~
12 ~~the Commission on Dental Accreditation of the American Dental~~
13 ~~Association;~~

14 3. Has passed all portions of the National Board Dental
15 Examination or the National Board Dental Hygiene Examination; and

16 4. Has passed the Western Regional Examination Board (WREB), or
17 another regional exam as approved by the Board, as specified in
18 Section 328.15 of this title.

19 D. ~~1.~~ When the applicant and the accompanying proof are found
20 satisfactory, the Board shall notify the applicant to appear for the
21 jurisprudence examination at the time and place to be fixed by the
22 Board. ~~Examination shall be of a character to give a fair test of~~
23 ~~the qualifications of the applicant to practice dentistry or dental~~
24

1 ~~hygiene, whichever the case may be, and shall consist of three~~
2 ~~parts, namely:~~

3 ~~a. a written theoretical examination,~~

4 ~~b. a clinical examination, and~~

5 ~~c. a written jurisprudence examination, relating to the~~
6 ~~contents and interpretation of the State Dental Act~~
7 ~~and the rules of the Board.~~

8 ~~2. The theoretical and jurisprudence examination papers and all~~
9 ~~grading thereon, and the grading of the clinical examination, shall~~
10 ~~be deemed public documents, and shall be preserved by the Board for~~
11 ~~a period of two (2) years after the Board has made and published its~~
12 ~~decision thereon~~ A dental student or a dental hygiene student in

13 their last semester of a dental or dental hygiene program, having
14 met all other requirements, may make application and take the
15 jurisprudence examination with a letter from the dean of the dental
16 school or director of the hygiene program stating that the applicant
17 is a candidate for graduation within the next six (6) months.

18 E. The Board shall require every applicant for a license to
19 practice dentistry or dental hygiene to:

20 ~~1. Submit~~ submit, for the files of the Board, a ~~photostatic~~
21 copy of a dental degree or dental hygiene degree, an official
22 transcript ~~and,~~ a recent photograph duly identified and attested,
23 and

1 ~~2. Pass an examination required by the Board in the theory and~~
2 ~~practice of the science of dentistry or dental hygiene, whichever~~
3 ~~the case may be. The Board may recognize the results of~~
4 ~~examinations conducted by the Commission on National Dental~~
5 ~~Examinations or results of regionally conducted examinations with~~
6 ~~which regions the Board is affiliated by contract or cooperative~~
7 ~~agreement pursuant to Section 328.15 of this title, in lieu of, or~~
8 ~~subject to, such examinations as may be required any other~~
9 ~~information as required by the Board.~~

10 F. Any applicant who fails to pass ~~any part of the first~~
11 jurisprudence examination may apply for a second examination, in
12 which case the applicant shall pay a reexamination fee as
13 established by the statutes or rules of the Board State Dental Act.

14 G. Any applicant who fails to pass the clinical examination
15 upon first trial as described in paragraph 4 of subsection C of this
16 section may be given credit for such subjects as the Board may
17 allow, but such credits shall be extended only to the succeeding
18 examinations. If the applicant fails to pass a second examination,
19 before further re-examination, the Board may require evidence of
20 additional education, as specified by the Board. After a third
21 examination, the Board may deny the applicant another examination.

22 ~~G. No person shall practice as a dental assistant or oral~~
23 ~~maxillofacial surgery assistant for more than one (1) day in a~~
24 ~~calendar year without having obtained a permit as a dental assistant~~

1 ~~or oral maxillofacial surgery assistant from the Board of Dentistry~~
2 ~~within thirty (30) days of beginning employment.~~

3 ~~Any person seeking to obtain a dental assistant or oral~~
4 ~~maxillofacial surgery assistant permit must have a supervising~~
5 ~~dentist currently licensed in Oklahoma and complete the requirements~~
6 ~~set forth by the Board.~~

7 H. A dentist or dental hygienist currently licensed in another
8 state having met the qualifications in paragraphs 1 through 3 of
9 subsections B and C of this section may apply for a license by
10 credentials upon meeting the following:

11 1. A dentist holding a general dentist license in good standing
12 and having practiced for at least five hundred (500) hours per year
13 for the previous five (5) years immediately prior to application and
14 having passed a regional examination substantially equivalent to the
15 requirements for this state may apply for licensure by credentials;

16 2. A dental hygienist holding a dental hygiene license in good
17 standing and having practiced for at least four hundred twenty (420)
18 hours per year for the previous two (2) years immediately prior to
19 application and having passed a regional examination substantially
20 equivalent to the requirements for Oklahoma may apply for licensure
21 by credentials. Applicants for reciprocity must include:

22 a. a letter of good standing from all states ever
23 licensed,

24

1 b. proof of five (5) years continuous active practice
2 immediately prior to application for dentists and two
3 (2) years for hygienists, and

4 c. any other requirements as set forth by the rules; or

5 3. An applicant applying for a dental or dental hygiene license
6 by credentials shall only be required to pass the jurisprudence
7 portion of the examination requirements as set forth in paragraph 4
8 of subsection C of this section.

9 I. There shall be two types of advanced procedure available for
10 dental hygienists upon completion of an CODA approved program or
11 course that has been approved by the Board:

12 1. Administration of nitrous oxide; and

13 2. Administration of local anesthesia.

14 J. All licensees and permit holders shall display their current
15 permit or license in a visible place within the dental office or
16 treatment facility.

17 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.22, is
18 amended to read as follows:

19 Section 328.22. A. 1. The Board of Dentistry may issue a
20 dental specialty license authorizing a dentist ~~or an out-of-state~~
21 ~~dentist~~ to represent himself or herself to the public as a
22 specialist, and to practice as a specialist, in a dental specialty.

1 2. No dentist ~~or out-of-state dentist~~ shall represent himself
2 or herself to the public as a specialist, nor practice as a
3 specialist, unless the individual:

- 4 a. has successfully completed an advanced dental
5 specialty educational program defined by the American
6 Dental Association and the Board and accredited by the
7 Commission on Dental Accreditation ~~of the American~~
8 ~~Dental Association~~, and
- 9 b. has met the requirements for a general dental license
10 set forth by Section 328.21 of this title, and
- 11 c. has passed the jurisprudence examination covering the
12 State Dental Act, rules and state laws, and
- 13 ~~e.~~
- 14 d. has completed any additional requirements set forth in
15 state law or rules and has been issued a dental
16 specialty license by the Board.

17 3. Specialties recognized by the Board shall include:

- 18 a. dental public health,
- 19 b. endodontics,
- 20 c. oral and maxillofacial surgery,
- 21 d. oral and maxillofacial radiology,
- 22 e. orthodontics and dentofacial orthopedics,
- 23 f. pediatric dentistry,
- 24 g. periodontics,

1 h. prosthodontics, and

2 i. oral pathology.

3 B. 1. ~~Except as authorized in subsection C of this section, an~~
4 ~~applicant for a dental specialty license must satisfactorily pass an~~
5 ~~examination for dental specialty practice, as provided in the rules~~
6 ~~of the Board.~~

7 2. ~~An applicant for a dental specialty license who fails the~~
8 ~~examination shall be entitled to retake the examination upon such~~
9 ~~terms and conditions as may be established by the rules of the~~
10 ~~Board.~~

11 C. 1. ~~The Board may issue a dental specialty license by~~
12 ~~credentialing, without examination in the dental specialty, to an~~
13 ~~out-of-state dentist who:~~

14 a. ~~is in good standing with the dental licensing agency~~
15 ~~of the state or states in which the out-of-state~~
16 ~~dentist has been issued a license to practice~~
17 ~~dentistry,~~

18 b. ~~has successfully completed an advanced dental~~
19 ~~specialty educational program accredited by the~~
20 ~~Commission on Dental Accreditation of the American~~
21 ~~Dental Association, and~~

22 c. ~~has been issued a dental specialty license by the~~
23 ~~dental licensing agency of another state or has~~
24 ~~received board certification from a national dental~~

1 ~~specialty board recognized by the Commission on Dental~~
2 ~~Accreditation of the American Dental Association and~~
3 ~~the rules of the Board.~~

4 At the time of application, if the dentist has ever been
5 licensed in any other state, he or she shall provide a letter of
6 good standing from such state before the Board may issue a specialty
7 license.

8 2. In conducting an investigation of an ~~out-of-state dentist~~
9 applicant who has applied for a dental specialty license pursuant to
10 this subsection, the Board ~~may~~ shall require of the applicant
11 disclosure of the same background information as is required of an
12 applicant for a license to practice dentistry in this state. ~~If the~~
13 ~~Board determines that the out-of-state dentist is competent to~~
14 ~~practice a dental specialty, and after the out-of-state dentist~~
15 ~~passes an examination on the contents and interpretation of the~~
16 ~~State Dental Act and the rules of the Board, the out-of-state~~
17 ~~dentist may be issued a dental specialty license by the Board.~~

18 3. ~~The Board may require:~~

19 a. ~~an applicant for a dental specialty license pursuant~~
20 ~~to this subsection to have completed the same~~
21 ~~continuing education requirements as required of~~
22 ~~dentists in this state, and~~

1 ~~b. that the state from which the applicant presents~~
2 ~~credentials afford substantially equivalent licensure~~
3 ~~by credentialing to dentists of this state.~~

4 ~~D. Upon payment of a fee established by the rules of the Board,~~
5 ~~any applicant who meets the requirements of this section shall be~~
6 ~~entitled to be issued a dental specialty license by the Board.~~

7 ~~E. Out of state dentists to whom dental specialty licenses have~~
8 ~~been issued by the Board, but who have not been licensed in this~~
9 ~~state to practice dentistry, shall limit their practice in this~~
10 ~~state to the practice of the specialty for which they hold a dental~~
11 ~~specialty license.~~

12 C. Any person holding an Oklahoma specialty license that does
13 not have an Oklahoma general dentistry license shall be limited to
14 practicing that specialty for which they hold a license.

