

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2759

 By: Osborn (Leslie)

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to dentistry; amending 59 O.S. 2011,
11 Sections 328.3, as last amended by Section 1, Chapter
12 302, O.S.L. 2017, 328.7, as amended by Section 1,
13 Chapter 270, O.S.L. 2012, 328.10, as amended by
14 Section 3, Chapter 229, O.S.L. 2015, 328.22, as
15 amended by Section 8, Chapter 229, O.S.L. 2015,
16 328.23, as last amended by Section 9, Chapter 229,
17 O.S.L. 2015, 328.24, as amended by Section 12,
18 Chapter 229, O.S.L. 2015, 328.25, as amended by
19 Section 13, Chapter 229, O.S.L. 2015, 328.34, as last
20 amended by Section 21, Chapter 229, O.S.L. 2015,
21 328.36, 328.41, as last amended by Section 6, Chapter
22 302, O.S.L. 2017, 328.43a, as last amended by Section
23 23, Chapter 229, O.S.L. 2015, Section 24, Chapter
24 229, O.S.L. 2015, 328.44b, 328.51a, as last amended
 by Section 7, Chapter 302, O.S.L. 2017, 328.53, as
 last amended by Section 18, Chapter 405, O.S.L. 2013,
 and Section 14, Chapter 270, O.S.L. 2012 (59 O.S.
 Supp. 2017, Sections 328.3, 328.7, 328.10, 328.22,
 328.23, 328.24, 328.25, 328.34, 328.41, 328.43a,
 328.43b, 328.51a, 328.53 and 328.55), which relate to
 the State Dental Act; modifying and deleting certain
 definitions; providing for eligibility of Board
 membership; clarifying statutory language; modifying
 provisions related to specialty licenses; permitting
 applicant to submit letter requesting emergency
 temporary license; requiring dental assistants to
 complete certain class; modifying provisions relating
 to oral maxillofacial surgery assistant permit;

1 modifying provisions related to supervision of dental
2 hygienists; providing for registration of mobile
3 dental clinic; modifying date on which renewal
4 application of certain licensees is due; modifying
5 provisions relating to continuing education
6 requirements; permitting the addition of certain
7 members if complaint is anesthesia-related; modifying
8 certain fees; permitting dentist to petition to be
9 exempted due to certain factors; modifying provision
10 related to report of death of patient; providing for
11 codification; and providing an effective date.

12
13
14
15
16
17
18
19
20
21
22
23
24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.3, as
last amended by Section 1, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
2017, Section 328.3), is amended to read as follows:

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

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

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

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

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

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

5 6. "Coronal polishing" means a procedure limited to the removal
6 of plaque and stain from exposed tooth surfaces, utilizing a slow
7 speed hand piece with a rubber cup or brush and polishing agent and
8 is not prophylaxis. To be considered prophylaxis, examination for
9 calculus and scaling must be done by a hygienist or dentist;

10 7. "Deep sedation" means a drug-induced depression of
11 consciousness during which patients cannot be easily aroused but
12 respond purposefully following repeated or painful stimulation. The
13 ability to independently maintain ventilator function may be
14 impaired. Patients may require assistance in maintaining a patent
15 airway, and spontaneous ventilation may be inadequate.
16 Cardiovascular function is usually maintained;

17 8. "Dentistry" means the practice of dentistry in all of its
18 branches;

19 9. "Dentist" means a graduate of an accredited dental college
20 who has been issued a license by the Board to practice dentistry as
21 defined in Section 328.19 of this title;

22 10. "Dental ambulatory surgical center (DASC)" means a facility
23 that operates exclusively for the purpose of furnishing outpatient
24 surgical services to patients. A DASC shall have the same

1 privileges and requirements as a dental office and additionally must
2 be an accredited facility by the appropriate entity;

3 11. "Dental office" means an establishment owned and operated
4 by a dentist for the practice of dentistry, which may be composed of
5 reception rooms, business offices, private offices, laboratories,
6 and dental operating rooms where dental operations are performed;

7 12. "Dental hygienist" means an individual who has fulfilled
8 the educational requirements and is a graduate of an accredited
9 dental hygiene program and who has passed an examination and has
10 been issued a license by the Board and who is authorized to practice
11 dental hygiene as hereinafter defined;

12 13. "Dental assistant or oral maxillofacial surgery assistant"
13 means an individual working for a dentist, under the dentist's
14 direct supervision or direct visual supervision, and performing
15 duties in the dental office or a treatment facility, including the
16 limited treatment of patients in accordance with the provisions of
17 the State Dental Act. A dental assistant or oral maxillofacial
18 surgery assistant may assist a dentist with the patient; provided,
19 this shall be done only under the direct supervision or direct
20 visual supervision and control of the dentist and only in accordance
21 with the educational requirements and rules promulgated by the
22 Board;

23
24

1 14. "Dental laboratory" means a location, whether in a dental
2 office or not, where a dentist or a dental laboratory technician
3 performs dental laboratory technology;

4 15. "Dental laboratory technician" means an individual whose
5 name is duly filed in the official records of the Board, which
6 authorizes the technician, upon the laboratory prescription of a
7 dentist, to perform dental laboratory technology, which services
8 must be rendered only to the prescribing dentist and not to the
9 public;

10 16. "Dental laboratory technology" means using materials and
11 mechanical devices for the construction, reproduction or repair of
12 dental restorations, appliances or other devices to be worn in a
13 human mouth;

