

1 ENGROSSED SENATE  
2 BILL NO. 781

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

3  
4 and

5 Cox of the House  
6

7 An Act relating to the State Dental Act; amending 59  
8 O.S. 2011, Section 328.2, as amended by Section 1,  
Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014, Section  
9 328.2), which relates to declarations; clarifying  
10 language; amending 59 O.S. 2011, Section 328.3, as  
amended by Section 2, Chapter 405, O.S.L. 2013 (59  
11 O.S. Supp. 2014, Section 328.3), which relates to  
definitions; adding, deleting, and amending certain  
12 definitions; amending 59 O.S. 2011, Section 328.10,  
which relates to the Board of Dentistry; permitting  
13 Board to hold certain meetings; deleting language  
referring to certain personnel; permitting certain  
14 reimbursement; amending 59 O.S. 2011, Section 328.15,  
as last amended by Section 3, Chapter 405, O.S.L.  
2013 (59 O.S. Supp. 2014, Section 328.15), which  
15 relates to powers of the Board; modifying powers;  
amending 59 O.S. 2011, Section 328.17, which relates  
16 to certain appointments; deleting certain power of  
appointment; creating certain committees; providing  
17 for membership; providing standards for meetings;  
providing jurisdiction of committees; providing  
18 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  
19 relates to the practice of dentistry; expanding  
certain acts constituting practice of dentistry;  
20 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  
21 examinations; removing certain exception; requiring  
certain examinations and standards for licensure;  
22 deleting certain requirement; permitting certain  
23 persons to submit licenses under certain  
circumstances; removing certain required  
24 documentation; providing for reexaminations under

1 certain circumstances; permitting recognition of  
2 certain credits under certain circumstances;  
3 permitting reciprocal licensure for certain  
4 applicants; specifying requirements for reciprocal  
5 licensure; requiring licensees to display certain  
6 information; amending 59 O.S. 2011, Section 328.22,  
7 which relates to specialty licenses; revising  
8 requirements for certain applicants; providing  
9 specialty licenses for certain applicants; removing  
10 certain requirements relating to examinations and  
11 applications; requiring submission of certain  
12 documents by certain persons; requiring disclosure of  
13 certain information; deleting certain requirement;  
14 providing limitations on licensure; permitting  
15 application for certain review; amending 59 O.S.  
16 2011, Section 328.23, as last amended by Section 6,  
17 Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014, Section  
18 328.23), which relates to licensing of out-of-state  
19 dentists; removing provisions for issuance of certain  
20 licenses; permitting issuance of certain licenses;  
21 extending certain rights and privileges to certain  
22 licensees; amending 59 O.S. 2011, Section 328.23a,  
23 which relates to special volunteer licenses; revising  
24 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.  
2011, Section 328.25, which relates to temporary  
certificates; removing language relating to issuance  
of certain licenses; requiring obtainment of certain  
license prior to practice; providing standards for  
application and issuance; establishing certain time  
limit for certain permit; providing guidelines for

1 supervision of certain persons; providing  
2 requirements for applicants; requiring continuing  
3 education for certain persons; permitting  
4 consideration of provisional licenses; providing  
5 guidelines for delegated duties; providing  
6 definition; extending responsibility of certain acts  
7 to certain persons; providing certain construction;  
8 amending 59 O.S. 2011, Section 328.26, as last  
9 amended by Section 7, Chapter 405, O.S.L. 2013 (59  
10 O.S. Supp. 2014, Section 328.26), which relates to  
11 dental interns; permitting issuance of certain  
12 licenses to certain persons under certain  
13 circumstances; providing limitation on eligible  
14 persons; permitting annual renewal of certain permits  
15 at the request of certain persons; providing certain  
16 exemption; requiring supervision of students by  
17 certain persons; amending 59 O.S. 2011, Section  
18 328.27, as amended by Section 8, Chapter 405, O.S.L.  
19 2013 (59 O.S. Supp. 2014, Section 328.27), which  
20 relates to faculty permits; expanding acceptable  
21 documentation for faculty licensure; requiring  
22 certain request and certification prior to issuance  
23 of faculty license; providing for expiration of  
24 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;  
requiring certain information on advertisements;  
requiring certain facilities to maintain written  
records of certain information; providing standards  
and guidelines for required information; requiring  
records to be maintained for certain duration;  
amending 59 O.S. 2011, Section 328.32, as last

1 amended by Section 12, Chapter 405, O.S.L. 2013 (59  
2 O.S. Supp. 2014, Section 328.32), which relates to  
3 grounds for penalties; broadening grounds for  
4 penalties to include certain acts; extending period  
5 of maintaining certain records; amending 59 O.S.  
6 2011, Section 328.34, as amended by Section 14,  
7 Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2014, Section  
8 328.34), which relates to dental supervision;  
9 providing definitions; requiring submission of  
10 certain information; amending 59 O.S. 2011, Section  
11 328.41, as last amended by Section 15, Chapter 405,  
12 O.S.L. 2013 (59 O.S. Supp. 2014, Section 328.41),  
13 which relates to renewal certificates; establishing  
14 continuing education requirements; deleting language  
15 relating to waiver of certain fees and renewal of  
16 licenses; permitting application for renewal of  
17 licenses under certain circumstances; requiring new  
18 applications for certain persons; amending 59 O.S.  
19 2011, Section 328.43a, as amended by Section 10,  
20 Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2014, Section  
21 328.43a), which relates to complaints; removing  
22 provisions relating to written complaints; requiring  
23 Board President to assign certain panel; providing  
24 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  
facilities subject to certain penalties; removing  
certain grounds for penalties; amending 59 O.S. 2011,  
Section 328.62, which relates to definitions;  
modifying definition to include certain persons;  
amending 59 O.S. 2011, Section 328.63, which relates  
to protection from liability; stating that certain

1 mediation is voluntary; providing certain  
2 construction; permitting involved parties to request  
3 dismissal; requiring certain notice; clarifying  
4 language; clarifying references; removing obsolete  
5 language; providing for codification; providing an  
6 effective date; and declaring an emergency.

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

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

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

1 dental laboratory technicians shall be liberally construed to carry  
2 out these objects and purposes.

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

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

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

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

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

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

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

22 6. "Coronal polishing means a procedure limited to the removal  
23 of plaque and stain from exposed tooth surfaces, utilizing a slow  
24 speed hand piece with a rubber cup or brush and polishing agent and

1 is not prophylaxis. To be considered prophylaxis, examination for  
2 calculus and scaling must be done by a hygienist or dentist;

3 ~~4.~~ 7. "Dentistry" means the practice of dentistry in all of its  
4 branches;

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

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

13 ~~6.~~ 10. "Dental office" means an establishment owned and  
14 operated by a dentist for the practice of dentistry, which may be  
15 composed of reception rooms, business offices, private offices,  
16 laboratories, and dental operating rooms where dental operations are  
17 performed;

18 ~~7.~~ 11. "Dental hygienist" means an individual who has fulfilled  
19 the educational requirements and is a graduate of an accredited  
20 dental hygiene program and who has passed an examination and has  
21 been issued a license by the Board and who is authorized to practice  
22 dental hygiene as hereinafter defined;

23 ~~8.~~ 12. "Dental assistant or oral maxillofacial surgery  
24 assistant" means an individual working for a dentist, under the

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

10 ~~9.~~ 13. "Dental laboratory" means a location, whether in a  
11 dental office or not, where a dentist or a dental laboratory  
12 technician performs dental laboratory technology;

13 ~~10.~~ 14. "Dental laboratory technician" means an individual  
14 whose name is duly filed in the official records of the Board, which  
15 authorizes the technician, upon the laboratory prescription of a  
16 dentist, to perform dental laboratory technology, which services  
17 must be rendered only to the prescribing dentist and not to the  
18 public;

19 ~~11.~~ 15. "Dental laboratory technology" means using materials  
20 and mechanical devices for the construction, reproduction or repair  
21 of dental restorations, appliances or other devices to be worn in a  
22 human mouth;

23 ~~12.~~ 16. "Dental specialty" means a specialized practice of a  
24 branch of dentistry, recognized and defined by the American Dental

