

1 ENGROSSED SENATE
2 BILL NO. 1445

By: Sykes of the Senate

3 and

4 Osborn (Leslie) of the
5 House

6 An Act relating to dentistry; amending 59 O.S. 2011,
7 Section 328.3, as last amended by Section 1, Chapter
8 302, O.S.L. 2017 (59 O.S. Supp. 2017, Section 328.3),
9 which relates to definitions; modifying various
10 definitions; amending 59 O.S. 2011, Section 328.7, as
11 amended by Section 1, Chapter 270, O.S.L. 2012 (59
12 O.S. Supp. 2017, Section 328.7), which relates to
13 Board of Dentistry; clarifying Board membership
14 policies; amending 59 O.S. 2011, Section 328.10, as
15 amended by Section 3, Chapter 229, O.S.L. 2015 (59
16 O.S. Supp. 2017, Section 328.10), which relates to
17 officers; including ex-officio members in certain
18 provision; amending 59 O.S. 2011, Section 328.22, as
19 amended by Section 8, Chapter 229, O.S.L. 2015 (59
20 O.S. Supp. 2017, Section 328.22), which relates to
21 specialty licenses; modifying requirements for
22 specialty license; broadening which associations the
23 Board may use for guidelines; deleting certain
24 alternative requirement; amending 59 O.S. 2011,
Section 328.23, as last amended by Section 9, Chapter
229, O.S.L. 2015 (O.S. Supp. 2017, Section 328.23),
which relates to temporary licenses for dentistry or
dental hygiene; updating licensure terminology;
adding certain requirement; providing that only the
Board may determine whether or not to grant license;
broadening which exams the Board may use for
licensure; amending 59 O.S. 2011, Sections 328.24 and
328.25, as amended by Sections 12 and 13, Chapter
229, O.S.L. 2015 (59 O.S. Supp. 2017, Sections 328.24
and 328.25), which relate to permits; modifying
certain requirements; deleting provision related to
Certified Dental Assistant; broadening which
associations the Board may use for examination;
amending 59 O.S. 2011, Section 328.34, as last
amended by Section 21, Chapter 229, O.S.L. 2015 (59
O.S. Supp. 2017, Section 328.34), which relates to
practice of dental hygiene under supervision of

1 dentist; modifying conditions under which hygienist
2 may work under supervision of dentist; providing
3 certain construction; amending 59 O.S. 2011, Section
4 328.36, which relates to permit to operate dental
5 laboratory; broadening technology which does not
6 require permit; requiring mobile dental clinics to
7 register with Board; specifying information which
8 shall be provided to Board; requiring mobile dental
9 clinics to display certain permit; providing that
10 failure to register subjects mobile dental clinics to
11 certain penalties; amending 59 O.S. 2011, Section
12 328.41, as last amended by Section 6, Chapter 302,
13 O.S.L. 2017 (59 O.S. Sup. 2017, Section 328.41),
14 which relates to renewal certificate; modifying
15 renewal dates; specifying required continuing
16 education; amending 59 O.S. 2011, Section 328.43a, as
17 last amended by Section 23, Chapter 229, O.S.L. 2015
18 (59 O.S. Supp. 2017, Section 328.43a), which relates
19 to complaints; modifying complaint procedures;
20 amending Section 24, Chapter 229, O.S.L. 2015 (59
21 O.S. Supp. 2017, Section 328.43b), which relates to
22 patient fatalities; providing that near-fatalities
23 shall be reported to the Board; amending 59 O.S.
24 2011, Section 328.44b, which relates to surrender of
license, permit or certificate; broadening persons
over which the Board shall retain jurisdiction;
amending 59 O.S. 2011, Section 328.51a, as last
amended by Section 7, Chapter 302, O.S.L. 2017 (59
O.S. Supp. 2017, Section 328.51a), which relates to
fees; modifying fees; amending 59 O.S. 2011, Section
328.53, as last amended by Section 18, Chapter 405,
O.S.L. 2013 (59 O.S. Supp. 2017, Section 328.53),
which relates to dentists; clarifying dentists who
shall be exempt from requirement of malpractice
insurance; amending Section 14, Chapter 270, O.S.L.
2012 (59 O.S. Supp. 2017, Section 328.55), which
relates to death of patient; providing that death
pursuant to treatment in dental office shall be
reported to the Board; providing for codification;
and providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.3, as
2 last amended by Section 1, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
3 2017, Section 328.3), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

22 12. "Dental hygienist" means an individual who has fulfilled
23 the educational requirements and is a graduate of an accredited
24 dental hygiene program and who has passed an examination and has

1 | been issued a license by the Board and who is authorized to practice
2 | dental hygiene as hereinafter defined;

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

14 | 14. "Dental laboratory" means a location, whether in a dental
15 | office or not, where a dentist or a dental laboratory technician
16 | performs dental laboratory technology;

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

23 | 16. "Dental laboratory technology" means using materials and
24 | mechanical devices for the construction, reproduction or repair of

1 dental restorations, appliances or other devices to be worn in a
2 human mouth;

3 17. "Dental specialty" means a specialized practice of a branch
4 of dentistry, ~~recognized and defined by the American Dental~~
5 ~~Association and~~ by the Board whose where the dental college and
6 specialty program is accredited by the Commission on Dental
7 Accreditation (CODA), or a dental specialty recognized by the Board,
8 requiring a minimum number of hours of approved education and
9 training or recognition by a nationally recognized association or
10 accreditation board;