14 17. "Dental specialty" means a specialized practice of a branch
15 of dentistry, recognized ~~and defined by the American Dental~~
16 ~~Association and~~ by the Board whose, where the dental college and
17 specialty program is are accredited by the Commission on Dental
18 Accreditation (CODA), or a dental specialty recognized by the Board,
19 requiring a minimum number of hours of approved education and
20 training and/or recognition by a nationally recognized association
21 or accreditation board;

22 18. "Direct supervision" means the supervisory dentist is in
23 the dental office or treatment facility and, during the appointment,
24 personally examines the patient, diagnoses any conditions to be

1 treated, and authorizes the procedures to be performed by a dental
2 hygienist, dental assistant, or oral maxillofacial surgery
3 assistant. The supervising dentist is continuously on site and
4 physically present in the dental office or treatment facility while
5 the procedures are being performed and, before dismissal of the
6 patient, evaluates the results of the dental treatment;

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

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

13 21. "General anesthesia" means a drug-induced loss of
14 consciousness during which patients are not arousable, even by
15 painful stimulation. The ability to independently maintain
16 ventilator function is often impaired. Patients often require
17 assistance in maintaining a patent airway, and positive pressure
18 ventilation may be required because of depressed spontaneous
19 ventilation or drug-induced depression of neuromuscular function.
20 Cardiovascular function may be impaired;

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

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

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

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

21 25. "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 26. "Minimal sedation" means a minimally depressed level of
2 consciousness, produced by a pharmacological method, that retains
3 the patient's ability to independently and continuously maintain an
4 airway and respond normally to tactile stimulation and verbal
5 command. Although cognitive function and coordination may be
6 modestly impaired, ventilator and cardiovascular functions are
7 unaffected;

8 27. "Mobile dental anesthesia provider" means a licensed and
9 anesthesia-permitted dentist, physician or certified registered
10 nurse anesthetist (CRNA) that has a mobile dental unit and provides
11 anesthesia in dental offices and facilities in the state;

12 28. "Mobile dental ~~unit~~ clinic" means a permitted motor vehicle
13 or trailer utilized as a dental clinic, and/or that contains dental
14 equipment and is used to provide dental services to patients on-site
15 and shall not include a mobile dental anesthesia provider;

16 ~~28.~~ 29. "Moderate sedation" means a drug-induced depression of
17 consciousness during which patients respond purposefully to verbal
18 commands, either alone or accompanied by light tactile stimulation.
19 No interventions are required to maintain a patent airway, and
20 spontaneous ventilation is adequate. Cardiovascular function is
21 usually maintained;

22 ~~29.~~ 30. "Prophylaxis" means the removal of any and all
23 calcareous deposits, stains, accretions or concretions from the
24 supragingival and subgingival surfaces of human teeth, utilizing

1 instrumentation by scaler or periodontal curette on the crown and
2 root surfaces of human teeth including rotary or power-driven
3 instruments. This procedure may only be performed by a dentist or
4 dental hygienist;

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

9 ~~31. "Out-of-state dentist" means a graduate of an accredited~~
10 ~~dental college who holds a license to practice dentistry in another~~
11 ~~state but who is not licensed to practice dentistry in this state;~~

12 ~~32. "Patient" or "patient of record" means an individual who~~
13 ~~has given a medical history and has been examined and accepted by a~~
14 ~~dentist for dental care;~~

15 ~~33.~~ 32. "Residencies" are programs designed for advanced
16 clinical and didactic training in general dentistry or other
17 specialties or other specialists at the post-doctoral level
18 recognized by the American Dental Association or the Board;

19 ~~34.~~ 33. "Supervision" means direct supervision, direct visual
20 supervision, indirect supervision or general supervision; and

21 ~~35.~~ 34. "Treatment facility" means:

22 a. a federal, tribal, state or local public health
23 facility,

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

- 1 c. a private health facility,
- 2 d. a group home or residential care facility serving the
- 3 elderly, handicapped or juveniles,
- 4 e. a hospital or dental ambulatory surgery center (DASC),
- 5 f. a nursing home,
- 6 g. a penal institution operated by or under contract with
- 7 the federal or state government,
- 8 h. a public or private school,
- 9 i. a patient of record's private residence,
- 10 j. a mobile dental ~~unit~~ clinic,
- 11 k. a dental college, dental program, dental hygiene
- 12 program or dental assisting program accredited by the
- 13 Commission on Dental Accreditation, or
- 14 l. such other places as are authorized by ~~the rules of~~
- 15 the Board.

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.7, as

17 amended by Section 1, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2017,

18 Section 328.7), is amended to read as follows:

19 Section 328.7 A. Pursuant to Section 39 of Article V of the

20 Oklahoma Constitution, there is hereby created the Board of

21 Dentistry which shall be an agency of state government. The Board

22 shall adopt a seal, sue and be sued in its own name, and implement

23 and enforce the provisions of the State Dental Act.