1 Association and ~~the rules of~~ the Board whose specialty program is  
2 accredited by the Commission on Dental Accreditation (CODA);

3 ~~13.~~ 17. "Direct supervision" means the supervisory dentist is  
4 in the dental office or treatment facility and, during the  
5 appointment, personally examines the patient, diagnoses any  
6 conditions to be treated, and authorizes the procedures to be  
7 performed by a dental hygienist, dental assistant, or oral  
8 maxillofacial surgery assistant, ~~remains.~~ The supervising dentist  
9 is continuously on site and physically present in the dental office  
10 or treatment facility while the procedures are being performed and,  
11 before dismissal of the patient, evaluates the results of the dental  
12 treatment;

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

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

19 ~~14.~~ 20. "General supervision" means the supervisory dentist has  
20 ~~previously~~ diagnosed any conditions to be treated within the past  
21 thirteen (13) months, has personally authorized the procedures to be  
22 performed by a dental hygienist, and will evaluate the results of  
23 the dental treatment within a reasonable time as determined by the  
24 nature of the procedures performed, the needs of the patient, and

1 the professional judgment of the supervisory dentist. General  
2 supervision may only be used to supervise a hygienist and may not be  
3 used to supervise an oral maxillofacial surgery assistant or dental  
4 assistant;

5 ~~15.~~ 21. "Indirect supervision" means the supervisory dentist is  
6 in the dental office or treatment facility and has personally  
7 diagnosed any conditions to be treated, authorizes the procedures to  
8 be performed by a dental hygienist, remains in the dental office or  
9 treatment facility while the procedures are being performed, and  
10 will evaluate the results of the dental treatment within a  
11 reasonable time as determined by the nature of the procedures  
12 performed, the needs of the patient, and the professional judgment  
13 of the supervisory dentist. Indirect supervision may not be used  
14 for an oral maxillofacial surgery assistant or a dental assistant;

15 ~~16.~~ 22. "Investigations" means an investigation proceeding,  
16 authorized under Sections 328.15A and 328.43a of this title, to  
17 investigate alleged violations of the State Dental Act or the rules  
18 of the Board;

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

21 ~~17.~~ 24. "Laboratory prescription" means a written description,  
22 dated and signed by a dentist, of dental laboratory technology to be  
23 performed by a dental laboratory technician;

24

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

7        ~~18.~~ 26. "Out-of-state dental hygienist" means a graduate of an  
8 accredited dental hygienist program who holds a license to practice  
9 dental hygiene in another state but who is not licensed to practice  
10 dental hygiene in this state;

11        ~~19.~~ 27. "Out-of-state dentist" means a graduate of an  
12 accredited dental college who holds a license to practice dentistry  
13 in another state but who is not licensed to practice dentistry in  
14 this state;

15        ~~20.~~ 28. "Patient" or "patient of record" means an individual  
16 who has given a medical history and has been examined and accepted  
17 ~~for dental care by a dentist~~ for dental care;

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

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

1        ~~22.~~ 30. "Supervision" means direct supervision, direct visual  
2 supervision, indirect supervision~~,~~ or general supervision; and

3        ~~23.~~ 31. "Treatment facility" means:

4            a. a federal, tribal, state or local public health  
5            facility,

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

7            c. a private health facility,

8            ~~e.~~

9            d. a group home or residential care facility serving the  
10            elderly, handicapped or juveniles,

11            ~~d.~~

12            e. a hospital~~,~~ or dental ambulatory surgery center  
13            (DASC),

14            ~~e.~~

15            f. a nursing home,

16            ~~f.~~

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

19            ~~g.~~

20            h. a public or private school,

21            ~~h.~~

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

23            ~~i.~~

24            j. a mobile dental unit,

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

2        k. ~~an accredited dental hygiene program, or a dental~~  
3            college, dental program, dental hygiene program or  
4            dental assisting program accredited by the Commission  
5            on Dental Accreditation, or

6        l. such other places as are authorized by the rules of  
7            the Board.

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

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

19        B. The Board shall hold regularly scheduled meetings during  
20        each quarter of the year at a time and place determined by the Board  
21        and may hold such additional regular meetings, special meetings,  
22        emergency meetings, or continued or reconvened meetings as found by  
23        the Board to be expedient or necessary. A majority of the Board  
24        shall constitute a quorum for the transaction of business.

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

7       D. The Board shall act in accordance with the provisions of the  
8 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the  
9 Administrative Procedures Act.

10       E. ~~All members of the Board and such employees, as determined~~  
11 ~~by the Board, shall be bonded as required by Sections 85.26 through~~  
12 ~~85.31 of Title 74 of the Oklahoma Statutes.~~

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

16       G. E. Members of the Board shall serve without compensation but  
17 shall be reimbursed for all actual and necessary expenses incurred  
18 in the performance of their duties in accordance with the State  
19 Travel Reimbursement Act. Committee members and anesthesia  
20 inspectors appointed by the Board may be reimbursed for travel  
21 expenses in accordance with the State Travel Reimbursement Act.

22       SECTION 4.       AMENDATORY       59 O.S. 2011, Section 328.15, as  
23 last amended by Section 3, Chapter 405, O.S.L. 2013 (59 O.S. Supp.  
24 2014, Section 328.15), is amended to read as follows:

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

6 B. The Board is authorized and empowered to:

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

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

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

16 4. Account for all receipts and expenditures of the monies of  
17 the Board, including annually preparing and publishing a statement  
18 of receipts and expenditures of the Board for each fiscal year;

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

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

24

- 1           7. Investigate and issue investigative and other subpoenas,  
2 pursuant to Article II of the Administrative Procedures Act;
- 3           8. Initiate individual proceedings and issue orders imposing  
4 administrative penalties, pursuant to Article II of the  
5 Administrative Procedures Act, against any dentist, dental  
6 hygienist, dental assistant, oral maxillofacial surgery assistant,  
7 dental laboratory technician, or holder of a permit to operate a  
8 dental laboratory who has violated the State Dental Act or the rules  
9 of the Board;
- 10          9. Conduct, in a uniform and reasonable manner, inspections of  
11 dental offices and dental laboratories and their business records;
- 12          10. Establish guidelines for courses of study necessary for  
13 dental assistants, oral maxillofacial surgery assistants and, when  
14 appropriate, issue permits authorizing dental assistants to perform  
15 expanded duties;
- 16          11. Establish continuing education requirements for dentists,  
17 dental hygienists, dental assistants and oral maxillofacial surgery  
18 assistants who hold permits issued by the Board;
- 19          12. Recognize the parameters and standards of care established  
20 and approved by the American Dental Association;
- 21          13. Formulate, adopt, and promulgate rules, pursuant to Article  
22 I of the Administrative Procedures Act, as may be necessary to  
23 implement and enforce the provisions of the Oklahoma Dental  
24 Mediation Act;

1           14. Seek and receive advice and assistance of the Office of the  
2 Attorney General of this state;

3           15. Promote the dental health and the education of dental  
4 health of the people of this state;

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

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

11          18. Enter into contracts;

12          19. Acquire by purchase, lease, gift, solicitation of gift or  
13 by any other manner, hold, encumber, and dispose of personal  
14 property as is needed, maintain, use and operate or contract for the  
15 maintenance, use and operation of or lease of any and all property  
16 of any kind, real, personal or mixed or any interest therein unless  
17 otherwise provided by the State Dental Act; provided, all contracts  
18 for real property shall be subject to the provisions of Section 63  
19 of Title 74 of the Oklahoma Statutes;

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

23          21. Take all other actions necessary to implement and enforce  
24 the State Dental Act.