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

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

24

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

3 21. "General anesthesia" means a drug-induced loss of
4 consciousness during which patients are not arousable, even by
5 painful stimulation. The ability to independently maintain
6 ventilator function is often impaired. Patients often require
7 assistance in maintaining a patent airway, and positive pressure
8 ventilation may be required because of depressed spontaneous
9 ventilation or drug-induced depression of neuromuscular function.
10 Cardiovascular function may be impaired;

11 22. "General supervision" means the supervisory dentist has
12 diagnosed any conditions to be treated within the past thirteen (13)
13 months, has personally authorized the procedures to be performed by
14 a dental hygienist, and will evaluate the results of the dental
15 treatment within a reasonable time as determined by the nature of
16 the procedures performed, the needs of the patient, and the
17 professional judgment of the supervisory dentist. General
18 supervision may only be used to supervise a hygienist and may not be
19 used to supervise an oral maxillofacial surgery assistant or dental
20 assistant;

21 23. "Indirect supervision" means the supervisory dentist is in
22 the dental office or treatment facility and has personally diagnosed
23 any conditions to be treated, authorizes the procedures to be
24 performed by a dental hygienist, remains in the dental office or

1 treatment facility while the procedures are being performed, and
2 will evaluate the results of the dental treatment within a
3 reasonable time as determined by the nature of the procedures
4 performed, the needs of the patient, and the professional judgment
5 of the supervisory dentist. Indirect supervision may not be used
6 for an oral maxillofacial surgery assistant or a dental assistant;

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

11 25. "Laboratory prescription" means a written description,
12 dated and signed by a dentist, of dental laboratory technology to be
13 performed by a dental laboratory technician;

14 26. "Minimal sedation" means a minimally depressed level of
15 consciousness, produced by a pharmacological method, that retains
16 the patient's ability to independently and continuously maintain an
17 airway and respond normally to tactile stimulation and verbal
18 command. Although cognitive function and coordination may be
19 modestly impaired, ventilator and cardiovascular functions are
20 unaffected;

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

1 28. "Mobile dental ~~unit~~ clinic" means a permitted motor vehicle
2 or trailer utilized as a dental clinic, or that contains dental
3 equipment and is used to provide dental services to patients on site
4 and shall not include a mobile dental anesthesia provider;

5 ~~28.~~ 29. "Moderate sedation" means a drug-induced depression of
6 consciousness during which patients respond purposefully to verbal
7 commands, either alone or accompanied by light tactile stimulation.
8 No interventions are required to maintain a patent airway, and
9 spontaneous ventilation is adequate. Cardiovascular function is
10 usually maintained;

11 ~~29.~~ 30. "Prophylaxis" means the removal of any and all
12 calcareous deposits, stains, accretions or concretions from the
13 supragingival and subgingival surfaces of human teeth, utilizing
14 instrumentation by scaler or periodontal curette on the crown and
15 root surfaces of human teeth including rotary or power driven
16 instruments. This procedure may only be performed by a dentist or
17 dental hygienist;

18 ~~30.~~ "~~Out-of-state dental hygienist~~" means ~~a graduate of an~~
19 ~~accredited dental hygienist program who holds a license to practice~~
20 ~~dental hygiene in another state but who is not licensed to practice~~
21 ~~dental hygiene in this state;~~

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

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

4 ~~33.~~ 32. "Residencies" are programs designed for advanced
5 clinical and didactic training in general dentistry or other
6 specialties or other specialists at the post-doctoral level
7 recognized by the American Dental Association or the Board;

8 ~~34.~~ 33. "Supervision" means direct supervision, direct visual
9 supervision, indirect supervision or general supervision; and

10 ~~35.~~ 34. "Treatment facility" means:

- 11 a. a federal, tribal, state or local public health
- 12 facility,
- 13 b. a federal qualified health care facility (FQHC),
- 14 c. a private health facility,
- 15 d. a group home or residential care facility serving the
- 16 elderly, handicapped or juveniles,
- 17 e. a hospital or dental ambulatory surgery center (DASC),
- 18 f. a nursing home,
- 19 g. a penal institution operated by or under contract with
- 20 the federal or state government,
- 21 h. a public or private school,
- 22 i. a patient of record's private residence,
- 23 j. a mobile dental ~~unit~~ clinic,

24

- 1 k. a dental college, dental program, dental hygiene
2 program or dental assisting program accredited by the
3 Commission on Dental Accreditation, or
4 l. such other places as are authorized by ~~the rules of~~
5 the Board.

6 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.7, as
7 amended by Section 1, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2017,
8 Section 328.7), is amended to read as follows:

9 Section 328.7. A. Pursuant to Section 39 of Article V of the
10 Oklahoma Constitution, there is hereby created the Board of
11 Dentistry which shall be an agency of state government. The Board
12 shall adopt a seal, sue and be sued in its own name, and implement
13 and enforce the provisions of the State Dental Act.

14 B. 1. The Board shall consist of eight dentist members, one
15 dental hygienist member and two members who shall represent the
16 public. One dentist member shall be elected by the dentists
17 residing in each of the eight geographical districts established by
18 subsection D of this section. The residence of the dentist members
19 shall be determined by the primary location listed on the dentists'
20 licenses. The dental hygienist member shall be elected at-large by
21 the dental hygienists residing in this state who are legally
22 licensed to practice dental hygiene therein. The two public
23 representative members shall be appointed by the Governor, subject
24 to confirmation by the Senate. No public representative member may

1 be a dentist, dental hygienist, dental assistant, dental laboratory
2 technician, or holder of a permit to operate a dental laboratory, or
3 be related within the third degree of consanguinity or affinity to
4 any such person. The past president may serve as an ex-officio
5 member of the Board and may vote only when needed for purposes of
6 quorum.