24

1 B. 1. The Board shall consist of eight dentist members, one
2 dental hygienist member and two members who shall represent the
3 public. One dentist member shall be elected by the dentists
4 residing in each of the eight geographical districts established by
5 subsection D of this section. The residence of the dentist members
6 shall be determined by the primary location listed on the dentists'
7 licenses. The dental hygienist member shall be elected at-large by
8 the dental hygienists residing in this state who are legally
9 licensed to practice dental hygiene therein. The two public
10 representative members shall be appointed by the Governor, subject
11 to confirmation by the Senate. No public representative member may
12 be a dentist, dental hygienist, dental assistant, dental laboratory
13 technician, or holder of a permit to operate a dental laboratory, or
14 be related within the third degree of consanguinity or affinity to
15 any such person.

16 2. Before assuming duties on the Board, each member shall take
17 and subscribe to the oath of office or affirmation provided in
18 Article XV of the Oklahoma Constitution, which oath or affirmation
19 shall be administered and filed as provided in the Article.

20 3. Each member of the Board shall hold office for a term of
21 three (3) years and until a successor in office is elected and
22 qualified. Board members shall not serve for more than three (3)
23 consecutive terms. To be eligible to be elected to and serve on the
24 Board, a dentist or dental hygienist must have been licensed to

1 practice in this state for at least five (5) years, and for the five
2 (5) years prior to the date of counting the ballots, not have been
3 subject to a penalty imposed by the Board or ~~its predecessor board~~
4 another state board.

5 C. 1. a. Nominations for dentist members of the Board shall be
6 by petition signed by at least ten dentists residing
7 in the district to be represented by the nominee.

8 b. Nominations for the dental hygienist member of the
9 Board shall be by petition signed by at least ten
10 dental hygienists residing in this state.

11 2. The elections shall be by secret ballot. The ballots shall
12 be mailed by the Board to those entitled to vote at least thirty
13 (30) days prior to the date of counting of the ballots and shall be
14 returned by mail to the office of the Board, then opened and counted
15 at a meeting of the Board. In other respects, elections shall be
16 conducted as provided by the rules of the Board.

17 3. a. Only dentists residing in a district shall be entitled
18 to vote to elect the Board member from that district.

19 b. Only dental hygienists residing and licensed in this
20 state shall be entitled to vote to elect the dental
21 hygienist Board member.

22 D. For the purpose of nominating and electing dentist members
23 of the Board, this state shall be divided into eight geographical
24

1 districts, which shall consist of the following counties within the
2 following districts:

3 District No. 1: Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,
4 Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine,
5 Kingfisher and Logan.

6 District No. 2: Tulsa and Creek.

7 District No. 3: Roger Mills, Custer, Beckham, Washita, Harmon,
8 Greer, Kiowa, Caddo, Jackson and Tillman.

9 District No. 4: Canadian, Grady, McClain, Comanche, Cotton,
10 Stephens, Jefferson, Garvin, Murray, Carter and Love.

11 District No. 5: Oklahoma.

12 District No. 6: Lincoln, Cleveland, Pottawatomie, Seminole,
13 Okfuskee, Hughes, Pontotoc, Coal, Johnston, Marshall and Bryan.

14 District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee,
15 Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore,
16 Atoka, Pushmataha, Choctaw and McCurtain.

17 District No. 8: Osage, Payne, Washington, Nowata, Craig, Ottawa,
18 Rogers, Delaware and Pawnee.

19 E. 1. Dentist members of the Board may be recalled and removed
20 from the Board in a special recall election to be conducted by the
21 Board upon receipt of a written recall petition signed by at least
22 twenty percent (20%) of the dentists residing in the district
23 represented by the member who is the subject of the recall petition.

24

1 Only dentists residing in the affected district may vote in the
2 special recall election.

3 2. The dental hygienist member of the Board may be recalled and
4 removed from the Board in a special recall election to be conducted
5 by the Board upon receipt of a written recall petition signed by at
6 least twenty percent (20%) of the licensed dental hygienists
7 residing in this state. Only dental hygienists residing and
8 licensed in this state shall be entitled to vote in the special
9 recall election.

10 3. Special recall elections shall be by secret ballot. The
11 ballots shall be mailed by the Board to those entitled to vote at
12 least thirty (30) days prior to the date of counting the ballots and
13 shall be returned by mail to the office of the Board, then opened
14 and counted at a meeting of the Board. In other respects, special
15 recall elections shall be conducted as provided by the rules of the
16 Board. If a majority of the votes cast in the special recall
17 election are in favor of recalling the Board member, the member
18 shall be removed from the Board effective on the date the results of
19 the special recall election are certified by the Board.

20 F. 1. A vacancy among the dentist members of the Board shall
21 be filled by a special election in the district of the vacancy for
22 the unexpired term within sixty (60) days after the vacancy occurs.
23
24

1 2. A vacancy of the dental hygienist member on the Board shall
2 be filled by a special election in this state for the unexpired term
3 within sixty (60) days after the vacancy occurs.

4 3. Nominations shall be made and special elections shall be
5 conducted in the same manner as provided in subsection C of this
6 section. If no one is nominated within forty-five (45) days from
7 date of vacancy, the vacancy shall be filled by appointment by the
8 Board. A vacancy among the public representative members of the
9 Board shall be filled by appointment by the Governor, subject to
10 confirmation by the Senate.

11 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.10, as
12 amended by Section 3, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017,
13 Section 328.10), is amended to read as follows:

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

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

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

5 C. The Board shall act in accordance with the provisions of the
6 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
7 Administrative Procedures Act.

8 D. The responsibilities and rights of any member or employee of
9 the Board who acts within the scope of Board duties or employment
10 shall be governed by the Governmental Tort Claims Act.