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

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

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

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

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

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

18 ~~a. Dental Practice Committee,~~

19 ~~b. Anesthesia Committee,~~

20 ~~c. Specialty Practice Committee,~~

21 ~~d. Historical and Retirement Committee, and~~

22 ~~e. Assistants, Dental Labs and Other Auxiliary Personnel~~  
23 ~~Committee.~~

24

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

5        3. Each committee may have up to ten committee members with the  
6 exception of the Anesthesia Committee which may have up to eighteen  
7 members, exclusive of the cochairs;

8        4. The Board President, with approval of the Board, shall  
9 appoint all committee members. One-half (1/2 or 50%) of the  
10 committee members shall be recommended by the Board and one-half  
11 (1/2 or 50%) of the committee members shall be recommended to the  
12 Board President by a statewide organization representing dentists;  
13 and

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

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

18        1. One current dental hygiene member of the Board;

19        2. Two dental hygienists recommended by the Board and two  
20 dental hygienists recommended by a statewide organization  
21 representing dental hygienists;

22        3. The Committee shall have the following functions:  
23  
24

1           a. to develop and propose recommendations to the Board  
2           regarding the education, examination, licensure, and  
3           regulation of dental hygienists,

4           b. to advise the Board in rulemaking regarding dental  
5           hygiene,

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

8           d. to work directly with the Allied Dental Education  
9           Committee in reviews and recommendations for  
10           equivalent dental hygiene programs; and

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

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

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

20           2. The Allied Dental Education Committee shall:

21           a. review the standards and equivalency of in-state and  
22           out-of-state dental and auxiliary program requirements  
23           and make recommendations to the Board,

1           b. evaluate individual credentials and programs for the  
2           purpose of issuing dental assistant expanded duty  
3           permits and dental hygiene advanced procedure permits  
4           from persons holding out-of-state licenses and permits  
5           based on CODA or DANB programs and criteria as defined  
6           by the State Dental Act and other statutes and shall  
7           make recommendations to the Board,

8           c. recommend standards and guidelines and review criteria  
9           for all expanded duty programs or courses for dental  
10           assistants from CODA approved programs and non-CODA  
11           approved providers and advanced procedures of dental  
12           hygienists from CODA approved programs to the Board,  
13           and

14           d. recommend and develop guidelines for classroom,  
15           electronic media and other forms of education and  
16           testing;

17           3. The Committee shall meet as deemed necessary by the Board

18           President;

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

22           a. the Board President or his or her designee who must be  
23           a current or past Board Member,

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

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

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

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

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

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

21           2. Representing oneself to the public as being able to diagnose  
22           or examine clinical material ~~and~~ or contract for the treating  
23           thereof;

1        3. ~~Treating~~ Representing oneself as treating or professing to  
2 treat by professional instructions or by advertised use of  
3 professional equipment or products;

4        4. Representing oneself to the public as treating any of the  
5 diseases or disorders or lesions of the oral cavity, teeth, gums,  
6 maxillary bones, and associate structures;

7        5. Removing human teeth;

8        6. Repairing or filling cavities in human teeth;

9        7. Correcting or attempting to correct malposed teeth;

10       8. Administering anesthetics, general or local;

11       9. Treating deformities of the jaws and adjacent structures;

12       10. Using x-ray and interpreting dental x-ray film;

13       11. Offering ~~or~~, undertaking or assisting, by any means or  
14 methods, to remove stains, discolorations, or concretions from the  
15 teeth;

16       12. Operating or prescribing for any disease, pain, injury,  
17 deficiency, deformity, or any physical condition connected with the  
18 human mouth;

19       13. Taking impressions of the teeth and jaws;

20       14. Furnishing, supplying, constructing, reproducing, or  
21 repairing, or offering to furnish, supply, construct, reproduce, or  
22 repair, prosthetic dentures, sometimes known as plates, bridges, or  
23 other substitutes for natural teeth for the user or prospective user  
24 thereof;

1 15. Adjusting or attempting to adjust any prosthetic denture,  
2 bridge, appliance, or any other structure to be worn in the human  
3 mouth;

4 16. Diagnosing, making, and adjusting appliances to artificial  
5 casts of malposed teeth for treatment of the malposed teeth in the  
6 human mouth, without instructions;

7 17. Writing a laboratory prescription to a dental laboratory or  
8 dental laboratory technician for the construction, reproduction or  
9 repair of any appliance or structure to be worn in the human mouth;

10 ~~or~~

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

13 or

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

17 B. The fact that a person uses any dental degree, or  
18 designation, or any card, device, directory, poster, sign or other  
19 media representing oneself to be a dentist shall be prima facie  
20 evidence that the person is engaged in the practice of dentistry;  
21 provided that nothing in this section shall be so construed as to  
22 prevent the following:

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

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

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

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

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

19           6. The performing of acts by a dental assistant or oral  
20 maxillofacial surgery assistant who performs the acts under the  
21 direct supervision or direct visual supervision of a dentist and in  
22 accordance with the provisions of the State Dental Act and the rules  
23 promulgated by the Board; or  
24

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

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

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

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

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

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

20           3. Has passed a written theoretical examination and a clinical  
21 examination approved by the Board; and

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

24

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

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

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

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

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

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

17 D. ~~1.~~ When the applicant and the accompanying proof are found  
18 satisfactory, the Board shall notify the applicant to appear for the  
19 jurisprudence examination at the time and place to be fixed by the  
20 Board. ~~Examination shall be of a character to give a fair test of~~  
21 ~~the qualifications of the applicant to practice dentistry or dental~~  
22 ~~hygiene, whichever the case may be, and shall consist of three~~  
23 ~~parts, namely:~~

24 a. ~~a written theoretical examination,~~

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

2           ~~c. a written jurisprudence examination, relating to the~~  
3           ~~contents and interpretation of the State Dental Act~~  
4           ~~and the rules of the Board.~~

5           ~~2. The theoretical and jurisprudence examination papers and all~~  
6 ~~grading thereon, and the grading of the clinical examination, shall~~  
7 ~~be deemed public documents, and shall be preserved by the Board for~~  
8 ~~a period of two (2) years after the Board has made and published its~~  
9 ~~decision thereon.~~ A dental student or a dental hygiene student in  
10 their last semester of a dental or dental hygiene program, having  
11 met all other requirements, may make application and take the  
12 jurisprudence examination with a letter from the dean of the dental  
13 school or director of the hygiene program stating that the applicant  
14 is a candidate for graduation within the next six (6) months.

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

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

21           ~~2. Pass an examination required by the Board in the theory and~~  
22 ~~practice of the science of dentistry or dental hygiene, whichever~~  
23 ~~the case may be. The Board may recognize the results of~~  
24 ~~examinations conducted by the Commission on National Dental~~

1 ~~Examinations or results of regionally conducted examinations with~~  
2 ~~which regions the Board is affiliated by contract or cooperative~~  
3 ~~agreement pursuant to Section 328.15 of this title, in lieu of, or~~  
4 ~~subject to, such examinations as may be required any other~~  
5 ~~information as required by the Board.~~

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

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

18 G. ~~No person shall practice as a dental assistant or oral~~  
19 ~~maxillofacial surgery assistant for more than one (1) day in a~~  
20 ~~calendar year without having obtained a permit as a dental assistant~~  
21 ~~or oral maxillofacial surgery assistant from the Board of Dentistry~~  
22 ~~within thirty (30) days of beginning employment.~~

23 ~~Any person seeking to obtain a dental assistant or oral~~  
24 ~~maxillofacial surgery assistant permit must have a supervising~~

1 ~~dentist currently licensed in Oklahoma and complete the requirements~~  
2 ~~set forth by the Board.~~

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

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

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

18 a. a letter of good standing from all states ever  
19 licensed,

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

23 c. any other requirements as set forth by the rules; or  
24

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

5       I. There shall be two types of advanced procedure available for  
6 dental hygienists upon completion of a CODA approved program or  
7 course that has been approved by the Board:

8           1. Administration of nitrous oxide; and

9           2. Administration of local anesthesia.

10       J. All licensees and permit holders shall display their current  
11 permit or license in a visible place within the dental office or  
12 treatment facility.

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

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

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

22           a. has successfully completed an advanced dental  
23                specialty educational program defined by the American  
24                Dental Association and the Board and accredited by the

1 Commission on Dental Accreditation ~~of the American~~  
2 ~~Dental Association,~~ and

3 b. has met the requirements for a general dental license  
4 set forth by Section 328.21 of this title, and

5 c. has passed the jurisprudence examination covering the  
6 State Dental Act, rules and state laws, and

7 ~~e.~~

8 d. has completed any additional requirements set forth in  
9 state law or rules and has been issued a dental  
10 specialty license by the Board.