15 D. The Board shall use the American Dental Association
16 guidelines for the purpose of defining a specialty practice area.

17 E. Anyone applying for a specialty license by credentials
18 before January 1, 2016, may make application to the Board President
19 to have the specialty practice committee individually review the
20 credentials of the individual and may require that the individual
21 pass a specialty exam in lieu of the requirements of this section.

22 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.23, as
23 last amended by Section 6, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
24 2014, Section 328.23), is amended to read as follows:

1 Section 328.23. A. 1. ~~The Board of Dentistry may issue a~~
2 ~~license to practice dentistry, without examination, to an out-of-~~
3 ~~state dentist who has been engaged in the practice of dentistry in~~
4 ~~another state for at least five (5) years, upon presentation to the~~
5 ~~Board of a certificate from the dental licensing agency of that~~
6 ~~state, certifying the applicant's length of practice and that the~~
7 ~~applicant is in good standing with the agency, and upon the payment~~
8 ~~of a fee established by the rules of the Board; provided, however,~~
9 ~~the state from which the applicant presents a license to practice~~
10 ~~dentistry shall have required the applicant to meet professional~~
11 ~~education, competency, and moral character standards substantially~~
12 ~~equivalent to the standards required by the Board for issuance of a~~
13 ~~license by examination to practice dentistry in this state.~~

14 2. ~~The Board shall not issue a license pursuant to this~~
15 ~~subsection to any person who would not otherwise be eligible to~~
16 ~~receive a license to practice dentistry.~~

17 3. ~~The Board may require:~~

18 a. ~~an applicant for a license to practice dentistry~~
19 ~~pursuant to this subsection to have completed the same~~
20 ~~continuing education requirements as required of~~
21 ~~dentists in this state, and~~

22 b. ~~that the state from which the applicant presents~~
23 ~~credentials afford substantially equivalent licensure~~
24 ~~by credentialing to dentists of this state.~~

1 ~~B. Any dentist who is in good standing with the Board shall,~~
2 ~~upon application to the Board and payment of a fee established by~~
3 ~~the rules of the Board, receive a certificate which shall attest~~
4 ~~that the dentist is in good standing with the Board.~~

5 C. The President of the Board, upon verification that a person
6 meets the requirements provided for in this section and any other
7 requirements provided for in the State Dental Act, may issue a
8 temporary license to practice dentistry for thirty (30) days. A
9 temporary license may be extended but shall not exceed ninety (90)
10 days or the next available regularly scheduled Board meeting.

11 B. The President of the Board, upon verification that a person
12 meets the requirements provided for in the State Dental Act, may
13 issue a temporary license to practice dental hygiene, which shall
14 expire as of the date of the next dental hygiene clinical
15 examination in Oklahoma, as required by the Board.

16 C. A holder of a temporary license to practice dentistry or
17 dental hygiene shall have the same rights and privileges and be
18 governed by the State Dental Act and the rules of the Board in the
19 same manner as a holder of a permanent license to practice dentistry
20 and dental hygiene.

21 D. The President of the Board may authorize patient treatment
22 and care to individuals taking the Western Regional Examining Board
23 Exam to complete criteria related to Board examinations and may
24

1 authorize specialty examinations to be given throughout the year as
2 needed.

3 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.23a, is
4 amended to read as follows:

5 Section 328.23a. A. There is established a special volunteer
6 license for dentists and a special volunteer license for dental
7 hygienists who are retired from active practice or out-of-state
8 licensees in active practice who are in the Oklahoma Medical Reserve
9 Corps or assisting with emergency management, emergency operations,
10 or hazard mitigation in response to any emergency, man-made
11 disaster, or natural disaster, or participating in public health
12 initiatives, disaster drills, and community service events that are
13 endorsed by a city, county, or state health department in the state
14 and wish to donate their expertise for the dental care and treatment
15 of indigent and needy persons of the state. The special volunteer
16 license shall be:

- 17 1. Issued by the Board of Dentistry to eligible persons;
- 18 2. Issued without the payment of an application fee, license
19 fee or renewal fee;
- 20 3. Issued or renewed without any continuing education
21 requirements for a period less than one (1) ~~fiscal~~ calendar year;
22 and
- 23 4. Issued for one ~~fiscal~~ calendar year or part thereof.

24

1 B. A dentist or dental hygienist must meet the following
2 requirements to be eligible for a special volunteer license:

3 1. Completion of a special volunteer dental or dental hygiene
4 license application, including documentation of the dentist's dental
5 or dental hygiene school graduation and practice history;

6 2. Documentation that the dentist or dental hygienist has been
7 previously issued a full and unrestricted license to practice
8 dentistry or dental hygiene in Oklahoma or in another state of the
9 United States and that he or she has never been the subject of any
10 medical or dental disciplinary action in any jurisdiction. If the
11 dentist or dental hygienist is licensed in more than one state and
12 any license of the licensee is suspended, revoked, or subject to any
13 agency order limiting or restricting practice privileges, or has
14 been voluntarily terminated under threat of sanction, the dentist or
15 dental hygienist shall be ineligible to receive a special volunteer
16 license;

17 3. Acknowledgement and documentation that the dentist's or
18 dental hygienist's practice under the special volunteer license will
19 be exclusively and totally devoted to providing dental care to needy
20 and indigent persons in Oklahoma; ~~and~~

21 4. Acknowledgement and documentation that the dentist or dental
22 hygienist will not receive or have the expectation to receive any
23 payment or compensation, either direct or indirect, for any dental
24 services rendered under the special volunteer license; and

1 5. A listing of all locations and dates that the person will be
2 completing volunteer work under the special volunteer license.

3 C. The Board of Dentistry shall have jurisdiction over
4 dentists, dental hygienists, dental assistants, and dental
5 technicians who volunteer their professional services in the state.
6 Dental assistants and dental technicians shall work under the direct
7 supervision of a dentist.

8 D. Dental assistants ~~and dental technicians shall not be~~
9 ~~required to obtain a volunteer license~~ may be issued a volunteer
10 permit at the request of an entity that provides dental services to
11 the needy. Volunteers in a volunteer initiative who are not
12 dentists or dental hygienists shall be named and provided on a list
13 to the Board by the entity hosting the volunteer initiative with any
14 other requirements as set forth by the Board. The Board shall
15 provide written documentation to the host entity designating all
16 persons who may participate in the volunteer initiative, including
17 authorization of the timetable requested by the host entity for
18 granting licensure exemption. Any person working under a volunteer
19 dental assistant permit shall not receive payment or compensation
20 for any services rendered under the volunteer dental assistant
21 permit. Volunteer dental assistant permits shall be limited to
22 specific dates and locations of services to be provided.

23 E. All persons providing care shall do so under the provisions
24 specified in Section 328.1 et seq. of this title or rules

1 promulgated by the Board. Only those functions authorized by law or
2 administrative rule shall be performed by the named person approved
3 by the Board.

4 F. Volunteers shall not use sedation or general anesthesia
5 during volunteer procedures.

6 G. Volunteers shall use a form to be provided by the Board for
7 any patient with clear instructions for any and all follow-up care.

8 H. At any time, the Board shall revoke a volunteer license
9 based on documentation of failure to participate according to state
10 laws or administrative rules.

11 I. A special volunteer license shall be restricted to services
12 provided at the locations listed on the application or for a
13 specific not-for-profit treatment provider group as approved by the
14 Board.

15 SECTION 11. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 328.23b of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 A dentist, dental hygienist or dental assistant that has been
19 licensed or permitted in good standing with the Board in excess of
20 twenty (20) years that has reached the age of sixty-five (65), may
21 apply for a retired volunteer dentist, dental hygienist or dental
22 assistant license or permit on a yearly basis to provide volunteer
23 services. There shall be no continuing education requirements. A
24 retired dentist, dental hygienist or dental assistant with a retired

1 volunteer license or permit shall not receive payment either
2 directly or indirectly for work provided.

3 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.24, is
4 amended to read as follows:

5 Section 328.24. A. ~~1. The Board of Dentistry may issue a~~
6 ~~license to practice dental hygiene, without examination, to an out-~~
7 ~~of state dental hygienist who has been engaged in the active~~
8 ~~practice of dental hygiene in another state or territory for at~~
9 ~~least two (2) years immediately preceding application, upon~~
10 ~~presentation to the Board of a certificate from the Board of Dental~~
11 ~~Examiners or a like dental hygiene licensing agency of that state or~~
12 ~~territory, certifying the applicant's length of practice and that~~
13 ~~the applicant is in good standing with the agency, and upon the~~
14 ~~payment of a fee established by the rules of the Board; provided,~~
15 ~~however, the state or territory from which the applicant presents a~~
16 ~~license to practice dental hygiene shall have required the applicant~~
17 ~~to meet professional education, competency, and other eligibility~~
18 ~~standards equivalent to the standards required by the Board for~~
19 ~~issuance of a license by examination to practice dental hygiene in~~
20 ~~this state.~~

21 ~~2. The Board shall not issue a license pursuant to this~~
22 ~~subsection to any person who would not otherwise be eligible to~~
23 ~~receive a license to practice dental hygiene.~~

24 ~~3. The Board may require:~~

1 ~~a. an applicant for a license to practice dental hygiene~~
2 ~~pursuant to this subsection to have completed the same~~
3 ~~continuing education requirements as required of~~
4 ~~dental hygienists in this state, and~~

5 ~~b. that the state or territory from which the applicant~~
6 ~~presents credentials afford substantially equivalent~~
7 ~~licensure by credentialing to dental hygienists of~~
8 ~~this state.~~

9 ~~B. Any dental hygienist who is in good standing with the Board~~
10 ~~shall, upon application to the Board and payment of a fee~~

11 ~~established by the rules of the Board, receive a certificate which~~
12 ~~shall attest that the dental hygienist is in good standing with the~~

13 ~~Board~~ No person shall practice as a dental assistant or oral
14 maxillofacial surgery assistant for more than one (1) day in a
15 calendar year without having applied for a permit as a dental
16 assistant or oral maxillofacial surgery assistant from the Board of
17 Dentistry within thirty (30) days of beginning employment.