11 E. Members of the Board, committee members, anesthesia
12 inspectors and investigative panel members appointed by the Board
13 shall serve without compensation but shall be reimbursed for all
14 actual and necessary expenses incurred in the performance of their
15 duties in accordance with the State Travel Reimbursement Act.
16 ~~Committee members and anesthesia inspectors appointed by the Board~~
17 ~~may be reimbursed for travel expenses in accordance with the State~~
18 ~~Travel Reimbursement Act.~~

19 SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.22, as
20 amended by Section 8, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017,
21 Section 328.22), is amended to read as follows:

22 Section 328.22 A. 1. The Board of Dentistry may issue a
23 dental specialty license authorizing a dentist to represent himself
24

1 or herself to the public as a specialist, and to practice as a
2 specialist, in a dental specialty.

3 2. No dentist shall represent himself or herself to the public
4 as a specialist, nor practice as a specialist, unless the
5 individual:

6 a. has successfully completed an advanced dental
7 specialty educational program ~~defined by the American~~
8 ~~Dental Association and~~ recognized by the Board and
9 accredited by the Commission on Dental Accreditation,
10 ~~and or a dental specialty recognized by the Board,~~
11 requiring a minimum number of hours of approved
12 education and training and/or recognition by a
13 nationally recognized dental specialty accreditation
14 board,

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

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

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

22 3. Specialties recognized by the Board shall include:

23 a. dental public health,

24 b. endodontics,

- c. oral and maxillofacial surgery,
- d. oral and maxillofacial radiology,
- e. orthodontics and dentofacial orthopedics,
- f. pediatric dentistry,
- g. periodontics,
- h. prosthodontics, and
- i. oral pathology.

B. 1. At the time of application, if the dentist has ever been licensed in any other state, he or she shall provide a letter of good standing from such state before the Board may issue a specialty license.

2. In conducting an investigation of an applicant who has applied for a dental specialty license pursuant to this subsection, the Board shall require of the applicant disclosure of the same background information as is required of an applicant for a license to practice dentistry in this state.

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

D. The Board ~~shall~~ may use the American Dental Association guidelines or the guidelines of another nationally recognized dental association or board for the purpose of defining a specialty practice area not otherwise defined herein.

1 ~~E. Anyone applying for a specialty license by credentials~~
2 ~~before January 1, 2016, may make application to the Board President~~
3 ~~to have the specialty practice committee individually review the~~
4 ~~credentials of the individual and may require that the individual~~
5 ~~pass a specialty exam in lieu of the requirements of this section.~~

6 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.23, as
7 last amended by Section 9, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
8 2017, Section 328.23), is amended to read as follows:

9 Section 328.23 A. The President of the Board, upon
10 verification that a person meets the requirements provided for in
11 this section and any other requirements provided for in the State
12 Dental Act, may issue ~~a~~ an emergency temporary license to practice
13 dentistry for thirty (30) days. A temporary license may be extended
14 but shall not exceed ninety (90) days or the next available
15 regularly scheduled Board meeting.

16 B. The President of the Board, upon verification that a person
17 meets the requirements provided for in the State Dental Act, may
18 issue ~~a~~ an emergency temporary license to practice dental hygiene,
19 which shall expire as of the date of the next dental hygiene
20 clinical examination in Oklahoma, as required by the Board.

21 C. Any applicant requesting an emergency temporary license
22 shall submit a letter explaining the exigent circumstances along
23 with all application materials. The determination of whether or not
24 to grant the emergency temporary license based upon the exigent

1 circumstances shall be at the sole discretion of the President or
2 acting President of the Board.

3 D. A holder of a temporary license to practice dentistry or
4 dental hygiene shall have the same rights and privileges and be
5 governed by the State Dental Act and the rules of the Board in the
6 same manner as a holder of a permanent license to practice dentistry
7 and dental hygiene.

8 ~~D.~~ E. The President of the Board may authorize patient
9 treatment and care to individuals taking the Western Regional
10 Examining Board Exam, or other regional exams as approved by the
11 Board, to complete criteria related to Board examinations and may
12 authorize specialty examinations to be given throughout the year as
13 needed.

14 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.24, as
15 amended by Section 12, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017,
16 Section 328.24), is amended to read as follows:

17 Section 328.24 A. No person shall practice as a dental
18 assistant or oral maxillofacial surgery assistant for more than one
19 (1) day in a calendar year without having applied for a permit as a
20 dental assistant or oral maxillofacial surgery assistant from the
21 Board of Dentistry within thirty (30) days of beginning employment.
22 During this time period, the dental assistant shall work under the
23 direct visual supervision of a dentist at all times.

24

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

4 1. Is of good moral character; and

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

7 C. Beginning January 1, 2019, every dental assistant receiving
8 a permit shall complete a class on infection control as approved by
9 the Board within one (1) year from the date of receipt of the
10 permit. Any person holding a valid dental assistant permit prior to
11 January 1, 2019, shall complete an infection-control class as
12 approved by the Board before December 31, 2019. Failure to complete
13 the class shall be grounds for discipline pursuant to Section
14 328.29a of this title.