11 3. Specialties recognized by the Board shall include:

12 a. dental public health,

13 b. endodontics,

14 c. oral and maxillofacial surgery,

15 d. oral and maxillofacial radiology,

16 e. orthodontics and dentofacial orthopedics,

17 f. pediatric dentistry,

18 g. periodontics,

19 h. prosthodontics, and

20 i. oral pathology.

21 B. 1. ~~Except as authorized in subsection C of this section, an~~  
22 ~~applicant for a dental specialty license must satisfactorily pass an~~  
23 ~~examination for dental specialty practice, as provided in the rules~~  
24 ~~of the Board.~~

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

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

8           ~~a. is in good standing with the dental licensing agency~~  
9           ~~of the state or states in which the out-of-state~~  
10           ~~dentist has been issued a license to practice~~  
11           ~~dentistry,~~

12           ~~b. has successfully completed an advanced dental~~  
13           ~~specialty educational program accredited by the~~  
14           ~~Commission on Dental Accreditation of the American~~  
15           ~~Dental Association, and~~

16           ~~c. has been issued a dental specialty license by the~~  
17           ~~dental licensing agency of another state or has~~  
18           ~~received board certification from a national dental~~  
19           ~~specialty board recognized by the Commission on Dental~~  
20           ~~Accreditation of the American Dental Association and~~  
21           ~~the rules of the Board.~~

22       At the time of application, if the dentist has ever been  
23 licensed in any other state, he or she shall provide a letter of  
24

1 good standing from such state before the Board may issue a specialty  
2 license.

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

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

14 a. ~~an applicant for a dental specialty license pursuant~~  
15 ~~to this subsection to have completed the same~~  
16 ~~continuing education requirements as required of~~  
17 ~~dentists in this state, and~~

18 b. ~~that the state from which the applicant presents~~  
19 ~~credentials afford substantially equivalent licensure~~  
20 ~~by credentialing to dentists of this state.~~

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

1 ~~E. Out of state dentists to whom dental specialty licenses have~~  
2 ~~been issued by the Board, but who have not been licensed in this~~  
3 ~~state to practice dentistry, shall limit their practice in this~~  
4 ~~state to the practice of the specialty for which they hold a dental~~  
5 ~~specialty license.~~

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

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

11 E. Anyone applying for a specialty license by credentials  
12 before January 1, 2016, may make application to the Board President  
13 to have the specialty practice committee individually review the  
14 credentials of the individual and may require that the individual  
15 pass a specialty exam in lieu of the requirements of this section.

16 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.23, as  
17 last amended by Section 6, Chapter 405, O.S.L. 2013 (59 O.S. Supp.  
18 2014, Section 328.23), is amended to read as follows:

19 Section 328.23. A. 1. ~~The Board of Dentistry may issue a~~  
20 ~~license to practice dentistry, without examination, to an out-of-~~  
21 ~~state dentist who has been engaged in the practice of dentistry in~~  
22 ~~another state for at least five (5) years, upon presentation to the~~  
23 ~~Board of a certificate from the dental licensing agency of that~~  
24 ~~state, certifying the applicant's length of practice and that the~~

1 ~~applicant is in good standing with the agency, and upon the payment~~  
2 ~~of a fee established by the rules of the Board; provided, however,~~  
3 ~~the state from which the applicant presents a license to practice~~  
4 ~~dentistry shall have required the applicant to meet professional~~  
5 ~~education, competency, and moral character standards substantially~~  
6 ~~equivalent to the standards required by the Board for issuance of a~~  
7 ~~license by examination to practice dentistry in this state.~~

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

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

12 ~~a. an applicant for a license to practice dentistry~~  
13 ~~pursuant to this subsection to have completed the same~~  
14 ~~continuing education requirements as required of~~  
15 ~~dentists in this state, and~~

16 ~~b. that the state from which the applicant presents~~  
17 ~~credentials afford substantially equivalent licensure~~  
18 ~~by credentialing to dentists of this state.~~

19 ~~B. Any dentist who is in good standing with the Board shall,~~  
20 ~~upon application to the Board and payment of a fee established by~~  
21 ~~the rules of the Board, receive a certificate which shall attest~~  
22 ~~that the dentist is in good standing with the Board.~~

23 ~~C. The President of the Board, upon verification that a person~~  
24 ~~meets the requirements provided for in this section and any other~~

1 requirements provided for in the State Dental Act, may issue a  
2 temporary license to practice dentistry for thirty (30) days. A  
3 temporary license may be extended but shall not exceed ninety (90)  
4 days or the next available regularly scheduled Board meeting.

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

10 C. A holder of a temporary license to practice dentistry or  
11 dental hygiene shall have the same rights and privileges and be  
12 governed by the State Dental Act and the rules of the Board in the  
13 same manner as a holder of a permanent license to practice dentistry  
14 and dental hygiene.

15 D. The President of the Board may authorize patient treatment  
16 and care to individuals taking the Western Regional Examining Board  
17 Exam to complete criteria related to Board examinations and may  
18 authorize specialty examinations to be given throughout the year as  
19 needed.

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

22 Section 328.23a. A. There is established a special volunteer  
23 license for dentists and a special volunteer license for dental  
24 hygienists who are retired from active practice or out-of-state

1 licensees in active practice who are in the Oklahoma Medical Reserve  
2 Corps or assisting with emergency management, emergency operations,  
3 or hazard mitigation in response to any emergency, man-made  
4 disaster, or natural disaster, or participating in public health  
5 initiatives, disaster drills, and community service events that are  
6 endorsed by a city, county, or state health department in the state  
7 and wish to donate their expertise for the dental care and treatment  
8 of indigent and needy persons of the state. The special volunteer  
9 license shall be:

10 1. Issued by the Board of Dentistry to eligible persons;

11 2. Issued without the payment of an application fee, license  
12 fee or renewal fee;

13 3. Issued or renewed without any continuing education  
14 requirements for a period less than one (1) ~~fiscal~~ calendar year;  
15 and

16 4. Issued for one ~~fiscal~~ (1) calendar year or part thereof.

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

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

22 2. Documentation that the dentist or dental hygienist has been  
23 previously issued a full and unrestricted license to practice  
24 dentistry or dental hygiene in Oklahoma or in another state of the

1 United States and that he or she has never been the subject of any  
2 medical or dental disciplinary action in any jurisdiction. If the  
3 dentist or dental hygienist is licensed in more than one state and  
4 any license of the licensee is suspended, revoked, or subject to any  
5 agency order limiting or restricting practice privileges, or has  
6 been voluntarily terminated under threat of sanction, the dentist or  
7 dental hygienist shall be ineligible to receive a special volunteer  
8 license;

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

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

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

19 C. The Board of Dentistry shall have jurisdiction over  
20 dentists, dental hygienists, dental assistants, and dental  
21 technicians who volunteer their professional services in the state.  
22 Dental assistants and dental technicians shall work under the direct  
23 supervision of a dentist.

24

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

16 E. All persons providing care shall do so under the provisions  
17 specified in Section 328.1 et seq. of this title or rules  
18 promulgated by the Board. Only those functions authorized by law or  
19 administrative rule shall be performed by the named person approved  
20 by the Board.

21 F. Volunteers shall not use sedation or general anesthesia  
22 during volunteer procedures.

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

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

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

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

11 A dentist, dental hygienist or dental assistant that has been  
12 licensed or permitted in good standing with the Board in excess of  
13 twenty (20) years that has reached the age of sixty-five (65) may  
14 apply for a retired volunteer dentist, dental hygienist or dental  
15 assistant license or permit on a yearly basis to provide volunteer  
16 services. There shall be no continuing education requirements. A  
17 retired dentist, dental hygienist or dental assistant with a retired  
18 volunteer license or permit shall not receive payment either  
19 directly or indirectly for work provided.