18 During this time period, the dental assistant shall work under the
19 direct visual supervision of a dentist at all times.

20 B. The application shall be made to the Board in writing and
21 shall be accompanied by the fee established by the Board, together
22 with satisfactory proof that the applicant:

23 1. Is of good moral character; and
24

1 2. Passes a background check with criteria established by the
2 Board.

3 C. There shall be five types of expanded duty permits available
4 for dental assistants upon completion of a program approved by the
5 Commission on Dental Accreditation (CODA) or a course by the Dental
6 Assisting National Board (DANB) that meets the requirements of the
7 board or a course that has been approved by the Board:

8 1. Radiation safety;

9 2. Coronal polishing and topical fluoride;

10 3. Sealants;

11 4. Assisting in the administration of nitrous oxide; or

12 5. Assisting a dentist who holds a parenteral or pediatric
13 anesthesia permit; provided, only the dentist may administer
14 anesthesia and assess the patient's level of sedation.

15 D. The training requirements for all five expanded duty permits
16 shall be set forth by the Board. A program that is not CODA-
17 certified must meet the standards set forth and be approved by the
18 board.

19 E. An applicant for a dental assistant permit who has graduated
20 from a dental assisting program accredited by CODA and has passed
21 the jurisprudence test shall receive all five expanded duty permits
22 provided for in subsection C of this section if the course materials
23 approved by the Board are covered in the program.

24

1 F. A dental assistant that has met the educational
2 prerequisites and passed the Certified Dental Assistant examination
3 including radiation health and safety, infection control and general
4 chairside component established by DANB, shall have a designation of
5 "CDA" on their Dental Assistant Permit. A dental assistant meeting
6 the qualifications of a CDA® set forth by DANB, shall also receive
7 an expanded duty permit for radiation safety. Each certified dental
8 assistant shall provide proof to the Board that they are in current
9 compliance with the requirements set forth by DANB to maintain their
10 CDA upon each yearly renewal of their permit.

11 SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.25, is
12 amended to read as follows:

13 Section 328.25. A. ~~The Board of Dentistry may issue a~~
14 ~~temporary license to practice dental hygiene, without examination,~~
15 ~~to an out-of-state dental hygienist who has been engaged in the~~
16 ~~active practice of dental hygiene in another state or territory~~
17 ~~during the two (2) years immediately preceding application upon~~
18 ~~presentation to the Board of a certificate from the Board of Dental~~
19 ~~Examiners or a like dental hygiene licensing agency of that state or~~
20 ~~territory, certifying that the applicant is in good standing with~~
21 ~~the agency and upon the payment of a fee established by the rules of~~
22 ~~the Board; provided, however, the state or territory from which the~~
23 ~~applicant presents a license to practice dental hygiene shall have~~
24 ~~required the applicant to meet professional education, competency,~~

1 ~~and other eligibility standards equivalent to the standards required~~
2 ~~by the Board for issuance of a license by examination to practice~~
3 ~~dental hygiene in this state.~~

4 ~~B. A holder of a temporary license to practice dental hygiene~~
5 ~~shall have the same rights and privileges and be governed by the~~
6 ~~State Dental Act and the rules of the Board in the same manner as a~~
7 ~~holder of a permanent license to practice dental hygiene. A~~
8 ~~temporary license to practice dental hygiene shall expire as of the~~
9 ~~date of the next dental hygiene clinical examination required by the~~

10 Board No person shall practice as an oral maxillofacial surgery
11 assistant without having obtained a permit as an oral maxillofacial
12 surgery assistant from the Board of Dentistry.

13 B. Any person seeking to obtain an oral maxillofacial surgery
14 assistant permit must have a supervising oral maxillofacial surgeon
15 with a current Oklahoma license and complete the requirements set
16 forth by the Board.

17 C. The application shall be made to the Board in writing and
18 shall be accompanied by the fee established by the Board, together
19 with the satisfactory proof that the applicant:

20 1. Is of good moral character;

21 2. Passes a background check with criteria established by the
22 Board; and

23 3. Has completed all of the training requirements for the oral
24 maxillofacial surgery assistant permit as established by the Board.

1 D. An oral maxillofacial surgery assistant permit shall be
2 considered a temporary training permit until all of the training
3 requirements, as established by the Board for each oral
4 maxillofacial surgery assistant, have been completed and approved by
5 the Board.

6 E. A temporary training permit for each oral maxillofacial
7 surgery assistant shall not be extended beyond two (2) years.

8 F. All oral maxillofacial surgery assistants are required to be
9 under direct supervision or direct visual supervision at all times
10 by a licensed oral maxillofacial surgeon.

11 G. If an oral maxillofacial surgery assistant is not currently
12 employed by an oral maxillofacial surgeon, the oral maxillofacial
13 surgery assistant permit shall automatically revert to a dental
14 assistant permit as set forth in Section 328.24 of this title and
15 may be eligible for an expanded function assisting in parenteral or
16 pediatric anesthesia if they are employed by a dentist with an
17 anesthesia permit. The oral maxillofacial surgery assistant permit
18 may be reinstated upon employment under a licensed oral
19 maxillofacial surgeon.

20 H. Any oral maxillofacial surgeon shall notify the Board within
21 thirty (30) days of an oral maxillofacial surgery assistant no
22 longer under his or her supervision.

23 I. An applicant for an oral maxillofacial surgery assistant
24 permit shall provide satisfactory proof of:

1 1. Successful completion of the Dental Anesthesia Assistant
2 National Certification Examination (DAANCE) provided by the American
3 Association of Oral Maxillofacial Surgeons (AAOMS);

4 2. A valid BLS certification;

5 3. Employment and completion of a minimum of six (6) months of
6 training under the direct supervision of a licensed oral
7 maxillofacial surgeon prior to starting DAANCE;

8 4. A standardized course approved by the Board including a
9 minimum of four (4) hours of didactic training that must include;
10 anatomy, intravenous access or phlebotomy, technique; risks and
11 complications, and hands-on experience starting and maintaining
12 intravenous lines on a human or simulator/manikin, and pharmacology;

13 5. Completion of an infection-control course as approved by the
14 Board.

15 J. An oral maxillofacial surgery assistant who has completed
16 all the requirements shall receive a permit to practice as an oral
17 maxillofacial surgery assistant within a dental office, surgery
18 center, dental ambulatory surgery center or hospital.

19 K. Oral maxillofacial surgery assistants shall be required to
20 complete twelve (12) hours of continuing education every three (3)
21 years in classes approved by AAOMS that are certified by the
22 American Dental Association CERP program or another program approved
23 by the Board. The continuing education requirement shall include at
24 least one (1) hour on infection control.

1 L. The anesthesia committee provided pursuant to Section 328.17
2 of this title may make a recommendation to the Board for an oral
3 maxillofacial surgery assistant holding a temporary training permit
4 to substitute training received from another state university,
5 dental school or technical training institute or training acquired
6 in a surgery center or hospital while working under the authority of
7 a licensed physician, to qualify as a partial substitute for the
8 requirements to attain an oral maxillofacial surgery assistant
9 permit.

10 M. An oral maxillofacial surgery assistant may only accept
11 delegation from an oral and maxillofacial surgeon:

12 1. Under direct supervision:

13 a. initiate and discontinue an intravenous line for a
14 patient being prepared to receive intravenous
15 medications, sedation or general anesthesia, or

16 b. draw up and prepare medications;

17 2. Under direct visual supervision:

18 a. follow instructions of the oral surgeon while acting
19 as an accessory hand on behalf of the oral surgeon
20 that is administering the medication and actively
21 treating the patient. For the purposes of this
22 section, "administer" means to have the sole
23 responsibility for anesthesia care, including
24 determining medicines to be used and the dosage,

1 timing, route of delivery and administration of
2 medication and the assessment of the level of
3 anesthesia and monitoring the physiological results of
4 such care; provided, only an oral surgeon or dentist
5 possessing a current general anesthesia permit may
6 administer or assess the level of sedation or general
7 anesthesia and monitor the results of such care, and

8 b. follow instructions of the oral surgeon to adjust the
9 rate of intravenous fluids to maintain or keep the
10 line patent or open and adjust an electronic device to
11 provide medications such as an infusion pump, and

12 c. assist the oral surgeon by reading, recording vital
13 signs of a patient receiving deep sedation or general
14 anesthesia; provided, only an oral surgeon may assess
15 the level of sedation; and

16 3. Only an oral surgeon shall be responsible to diagnose,
17 treat, monitor, determine and administer the selection of the drug,
18 dosage, and timing of all anesthetic medications and care of the
19 patient through the perioperative period shall rest solely with the
20 supervising oral and maxillofacial surgeon.