15 D. There shall be five types of expanded duty permits available
16 for dental assistants upon completion of a program approved by the
17 Commission on Dental Accreditation (CODA) or a course ~~by the Dental~~
18 ~~Assisting National Board (DANB) that meets the requirements of the~~
19 ~~board or a course that has been approved by the Board:~~

20 1. Radiation safety;

21 2. Coronal polishing and topical fluoride;

22 3. Sealants;

23 4. Assisting in the administration of nitrous oxide; or
24

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

4 ~~D.~~ E. The training requirements for all five expanded duty
5 permits shall be set forth by the Board. A program that is not
6 CODA-certified must meet the standards set forth and be approved by
7 the ~~board~~ Board.

8 ~~E.~~ F. An applicant for a dental assistant permit who has
9 graduated from a dental assisting program accredited by CODA and has
10 passed the jurisprudence test shall receive all five expanded duty
11 permits provided for in subsection ~~E~~ D of this section if the course
12 materials approved by the Board are covered in the program.

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

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.25, as
2 amended by Section 13, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017,
3 Section 328.25), is amended to read as follows:

4 Section 328.25 A. No person shall practice as an oral
5 maxillofacial surgery assistant without having obtained a permit as
6 an oral maxillofacial surgery assistant from the Board of Dentistry.

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

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

- 14 1. Is of good moral character;
- 15 2. Passes a background check with criteria established by the
16 Board; and
- 17 3. Has completed all of the training requirements for the oral
18 maxillofacial surgery assistant permit as established by the Board.

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

24

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

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

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

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

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

21 1. Successful completion of the Dental Anesthesia Assistant
22 National Certification Examination (DAANCE) provided by the American
23 Association of Oral Maxillofacial Surgeons (AAOMS) or another
24 program or examination as approved by the Board;

1 2. A valid BLS certification;

2 3. Employment and completion of a minimum of six (6) months of
3 training under the direct supervision of a licensed oral
4 maxillofacial surgeon prior to starting DAANCE or another program or
5 examination as approved by the Board;

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

11 5. Completion of an infection-control course as approved by the
12 Board.

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

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

23 L. The anesthesia committee provided pursuant to Section 328.17
24 of this title may make a recommendation to the Board for an oral

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

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

10 1. Under direct supervision:

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

15 2. Under direct visual supervision:

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

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

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

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

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

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

22 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.34, as
23 last amended by Section 21, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
24 2017, Section 328.34), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

22 3. A dental hygienist shall not perform a second set of
23 procedures on a person pursuant to this subsection until the person
24 has been examined and accepted for dental care by a dentist.

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

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

9 E. The Board is authorized to:

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

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

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

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

21 F. A dental hygienist shall not own or operate an independent
22 practice of dental hygiene.

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

4 H. Nothing in the State Dental Act shall be construed to allow
5 a dental assistant to work under the supervision of a dental
6 hygienist while acting under direct, indirect or general
7 supervision.

8 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.36, is
9 amended to read as follows:

10 Section 328.36 A. 1. Any person, firm, corporation,
11 partnership or other legal entity who desires to operate a dental
12 laboratory in this state shall file with the Board of Dentistry, on
13 a form prescribed by the Board, an application for a permit to
14 operate a dental laboratory and pay the fee established by the rules
15 of the Board. The application shall include the name and address of
16 each person, firm, corporation, partnership or other legal entity
17 who owns an interest in or will operate the dental laboratory. Upon
18 receipt of the application and fee, the Board shall determine the
19 qualifications of the applicant and may grant a permit to the
20 applicant to operate a dental laboratory.

21 2. Except as provided in subsection C of this section, no
22 person, firm, corporation, partnership or other legal entity shall
23 operate a dental laboratory in this state without having obtained a
24

1 permit from the Board. The Board may inspect any dental laboratory
2 prior to the issuance of any permit.

3 B. Any change in ownership, operation or location of a dental
4 laboratory shall immediately be communicated to the Board, which
5 shall endorse upon the permit, without further fee, the change in
6 ownership, operation or location.

7 C. Nothing in the State Dental Act shall be construed to:

8 1. Prohibit a dentist from owning or operating a private,
9 noncommercial dental laboratory in a dental office for the dentist's
10 use in the practice of dentistry;

11 2. Require a dentist to obtain a permit from the Board for the
12 operation of a dental laboratory in the office of the dentist unless
13 dental laboratory technology is provided to persons other than the
14 dentist at that location; or

15 3. Require a dentist to issue a laboratory prescription for
16 dental laboratory technology to be performed by an employee of, in
17 the office of, and for a patient of, the dentist.

18 D. The dental laboratory shall make available to the
19 prescribing dentist, Board, or agent or employee of the Board:

20 1. A list of all materials in the composition of the final
21 appliance;

22 2. The location where the appliance was fabricated, including
23 the name, address, telephone number and Food and Drug Administration
24

1 registration number, if applicable, of the person or entity
2 performing the work; and

3 3. A description of all disinfection methods used in the
4 fabrication of the appliance.

5 E. No permit shall be required for a licensed dentist in the
6 State of Oklahoma, the licensed dentist's dental practice on-site
7 dental lab, the licensed dentist's physical practice, or the
8 licensed dentist's CAD ~~or~~, CAM, 3-D or other technology used for
9 fabricating dental prostheses including crowns, bridges and other
10 dental restorations. If the licensed dentist provides dental
11 prostheses for other licensed dentists in the State of Oklahoma,
12 then the dental laboratory portion of the practice shall be required
13 to have a permit as it is functioning as a commercial dental
14 laboratory.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 328.40a of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 A. A mobile dental clinic providing dental treatment shall
19 register with the Board of Dentistry and provide the following
20 information:

21 1. The dentist or dentists that will be providing and/or
22 supervising dental treatment to patients;

23 2. If the mobile dental clinic provides treatment to treatment
24 facilities and/or the general public;

1 3. Types of treatment available and adequate infection control
2 as required by the Center for Disease Control and the Occupational
3 Health and Safety Commission and equipment and procedures; and

4 4. Other information deemed necessary by the Board to ensure
5 the protection of the public.