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

22 Section 328.24. A. ~~1. The Board of Dentistry may issue a~~  
23 ~~license to practice dental hygiene, without examination, to an out-~~  
24 ~~of-state dental hygienist who has been engaged in the active~~

1 ~~practice of dental hygiene in another state or territory for at~~  
2 ~~least two (2) years immediately preceding application, upon~~  
3 ~~presentation to the Board of a certificate from the Board of Dental~~  
4 ~~Examiners or a like dental hygiene licensing agency of that state or~~  
5 ~~territory, certifying the applicant's length of practice and that~~  
6 ~~the applicant is in good standing with the agency, and upon the~~  
7 ~~payment of a fee established by the rules of the Board; provided,~~  
8 ~~however, the state or territory from which the applicant presents a~~  
9 ~~license to practice dental hygiene shall have required the applicant~~  
10 ~~to meet professional education, competency, and other eligibility~~  
11 ~~standards equivalent to the standards required by the Board for~~  
12 ~~issuance of a license by examination to practice dental hygiene in~~  
13 ~~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 dental hygiene.~~

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

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

22 ~~b. that the state or territory from which the applicant~~  
23 ~~presents credentials afford substantially equivalent~~

24

1           ~~licensure by credentialing to dental hygienists of~~  
2           ~~this state.~~

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

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

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

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

17           1. Is of good moral character; and

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

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

- 1        1. Radiation safety;
- 2        2. Coronal polishing and topical fluoride;
- 3        3. Sealants;
- 4        4. Assisting in the administration of nitrous oxide; or
- 5        5. Assisting a dentist who holds a parenteral or pediatric  
6 anesthesia permit; provided, only the dentist may administer  
7 anesthesia and assess the patient's level of sedation.

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

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

17        F. A dental assistant that has met the educational  
18 prerequisites and passed the Certified Dental Assistant examination  
19 including radiation health and safety, infection control and general  
20 chairside component established by DANB, shall have a designation of  
21 "CDA" on their Dental Assistant Permit. A dental assistant meeting  
22 the qualifications of a CDA set forth by DANB, shall also receive an  
23 expanded duty permit for radiation safety. Each certified dental  
24 assistant shall provide proof to the Board that they are in current

1 compliance with the requirements set forth by DANB to maintain their  
2 CDA upon each yearly renewal of their permit.

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

5 Section 328.25. A. ~~The Board of Dentistry may issue a~~  
6 ~~temporary license to practice dental hygiene, without examination,~~  
7 ~~to an out-of-state dental hygienist who has been engaged in the~~  
8 ~~active practice of dental hygiene in another state or territory~~  
9 ~~during the 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 that the applicant is in good standing with~~  
13 ~~the agency and upon the payment of a fee established by the rules of~~  
14 ~~the Board; provided, however, the state or territory from which the~~  
15 ~~applicant presents a license to practice dental hygiene shall have~~  
16 ~~required the applicant to meet professional education, competency,~~  
17 ~~and other eligibility standards equivalent to the standards required~~  
18 ~~by the Board for issuance of a license by examination to practice~~  
19 ~~dental hygiene in this state.~~

20 B. ~~A holder of a temporary license to practice dental hygiene~~  
21 ~~shall have the same rights and privileges and be governed by the~~  
22 ~~State Dental Act and the rules of the Board in the same manner as a~~  
23 ~~holder of a permanent license to practice dental hygiene. A~~  
24 ~~temporary license to practice dental hygiene shall expire as of the~~

1 ~~date of the next dental hygiene clinical examination required by the~~  
2 ~~Board~~ No person shall practice as an oral maxillofacial surgery  
3 assistant without having obtained a permit as an oral maxillofacial  
4 surgery assistant from the Board of Dentistry.

5 B. Any person seeking to obtain an oral maxillofacial surgery  
6 assistant permit must have a supervising oral maxillofacial surgeon  
7 with a current Oklahoma license and complete the requirements set  
8 forth by the Board.

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

12 1. Is of good moral character;

13 2. Passes a background check with criteria established by the  
14 Board; and

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

17 D. An oral maxillofacial surgery assistant permit shall be  
18 considered a temporary training permit until all of the training  
19 requirements, as established by the Board for each oral  
20 maxillofacial surgery assistant, have been completed and approved by  
21 the Board.

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

24

1 F. All oral maxillofacial surgery assistants are required to be  
2 under direct supervision or direct visual supervision at all times  
3 by a licensed oral maxillofacial surgeon.

4 G. If an oral maxillofacial surgery assistant is not currently  
5 employed by an oral maxillofacial surgeon, the oral maxillofacial  
6 surgery assistant permit shall automatically revert to a dental  
7 assistant permit as set forth in Section 328.24 of this title and  
8 may be eligible for an expanded function assisting a dentist who  
9 holds a parenteral or pediatric anesthesia permit; provided, only  
10 the dentist may administer anesthesia and assess the patient's level  
11 of sedation. The oral maxillofacial surgery assistant permit may be  
12 reinstated upon employment under a licensed oral maxillofacial  
13 surgeon.

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

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

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

22 2. A valid BLS certification;  
23  
24

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

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

9       5. Completion of an infection-control course as approved by the  
10 Board.

11       J. An oral maxillofacial surgery assistant who has completed  
12 all the requirements shall receive a permit to practice as an oral  
13 maxillofacial surgery assistant within a dental office, surgery  
14 center, dental ambulatory surgery center or hospital.

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

21       L. The anesthesia committee provided pursuant to Section 328.17  
22 of this title may make a recommendation to the Board for an oral  
23 maxillofacial surgery assistant holding a temporary training permit  
24 to substitute training received from another state university,

1 dental school or technical training institute or training acquired  
2 in a surgery center or hospital while working under the authority of  
3 a licensed physician, to qualify as a partial substitute for the  
4 requirements to attain an oral maxillofacial surgery assistant  
5 permit.

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

8 1. Under direct supervision:

- 9 a. initiate and discontinue an intravenous line for a  
10 patient being prepared to receive intravenous  
11 medications, sedation or general anesthesia, or  
12 b. draw up and prepare medications;

13 2. Under direct visual supervision:

- 14 a. follow instructions of the oral surgeon while acting  
15 as an accessory hand on behalf of the oral surgeon  
16 that is administering the medication and actively  
17 treating the patient. For the purposes of this  
18 section, "administer" means to have the sole  
19 responsibility for anesthesia care, including  
20 determining medicines to be used and the dosage,  
21 timing, route of delivery and administration of  
22 medication and the assessment of the level of  
23 anesthesia and monitoring the physiological results of  
24 such care; provided, only an oral surgeon or dentist

1 possessing a current general anesthesia permit may  
2 administer or assess the level of sedation or general  
3 anesthesia and monitor the results of such care,

4 b. follow instructions of the oral surgeon to adjust the  
5 rate of intravenous fluids to maintain or keep the  
6 line patent or open and adjust an electronic device to  
7 provide medications such as an infusion pump, and

8 c. assist the oral surgeon by reading, recording vital  
9 signs of a patient receiving deep sedation or general  
10 anesthesia; provided, only an oral surgeon may assess  
11 the level of sedation; and

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

17 4. Nothing in this act shall be construed as to allow an oral  
18 surgery assistant or dental assistant to administer anesthesia care  
19 to a patient.

20 SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.26, as  
21 last amended by Section 7, Chapter 405, O.S.L. 2013 (59 O.S. Supp.  
22 2014, Section 328.26), is amended to read as follows:

23 Section 328.26. A. The Board of Dentistry may, without  
24 examination, issue a dental intern, resident or fellowship permit to

1 a student or graduate of an approved dental school or college, ~~who~~  
2 or a residency program approved by the Commission on Dental  
3 Accreditation (CODA). All persons requesting a residency permit  
4 shall provide proof of having passed a regional exam as provided by  
5 Section 328.21 of this title, and is otherwise qualified, upon  
6 request of the dean or the governing body of any public or private  
7 institution for the graduate to serve as a dental intern ~~or,~~  
8 resident or fellow in the institution, with limited duties as  
9 defined in the permit. A fellowship permit may only be given to a  
10 person currently participating in a fellowship program affiliated  
11 with an accredited dental school.

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

16 C. A dental intern, resident or fellowship permit shall not  
17 authorize the holder to open an office for the private practice of  
18 dentistry, or to receive compensation for the practice of dentistry,  
19 except a salary paid by the federal government or this state, or  
20 their subdivisions, or the public or private institution where the  
21 holder of the dental intern, resident or fellowship permit will be  
22 employed.