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

11 3. Each member of the Board shall hold office for a term of
12 three (3) years and until a successor in office is elected and
13 qualified. Board members shall not serve for more than three (3)
14 consecutive terms. To be eligible to be elected to and serve on the
15 Board, a dentist or dental hygienist must have been licensed to
16 practice in this state for at least five (5) years, and for the five
17 (5) years prior to the date of counting the ballots, not have been
18 subject to a penalty imposed by the Board or ~~its predecessor~~ another
19 state board.

20 C. 1. a. Nominations for dentist members of the Board shall be
21 by petition signed by at least ten dentists residing
22 in the district to be represented by the nominee.
23
24

1 b. Nominations for the dental hygienist member of the
2 Board shall be by petition signed by at least ten
3 dental hygienists residing in this state.

4 2. The elections shall be by secret ballot. The ballots shall
5 be mailed by the Board to those entitled to vote at least thirty
6 (30) days prior to the date of counting of the ballots and shall be
7 returned by mail to the office of the Board, then opened and counted
8 at a meeting of the Board. In other respects, elections shall be
9 conducted as provided by the rules of the Board.

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

12 b. Only dental hygienists residing and licensed in this
13 state shall be entitled to vote to elect the dental
14 hygienist Board member.

15 D. For the purpose of nominating and electing dentist members
16 of the Board, this state shall be divided into eight geographical
17 districts, which shall consist of the following counties within the
18 following districts:

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

22 District No. 2: Tulsa and Creek.

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

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

3 District No. 5: Oklahoma.

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

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

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

11 E. 1. Dentist members of the Board may be recalled and removed
12 from the Board in a special recall election to be conducted by the
13 Board upon receipt of a written recall petition signed by at least
14 twenty percent (20%) of the dentists residing in the district
15 represented by the member who is the subject of the recall petition.
16 Only dentists residing in the affected district may vote in the
17 special recall election.

18 2. The dental hygienist member of the Board may be recalled and
19 removed from the Board in a special recall election to be conducted
20 by the Board upon receipt of a written recall petition signed by at
21 least twenty percent (20%) of the licensed dental hygienists
22 residing in this state. Only dental hygienists residing and
23 licensed in this state shall be entitled to vote in the special
24 recall election.

1 3. Special recall elections shall be by secret ballot. The
2 ballots shall be mailed by the Board to those entitled to vote at
3 least thirty (30) days prior to the date of counting the ballots and
4 shall be returned by mail to the office of the Board, then opened
5 and counted at a meeting of the Board. In other respects, special
6 recall elections shall be conducted as provided by the rules of the
7 Board. If a majority of the votes cast in the special recall
8 election are in favor of recalling the Board member, the member
9 shall be removed from the Board effective on the date the results of
10 the special recall election are certified by the Board.

11 F. 1. A vacancy among the dentist members of the Board shall
12 be filled by a special election in the district of the vacancy for
13 the unexpired term within sixty (60) days after the vacancy occurs.

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

17 3. Nominations shall be made and special elections shall be
18 conducted in the same manner as provided in subsection C of this
19 section. If no one is nominated within forty-five (45) days from
20 date of vacancy, the vacancy shall be filled by appointment by the
21 Board. A vacancy among the public representative members of the
22 Board shall be filled by appointment by the Governor, subject to
23 confirmation by the Senate.

24

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

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

13 B. The Board shall hold regularly scheduled meetings during
14 each quarter of the year at a time and place determined by the Board
15 and may hold such additional regular meetings, special meetings,
16 emergency meetings, or continued or reconvened meetings as found by
17 the Board to be expedient or necessary. A majority of the Board
18 shall constitute a quorum for the transaction of business.

19 C. The Board shall act in accordance with the provisions of the
20 Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the
21 Administrative Procedures Act.

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

1 E. Members and ex-officio members of the Board shall serve
2 without compensation but shall be reimbursed for all actual and
3 necessary expenses incurred in the performance of their duties in
4 accordance with the State Travel Reimbursement Act. Committee
5 members and anesthesia inspectors appointed by the Board may be
6 reimbursed for travel expenses in accordance with the State Travel
7 Reimbursement Act.

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

11 Section 328.22. A. 1. The Board of Dentistry may issue a
12 dental specialty license authorizing a dentist to represent himself
13 or herself to the public as a specialist, and to practice as a
14 specialist, in a dental specialty.

15 2. No dentist shall represent himself or herself to the public
16 as a specialist, nor practice as a specialist, unless the
17 individual:

18 a. has successfully completed an advanced dental
19 specialty educational program ~~defined by the American~~
20 ~~Dental Association and~~ recognized by the Board and
21 accredited by the Commission on Dental Accreditation
22 or a dental specialty recognized by the Board,
23 requiring a minimum number of hours of approved
24

1 education and training or recognition by a nationally
2 recognized dental specialty accreditation board, 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 d. has completed any additional requirements set forth in
8 state law or rules and has been issued a dental
9 specialty license by the Board.