6 B. Every permitted mobile dental clinic shall display in plain
7 view a permit or designation of registration as required by the
8 Board.

9 C. Failure to register as a mobile clinic shall subject each
10 licensee or permit holder in control or providing treatment to the
11 penalties set forth in Section 328.44a of Title 59 of the Oklahoma
12 Statutes.

13 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.41, as
14 last amended by Section 6, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
15 2017, Section 328.41), is amended to read as follows:

16 Section 328.41 A. 1. On or before the ~~first~~ last day of
17 ~~January~~ December of each year, every dentist, dental hygienist,
18 dental assistant, oral maxillofacial surgery assistant and other
19 licensee or permit holders previously licensed or permitted by the
20 Board to practice in this state, with the exception of those listed
21 in paragraph 2 of this subsection, shall submit a completed renewal
22 application with information as may be required by the Board,
23 together with an annual renewal fee established by the rules of the
24 Board. Upon receipt of the annual renewal fee, the Board shall

1 issue a renewal certificate authorizing the dentist, dental
2 hygienist, dental assistant, or oral maxillofacial surgery assistant
3 to continue the practice of dentistry or dental hygiene,
4 respectively, in this state for a period of one (1) year. Every
5 license or permit issued by the Board shall begin on January 1 and
6 expire on December 31 of each year.

7 2. Beginning July 1, 2017, resident and fellowship permits
8 shall be valid from July 1 through June 30 of each year and dental
9 student intern permits shall be valid from August 1 through July 31
10 of each year.

11 B. Continuing education requirements shall be due at the end of
12 each three-year period ending in 2019 as follows:

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

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

15 3. Oral maxillofacial surgery assistants shall complete twelve
16 (12) hours; and

17 4. ~~Certified dental assistants shall complete twelve (12) hours~~
18 ~~as required by DANB~~ Beginning in 2020, continuing education
19 requirements shall be due at the end of each two-year period as
20 follows:

21 a. dentists shall complete forty (40) hours,

22 b. hygienists shall complete twenty (20) hours,

23 c. OMS assistants shall complete eight (8) hours, and
24

1 d. dental assistants shall have two (2) hours of
2 infection control.

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

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

1 provided for in the State Dental Act or the rules promulgated by the
2 Board before again commencing practice.

3 E. The Board, by rule, shall provide for the remittance of fees
4 otherwise required by the State Dental Act while a dentist or dental
5 hygienist is on active duty with any of the Armed Forces of the
6 United States.

7 F. In case of a lost or destroyed license or renewal
8 certificate and upon satisfactory proof of the loss or destruction
9 thereof, the Board may issue a duplicate, charging therefor a fee
10 established by the rules of the Board.

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

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

22 I. Any application for a license or permit that has remained
23 inactive for more than one (1) year shall be closed.

24

1 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.43a, as
2 last amended by Section 23, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
3 2017, Section 328.43a), is amended to read as follows:

4 Section 328.43a A. 1. Upon the receipt of a complaint to the
5 Board alleging a violation of the State Dental Act or other state or
6 federal law by a licensee, permit holder or other individual under
7 the authority of the Board, the Board President shall assign up to
8 three Board members as the review and investigative panel. The
9 remaining Board members shall constitute the Board member jury
10 panel. In the event the complaint is anesthesia-related, the Board
11 President or acting president may, at his or her discretion, add one
12 or more members of the anesthesia committee to the investigative and
13 review panel.

14 2. The review and investigative panel, in its discretion, may
15 notify the respondent of the complaint at any time prior to its
16 dismissal of the complaint or making a recommendation to the Board.

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

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

24

1 2. The person named in the complaint has committed the
2 violation.

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

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

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

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

20 D. The Board President or other member of the Board shall act
21 as the presiding administrative judge during any proceeding. The
22 presiding administrative judge shall be allowed to seek advice from
23 judicial counsel or other legal counsel appointed by the Board.

24

1 E. The investigative and review panel shall have the authority
2 to:

- 3 1. Dismiss the complaint as unfounded;
- 4 2. Refer the case to mediation pursuant to the Oklahoma Dental
5 Mediation Act. The mediation panel shall report to the review and
6 investigative panel that a mediation was successful or refer the
7 matter back to the review and investigative panel at which time they
8 will reassume jurisdiction or dismiss the complaint;

9 3. Issue a private settlement agreement that shall not include
10 any restriction upon the licensee's or permit holder's license or
11 permit;

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

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

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

22 F. In the event of a majority of members of the Board being
23 recused from the Board member jury panel, the Board President or
24 presiding administrative judge shall appoint ~~a~~ one or more previous

1 Board ~~member~~ members with a current active license in good standing
2 to serve as a jury panel member.

3 G. Any action as set forth in paragraphs 1 through 3 of
4 subsection E of this section shall remain part of the investigation
5 file, and may be disclosed or used against the respondent only if
6 the respondent violates the settlement agreement or if ordered by a
7 court of competent jurisdiction.