21 4. Nothing in this act shall be construed as to allow an oral
22 surgery assistant or dental assistant to administer anesthesia care
23 to a patient.

1 SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.26, as
2 last amended by Section 7, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
3 2014, Section 328.26), is amended to read as follows:

4 Section 328.26. A. The Board of Dentistry may, without
5 examination, issue a dental intern, resident or fellowship permit to
6 a student or graduate of an approved dental school or college, ~~who~~
7 or a residency program approved by the Commission on Dental
8 Accreditation (CODA). All persons requesting a residency permit
9 shall provide proof of having passed a regional exam as provided by
10 Section 328.21 of this title, and is otherwise qualified, upon
11 request of the dean or the governing body of any public or private
12 institution for the graduate to serve as a dental intern ~~or,~~
13 resident or fellow in the institution, with limited duties as
14 defined in the permit. A fellowship permit may only be given to a
15 person currently participating in a fellowship program affiliated
16 with an accredited dental school.

17 B. A dental intern, resident or fellowship permit shall not be
18 issued to any person whose license to practice dentistry in this
19 state or in another state has been suspended or revoked, or to whom
20 a license to practice dentistry has been refused.

21 C. A dental intern, resident or fellowship permit shall not
22 authorize the holder to open an office for the private practice of
23 dentistry, or to receive compensation for the practice of dentistry,
24 except a salary paid by the federal government or this state, or

1 their subdivisions, or the public or private institution where the
2 holder of the dental intern, resident or fellowship permit will be
3 employed.

4 D. A dental intern, resident or fellowship permit shall
5 automatically expire when the permit holder is no longer
6 participating in the program offered by the college of dentistry, ~~or~~
7 the accredited dental college or the institution.

8 E. The issuance of a dental intern, resident or fellowship
9 permit by the Board shall in no way be considered a guarantee or
10 predetermination of any person to receive a full license issued by
11 the Board.

12 F. Dental intern or resident or fellowship permits may be
13 renewed annually at the request of the Dean of the college or
14 program director of the program approved by CODA and at the
15 discretion of the Board.

16 G. Students currently enrolled at the University Of Oklahoma
17 College Of Dentistry or an accredited dental hygiene or dental
18 assisting program shall be exempted from Sections 328.19 and 328.21
19 of this title while participating in an educational program located
20 at the University Of Oklahoma College Of Dentistry or the clinic of
21 an accredited dental hygiene or dental assisting program. A
22 licensed dentist, hygienist or faculty license holder shall be
23 physically present in the facility whenever students of dentistry,
24

1 dental hygiene or dental assisting are performing a clinical dental
2 procedure on patients.

3 SECTION 15. AMENDATORY 59 O.S. 2011, Section 328.27, as
4 amended by Section 8, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
5 Section 328.27), is amended to read as follows:

6 Section 328.27. A. 1. The Board of Dentistry may, without a
7 clinical examination, upon presentation of satisfactory credentials,
8 including completion of all portions of the National Board Dental
9 Examination, the dental hygiene National Boards and both Part I and
10 Part II of the National Board examination for dentists, and under
11 such rules as the Board may promulgate, issue a faculty ~~permit~~
12 license or faculty specialty license to an applicant who:

- 13 a. is a graduate of a school of dentistry approved by the
14 Board and is licensed to practice dentistry in another
15 state or country,
- 16 b. has graduated from an accredited dental program, or
- 17 c. successfully completes advanced training in a
18 specialty dental program approved by the Commission on
19 Dental Accreditation of the American Dental
20 Association, or
- 21 ~~e.~~
- 22 d. if applying for a hygiene faculty license, is a
23 graduate of an accredited dental hygiene program and
24

1 is licensed to practice dental hygiene in another
2 state.

3 2. A faculty ~~permit~~ license or faculty specialty license shall
4 be issued only upon the request and certification of the dean of an
5 accredited dental college or the program director of an accredited
6 dental hygiene program located in this state that the applicant is a
7 ~~bona fide~~ full-time member of the teaching staff of that college or
8 program.

9 3. ~~Following~~ Within the first year of employment, the ~~faculty~~
10 ~~permit~~ faculty license or faculty specialty license holder shall
11 show proof of passing an appropriate clinical board examination, as
12 provided in Section 328.21 of this title, recognized by the Board of
13 Dentistry.

14 4. A faculty ~~permit~~ license or faculty specialty license shall
15 be valid for one (1) year and may be renewed by the Board at the
16 written request of the dean of an accredited dental program or the
17 director of an accredited dental hygiene program.

18 5. A faculty license or faculty specialty license shall
19 automatically expire when the license holder is no longer employed
20 as a faculty member at the institution that requested the license.

21 ~~B.~~ 6. The holder of a faculty ~~permit~~ license or faculty
22 specialty license shall be entitled to perform services and
23 procedures in the same manner as a person holding a license to
24 practice dentistry or dental hygiene in this state, but all services

1 and procedures performed by the faculty ~~permit~~ license or faculty
2 specialty license holder shall ~~only~~ be without compensation other
3 than that received in salary from a faculty position or through
4 faculty practice as authorized by the Board. The holder of a
5 faculty license or faculty specialty license shall be limited to
6 practicing in the specialty area as designate on the license. Such
7 services and procedures shall be performed only within the
8 facilities of an accredited dental college or accredited dental
9 hygiene program or ~~in a seminar or postgraduate course and as an~~
10 ~~adjunct to teaching functions.~~ A holder of a faculty permit shall
11 ~~only engage in faculty practice of dentistry or dental hygiene~~
12 within the facilities designated by the accredited dental college
13 and ~~including~~ teaching hospitals approved by the Board.

14 C. B. The Dean of an accredited dental or hygiene program may
15 petition the Board to allow a visiting faculty member to have a
16 visiting faculty permit not to exceed one (1) year, based on a
17 showing of criteria that the individual possesses specialty
18 knowledge in a specific area that would benefit the college or
19 program. The holder of a visiting faculty permit shall not have
20 privileges to perform procedures in the faculty practice at the
21 University Of Oklahoma College of Dentistry, but may oversee the
22 student clinic.

23 C. Upon request of the Dean, the Board President may issue a
24 dentist or hygienist licensed in another state or country a

1 temporary license pursuant to Section 328.23 of this title for the
2 purpose of attending, presenting or participating in a seminar or
3 live training in dental techniques or dental anesthesia, given at
4 the University of Oklahoma College of Dentistry to licensed dentists
5 and hygienists for continuing education credits and students
6 enrolled in the University of Oklahoma College of Dentistry. A
7 temporary permit issued for this purpose shall not exceed seven (7)
8 days and may not be issued to the same person more than four (4)
9 times in a calendar year.

10 D. Upon the request of the Oklahoma Dental Association
11 President or the Oklahoma Dental Hygienist Association President,
12 the Board President may issue a dentist or a hygienist licensed in
13 another state a temporary license pursuant to Section 328.23 of this
14 title for the purpose of presenting or participating in live patient
15 demonstrations presented by the Oklahoma Dental Association or
16 Oklahoma Dental Hygienist Association or other professional
17 organizations approved by the Board at its annual meeting. A
18 temporary permit issued for this purpose shall not exceed four (4)
19 days per calendar year.

20 SECTION 16. AMENDATORY Section 6, Chapter 270, O.S.L.
21 2012, as amended by Section 9, Chapter 405, O.S.L. 2013 (59 O.S.
22 Supp. 2014, Section 328.28a), is amended to read as follows:

23 Section 328.28a. A. Beginning January ~~2014~~ 2016, every
24 applicant for any type of license or permit issued by the Board of

1 Dentistry shall be subject to a criminal background check. The
2 provisions of this subsection shall not apply to persons applying
3 for faculty or faculty specialty licenses provided in Section 328.27
4 of this title.

5 B. Each applicant shall submit two completed fingerprint cards
6 as required by the Board. The fingerprint cards shall be required
7 to be in a clear, readable format acceptable to the Oklahoma State
8 Bureau of Investigation.

9 C. Each applicant shall include a money order or cashier's
10 check made payable to the Oklahoma State Bureau of Investigation or
11 the Board for the purposes of a local and national criminal
12 background check.

13 D. The Board shall forward the fingerprint cards, along with
14 the applicable fee for a national fingerprint criminal history
15 records search, to the Bureau.

16 E. The Bureau shall retain one set of fingerprints in the
17 Automated Fingerprint Identification System and submit the other set
18 to the Federal Bureau of Investigation for a national criminal
19 history records search.

20 SECTION 17. AMENDATORY 59 O.S. 2011, Section 328.29a, as
21 amended by Section 10, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
22 Section 328.29a), is amended to read as follows:

23 Section 328.29a. A. The Board of Dentistry shall have the
24 power, after a hearing, to revoke or suspend a permit of a dental

1 assistant or oral maxillofacial surgery assistant or to discipline
2 by a probation or censure, public or private, for:

3 1. Any of the causes now existing in the laws of the State of
4 Oklahoma;

5 2. A violation of the provisions of the State Dental Act; or

6 3. A violation of the rules of the Board promulgated pursuant
7 to the State Dental Act.