23 D. A dental intern, resident or fellowship permit shall  
24 automatically expire when the permit holder is no longer

1 participating in the program offered by the college of dentistry, ~~or~~  
2 the accredited dental college or the institution.

3 E. The issuance of a dental intern, resident or fellowship  
4 permit by the Board shall in no way be considered a guarantee or  
5 predetermination of any person to receive a full license issued by  
6 the Board.

7 F. Dental intern or resident or fellowship permits may be  
8 renewed annually at the request of the Dean of the college or  
9 program director of the program approved by CODA and at the  
10 discretion of the Board.

11 G. Students currently enrolled at the University Of Oklahoma  
12 College Of Dentistry or an accredited dental hygiene or dental  
13 assisting program shall be exempted from Sections 328.19 and 328.21  
14 of this title while participating in an educational program located  
15 at the University Of Oklahoma College Of Dentistry or the clinic of  
16 an accredited dental hygiene or dental assisting program. A  
17 licensed dentist, hygienist or faculty license holder shall be  
18 physically present in the facility whenever students of dentistry,  
19 dental hygiene or dental assisting are performing a clinical dental  
20 procedure on patients.

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

24

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

8 a. is a graduate of a school of dentistry approved by the  
9 Board and is licensed to practice dentistry in another  
10 state or country,

11 b. has graduated from an accredited dental program, or

12 c. successfully completes advanced training in a  
13 specialty dental program approved by the Commission on  
14 Dental Accreditation of the American Dental  
15 Association, or

16 ~~e.~~

17 d. if applying for a hygiene faculty license, is a  
18 graduate of an accredited dental hygiene program and  
19 is licensed to practice dental hygiene in another  
20 state.

21 2. A faculty ~~permit~~ license or faculty specialty license shall  
22 be issued only upon the request and certification of the dean of an  
23 accredited dental college or the program director of an accredited  
24 dental hygiene program located in this state that the applicant is a

1 ~~bona fide~~ full-time member of the teaching staff of that college or  
2 program.

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

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

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

15 ~~B.~~ 6. The holder of a faculty ~~permit~~ license or faculty  
16 specialty license shall be entitled to perform services and  
17 procedures in the same manner as a person holding a license to  
18 practice dentistry or dental hygiene in this state, but all services  
19 and procedures performed by the faculty ~~permit~~ license or faculty  
20 specialty license holder shall ~~only~~ be without compensation other  
21 than that received in salary from a faculty position or through  
22 faculty practice as authorized by the Board. The holder of a  
23 faculty license or faculty specialty license shall be limited to  
24 practicing in the specialty area as designate on the license. Such

1 services and procedures shall be performed only within the  
2 facilities of an accredited dental college or accredited dental  
3 hygiene program or ~~in a seminar or postgraduate course and as an~~  
4 ~~adjunct to teaching functions.~~ A holder of a faculty permit shall  
5 ~~only engage in faculty practice of dentistry or dental hygiene~~  
6 within the facilities designated by the accredited dental college  
7 and ~~including~~ teaching hospitals approved by the Board.

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

17 C. Upon request of the Dean, the Board President may issue a  
18 dentist or hygienist licensed in another state or country a  
19 temporary license pursuant to Section 328.23 of this title for the  
20 purpose of attending, presenting or participating in a seminar or  
21 live training in dental techniques or dental anesthesia, given at  
22 the University of Oklahoma College of Dentistry to licensed dentists  
23 and hygienists for continuing education credits and students  
24 enrolled in the University of Oklahoma College of Dentistry. A

1 temporary permit issued for this purpose shall not exceed seven (7)  
2 days and may not be issued to the same person more than four (4)  
3 times in a calendar year.

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

14 SECTION 16. AMENDATORY Section 6, Chapter 270, O.S.L.  
15 2012, as amended by Section 9, Chapter 405, O.S.L. 2013 (59 O.S.  
16 Supp. 2014, Section 328.28a), is amended to read as follows:

17 Section 328.28a. A. Beginning January ~~2014~~ 2016, every  
18 applicant for any type of license or permit issued by the Board of  
19 Dentistry shall be subject to a criminal background check. The  
20 provisions of this subsection shall not apply to persons applying  
21 for faculty or faculty specialty licenses provided in Section 328.27  
22 of this title.

23 B. Each applicant shall submit two completed fingerprint cards  
24 as required by the Board. The fingerprint cards shall be required

1 to be in a clear, readable format acceptable to the Oklahoma State  
2 Bureau of Investigation.

3 C. Each applicant shall include a money order or cashier's  
4 check made payable to the Oklahoma State Bureau of Investigation or  
5 the Board for the purposes of a local and national criminal  
6 background check.

7 D. The Board shall forward the fingerprint cards, along with  
8 the applicable fee for a national fingerprint criminal history  
9 records search, to the Bureau.

10 E. The Bureau shall retain one set of fingerprints in the  
11 Automated Fingerprint Identification System and submit the other set  
12 to the Federal Bureau of Investigation for a national criminal  
13 history records search.

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

17 Section 328.29a. A. The Board of Dentistry shall have the  
18 power, after a hearing, to revoke or suspend a permit of a dental  
19 assistant or oral maxillofacial surgery assistant or to discipline  
20 by a probation or censure, public or private, for:

21 1. Any of the causes now existing in the laws of the State of  
22 Oklahoma;

23 2. A violation of the provisions of the State Dental Act; or  
24

1           3. A violation of the rules of the Board promulgated pursuant  
2 to the State Dental Act.

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

14           C. The decision shall be final unless the dental assistant or  
15 oral maxillofacial surgery assistant appeals the decision as  
16 provided by the State Dental Act.

17           D. The Board shall have power to revoke or suspend the permit,  
18 censure, or place on probation a dental assistant or oral  
19 maxillofacial surgery assistant for a violation of one or more of  
20 the following:

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

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

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

6           4. Functioning outside the direct or direct visual supervision  
7 of a dentist;

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

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

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

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

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

22           2. The name of the dentist or dentists actually providing the  
23 dental services to the patient shall appear on all insurance claim

24

1 forms, billing invoices or statements sent to the patient and on all  
2 receipts if any are given to the patient;

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

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

12 B. Beginning July 1, 2016, all advertisements for dentistry  
13 shall include the name of the dentist or dentists that shall be  
14 providing treatment and shall list the type of dental or specialty  
15 license on the advertisement.

16 C. The Board of Dentistry shall promulgate rules regulating  
17 advertisements in which one dentist or multiple dentists use a trade  
18 name.

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

22 A. Every dental office or treatment facility, whether  
23 individual, group or multi-doctor practice operating under a name,  
24 trade name or other professional entity shall maintain written

1 records on each patient treated at the facility and shall make these  
2 records available to the Board and other regulatory entities or be  
3 subject to the penalties as set forth in Section 328.44 of this  
4 title.

5 B. Each licensed dentist shall maintain written records on each  
6 patient that shall contain, at a minimum, the following information  
7 about the patient:

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

10 2. Results of clinical examination and tests conducted,  
11 including the identification, or lack thereof, of any oral pathology  
12 or diseases;

13 3. Treatment plan proposed by the dentist;

14 4. Treatment rendered to the patient. The patient record shall  
15 clearly identify the dentist and the dental hygienist providing the  
16 treatment with the dentist, specialty or dental hygienist license  
17 number;

18 5. Whenever patient records are released or transferred, the  
19 dentist releasing or transferring the records shall maintain either  
20 the original records or copies thereof and a notation shall be made  
21 in the retained records indicating to whom the records were released  
22 or transferred; and

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

1 C. Patient records may be kept in an electronic data format,  
2 provided that the dentist maintains a backup copy of information  
3 stored in the data processing system using disk, tape or other  
4 electronic back-up system and that backup is updated on a regular  
5 basis, at least weekly, to assure that data is not lost due to  
6 system failure. Any electronic data system shall be capable of  
7 producing a hard copy on demand.