10 3. Specialties recognized by the Board shall include:

11 a. dental public health,

12 b. endodontics,

13 c. oral and maxillofacial surgery,

14 d. oral and maxillofacial radiology,

15 e. orthodontics and dentofacial orthopedics,

16 f. pediatric dentistry,

17 g. periodontics,

18 h. prosthodontics, and

19 i. oral pathology.

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

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

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~~ may use the American Dental Association
10 guidelines or another nationally recognized dental association or
11 board for the purpose of defining a specialty practice area not
12 otherwise defined in the State Dental Act.

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

18 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.23, as
19 last amended by Section 9, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
20 2017, Section 328.23), is amended to read as follows:

21 Section 328.23. A. The President of the Board, upon
22 verification that a person meets the requirements provided for in
23 this section and any other requirements provided for in the State
24 Dental Act, may issue a an emergency temporary license to practice

1 dentistry for thirty (30) days. A temporary license may be extended
2 but shall not exceed ninety (90) days or the next available
3 regularly scheduled Board meeting.

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

9 C. Any applicant requesting an emergency temporary license
10 shall submit a letter explaining the exigent circumstances along
11 with all application materials. The determination of whether or not
12 to grant the emergency temporary license based upon the exigent
13 circumstances shall be at the sole discretion of the President or
14 acting President of the Board.

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

20 ~~D.~~ E. The President of the Board may authorize patient
21 treatment and care to individuals taking the Western Regional
22 Examining Board Exam or other regional exams as approved by the
23 Board to complete criteria related to Board examinations and may
24

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

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

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

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

- 16 1. Is of good moral character; and
17 2. Passes a background check with criteria established by the
18 Board.

19 C. Beginning January 1, 2019, every dental assistant receiving
20 a permit shall complete a class on infection control as approved by
21 the Board within one (1) year from the date of receipt of the
22 permit. Any person holding a valid dental assistant permit prior to
23 January 1, 2019, must complete an infection control class as
24 approved by the Board before December 31, 2019. Failure to complete

1 the class shall be grounds for discipline pursuant to Section
2 328.29a of this title.

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

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

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

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

24

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

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

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

17 B. Any person seeking to obtain an oral maxillofacial surgery
18 assistant permit must have a supervising oral maxillofacial surgeon
19 with a current Oklahoma license and complete the requirements set
20 forth by the Board.

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

24 1. Is of good moral character;

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

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

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

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

12 F. All oral maxillofacial surgery assistants are required to be
13 under direct supervision or direct visual supervision at all times
14 by a licensed oral maxillofacial surgeon.

15 G. If an oral maxillofacial surgery assistant is not currently
16 employed by an oral maxillofacial surgeon, the oral maxillofacial
17 surgery assistant permit shall automatically revert to a dental
18 assistant permit as set forth in Section 328.24 of this title and
19 may be eligible for an expanded function assisting a dentist who
20 holds a parenteral or pediatric anesthesia permit; provided, only
21 the dentist may administer anesthesia and assess the patient's level
22 of sedation. The oral maxillofacial surgery assistant permit may be
23 reinstated upon employment under a licensed oral maxillofacial
24 surgeon.

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

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

6 1. Successful completion of the Dental Anesthesia Assistant
7 National Certification Examination (DAANCE) provided by the American
8 Association of Oral Maxillofacial Surgeons (AAOMS) or another
9 program or examination as approved by the Board;

10 2. A valid BLS certification;

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

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

20 5. Completion of an infection-control course as approved by the
21 Board.

22 J. An oral maxillofacial surgery assistant who has completed
23 all the requirements shall receive a permit to practice as an oral
24

1 maxillofacial surgery assistant within a dental office, surgery
2 center, dental ambulatory surgery center or hospital.

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

9 L. The anesthesia committee provided pursuant to Section 328.17
10 of this title may make a recommendation to the Board for an oral
11 maxillofacial surgery assistant holding a temporary training permit
12 to substitute training received from another state university,
13 dental school or technical training institute or training acquired
14 in a surgery center or hospital while working under the authority of
15 a licensed physician, to qualify as a partial substitute for the
16 requirements to attain an oral maxillofacial surgery assistant
17 permit.

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

20 1. Under direct supervision:

21 a. initiate and discontinue an intravenous line for a
22 patient being prepared to receive intravenous
23 medications, sedation or general anesthesia, or

24 b. draw up and prepare medications;

1 2. Under direct visual supervision:

- 2 a. follow instructions of the oral surgeon while acting
3 as an accessory hand on behalf of the oral surgeon
4 that is administering the medication and actively
5 treating the patient. For the purposes of this
6 section, "administer" means to have the sole
7 responsibility for anesthesia care, including
8 determining medicines to be used and the dosage,
9 timing, route of delivery and administration of
10 medication and the assessment of the level of
11 anesthesia and monitoring the physiological results of
12 such care; provided, only an oral surgeon or dentist
13 possessing a current general anesthesia permit may
14 administer or assess the level of sedation or general
15 anesthesia and monitor the results of such care,
- 16 b. follow instructions of the oral surgeon to adjust the
17 rate of intravenous fluids to maintain or keep the
18 line patent or open and adjust an electronic device to
19 provide medications such as an infusion pump, and
- 20 c. assist the oral surgeon by reading, recording vital
21 signs of a patient receiving deep sedation or general
22 anesthesia; provided, only an oral surgeon may assess
23 the level of sedation; and

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

6 4. Nothing in this act shall be construed as to allow an oral
7 surgery assistant or dental assistant to administer anesthesia care
8 to a patient.