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

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

- 14 a. any review or investigation made to determine whether
15 to allow an applicant to take an examination, or
16 b. whether the Board shall grant a license, certificate,
17 or permit;

18 2. In the course of conducting an investigation;

19 3. Reviewing investigative reports provided to the Board by a
20 registrant; and

21 4. Receiving and reviewing examination and test scores.

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

24

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

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

14 L. Any information obtained and all contents of any
15 investigation file shall be exempt from the provisions of the
16 Oklahoma Open Records Act.

17 SECTION 13. AMENDATORY Section 24, Chapter 229, O.S.L.
18 2015 (59 O.S. Supp. 2017, Section 328.43b), is amended to read as
19 follows:

20 Section 328.43b A. In any matter involving a fatality or near
21 fatality of a dental patient within forty eight (48) hours of
22 receiving anesthesia or that is required to be reported to the Board
23 pursuant to Section 328.55 of ~~Title 59 of the Oklahoma Statutes~~ this
24

1 title, such matter shall be investigated by the Adverse Outcomes
2 Review and Investigation Panel.

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

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

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

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

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

19 SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.44b, is
20 amended to read as follows:

21 Section 328.44b A. A holder of a license, a permit, or
22 certificate granted by the Board shall have the right to surrender
23 the license, permit, or certificate, in writing, notarized, to the
24 Board if the holder is in good standing with the Board as

1 determined, in its discretion, by the Board. The Board shall accept
2 such surrender in writing after approval at a regular or special
3 Board meeting with the statement that the holder is in good standing
4 with the Board. Any holder who has surrendered a license, permit,
5 or certificate issued by the Board and who shall apply for a
6 license, permit, or certificate after surrender shall be subject to
7 all statutes and rules of the Board applicable at the time of the
8 new application.

9 B. A holder of a license, permit, or certificate shall not be
10 considered to be in good standing if an investigation of a complaint
11 is pending against the holder. The Board shall not accept a
12 surrender until a complaint is dismissed by the review panel, a
13 settlement agreement is entered or the Board determines that an
14 individual proceeding shall be initiated pursuant to Section 328.43a
15 of ~~Title 59 of the Oklahoma Statutes~~ this title.

16 C. If a holder of a license, permit, or certificate wishes to
17 surrender the license, permit, or certificate during the pendency of
18 an initial proceeding, the Board may accept or reject the surrender,
19 in its discretion. The acceptance must be in writing after approval
20 by the Board at a regular or special Board meeting. Any acceptance
21 shall contain the statement that the acceptance is pending
22 disciplinary action. No person who surrenders a license, permit, or
23 certificate to the Board during a pending disciplinary action shall
24

1 be eligible for reinstatement for a period of five (5) years from
2 the date the surrender is accepted by the Board.

3 D. The Board shall retain jurisdiction over the holder of any
4 license, permit, or certificate for all disciplinary matters pending
5 at the time surrender is sought by the holder or over any person
6 that does not renew his or her license while an investigation is
7 pending.

8 E. All surrenders of licenses, permits, or certificates,
9 whether the holder is or is not in good standing, shall be reported
10 to the national practitioner data bank with the notation in good
11 standing or pending disciplinary action.

12 SECTION 15. AMENDATORY 59 O.S. 2011, Section 328.51a, as
13 last amended by Section 7, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
14 2017, Section 328.51a), is amended to read as follows:

15 Section 328.51a A. The Board of Dentistry is authorized to
16 ~~establish, by rule, fees to be charged~~ charge the following fees for
17 the purpose of implementing and enforcing the State Dental Act. The
18 penalty and late fee shall be twice the amount of the original fee
19 for license renewals. Notwithstanding any other provisions of the
20 State Dental Act, the fees established by the Board shall be not
21 less nor more than the range created by the following schedule:

22 1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
23 a. License by Examination		

1		Dentist	\$200.00	\$400.00
2		Dental Hygienist	\$100.00	\$200.00
3	b.	License by Credentialing		
4		Dentist	\$500.00	\$1,000.00
5		Dental Hygienist	\$100.00	\$200.00
6	c.	Dental Specialty License by		
7		Examination	\$300.00	\$600.00
8	d.	Dental Specialty License by		
9		Credentialing	\$500.00	\$1,000.00
10	e.	Faculty Permit		
11		Dentist	\$100.00	\$200.00
12		Dental Hygienist	\$50.00	\$100.00
13	f.	Dental Student Intern Permit	\$50.00	\$200.00
14	g.	Temporary License to Practice		
15		Dental Hygiene	\$50.00	\$100.00
16	h.	Dental Assistant or Oral		
17		Maxillofacial Surgery		
18		Assistant Permit	\$50.00	\$100.00
19	i.	Temporary License to Practice		
20		Dentistry	\$75.00	\$150.00
21	j.	Permit to Operate a Dental		
22		Laboratory - current Oklahoma		
23		licensed dentist	\$20.00	\$60.00
24	k.	General Anesthesia Permit		