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

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

15 SECTION 20. AMENDATORY 59 O.S. 2011, Section 328.32, as  
16 last amended by Section 12, Chapter 405, O.S.L. 2013 (59 O.S. Supp.  
17 2014, Section 328.32), is amended to read as follows:

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

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

- 1           2. Presenting to the Board a false diploma, license, or  
2 certificate, or one obtained by fraud or illegal means, or providing  
3 other false information on an application or renewal;
- 4           3. Being, by reason of persistent inebriety or addiction to  
5 drugs, incompetent to continue the practice of dentistry;
- 6           4. Publishing a false, fraudulent, or misleading advertisement  
7 or statement;
- 8           5. Authorizing or aiding an unlicensed person to practice  
9 dentistry, to practice dental hygiene, or to perform a function for  
10 which a permit from the Board is required;
- 11           6. Authorizing or aiding a dental hygienist to perform any  
12 procedure prohibited by the State Dental Act or the rules of the  
13 Board;
- 14           7. Authorizing or aiding a dental assistant or oral  
15 maxillofacial surgery assistant to perform any procedure prohibited  
16 by the State Dental Act or the rules of the Board;
- 17           8. Failing to pay fees as required by the State Dental Act or  
18 the rules of the Board;
- 19           9. Failing to complete continuing education requirements;
- 20           10. Representing himself or herself to the public as a  
21 specialist in a dental specialty without holding a dental specialty  
22 license therefor;
- 23  
24

- 1 11. Representing himself or herself to the public as a  
2 specialist whose practice is limited to a dental specialty, when  
3 such representation is false, fraudulent, or misleading;
- 4 12. Endangering the health of patients by reason of having a  
5 highly communicable disease and continuing to practice dentistry  
6 without taking appropriate safeguards;
- 7 13. Practicing dentistry in an unsafe or unsanitary manner or  
8 place, including but not limited to repeated failures to follow  
9 Centers for Disease Control (CDC) or Occupational Health Safety  
10 Administration (OSHA) guidelines;
- 11 14. Being shown to be mentally unsound;
- 12 15. Being shown to be grossly immoral and that such condition  
13 represents a threat to patient care or treatment;
- 14 16. Being incompetent to practice dentistry while delivering  
15 care to a patient;
- 16 17. Committing gross negligence in the practice of dentistry;
- 17 18. Committing repeated acts of negligence in the practice of  
18 dentistry;
- 19 19. Offering to effect or effecting a division of fees, or  
20 agreeing to split or divide a fee for dental services with any  
21 person, in exchange for the person bringing or referring a patient;
- 22 20. Being involuntarily committed to an institution for  
23 treatment for substance abuse, until recovery or remission;
- 24

1           21. Using or attempting to use the services of a dental  
2 laboratory or dental laboratory technician without issuing a  
3 laboratory prescription, except as provided in subsection C of  
4 Section 328.36 of this title;

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

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

14          24. Allowing a person not holding a permit or license issued by  
15 the Board to assist in the treatment of a patient without having a  
16 license or permit issued by the Board;

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

20          26. Authorizing or aiding a dental hygienist, dental assistant,  
21 oral maxillofacial surgery assistant, dental laboratory technician,  
22 or holder of a permit to operate a dental laboratory to violate any  
23 provision of the State Dental Act or the rules of the Board;

24

1 27. Willfully disclosing ~~confidential~~ information protected by  
2 the Health Information Portability and Accountability Act, P.L. 104-  
3 191;

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

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

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

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

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

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

18 34. Failing to retain all patient records for at least ~~three~~  
19 ~~(3)~~ seven (7) years from the date of the last treatment, except that  
20 the failure to retain records shall not be a violation of the State  
21 Dental Act if the dentist shows that the records were lost,  
22 destroyed, or removed by another, without the consent of the  
23 dentist;

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

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

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

21 37. Violating the state dental act of another state resulting  
22 in a plea of guilty or nolo contendere, conviction or suspension or  
23 revocation or other sanction by another state board, of the license  
24 of the dentist under the laws of that state;

1 38. Violating or attempting to violate the provisions of the  
2 State Dental Act or the rules of the Board, as a principal,  
3 accessory or accomplice;

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

7 40. Failing to cooperate during an investigation or providing  
8 false information, verbally or in writing, to the Board, the Board's  
9 investigator or an agent of the Board.

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

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

21 Section 328.34. A. A dental hygienist may practice dental  
22 hygiene under the supervision of a dentist in a dental office or  
23 treatment facility. A dentist may employ not more than the  
24 equivalent of three full-time dental hygienists for each dentist

1 actively practicing in the same dental office. Employing the  
2 equivalent of three dental hygienists shall mean the employment or  
3 any combination of full- or part-time dental hygienists not to  
4 exceed one hundred twenty (120) hours per week per dentist.

5 B. 1. A dentist may delegate to a dental hygienist the  
6 following procedures:

- 7 a. the duties and expanded duties authorized for dental  
8 assistants by the State Dental Act or the rules of the  
9 Board of Dentistry,
- 10 b. health history assessment pertaining to dental  
11 hygiene,
- 12 c. dental hygiene examination and the charting of intra-  
13 oral and extra-oral conditions, which include  
14 periodontal charting, dental charting and classifying  
15 occlusion,
- 16 d. dental hygiene assessment and treatment planning for  
17 procedures authorized by the supervisory dentist,
- 18 e. prophylaxis, which means the removal of any and all  
19 calcareous deposits, stains, accretions, or  
20 concretions from the supragingival and subgingival  
21 surfaces of human teeth, utilizing instrumentation by  
22 scaler or periodontal curette on the crown and root  
23 surfaces of human teeth, including rotary or power  
24 driven instruments. This paragraph shall not be

1 construed to prohibit the use of a rubber cap or brush  
2 on the crowns of human teeth by a dental assistant who  
3 holds a current expanded duty permit for Coronal  
4 Polishing/Topical Fluoride issued by the Board,

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

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

19 3. Except as provided in subsections C and D of this section,  
20 the procedures specified in paragraph 1 of this subsection may be  
21 performed by a dental hygienist only on a patient of record and only  
22 under the supervision of a dentist. The level of supervision,  
23 whether direct, indirect or general, shall be at the discretion of  
24 the supervisory dentist. Authorization for general supervision

1 shall be limited to a maximum of thirteen (13) months following an  
2 examination by the supervisory dentist of a patient of record. For  
3 the purposes of this paragraph, "patient of record" means an  
4 individual who has given a medical history and has been examined and  
5 accepted by a dentist for dental care.

6 C. 1. A dentist may authorize procedures to be performed by a  
7 dental hygienist, without complying with the provisions of paragraph  
8 3 of subsection B of this section, if:

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

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

18 3. A dental hygienist shall not perform a second set of  
19 procedures on a person pursuant to this subsection until the person  
20 has been examined and accepted for dental care by ~~the authorizing~~ a  
21 dentist.

22 4. The treatment facility in which any procedure is performed  
23 by a dental hygienist pursuant to this subsection shall note each  
24 such procedure in the medical records of the person upon whom the

1 procedure was performed and list the dentist that authorized the  
2 hygienist to perform the procedures signed by the hygienist.

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

6 E. The Board is authorized to:

7 1. Prescribe, by rule, advanced procedures that may be  
8 performed by a dental hygienist who has satisfactorily completed a  
9 course of study regarding the performance of such procedures. The  
10 advance procedures shall include the administration of local  
11 anesthesia and the administration of nitrous oxide analgesia;

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

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

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

18 F. A dental hygienist shall not own or operate an independent  
19 practice of dental hygiene.

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

1 SECTION 22. AMENDATORY 59 O.S. 2011, Section 328.41, as  
2 last amended by Section 15, Chapter 405, O.S.L. 2013 (59 O.S. Supp.  
3 2014, Section 328.41), is amended to read as follows:

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

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

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

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

21 3. Oral maxillofacial surgery assistants shall complete twelve  
22 (12) hours; and

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

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

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

24

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

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

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

19       ~~G.~~ F. In case of a lost or destroyed license or renewal  
20 certificate and upon satisfactory proof of the loss or destruction  
21 thereof, the Board may issue a duplicate, charging therefor a fee  
22 established by the rules of the Board.

23       G. A dentist, dental hygienist, oral maxillofacial surgery  
24 assistant or dental assistant that is in good standing and not under

1 investigation that notifies the Board in writing of a voluntary  
2 nonrenewal of license or requests retirement status shall have a  
3 right to renew or reinstate his or her license within five (5) years  
4 from the date of notice. The Board may require any training or  
5 continuing education requirements to be met prior to reinstatement.