9 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.34, as
10 last amended by Section 21, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
11 2017, Section 328.34), is amended to read as follows:

12 Section 328.34. A. A dental hygienist may practice dental
13 hygiene under the supervision of a dentist in a dental office or
14 treatment facility. A dentist may employ not more than the
15 equivalent of three full-time dental hygienists for each dentist
16 actively practicing in the same dental office. Employing the
17 equivalent of three dental hygienists shall mean the employment or
18 any combination of full- or part-time dental hygienists not to
19 exceed one hundred twenty (120) hours per week per dentist.

20 B. 1. A dentist may delegate to a dental hygienist the
21 following procedures:

22 a. the duties and expanded duties authorized for dental
23 assistants by the State Dental Act or the rules of the
24 Board of Dentistry,

- 1 b. health history assessment pertaining to dental
2 hygiene,
- 3 c. dental hygiene examination and the charting of intra-
4 oral and extra-oral conditions, which include
5 periodontal charting, dental charting and classifying
6 occlusion,
- 7 d. dental hygiene assessment and treatment planning for
8 procedures authorized by the supervisory dentist,
- 9 e. prophylaxis, which means the removal of any and all
10 calcareous deposits, stains, accretions, or
11 concretions from the supragingival and subgingival
12 surfaces of human teeth, utilizing instrumentation by
13 scaler or periodontal curette on the crown and root
14 surfaces of human teeth, including rotary or power
15 driven instruments. This paragraph shall not be
16 construed to prohibit the use of a rubber cap or brush
17 on the crowns of human teeth by a dental assistant who
18 holds a current expanded duty permit for Coronal
19 Polishing/Topical Fluoride issued by the Board,
- 20 f. periodontal scaling and root planing,
- 21 g. dental hygiene nutritional and dietary evaluation,
- 22 h. placement of subgingival prescription drugs for
23 prevention and treatment of periodontal disease,
- 24 i. soft tissue curettage,

- 1 j. placement of temporary fillings,
- 2 k. removal of overhanging margins,
- 3 l. dental implant maintenance,
- 4 m. removal of periodontal packs,
- 5 n. polishing of amalgam restorations, and
- 6 o. other procedures authorized by the Board.

7 2. The procedures specified in subparagraphs b through o of
8 paragraph 1 of this subsection may be performed only by a dentist or
9 a dental hygienist while under indirect or general supervision of
10 the dentist.

11 ~~3. Except as provided in subsections C and D of this section,~~
12 ~~the procedures specified in paragraph 1 of this subsection may be~~
13 ~~performed by a dental hygienist only on a patient of record and only~~
14 ~~under the supervision of a dentist. The level of supervision,~~
15 ~~whether direct, indirect or general, shall be at the discretion of~~
16 ~~the supervisory dentist. Authorization for general supervision~~
17 ~~shall be limited to a maximum of thirteen (13) months following an~~
18 ~~examination by the supervisory dentist of a patient of record. For~~
19 ~~the purposes of this paragraph, "patient of record" means an~~
20 ~~individual who has given a medical history and has been examined and~~
21 ~~accepted by a dentist for dental care.~~

22 C. 1. A ~~dentist may authorize procedures to be performed by a~~
23 ~~dental hygienist, without complying with the provisions of paragraph~~
24 ~~3 of subsection B of this section, if hygienist may work under the~~

1 general supervision of a dentist in a treatment facility under the
2 following conditions:

3 a. the patient is a patient of record of the supervisory
4 dentist within the past thirteen (13) months,

5 b. the dental hygienist has at least two (2) years
6 experience in the practice of dental hygiene,

7 ~~b.~~

8 c. the authorization to perform the procedures is in
9 writing and signed by the dentist, and

10 ~~e.~~

11 d. the procedures are performed during an initial visit
12 to a person in a treatment facility.

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

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

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

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

4 E. The Board is authorized to:

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

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

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

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

16 F. A dental hygienist shall not own or operate an independent
17 practice of dental hygiene.

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

21 H. Nothing in the State Dental Act shall be construed to allow
22 a dental assistant to work under the supervision of a dental
23 hygienist while acting under direct, indirect or general
24 supervision.

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

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

14 2. Except as provided in subsection C of this section, no
15 person, firm, corporation, partnership or other legal entity shall
16 operate a dental laboratory in this state without having obtained a
17 permit from the Board. The Board may inspect any dental laboratory
18 prior to the issuance of any permit.

19 B. Any change in ownership, operation or location of a dental
20 laboratory shall immediately be communicated to the Board, which
21 shall endorse upon the permit, without further fee, the change in
22 ownership, operation or location.

23 C. Nothing in the State Dental Act shall be construed to:
24

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

4 2. Require a dentist to obtain a permit from the Board for the
5 operation of a dental laboratory in the office of the dentist unless
6 dental laboratory technology is provided to persons other than the
7 dentist at that location; or

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

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

13 1. A list of all materials in the composition of the final
14 appliance;

15 2. The location where the appliance was fabricated, including
16 the name, address, telephone number and Food and Drug Administration
17 registration number, if applicable, of the person or entity
18 performing the work; and

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

21 E. No permit shall be required for a licensed dentist in the
22 State of Oklahoma, the licensed dentist's dental practice on-site
23 dental lab, the licensed dentist's physical practice, or the
24 licensed dentist's CAD ~~or~~, CAM, 3 dimensional or other technology

1 used for fabricating dental prostheses including crowns, bridges and
2 other dental restorations. If the licensed dentist provides dental
3 prostheses for other licensed dentists in the State of Oklahoma,
4 then the dental laboratory portion of the practice shall be required
5 to have a permit as it is functioning as a commercial dental
6 laboratory.