8 B. The Board shall also have the power to act upon a petition
9 by a dental assistant or oral maxillofacial surgery assistant for
10 reinstatement to good standing. The Board shall keep a record of
11 the evidence and proceedings in all matters involving the revocation
12 or suspension of a permit, censure or probation of a dental
13 assistant or oral maxillofacial surgery assistant. The Board shall
14 make findings of fact and a decision thereon. The Board shall
15 immediately forward a certified copy of the decision to the dental
16 assistant or oral maxillofacial surgery assistant involved by
17 registered mail to the last-known official address as recorded by
18 the Board.

19 C. The decision shall be final unless the dental assistant or
20 oral maxillofacial surgery assistant appeals the decision as
21 provided by the State Dental Act.

22 D. The Board shall have power to revoke or suspend the permit,
23 censure, or place on probation a dental assistant or oral
24

1 maxillofacial surgery assistant for a violation of one or more of
2 the following:

3 1. Pleading guilty or nolo contendere to, or being convicted
4 of, a felony, a misdemeanor involving moral turpitude, or a
5 violation of federal or state controlled dangerous substances laws;

6 2. The presentation to the Board of false application or
7 documentation for a permit;

8 3. Being, by reason of persistent inebriety or addiction to
9 drugs, incompetent to continue to function as a dental assistant or
10 oral maxillofacial surgery assistant;

11 4. Functioning outside the direct or direct visual supervision
12 of a dentist;

13 5. Performing any function prohibited by Chapter 15 of the
14 Oklahoma Administrative Code or any violation that would be a
15 violation for a dentist or hygienist under Section 328.32 or 328.33
16 of this title, or any other duty not assignable to a dental
17 assistant; or

18 6. Failure to secure an annual registration as specified in
19 Section 328.41 of this title.

20 SECTION 18. AMENDATORY 59 O.S. 2011, Section 328.31a, is
21 amended to read as follows:

22 Section 328.31a. A. One dentist or multiple dentists may use a
23 trade name in connection with the practice of dentistry provided
24 that:

1 1. The use of the trade name shall not be false, fraudulent or
2 misleading;

3 2. The name of the dentist or dentists actually providing the
4 dental services to the patient shall appear on all insurance claim
5 forms, billing invoices or statements sent to the patient and on all
6 receipts if any are given to the patient;

7 3. Treatment records shall be maintained for each patient that
8 clearly identify the dentist or dentists who performed all dental
9 services for the patient; and

10 4. When one dentist or multiple dentists make an advertisement
11 in the trade name or the trade name is included in an advertisement,
12 a copy of the advertisement, including but not limited to any
13 electronic form of the advertising, shall be kept by the dentist or
14 dentists for three (3) years from the first publication date of the
15 advertisement.

16 B. Beginning July 1, 2016, all advertisements for dentistry
17 shall include the name of the dentist or dentists that shall be
18 providing treatment and shall list the type of dental or specialty
19 license on the advertisement.

20 C. The Board of Dentistry shall promulgate rules regulating
21 advertisements in which one dentist or multiple dentists use a trade
22 name.

23

24

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 328.31b of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Every dental office or treatment facility, whether
5 individual, group or multi-doctor practice operating under a name,
6 trade name or other professional entity shall maintain written
7 records on each patient treated at the facility and shall make these
8 records available to the Board and other regulatory entities or be
9 subject to the penalties as set forth in Section 328.44 of this
10 title.

11 B. Each licensed dentist shall maintain written records on each
12 patient that shall contain, at a minimum, the following information
13 about the patient:

14 1. A health history listing known illnesses, other treating
15 physicians, and current medications prescribed;

16 2. Results of clinical examination and tests conducted,
17 including the identification, or lack thereof, of any oral pathology
18 or diseases;

19 3. Treatment plan proposed by the dentist;

20 4. Treatment rendered to the patient. The patient record shall
21 clearly identify the dentist and the dental hygienist providing the
22 treatment with the dentist, specialty or dental hygienist license
23 number;

24

1 5. Whenever patient records are released or transferred, the
2 dentist releasing or transferring the records shall maintain either
3 the original records or copies thereof and a notation shall be made
4 in the retained records indicating to whom the records were released
5 or transferred; and

6 6. All claims being submitted for insurance must be signed,
7 stamped or have an electronic signature by the treating dentist.

8 C. Patient records may be kept in an electronic data format,
9 provided that the dentist maintains a back-up copy of information
10 stored in the data processing system using disk, tape or other
11 electronic back-up system and that said back-up is updated on a
12 regular basis, at least weekly, to assure that data is not lost due
13 to system failure. Any electronic data system shall be capable of
14 producing a hard copy on demand.

15 D. All patient records shall be maintained for seven (7) years
16 from the date of treatment.

17 E. Each licensed dentist shall retain a copy of each entry in
18 his or her patient appointment book or such other log, calendar,
19 book, file or computer data used in lieu of an appointment book for
20 a period of no less than seven (7) years from the date of each entry
21 thereon.

22 SECTION 20. AMENDATORY 59 O.S. 2011, Section 328.32, as
23 last amended by Section 12, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
24 2014, Section 328.32), is amended to read as follows:

1 Section 328.32. A. The following acts or occurrences by a
2 dentist shall constitute grounds for which the penalties specified
3 in Section 328.44a of this title may be imposed by order of the
4 Board of Dentistry:

5 1. Pleading guilty or nolo contendere to, or being convicted
6 of, a felony, a misdemeanor involving moral turpitude, or a
7 violation of federal or state controlled dangerous substances laws;

8 2. Presenting to the Board a false diploma, license, or
9 certificate, or one obtained by fraud or illegal means, or providing
10 other false information on an application or renewal;

11 3. Being, by reason of persistent inebriety or addiction to
12 drugs, incompetent to continue the practice of dentistry;

13 4. Publishing a false, fraudulent, or misleading advertisement
14 or statement;

15 5. Authorizing or aiding an unlicensed person to practice
16 dentistry, to practice dental hygiene, or to perform a function for
17 which a permit from the Board is required;

18 6. Authorizing or aiding a dental hygienist to perform any
19 procedure prohibited by the State Dental Act or the rules of the
20 Board;

21 7. Authorizing or aiding a dental assistant or oral
22 maxillofacial surgery assistant to perform any procedure prohibited
23 by the State Dental Act or the rules of the Board;

24

1 8. Failing to pay fees as required by the State Dental Act or
2 the rules of the Board;

3 9. Failing to complete continuing education requirements;

4 10. Representing himself or herself to the public as a
5 specialist in a dental specialty without holding a dental specialty
6 license therefor;

7 11. Representing himself or herself to the public as a
8 specialist whose practice is limited to a dental specialty, when
9 such representation is false, fraudulent, or misleading;

10 12. Endangering the health of patients by reason of having a
11 highly communicable disease and continuing to practice dentistry
12 without taking appropriate safeguards;

13 13. Practicing dentistry in an unsafe or unsanitary manner or
14 place, including but not limited to repeated failures to follow
15 Centers for Disease Control (CDC) or Occupational Health Safety
16 Administration (OSHA) guidelines;

17 14. Being shown to be mentally unsound;

18 15. Being shown to be grossly immoral and that such condition
19 represents a threat to patient care or treatment;

20 16. Being incompetent to practice dentistry while delivering
21 care to a patient;

22 17. Committing gross negligence in the practice of dentistry;

23 18. Committing repeated acts of negligence in the practice of
24 dentistry;

1 19. Offering to effect or effecting a division of fees, or
2 agreeing to split or divide a fee for dental services with any
3 person, in exchange for the person bringing or referring a patient;

4 20. Being involuntarily committed to an institution for
5 treatment for substance abuse, until recovery or remission;

6 21. Using or attempting to use the services of a dental
7 laboratory or dental laboratory technician without issuing a
8 laboratory prescription, except as provided in subsection C of
9 Section 328.36 of this title;

10 22. Aiding, abetting, or encouraging a dental hygienist
11 employed by the dentist to make use of an oral prophylaxis list, or
12 the calling by telephone or by use of letters transmitted through
13 the mails to solicit patronage from patients formerly served in the
14 office of any dentist formerly employing such hygienist;

15 23. Having more than the equivalent of three full-time dental
16 hygienists for each dentist actively practicing in the same dental
17 office ~~who will supervise the dental hygienists, dental assistants,~~
18 ~~or oral maxillofacial surgery assistants;~~

19 24. Allowing a person not holding a permit or license issued by
20 the Board to assist in the treatment of a patient without having a
21 license or permit issued by the Board;

22 25. Knowingly patronizing or using the services of a dental
23 laboratory or dental laboratory technician who has not complied with
24 the provisions of the State Dental Act and the rules of the Board;

1 26. Authorizing or aiding a dental hygienist, dental assistant,
2 oral maxillofacial surgery assistant, dental laboratory technician,
3 or holder of a permit to operate a dental laboratory to violate any
4 provision of the State Dental Act or the rules of the Board;

5 27. Willfully disclosing ~~confidential~~ information protected by
6 the Health Information Portability and Accountability Act, P.L. 104-
7 191;

8 28. Writing a false, unnecessary, or excessive prescription for
9 any drug or narcotic which is a controlled dangerous substance under
10 either federal or state law;

11 29. Prescribing or administering any drug or treatment without
12 having established a valid dentist-patient relationship;

13 30. Using or administering nitrous oxide gas in a dental office
14 in an inappropriate or unauthorized manner;

15 31. Engaging in nonconsensual physical contact with a patient
16 which is sexual in nature, or engaging in a verbal communication
17 which is intended to be sexually demeaning to a patient;