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

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

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

15 Section 328.43a. A. ~~Any person may file a written and signed~~  
16 ~~complaint with the Board of Dentistry, alleging that the respondent~~  
17 ~~has sought to practice or has illegally practiced dentistry or~~  
18 ~~dental hygiene, has violated the provisions relating to dental~~  
19 ~~assistants, or has otherwise violated the provisions of the State~~  
20 ~~Dental Act or the rules of the Board, and the facts upon which the~~  
21 ~~allegations are based. The complaint shall be directed by the~~  
22 ~~president of the Board to two specific Board members for~~  
23 ~~investigation and review.~~

24

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

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

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

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

23        2. The person named in the complaint has committed the  
24 violation.

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

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

10 3. No Board member that is a dentist living in the same  
11 district as a dentist that is the subject of a complaint shall serve  
12 on a review and investigative panel or on the Board member jury  
13 panel.

14 4. All records, documents, and other materials during the  
15 review and investigative panel portion shall be considered  
16 investigative files and not be subject to the Oklahoma Open Records  
17 Act.

18 D. ~~1.~~ ~~If a review panel determines, based on the evidence~~  
19 ~~available to the panel, that it is more likely than not that a~~  
20 ~~violation of the provisions of the State Dental Act or the rules of~~  
21 ~~the Board has occurred and that the respondent has more likely than~~  
22 ~~not committed the violation, the review panel may recommend in~~  
23 ~~writing to the Board that the Board initiate an individual~~

24

1 ~~proceeding, pursuant to Article II of the Administrative Procedures~~  
2 ~~Act, against the respondent.~~

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

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

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

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

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

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

22 ~~c. may contain any of the penalties specified in Section~~  
23 ~~328.44a of this title, and~~

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

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

8 E. The investigative and review panel shall have the authority  
9 to:

10 1. Dismiss the complaint as unfounded;

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

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

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

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

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

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

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

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

- 22       ~~a. suspension of a license or permit issued by the Board,~~
- 23       ~~b. revocation of a license or permit issued by the Board,~~
- 24       ~~c. issuance of a censure,~~

1 ~~d. placement on probation,~~

2 ~~e. restriction of the services that can be provided by a~~  
3 ~~dentist or a dental hygienist, or~~

4 ~~f. an administrative penalty not to exceed One Thousand~~  
5 ~~Five Hundred Dollars (\$1,500.00) per violation.~~

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

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

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

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

23 a. any review or investigation made to determine whether  
24 to allow an applicant to take an examination, or

1           b.    whether the Board shall grant a license, certificate,  
2                    or permit;

3           2.    In the course of conducting an investigation;

4           3.    Reviewing investigative reports provided to the Board by a  
5 registrant; and

6           4.    Receiving and reviewing examination and test scores.

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

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

14           K.    A formal complaint issued by the review and investigative  
15 panel shall specify the basic factual allegations and the provisions  
16 of the State Dental Act, state law or rules that the license or  
17 permit holder is alleged to have violated.  The formal notice of a  
18 complaint shall be served to the license or permit holder either in  
19 person, to their attorney, by agreement of the individual, by an  
20 investigator of the Board or a formal process server pursuant to  
21 Section 2004 of Title 12 of the Oklahoma Statutes.

22           H. L.    Any information obtained and all contents of any  
23 investigation file shall be exempt from the provisions of the  
24 Oklahoma Open Records Act. ~~Except for the approval of private~~

1 ~~settlement, a final order issued by the Board shall be subject to~~  
2 ~~the Oklahoma Open Records Act.~~

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

6 ~~1. Matters directly related to actions of the Board; or~~

7 ~~2. Matters where criminal charges are filed in a municipal,~~  
8 ~~district or federal court action.~~

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

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

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

18 A. In any matter involving a fatality of a dental patient  
19 within forty eight (48) hours of receiving anesthesia or that is  
20 required to be reported to the Board pursuant to Section 328.55 of  
21 Title 59 of the Oklahoma Statutes, such matter shall be investigated  
22 by the Adverse Outcomes Review and Investigation Panel.

23 B. The Adverse Outcomes Review and Investigation Panel shall  
24 stand in the place of the Board's Review and Investigation Panel

1 pursuant to Section 328.43a of Title 59 of the Oklahoma Statutes  
2 during the complaint and review process.

3 C. Upon notification of a fatality to the Board, the President  
4 of the Board shall assign four members of the Anesthesia Committee  
5 pursuant to Section 328.17 of Title 59 of the Oklahoma Statutes to  
6 review and investigate the matter.

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

10 E. All other procedures as defined in Section 328.43a of Title  
11 59 of the Oklahoma Statutes regarding complaint and Board procedures  
12 shall be followed.

13 F. The Board may promulgate rules to implement the provisions  
14 of this section.

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

18 Section 328.44a. A. The Board of Dentistry is authorized,  
19 after notice and opportunity for a hearing pursuant to Article II of  
20 the Administrative Procedures Act, to issue an order imposing one or  
21 more of the following penalties whenever the Board finds, by clear  
22 and convincing evidence, that a dentist, dental hygienist, dental  
23 assistant, oral maxillofacial surgery assistant, dental laboratory  
24 technician, ~~or~~ holder of a permit to operate a dental laboratory, or

1 an entity operating pursuant to the provisions of the Professional  
2 Entity Act or the State Dental Act has committed any of the acts or  
3 occurrences set forth in Sections 328.29, 329.29a, 328.32, 328.33,  
4 328.39 and 328.39a of this title:

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

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

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

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

12 5. Issuance of a censure;

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

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

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

20 ~~9. Assessment for the cost of the investigation and hearing~~  
21 ~~process including attorney fees.~~

22 B. A dentist, dental hygienist, dental assistant, oral  
23 maxillofacial surgery assistant, dental laboratory technician, or  
24 holder of a permit to operate a dental laboratory, against whom a

1 penalty is imposed by an order of the Board pursuant to the  
2 provisions of this section, shall have the right to seek a judicial  
3 review of such order pursuant to Article II of the Administrative  
4 Procedures Act.

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

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

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

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

12 3. "Mediation committee" means a committee of persons duly  
13 constituted of or appointed by ~~any voluntary dental association,~~  
14 ~~voluntary dental society, or the Board~~ a statewide organization  
15 representing dentists. The Committee shall consist of two (2)  
16 members of a statewide organization representing dentists and one  
17 former member of the Board not presently serving. The mediation  
18 committee is authorized, upon receiving a written request for a  
19 review, to conduct a review of the complaints or requests for review  
20 of persons, the treatment performed by a dentist and, where  
21 appropriate, hold hearings and conduct personal examinations of  
22 dental treatment of patients. The mediation committee may, but  
23 shall not be obligated to:

24

- 1 a. evaluate the quality of health care services provided  
2 by the dentist being reviewed,  
3 b. determine whether health care services rendered were  
4 professionally indicated or were performed in  
5 compliance with the applicable standards of care,  
6 ~~c. where appropriate, determine whether the cost of~~  
7 ~~health care rendered was considered reasonable given~~  
8 ~~the circumstances of the particular case,~~  
9 ~~d.~~ evaluate the quality and timeliness of health care  
10 services rendered by a dentist for a patient, and  
11 ~~e.~~  
12 d. recommend to the parties, a method of settlement, for  
13 their acceptance or rejection.

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

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

20 Section 328.63. A. A mediation conducted through the Oklahoma  
21 Dental Mediation Act shall be voluntary and shall not be construed  
22 as a final action for the purposes of injunctive relief or the basis  
23 for an appeal to district court. A mediation committee, entities  
24 creating such mediation committees, members and staff of such

1 mediation committee, and other persons who assist such mediation  
2 committees shall not be liable in any way for damages or injunctive  
3 relief under any law of this state with respect to any action taken  
4 in good faith by such mediation committee.

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

10 C. Either party involved in the mediation may request to be  
11 dismissed from the process at any time. Upon dismissal from the  
12 mediation program, the matter shall be referred back to the  
13 referring entity.

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

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

17 SECTION 29. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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