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

10 A. A mobile dental clinic providing dental treatment shall
11 register with the Board and provide the following information:

12 1. The dentist or dentists that will be providing or
13 supervising dental treatment to patients;

14 2. Whether or not the mobile dental clinic provides treatment
15 to treatment facilities or the general public, or both;

16 3. Types of treatment available and adequate infection control
17 as required by the federal Centers for Disease Control and
18 Prevention (CDC) and the Occupational Safety and Health
19 Administration (OSHA) and equipment and procedures; and

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

22 B. Every permitted mobile dental clinic must display in plain
23 view a permit or designation of registration as required by the
24 Board.

1 C. Failure to register as a mobile dental clinic shall subject
2 each licensee or permit holder in control or providing treatment to
3 the penalties listed in Section 328.44a of Title 59 of the Oklahoma
4 Statutes.

5 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.41, as
6 last amended by Section 6, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
7 2017, Section 328.41), is amended to read as follows:

8 Section 328.41. A. 1. On or before the ~~first~~ last day of
9 ~~January~~ December of each year, every dentist, dental hygienist,
10 dental assistant, oral maxillofacial surgery assistant and other
11 licensee or permit holders previously licensed or permitted by the
12 Board to practice in this state, with the exception of those listed
13 in paragraph 2 of this subsection, shall submit a completed renewal
14 application with information as may be required by the Board,
15 together with an annual renewal fee established by the rules of the
16 Board. Upon receipt of the annual renewal fee, the Board shall
17 issue a renewal certificate authorizing the dentist, dental
18 hygienist, dental assistant, or oral maxillofacial surgery assistant
19 to continue the practice of dentistry or dental hygiene,
20 respectively, in this state for a period of one (1) year. Every
21 license or permit issued by the Board shall begin on January 1 and
22 expire on December 31 of each year.

23 2. Beginning July 1, 2017, resident and fellowship permits
24 shall be valid from July 1 through June 30 of each year and dental

1 student intern permits shall be valid from August 1 through July 31
2 of each year.

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

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

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

7 3. Oral maxillofacial surgery assistants shall complete twelve
8 (12) hours; and

9 4. ~~Certified dental assistants shall complete twelve (12) hours~~
10 ~~as required by DANB~~ Beginning on July 1, 2019, through 2021,
11 continuing education requirements shall be due at the end of each
12 two-year period as follows:

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

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

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

16 d. dental assistants shall complete one (1) hour of
17 infection control.

18 C. Upon failure of a dentist, dental hygienist, dental
19 assistant, or oral maxillofacial surgery assistant to pay the annual
20 renewal fee within two (2) months after January 1, the Board shall
21 notify the dentist, dental hygienist, dental assistant, or oral
22 maxillofacial surgery assistant in writing by certified mail to the
23 last-known mailing address of the dentist, dental hygienist, dental
24

1 assistant, or oral maxillofacial surgery assistant as reflected in
2 the records of the Board.

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

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

22 F. In case of a lost or destroyed license or renewal
23 certificate and upon satisfactory proof of the loss or destruction
24

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

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

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

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

17 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.43a, as
18 last amended by Section 23, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
19 2017, Section 328.43a), is amended to read as follows:

20 Section 328.43a. A. 1. Upon the receipt of a complaint to the
21 Board alleging a violation of the State Dental Act or other state or
22 federal law by a licensee, permit holder or other individual under
23 the authority of the Board, the Board President shall assign up to
24 three Board members as the review and investigative panel. The

1 remaining Board members shall constitute the Board member jury
2 panel. In the event the complaint is related to anesthesia, the
3 Board President or acting President may, at his or her discretion,
4 add one or more members of the Anesthesia Committee to the
5 investigative and review panel.

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

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

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

16 2. The person named in the complaint has committed the
17 violation.

18 C. 1. In conducting its investigation, a review and
19 investigative panel may seek evidence, take statements, take and
20 hear evidence, and administer oaths and affirmations and shall have
21 any other powers as defined by the Administrative Procedures Act. A
22 review and investigative panel may also use Board attorneys and
23 investigators appointed by the Board to seek evidence.

24

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

4 3. No Board member that is a dentist living in the same
5 district as a dentist that is the subject of a complaint shall serve
6 on a review and investigative panel or on the Board member jury
7 panel.

8 4. All records, documents, and other materials during the
9 review and investigative panel portion shall be considered
10 investigative files and not be subject to the Oklahoma Open Records
11 Act.

12 D. The Board President or other member of the Board shall act
13 as the presiding administrative judge during any proceeding. The
14 presiding administrative judge shall be allowed to seek advice from
15 judicial counsel or other legal counsel appointed by the Board.

16 E. The investigative and review panel shall have the authority
17 to:

18 1. Dismiss the complaint as unfounded;

19 2. Refer the case to mediation pursuant to the Oklahoma Dental
20 Mediation Act. The mediation panel shall report to the review and
21 investigative panel that a mediation was successful or refer the
22 matter back to the review and investigative panel at which time they
23 will reassume jurisdiction or dismiss the complaint;

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

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

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

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

14 F. In the event of a majority of members of the Board being
15 recused from the Board member jury panel, the Board President or
16 presiding administrative judge shall appoint ~~a~~ one or more previous
17 Board ~~member~~ members with a current active license in good standing
18 to serve as a jury panel member.