18 32. Practicing dentistry without displaying, at the dentist's
19 primary place of practice, the license issued to the dentist by the
20 Board to practice dentistry and the current renewal certificate;

21 33. Being dishonest in a material way with a patient;

22 34. Failing to retain all patient records for at least ~~three~~
23 ~~(3)~~ seven (7) years from the date of the last treatment, except that
24 the failure to retain records shall not be a violation of the State

1 Dental Act if the dentist shows that the records were lost,
2 destroyed, or removed by another, without the consent of the
3 dentist;

4 35. Failing to retain the dentist's copy of any laboratory
5 prescription for at least three (3) years, except that the failure
6 to retain records shall not be a violation of the State Dental Act
7 if the dentist shows that the records were lost, destroyed, or
8 removed by another, without the consent of the dentist;

9 36. Allowing any corporation, organization, group, person, or
10 other legal entity, except another dentist or a professional entity
11 that is in compliance with the registration requirements of
12 subsection B of Section 328.31 of this title, to direct, control, or
13 interfere with the dentist's clinical judgment. Clinical judgment
14 shall include, but not be limited to, such matters as selection of a
15 course of treatment, control of patient records, policies and
16 decisions relating to pricing, credit, refunds, warranties and
17 advertising, and decisions relating to office personnel and hours of
18 practice. Nothing in this paragraph shall be construed to:

- 19 a. limit a patient's right of informed consent, or
- 20 b. to prohibit insurers, preferred provider organizations
21 and managed care plans from operating pursuant to the
22 applicable provisions of the Oklahoma Insurance Code
23 and the Public Health Code;

24

1 37. Violating the state dental act of another state resulting
2 in a plea of guilty or nolo contendere, conviction or suspension or
3 revocation or other sanction by another state board, of the license
4 of the dentist under the laws of that state;

5 38. Violating or attempting to violate the provisions of the
6 State Dental Act or the rules of the Board, as a principal,
7 accessory or accomplice;

8 39. Failing to comply with the terms and conditions of an order
9 imposing suspension of a license or placement on probation issued
10 pursuant to Section 328.44a of this title; or

11 40. Failing to cooperate during an investigation or providing
12 false information, verbally or in writing, to the Board, the Board's
13 investigator or an agent of the Board.

14 B. The provisions of the State Dental Act shall not be
15 construed to prohibit any dentist from displaying or otherwise
16 advertising that the dentist is also currently licensed, registered,
17 certified, or otherwise credentialed pursuant to the laws of this
18 state or a nationally recognized credentialing board, if authorized
19 by the laws of the state or credentialing board to display or
20 otherwise advertise as a licensed, registered, certified, or
21 credentialed dentist.

22 SECTION 21. AMENDATORY 59 O.S. 2011, Section 328.34, as
23 amended by Section 14, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
24 Section 328.34), is amended to read as follows:

1 Section 328.34. A. A dental hygienist may practice dental
2 hygiene under the supervision of a dentist in a dental office or
3 treatment facility. A dentist may employ not more than the
4 equivalent of three full-time dental hygienists for each dentist
5 actively practicing in the same dental office. Employing the
6 equivalent of three dental hygienists shall mean the employment or
7 any combination of full or part-time dental hygienists not to exceed
8 one hundred twenty (120) hours per week per dentist.

9 B. 1. A dentist may delegate to a dental hygienist the
10 following procedures:

- 11 a. the duties and expanded duties authorized for dental
12 assistants by the State Dental Act or the rules of the
13 Board of Dentistry,
- 14 b. health history assessment pertaining to dental
15 hygiene,
- 16 c. dental hygiene examination and the charting of intra-
17 oral and extra-oral conditions, which include
18 periodontal charting, dental charting and classifying
19 occlusion,
- 20 d. dental hygiene assessment and treatment planning for
21 procedures authorized by the supervisory dentist,
- 22 e. prophylaxis, which means the removal of any and all
23 calcareous deposits, stains, accretions, or
24 concretions from the supragingival and subgingival

1 surfaces of human teeth, utilizing instrumentation by
2 scaler or periodontal curette on the crown and root
3 surfaces of human teeth, including rotary or power
4 driven instruments. This paragraph shall not be
5 construed to prohibit the use of a rubber cap or brush
6 on the crowns of human teeth by a dental assistant who
7 holds a current expanded duty permit for Coronal
8 Polishing/Topical Fluoride issued by the Board,

- 9 f. periodontal scaling and root planing,
- 10 g. dental hygiene nutritional and dietary evaluation,
- 11 h. placement of subgingival prescription drugs for
12 prevention and treatment of periodontal disease,
- 13 i. soft tissue curettage,
- 14 j. placement of temporary fillings,
- 15 k. removal of overhanging margins,
- 16 l. dental implant maintenance,
- 17 m. removal of periodontal packs,
- 18 n. polishing of amalgam restorations, and
- 19 o. other procedures authorized by the Board.

20 2. The procedures specified in subparagraphs b through o of
21 paragraph 1 of this subsection may be performed only by a dentist or
22 a dental hygienist.

23 3. Except as provided in subsections C and D of this section,
24 the procedures specified in paragraph 1 of this subsection may be

1 performed by a dental hygienist only on a patient of record and only
2 under the supervision of a dentist. The level of supervision,
3 whether direct, indirect or general, shall be at the discretion of
4 the supervisory dentist. Authorization for general supervision
5 shall be limited to a maximum of thirteen (13) months following an
6 examination by the supervisory dentist of a patient of record. For
7 the purposes of this paragraph, "patient of record" means an
8 individual who has given a medical history and has been examined and
9 accepted by a dentist for dental care.

10 C. 1. A dentist may authorize procedures to be performed by a
11 dental hygienist, without complying with the provisions of paragraph
12 3 of subsection B of this section, if:

- 13 a. the dental hygienist has at least two (2) years
14 experience in the practice of dental hygiene,
- 15 b. the authorization to perform the procedures is in
16 writing and signed by the dentist, and
- 17 c. the procedures are performed during an initial visit
18 to a person in a treatment facility.

19 2. The person upon whom the procedures are performed must be
20 referred to ~~the authorizing~~ a dentist after completion of the
21 procedures performed pursuant to paragraph 1 of this subsection.

22 3. A dental hygienist shall not perform a second set of
23 procedures on a person pursuant to this subsection until the person
24

1 has been examined and accepted for dental care by ~~the authorizing a~~
2 dentist.

3 4. The treatment facility in which any procedure is performed
4 by a dental hygienist pursuant to this subsection shall note each
5 such procedure in the medical records of the person upon whom the
6 procedure was performed and list the dentist that authorized the
7 hygienist to perform the procedures signed by the hygienist.

8 D. A treatment facility may employ dental hygienists whose
9 services shall be limited to the examination of teeth and the
10 teaching of dental hygiene or as otherwise authorized by the Board.

11 E. The Board is authorized to:

12 1. Prescribe, by rule, advanced procedures that may be
13 performed by a dental hygienist who has satisfactorily completed a
14 course of study regarding the performance of such procedures. The
15 advance procedures shall include the administration of local
16 anesthesia and the administration of nitrous oxide analgesia;

17 2. Establish guidelines for courses of study necessary for a
18 dental hygienist to perform advanced procedures;

19 3. Issue authorization to perform advanced procedures to those
20 dental hygienists who meet the eligibility requirements; and

21 4. Establish the level of supervision, whether direct, indirect
22 or general, under which the advanced procedures may be performed.

23 F. A dental hygienist shall not own or operate an independent
24 practice of dental hygiene.

1 G. Nothing in the State Dental Act shall be construed to
2 prohibit a dentist from performing any of the procedures that may be
3 performed by a dental hygienist.

4 SECTION 22. AMENDATORY 59 O.S. 2011, Section 328.41, as
5 last amended by Section 15, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
6 2014, Section 328.41), is amended to read as follows:

7 Section 328.41. A. On or before the first day of January of
8 each year, every dentist, dental hygienist, dental assistant, oral
9 maxillofacial surgery assistant and other licensee or permit holders
10 previously licensed or permitted by the Board to practice in this
11 state shall submit a renewal application with information as may be
12 required by the Board, together with an annual renewal fee
13 established by the rules of the Board. Upon receipt of the annual
14 renewal fee, the Board shall issue a renewal certificate authorizing
15 the dentist, dental hygienist, dental assistant, or oral
16 maxillofacial surgery assistant to continue the practice of
17 dentistry or dental hygiene, respectively, in this state for a
18 period of one (1) year. Every license or permit issued by the Board
19 shall expire on December 31 of each year.

20 B. Continuing education requirements shall be due at the end of
21 each three-year period as follows:

22 1. Dentists shall complete sixty (60) hours;

23 2. Hygienists shall complete thirty (30) hours;

1 3. Oral maxillofacial surgery assistants shall complete twelve
2 (12) hours; and

3 4. Certified dental assistants shall complete twelve (12) hours
4 as required by DANB,

5 C. Upon failure of a dentist, dental hygienist, dental
6 assistant, or oral maxillofacial surgery assistant to pay the annual
7 renewal fee within two (2) months after January 1, the Board shall
8 notify the dentist, dental hygienist, dental assistant, or oral
9 maxillofacial surgery assistant in writing by certified mail to the
10 last-known mailing address of the dentist, dental hygienist, dental
11 assistant, or oral maxillofacial surgery assistant as reflected in
12 the records of the Board.