1	Dentist	\$100.00	\$200.00
2	1. Conscious Sedation Permit		
3	Dentist	\$100.00	\$200.00
4	m. Permit to Operate a Dental		
5	Laboratory - non-dentist		
6	owner <u>commercial</u>	\$300.00	\$500.00
7		<u>\$200.00</u>	
8	2. RE-EXAMINATION FEES:		
9	a. License by Examination		
10	Dentist	\$200.00	\$400.00
11	Dental Hygienist	\$100.00	\$200.00
12	b. Dental Specialty License by		
13	Examination	\$300.00	\$600.00
14	c. Jurisprudence Only Re-		
15	Examination		
16	Dentist	\$10.00	\$20.00
17	Dental Hygienist	\$10.00	\$20.00
18	3. ANNUAL RENEWAL FEES:		
19	a. Dentist	\$200.00	\$400.00
20	b. Dental Hygienist	\$100.00	\$200.00
21	c. Dental Specialty License	\$100.00	\$200.00
22	d. Faculty Permit		
23	Dentist	\$50.00	\$100.00
24	Dental Hygienist	\$50.00	\$100.00

1	e.	Dental Resident, Dental		
2		Fellowship	\$100.00	\$200.00
3	f.	Dental Assistant, Oral		
4		Maxillofacial Surgery		
5		Assistant, or Dental Student		
6		Intern Permit	\$50.00	\$100.00
7	g.	Permit to Operate a Dental		
8		Laboratory, current Oklahoma		
9		Licensed dentist	\$20.00	\$60.00
10	h.	General Anesthesia Permit		
11		Dentist	\$100.00	\$200.00
12	i.	Conscious Sedation Permit		
13		Dentist	\$100.00	\$200.00
14	j.	Permit to Operate a Dental		
15		Laboratory, non-dentist owner	\$300.00	\$500.00
16	4.	OTHER FEES:		
17	a.	Duplicate License		
18		Dentist or Dental		
19		Hygienist	\$30.00	\$40.00
20	b.	Duplicate Permit or		
21		Registration	\$5.00	\$15.00
22	c.	Certificate of Good Standing	\$5.00	\$15.00
23	d.	Professional Entity		
24		Certification Letter	\$5.00	\$20.00

1	e.	Professional Entity		
2		Registration or Update	\$5.00	\$20.00
3	f.	Laboratory Prescription Books	\$10.00	\$25.00
4		<u>Mobile Dental Clinic</u>	<u>\$200.00</u>	<u>\$400.00</u>
5	g.	List of the Name and Current		
6		Mailing Address of all		
7		Persons who hold a License or		
8		Permit issued by the Board.		
9		(A request for a list shall		
10		be submitted to the Board in		
11		writing noting the specific		
12		proposed use of the list.)	\$25.00	\$75.00
13	h.	Official State Dental License		
14		Identification Card with		
15		Picture	\$25.00	\$35.00
16	i.	Returned checks	\$25.00	\$30.00

17 B. A person who holds a license to practice dentistry in this
18 state, and who also holds a dental specialty license, shall not be
19 required to pay an annual renewal fee for the dental specialty
20 license if the licensee has paid the annual renewal fee for the
21 license to practice dentistry.

22 SECTION 16. AMENDATORY 59 O.S. 2011, Section 328.53, as
23 last amended by Section 18, Chapter 405, O.S.L. 2013 (59 O.S. Supp.
24 2017, Section 328.53), is amended to read as follows:

1 Section 328.53 A. All dentists in active practice licensed by
2 the Board of Dentistry shall maintain a policy for professional
3 malpractice liability insurance; provided, however, that such
4 requirement shall not apply to dentists:

5 1. Covered by a group or hospital malpractice insurance policy;

6 2. Practicing in a state facility subject to The Governmental
7 Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma
8 Statutes;

9 3. Practicing in a federal facility subject to the Federal Tort
10 Claims Act;

11 4. Providing care as a volunteer under a special volunteer
12 license pursuant to Section 328.23a of this title;

13 5. Providing care as a retired dentist with a valid license in
14 a volunteer, nonpaid capacity; ~~or~~

15 6. Practicing in another state or country, who will not
16 practice within the State of Oklahoma during the license renewal
17 year; or

18 7. A dentist may petition the Board to be temporarily exempted
19 due to health, injury or other personal exigent circumstance during
20 the year. A signed and sworn affidavit and other documentation may
21 be required by the Board. The Board at its discretion may exempt a
22 dentist for a specific stated period of time.

23 B. The Board of Dentistry may promulgate rules as necessary to
24 carry out the provisions of this section, including, but not limited

1 to, minimum requirements for professional malpractice liability
2 insurance policies and penalties for noncompliance.

3 SECTION 17. AMENDATORY Section 14, Chapter 270, O.S.L.
4 2012 (59 O.S. Supp. 2017, Section 328.55), is amended to read as
5 follows:

6 Section 328.55 All licensees engaged in the practice of
7 dentistry in this state shall notify the Board within twenty-four
8 (24) hours of the discovery of a death of a patient or an emergency
9 hospital visit ~~causally~~ pursuant to treatment in a dental office and
10 potentially related to the practice of dentistry by the licensee. A
11 licensee shall submit a complete report to the Board of any fatality
12 or serious injury occurring during the practice of dentistry or the
13 discovery of the death of a patient whose death is causally related
14 to the practice of dentistry by the licensee within thirty (30) days
15 of such occurrence.

16 SECTION 18. This act shall become effective November 1, 2018.

17
18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/20/2018 -
19 DO PASS, As Amended.
20
21
22
23
24