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

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

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

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

9 b. whether the Board shall grant a license, certificate,
10 or permit;

11 2. In the course of conducting an investigation;

12 3. Reviewing investigative reports provided to the Board by a
13 registrant; and

14 4. Receiving and reviewing examination and test scores.

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

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

22 K. A formal complaint issued by the review and investigative
23 panel shall specify the basic factual allegations and the provisions
24 of the State Dental Act, state law or rules that the license or

1 permit holder is alleged to have violated. The formal notice of a
2 complaint shall be served to the license or permit holder either in
3 person, to their attorney, by agreement of the individual, by an
4 investigator of the Board or a formal process server pursuant to
5 Section 2004 of Title 12 of the Oklahoma Statutes.

6 L. Any information obtained and all contents of any
7 investigation file shall be exempt from the provisions of the
8 Oklahoma Open Records Act.

9 SECTION 13. AMENDATORY Section 24, Chapter 229, O.S.L.
10 2015 (59 O.S. Supp. 2017, Section 328.43b), is amended to read as
11 follows:

12 Section 328.43b. A. In any matter involving a fatality or
13 near-fatality of a dental patient within forty eight (48) hours of
14 receiving anesthesia or that is required to be reported to the Board
15 pursuant to Section 328.55 of ~~Title 59 of the Oklahoma Statutes~~ this
16 title, such matter shall be investigated by the Adverse Outcomes
17 Review and Investigation Panel.

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

22 C. Upon notification of a fatality to the Board, the President
23 of the Board shall assign four members of the Anesthesia Committee
24

1 pursuant to Section 328.17 of ~~Title 59 of the Oklahoma Statutes~~ this
2 title to review and investigate the matter.

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

6 E. All other procedures as defined in Section 328.43a of ~~Title~~
7 ~~59 of the Oklahoma Statutes~~ this title regarding complaint and Board
8 procedures shall be followed.

9 F. The Board may promulgate rules to implement the provisions
10 of this section.

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

13 Section 328.44b. A. A holder of a license, a permit, or
14 certificate granted by the Board shall have the right to surrender
15 the license, permit, or certificate, in writing, notarized, to the
16 Board if the holder is in good standing with the Board as
17 determined, in its discretion, by the Board. The Board shall accept
18 such surrender in writing after approval at a regular or special
19 Board meeting with the statement that the holder is in good standing
20 with the Board. Any holder who has surrendered a license, permit,
21 or certificate issued by the Board and who shall apply for a
22 license, permit, or certificate after surrender shall be subject to
23 all statutes and rules of the Board applicable at the time of the
24 new application.

1 B. A holder of a license, permit, or certificate shall not be
2 considered to be in good standing if an investigation of a complaint
3 is pending against the holder. The Board shall not accept a
4 surrender until a complaint is dismissed by the review panel, a
5 settlement agreement is entered or the Board determines that an
6 individual proceeding shall be initiated pursuant to Section 328.43a
7 of ~~Title 59 of the Oklahoma Statutes~~ this title.

8 C. If a holder of a license, permit, or certificate wishes to
9 surrender the license, permit, or certificate during the pendency of
10 an initial proceeding, the Board may accept or reject the surrender,
11 in its discretion. The acceptance must be in writing after approval
12 by the Board at a regular or special Board meeting. Any acceptance
13 shall contain the statement that the acceptance is pending
14 disciplinary action. No person who surrenders a license, permit, or
15 certificate to the Board during a pending disciplinary action shall
16 be eligible for reinstatement for a period of five (5) years from
17 the date the surrender is accepted by the Board.

18 D. The Board shall retain jurisdiction over the holder of any
19 license, permit, or certificate for all disciplinary matters pending
20 at the time surrender is sought by the holder or over any person
21 that does not renew his or her license while an investigation is
22 pending.

23 E. All surrenders of licenses, permits, or certificates,
24 whether the holder is or is not in good standing, shall be reported

1 to the national practitioner data bank with the notation in good
2 standing or pending disciplinary action.

3 SECTION 15. AMENDATORY 59 O.S. 2011, Section 328.51a, as
4 last amended by Section 7, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
5 2017, Section 328.51a), is amended to read as follows:

6 Section 328.51a. A. The Board of Dentistry is authorized to
7 ~~establish, by rule, fees to be charged~~ charge the following fees for
8 the purpose of implementing and enforcing the State Dental Act. The
9 penalty and late fee shall be twice the amount of the original fee
10 for license renewals. Notwithstanding any other provisions of the
11 State Dental Act, the fees established by the Board shall be not
12 less nor more than the range created by the following schedule:

13 1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
14		
15 a. License by Examination		
16 Dentist	\$200.00	\$400.00
17 Dental Hygienist	\$100.00	\$200.00
18 b. License by Credentialing		
19 Dentist	\$500.00	\$1,000.00
20 Dental Hygienist	\$100.00	\$200.00
21 c. Dental Specialty License by		
22 Examination	\$300.00	\$600.00
23 d. Dental Specialty License by		
24 Credentialing	\$500.00	\$1,000.00