13 ~~C.~~ D. Any dentist, dental hygienist, dental assistant, or oral
14 maxillofacial surgery assistant whose license or permit is
15 automatically canceled by reason of failure, neglect or refusal to
16 secure the renewal certificate may be reinstated by the Board at any
17 time within one (1) year from the date of the expiration of the
18 license, upon payment of the annual renewal fee and a penalty fee
19 established by the rules of the Board. If the dentist, dental
20 hygienist, dental assistant, or oral maxillofacial surgery assistant
21 does not apply for renewal of the license or permit and pay the
22 required fees within one (1) year after the license has expired,
23 then the dentist, dental hygienist, dental assistant, or oral
24 maxillofacial surgery assistant shall be required to file an

1 application for and take the examination or other requirements
2 provided for in the State Dental Act or the rules promulgated by the
3 Board before again commencing practice.

4 ~~D. The Board may waive the annual renewal fee for any dentist
5 or dental hygienist and issue a renewal certificate without the
6 payment of any renewal fee, if the dentist or dental hygienist has
7 held an Oklahoma license at least twenty-five (25) years but because
8 of age or physical disability has retired from the practice of
9 dentistry or dental hygiene. The waiver of fees herein provided may
10 be continued so long as the retirement continues because of age or
11 physical disability.~~

12 ~~E. Any dentist or dental hygienist who has had a license to
13 practice dentistry or dental hygiene in good standing for thirty-
14 five (35) years and has reached the age of seventy (70) years shall
15 upon application to the Board be issued renewal certificates without
16 the payment of annual renewal fees for the remaining years of their
17 active practice.~~

18 ~~F. E. The Board, by rule, shall provide for the remittance of
19 fees otherwise required by the State Dental Act while a dentist or
20 dental hygienist is on active duty with any of the Armed Forces of
21 the United States.~~

22 ~~G. F. In case of a lost or destroyed license or renewal
23 certificate and upon satisfactory proof of the loss or destruction~~

24

1 thereof, the Board may issue a duplicate, charging therefor a fee
2 established by the rules of the Board.

3 G. A dentist, dental hygienist, oral maxillofacial surgery
4 assistant or dental assistant that is in good standing and not under
5 investigation that notifies the Board in writing of a voluntary
6 nonrenewal of license or requests retirement status shall have a
7 right to renew or reinstate his or her license within five (5) years
8 from the date of notice. The Board may require any training or
9 continuing education requirements to be met prior to reinstatement.

10 H. A dentist, dental hygienist, oral maxillofacial dental
11 assistant or dental assistant that has not had an active license or
12 permit in excess of five (5) years shall be required to apply as a
13 new applicant.

14 I. Any application for a license or permit that has remained
15 inactive for more than one year shall be closed.

16 SECTION 23. AMENDATORY 59 O.S. 2011, Section 328.43a, as
17 amended by Section 10, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2014,
18 Section 328.43a), is amended to read as follows:

19 Section 328.43a. A. ~~Any person may file a written and signed~~
20 ~~complaint with the Board of Dentistry, alleging that the respondent~~
21 ~~has sought to practice or has illegally practiced dentistry or~~
22 ~~dental hygiene, has violated the provisions relating to dental~~
23 ~~assistants, or has otherwise violated the provisions of the State~~
24 ~~Dental Act or the rules of the Board, and the facts upon which the~~

1 ~~allegations are based. The complaint shall be directed by the~~
2 ~~president of the Board to two specific Board members for~~
3 ~~investigation and review.~~

4 1. Upon the receipt of a complaint to the Board alleging a
5 violation of the State Dental Act or other state or federal law by a
6 licensee, permit holder or other individual under the authority of
7 the Board, the Board President shall assign up to three Board
8 members as the review and investigative panel. The remaining Board
9 members shall constitute the Board member jury panel.

10 2. The review and investigative panel, in its discretion, may
11 notify the respondent of the complaint at any time prior to its
12 dismissal of the complaint or making a recommendation to the Board.
13 ~~If the Board initiates an individual proceeding under paragraph 1 of~~
14 ~~subsection D of this section, the respondent of the individual~~
15 ~~proceeding shall be provided a copy of the recommendation and any~~
16 ~~exculpatory information as required by the Administrative Procedures~~
17 ~~Act.~~

18 ~~B. The Board members who review a complaint shall constitute a~~
19 ~~review panel. A~~ The review and investigative panel shall confer and
20 shall conduct or cause to be conducted any investigation of the
21 allegations in the complaint as it reasonably determines may be
22 needed to establish, based on the evidence available to the panel,
23 whether it is more likely than not that:

1 1. A violation of the provisions of the State Dental Act or the
2 rules of the Board has occurred; and

3 2. The person named in the complaint has committed the
4 violation.

5 C. 1. In conducting its investigation, a review and
6 investigative panel may seek evidence, take statements, take and
7 hear evidence, and administer oaths and affirmations and shall have
8 any other powers as defined by the Administrative Procedures Act. A
9 review and investigative panel may also use Board attorneys and
10 investigators appointed by the Board to seek evidence.

11 2. The review and investigative panel shall not have contact or
12 discussions regarding the investigation with the other Board members
13 that shall be on the jury panel during the investigative phase.

14 3. No Board member that is a dentist living in the same
15 district as a dentist that is the subject of a complaint shall serve
16 on a review and investigative panel or on the Board member jury
17 panel.

18 4. All records, documents and other materials during the review
19 and investigative panel portion shall be considered investigative
20 files and not be subject to the Oklahoma Open Records Act.

21 ~~D. 1. If a review panel determines, based on the evidence~~
22 ~~available to the panel, that it is more likely than not that a~~
23 ~~violation of the provisions of the State Dental Act or the rules of~~
24 ~~the Board has occurred and that the respondent has more likely than~~

1 ~~not committed the violation, the review panel may recommend in~~
2 ~~writing to the Board that the Board initiate an individual~~
3 ~~proceeding, pursuant to Article II of the Administrative Procedures~~
4 ~~Act, against the respondent.~~

5 ~~2. The Board shall determine whether to accept or reject the~~
6 ~~recommendation that an individual proceeding be initiated.~~

7 ~~3. If the Board determines that the recommendation should be~~
8 ~~accepted, a formal Statement of Complaint shall be filed within ten~~
9 ~~(10) days of the action of the Board.~~

10 ~~4. The individual proceeding shall be conducted according to~~
11 ~~the rules of the Board and the requirements of the Administrative~~
12 ~~Procedures Act. The members of the review panel shall be excluded~~
13 ~~from participating as Board members in an individual proceeding~~
14 ~~initiated by the Board based upon their recommendation.~~

15 ~~5. The review panel may decide to enter into a public or~~
16 ~~private settlement agreement with the respondent. A public or~~
17 ~~private settlement agreement:~~

18 ~~a. shall specify the provisions of the State Dental Act~~
19 ~~or the rules of the Board which such person is alleged~~
20 ~~to have violated,~~

21 ~~b. shall provide that such person agrees not to violate~~
22 ~~the provisions of the State Dental Act or the rules of~~
23 ~~the Board in the future,~~

1 ~~e. may contain any of the penalties specified in Section~~
2 ~~328.44a of this title, and~~

3 ~~d. may contain any other provisions agreeable to the~~
4 ~~review panel and the person involved.~~

5 ~~A private settlement agreement~~ The Board President or other
6 member of the Board shall act as the presiding administrative judge
7 during any proceeding. The presiding administrative judge shall be
8 allowed to seek advice from judicial counsel or other legal counsel
9 appointed by the Board.

10 E. The investigative and review panel shall have the authority
11 to:

12 1. Dismiss the complaint as unfounded;

13 2. Refer the case to mediation pursuant to the Oklahoma Dental
14 Mediation Act. The mediation panel shall report to the review and
15 investigative panel that a mediation was successful or refer the
16 matter back to the review and investigative panel at which time they
17 will reassume jurisdiction or dismiss the complaint;

18 3. Issue a private settlement agreement that shall not include
19 any restriction upon the licensee's or permit holder's license or
20 permit;

21 4. Assess an administrative fine not to exceed One Thousand
22 Five Hundred Dollars (\$1,500.00) per violation pursuant to a private
23 settlement agreement; and

1 5. Issue a formal complaint for a hearing of the Board member
2 jury panel pursuant to Article II of the Administrative Procedures
3 Act against the licensee or permit holder.

4 The review and investigative panel and the Board President shall
5 have the authority to authorize the Executive Director or the
6 Board's attorney to file an injunction in district court for illegal
7 activity pursuant to the State Dental Act when needed.

8 F. In the event of a majority of members of the Board being
9 recused from the Board member jury panel, the Board President or
10 presiding administrative judge shall appoint a previous Board member
11 with a current active license in good standing to serve as a jury
12 panel member.

13 G. Any action as set forth in paragraphs 1 through 3 of
14 subsection E of this section shall remain part of the investigation
15 file, and may be disclosed or used against the respondent only if
16 the respondent violates the settlement agreement or if ordered by a
17 court of competent jurisdiction. All settlement agreements shall be
18 reported to the Board. The Board may require that a private
19 settlement agreement be made a public settlement agreement. A
20 respondent may withdraw from the settlement agreement if the Board
21 determines a private settlement agreement shall be made public.