1	e.	Faculty Permit		
2		Dentist	\$100.00	\$200.00
3		Dental Hygienist	\$50.00	\$100.00
4	f.	Dental Student Intern Permit	\$50.00	\$200.00
5	g.	Temporary License to Practice		
6		Dental Hygiene	\$50.00	\$100.00
7	h.	Dental Assistant or Oral		
8		Maxillofacial Surgery		
9		Assistant Permit	\$50.00	\$100.00
10	i.	Temporary License to Practice		
11		Dentistry	\$75.00	\$150.00
12	j.	Permit to Operate a Dental		
13		Laboratory - current Oklahoma		
14		licensed dentist	\$20.00	\$60.00
15	k.	General Anesthesia Permit		
16		Dentist	\$100.00	\$200.00
17	l.	Conscious Sedation Permit		
18		Dentist	\$100.00	\$200.00
19	m.	Permit to Operate a Dental		
20		Laboratory -		
21		non-dentist owner	\$300.00	
22		<u>commercial</u>	<u>\$200.00</u>	\$500.00
23	2.	RE-EXAMINATION FEES:		
24	a.	License by Examination		

1	Dentist	\$200.00	\$400.00
2	Dental Hygienist	\$100.00	\$200.00
3	b. Dental Specialty License by		
4	Examination	\$300.00	\$600.00
5	c. Jurisprudence Only Re-		
6	Examination		
7	Dentist	\$10.00	\$20.00
8	Dental Hygienist	\$10.00	\$20.00
9	3. ANNUAL RENEWAL FEES:		
10	a. Dentist	\$200.00	\$400.00
11	b. Dental Hygienist	\$100.00	\$200.00
12	c. Dental Specialty License	\$100.00	\$200.00
13	d. Faculty Permit		
14	Dentist	\$50.00	\$100.00
15	Dental Hygienist	\$50.00	\$100.00
16	e. Dental Resident, Dental		
17	Fellowship	\$100.00	\$200.00
18	f. Dental Assistant, Oral		
19	Maxillofacial Surgery		
20	Assistant, or Dental Student		
21	Intern Permit	\$50.00	\$100.00
22	g. Permit to Operate a Dental		
23	Laboratory, current Oklahoma		
24	Licensed dentist	\$20.00	\$60.00

1	h.	General Anesthesia Permit		
2		Dentist	\$100.00	\$200.00
3	i.	Conscious Sedation Permit		
4		Dentist	\$100.00	\$200.00
5	j.	Permit to Operate a Dental		
6		Laboratory, non-dentist owner	\$300.00	\$500.00
7	4.	OTHER FEES:		
8	a.	Duplicate License		
9		Dentist or Dental		
10		Hygienist	\$30.00	\$40.00
11	b.	Duplicate Permit or		
12		Registration	\$5.00	\$15.00
13	c.	Certificate of Good Standing	\$5.00	\$15.00
14	d.	Professional Entity		
15		Certification Letter	\$5.00	\$20.00
16	e.	Professional Entity		
17		Registration or Update	\$5.00	\$20.00
18	f.	Laboratory Prescription Books	\$10.00	\$25.00
19		<u>Mobile Dental Treatment</u>		
20		<u>Clinic</u>	<u>\$25.00</u>	<u>\$50.00</u>
21	g.	List of the Name and Current		
22		Mailing Address of all		
23		Persons who hold a License or		
24		Permit issued by the Board.		

1 (A request for a list shall
2 be submitted to the Board in
3 writing noting the specific
4 proposed use of the list.) \$25.00 \$75.00

5 h. Official State Dental License
6 Identification Card with
7 Picture \$25.00 \$35.00

8 i. Returned checks \$25.00 \$30.00

9 B. A person who holds a license to practice dentistry in this
10 state, and who also holds a dental specialty license, shall not be
11 required to pay an annual renewal fee for the dental specialty
12 license if the licensee has paid the annual renewal fee for the
13 license to practice dentistry.

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

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

- 21 1. Covered by a group or hospital malpractice insurance policy;
- 22 2. Practicing in a state facility subject to The Governmental
23 Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma
24 Statutes;

1 3. Practicing in a federal facility subject to the Federal Tort
2 Claims Act;

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

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

7 6. Practicing in another state or country who will not practice
8 within the State of Oklahoma during the license renewal year; or

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

14 B. The Board of Dentistry may promulgate rules as necessary to
15 carry out the provisions of this section, including, but not limited
16 to, minimum requirements for professional malpractice liability
17 insurance policies and penalties for noncompliance.

18 SECTION 17. AMENDATORY Section 14, Chapter 270, O.S.L.
19 2012 (59 O.S. Supp. 2017, Section 328.55), is amended to read as
20 follows:

21 Section 328.55. All licensees engaged in the practice of
22 dentistry in this state shall notify the Board within twenty-four
23 (24) hours of the discovery of a death of a patient or an emergency
24 hospital visit ~~causally~~ pursuant to treatment in a dental office and

1 potentially related to the practice of dentistry by the licensee. A
2 licensee shall submit a complete report to the Board of any fatality
3 or serious injury occurring during the practice of dentistry or the
4 discovery of the death of a patient whose death is causally related
5 to the practice of dentistry by the licensee within thirty (30) days
6 of such occurrence.

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

8 Passed the Senate the 8th day of March, 2018.

9

10

Presiding Officer of the Senate

11

12 Passed the House of Representatives the ____ day of _____,
13 2018.

14

15

Presiding Officer of the House
of Representatives

16

17

18

19

20

21

22

23

24