22 ~~6. A public or private settlement agreement must receive final~~
23 ~~review and approval by the Board if it contains any of the following~~
24 ~~penalties specified in Section 328.44a of this title:~~

- ~~a. suspension of a license or permit issued by the Board,~~
- ~~b. revocation of a license or permit issued by the Board,~~
- ~~c. issuance of a censure,~~
- ~~d. placement on probation,~~
- ~~e. restriction of the services that can be provided by a dentist or a dental hygienist, or~~
- ~~f. an administrative penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00) per violation.~~

~~E. If a review panel does not make the determination specified in subsection D of this section, the panel shall dismiss the complaint and direct the principal administrative officer of the Board to give written notification of the dismissal to the person who filed the complaint and to the respondent. Although evidence against a respondent does not warrant formal proceedings, a review panel may issue a confidential letter of concern to a respondent when there are indications of possible misconduct by the respondent that could lead to serious consequences or formal action.~~

~~F. A review panel may act without complying with the Oklahoma Open Meeting Act.~~

~~G. H. The Board of Dentistry, its employees, independent contractors, appointed committee members and other agents shall keep confidential all information obtained in the following circumstances:~~

1 1. During an investigation into allegations of violations of
2 the State Dental Act, including but not limited to:

- 3 a. any review or investigation made to determine whether
4 to allow an applicant to take an examination, or
- 5 b. whether the Board shall grant a license, certificate,
6 or permit;

7 2. In the course of conducting an investigation;

8 3. Reviewing investigative reports provided to the Board by a
9 registrant; and

10 4. Receiving and reviewing examination and test scores.

11 I. The President of the Board or presiding administrative judge
12 shall approve any private settlement agreement.

13 J. The investigative review panel may make a recommendation for
14 an agreed settlement order to be approved by the Board. The agreed
15 settlement order may include any recommendation agreed upon between
16 the license holder including but not limited to any penalty
17 available to the Board pursuant to Section 328.44a of this title.

18 K. A formal complaint issued by the review and investigative
19 panel shall specify the basic factual allegations and the provisions
20 of the State Dental Act, state law or rules that the license or
21 permit holder is alleged to have violated. The formal notice of a
22 complaint shall be served to the license or permit holder either in
23 person, to their attorney, by agreement of the individual, by an
24

1 investigator of the Board or a formal process server pursuant to
2 Section 2004 of Title 12 of the Oklahoma Statutes.

3 ~~H. L. Any information obtained and all contents of any~~
4 ~~investigation file shall be exempt from the provisions of the~~
5 ~~Oklahoma Open Records Act. Except for the approval of private~~
6 ~~settlement, a final order issued by the Board shall be subject to~~
7 ~~the Oklahoma Open Records Act.~~

8 ~~I. Information obtained by the Board or any of its agents shall~~
9 ~~be considered competent evidence, subject to the rules of evidence,~~
10 ~~in a court of competent jurisdiction for:~~

- 11 ~~1. Matters directly related to actions of the Board; or~~
- 12 ~~2. Matters where criminal charges are filed in a municipal,~~
13 ~~district or federal court action.~~

14 ~~All other information and investigation records where complaints~~
15 ~~have not been found to be actionable in either an administrative,~~
16 ~~civil or criminal matter shall not be open to the public.~~

17 ~~Information obtained by the Board or its agents shall not be~~
18 ~~admissible as evidence in any other type of civil or criminal~~
19 ~~action.~~

20 SECTION 24. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 328.43b of Title 59, unless
22 there is created a duplication in numbering, reads as follows:

23 A. In any matter involving a fatality of a dental patient
24 within forty eight (48) hours of receiving anesthesia or that is

1 required to be reported to the Board pursuant to Section 328.55 of
2 Title 59 of the Oklahoma Statutes, such matter shall be investigated
3 by the Adverse Outcomes Review and Investigation Panel.

4 B. The Adverse Outcomes Review and Investigation Panel shall
5 stand in the place of the Board's Review and Investigation Panel
6 pursuant to Section 328.43a of Title 59 of the Oklahoma Statutes
7 during the complaint and review process.

8 C. Upon notification of a fatality to the Board, the President
9 of the Board shall assign four members of the Anesthesia Committee
10 pursuant to Section 328.17 of Title 59 of the Oklahoma Statutes to
11 review and investigate the matter.

12 D. Two of the members shall hold the same license type, whether
13 general or specialty, as the licensee that is the subject of the
14 complaint and two shall hold different types of licenses.

15 E. All other procedures as defined in Section 328.43a of Title
16 59 of the Oklahoma Statutes regarding complaint and Board procedures
17 shall be followed.

18 F. The Board may promulgate rules to implement the provisions
19 of this section.

20 SECTION 25. AMENDATORY 59 O.S. 2011, Section 328.44a, as
21 amended by Section 16, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014,
22 Section 328.44a), is amended to read as follows:

23 Section 328.44a. A. The Board of Dentistry is authorized,
24 after notice and opportunity for a hearing pursuant to Article II of

1 the Administrative Procedures Act, to issue an order imposing one or
2 more of the following penalties whenever the Board finds, by clear
3 and convincing evidence, that a dentist, dental hygienist, dental
4 assistant, oral maxillofacial surgery assistant, dental laboratory
5 technician, ~~or~~ holder of a permit to operate a dental laboratory, or
6 an entity operating pursuant to the provisions of the Professional
7 Entity Act or the State Dental Act has committed any of the acts or
8 occurrences set forth in Sections 328.29, 329.29a, 328.32, 328.33,
9 328.39 and 328.39a of this title:

10 1. Refusal to issue a license or permit, or a renewal thereof,
11 provided for in the State Dental Act;

12 2. Suspension of a license or permit issued by the Board for a
13 period of time deemed appropriate by the Board;

14 3. Revocation of a license or permit issued by the Board;

15 4. Imposition of an administrative penalty not to exceed One
16 Thousand Five Hundred Dollars (\$1,500.00) per violation;

17 5. Issuance of a censure;

18 6. Placement on probation for a period of time and under such
19 terms and conditions as deemed appropriate by the Board;

20 7. Probation monitoring fees, which shall be the responsibility
21 of the licensee on all probations; or

22 8. Restriction of the services that can be provided by a
23 dentist or dental hygienist, under such terms and conditions as
24 deemed appropriate by the Board; ~~or~~

1 9. ~~Assessment for the cost of the investigation and hearing~~
2 ~~process including attorney fees.~~

3 B. A dentist, dental hygienist, dental assistant, oral
4 maxillofacial surgery assistant, dental laboratory technician, or
5 holder of a permit to operate a dental laboratory, against whom a
6 penalty is imposed by an order of the Board pursuant to the
7 provisions of this section, shall have the right to seek a judicial
8 review of such order pursuant to Article II of the Administrative
9 Procedures Act.

10 SECTION 26. AMENDATORY 59 O.S. 2011, Section 328.62, is
11 amended to read as follows:

12 Section 328.62. As used in the Oklahoma Dental Mediation Act:

13 1. "Board" means the Board of Dentistry;

14 2. "Dentist" means a ~~graduate of an accredited dental college~~
15 person who has been licensed by the Board to practice dentistry, as
16 defined in Section 328.19 of this title; and

17 3. "Mediation committee" means a committee of persons duly
18 constituted of or appointed by ~~any voluntary dental association,~~
19 ~~voluntary dental society, or the Board~~ a statewide organization
20 representing dentists. The Committee shall consist of two (2)
21 members of a statewide organization representing dentists and one
22 former member of the Board not presently serving. The mediation
23 committee is authorized, upon receiving a written request for a
24 review, to conduct a review of the complaints or requests for review

1 of persons, the treatment performed by a dentist and, where
2 appropriate, hold hearings and conduct personal examinations of
3 dental treatment of patients. The mediation committee may, but
4 shall not be obligated to:

5 a. evaluate the quality of health care services provided
6 by the dentist being reviewed,

7 b. determine whether health care services rendered were
8 professionally indicated or were performed in
9 compliance with the applicable standards of care,

10 c. ~~where appropriate, determine whether the cost of~~
11 ~~health care rendered was considered reasonable given~~
12 ~~the circumstances of the particular case,~~

13 ~~d.~~ evaluate the quality and timeliness of health care
14 services rendered by a dentist for a patient, and

15 ~~e.~~

16 d. recommend to the parties, a method of settlement, for
17 their acceptance or rejection.

18 Any decision by the mediation committee not to review a matter shall
19 be communicated by the committee to the affected persons within
20 thirty (30) days after the committee has received the material
21 submitted pursuant to Section 328.65 of this title.

22 SECTION 27. AMENDATORY 59 O.S. 2011, Section 328.63, is
23 amended to read as follows:

24

1 Section 328.63. A. A mediation conducted through the Oklahoma
2 Dental Mediation Act shall be voluntary and shall not be construed
3 as a final action for the purposes of injunctive relief or the basis
4 for an appeal to district court. A mediation committee, entities
5 creating such mediation committees, members and staff of such
6 mediation committee, and other persons who assist such mediation
7 committees shall not be liable in any way for damages or injunctive
8 relief under any law of this state with respect to any action taken
9 in good faith by such mediation committee.

10 B. Any person who supplies information to a mediation committee
11 in good faith and with reasonable belief that such information is
12 true shall not be liable in any way for damages or injunctive relief
13 under any law of this state with respect to giving such information
14 to the mediation committee.

15 C. Either party involved in the mediation may request to be
16 dismissed from the process at any time. Upon dismissal from the
17 mediation program, the matter shall be referred back to the
18 referring entity.

19 D. Upon the completion of a successful mediation, the referring
20 entity shall be given notice that the mediation was successful.

21 SECTION 28. This act shall become effective July 1, 2015.

22 SECTION 29. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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