

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 408

6 By: Garvin of the Senate

7 and

8 Miller and West (Josh) of
9 the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the practice of dentistry;
12 amending 59 O.S. 2011, Section 328.3, as last amended
13 by Section 1, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
14 2020, Section 328.3), which relates to definitions;
15 defining term; amending 59 O.S. 2011, Section 328.21,
16 as last amended by Section 3, Chapter 397, O.S.L.
17 2019 (59 O.S. Supp. 2020, Section 328.21), which
18 relates to application for license; broadening
19 accepted examinations; striking provision related to
20 failure of clinical examination; providing for
21 temporary modification of examination and licensure
22 requirements in certain circumstances; amending 59
23 O.S. 2011, Section 328.22, as last amended by Section
24 4, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020,
Section 328.22), which relates to specialist license;
modifying qualifications of specialty education
program; modifying requirements for specialty
license; specifying certain certifying board
recognition entity; adding certain specialties;
amending 59 O.S. 2011, Section 328.23, as last
amended by Section 5, Chapter 397, O.S.L. 2019 (59
O.S. Supp. 2020, Section 328.23), which relates to
emergency temporary licenses for dentistry or dental
hygiene; adding certain examination that may qualify
certain persons for temporary licensure; amending 59
O.S. 2011, Section 328.23a, as amended by Section 10,
Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020, Section
328.23a), which relates to special volunteer license;
modifying certain requirement; amending 59 O.S. 2011,

1 Section 328.25, as last amended by Section 11,
2 Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, Section
3 328.25), which relates to oral maxillofacial surgery
4 assistant permits; modifying certain continuing
5 education requirements; updating statutory reference;
6 amending 59 O.S. 2011, Section 328.26, as last
7 amended by Section 4, Chapter 302, O.S.L. 2017 (59
8 O.S. Supp. 2020, Section 328.26), which relates to
9 dental student intern, resident or fellowship
10 permits; allowing certain Residents and Fellows to
11 supervise clinics under certain authority; amending
12 Section 19, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
13 2020, Section 328.31b), which relates to patient
14 record keeping requirements; modifying certain
15 records requirement; amending 59 O.S. 2011, Section
16 328.32, as last amended by Section 34, Chapter 161,
17 O.S.L. 2020 (59 O.S. Supp. 2020, Section 328.32),
18 which relates to grounds for penalties; modifying
19 certain grounds; adding reference; amending 59 O.S.
20 2011, Section 328.33, as last amended by Section 5,
21 Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2020, Section
22 328.33), which relates to disciplinary action; adding
23 certain violations; authorizing certain
24 advertisement; amending 59 O.S. 2011, Section
328.36a, which relates to laboratory prescriptions;
modifying time period of certain requirement;
allowing certain referrals; amending 59 O.S. 2011,
Section 328.41, as last amended by Section 9, Chapter
397, O.S.L. 2019 (59 O.S. Supp. 2020, Section
328.41), which relates to continuing education
requirements; modifying requirements; amending 59
O.S. 2011, Section 328.48, which relates to annual
statements of receipts and expenditures; updating
term; providing for certain electronic transmission;
amending Section 13, Chapter 270, O.S.L. 2012 (59
O.S. Supp. 2020, Section 328.54), which relates to
dental practice; allowing certain dentists to
practice teledentistry; providing for the practice of
dentistry during pandemics, disasters and
emergencies; authorizing dentists and dental
hygienists to administer vaccinations; repealing 59
O.S. 2011, Section 328.29, which relates to unlawful
practices for dental hygienists; repealing 59 O.S.
2011, Section 328.41, as last amended by Section 4,
Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2020, Section
328.41), which relates to dentistry; providing for
codification; and declaring an emergency.

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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 397, O.S.L. 2019 (59 O.S. Supp. 2020, 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;
4. "Board" means the Board of Dentistry;
5. "Certified dental assistant" means a dental assistant who has earned and maintains current certified dental assistant certification from the Dental Assisting National Board (DANB);
6. "Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing a slow

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

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

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

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

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

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

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

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

19 14. "Dental laboratory" means a location, whether in a dental
20 office or not, where a dentist or a dental laboratory technician
21 performs dental laboratory technology;

22 15. "Dental laboratory technician" means an individual whose
23 name is duly filed in the official records of the Board, which
24 authorizes the technician, upon the laboratory prescription of a

1 dentist, to perform dental laboratory technology, which services
2 must be rendered only to the prescribing dentist and not to the
3 public;

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

8 17. "Dental specialty" means a specialized practice of a branch
9 of dentistry, recognized by the Board, where the dental college and
10 specialty program are accredited by the Commission on Dental
11 Accreditation (CODA), or a dental specialty recognized by the Board,
12 requiring a minimum number of hours of approved education and
13 training and/or recognition by a nationally recognized association
14 or accreditation board;

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

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

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

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

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

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

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

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

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

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

5 28. "Mobile dental clinic" means a permitted motor vehicle or
6 trailer utilized as a dental clinic, and/or that contains dental
7 equipment and is used to provide dental services to patients on-site
8 and shall not include a mobile dental anesthesia provider. A mobile
9 dental clinic shall also mean and include a volunteer mobile dental
10 facility that is directly affiliated with a church or religious
11 organization as defined by Section 501(c)(3) or 501(d) of the United
12 States Internal Revenue Code, the church or religious organization
13 with which it is affiliated is clearly indicated on the exterior of
14 the mobile dental facility, and such facility does not receive any
15 form of payment either directly or indirectly for work provided to
16 patients other than donations through the affiliated church or
17 religious organization; provided, that the volunteer mobile dental
18 facility shall be exempt from any registration fee required under
19 the State Dental Act;

20 29. "Moderate sedation" means a drug-induced depression of
21 consciousness during which patients respond purposefully to verbal
22 commands, either alone or accompanied by light tactile stimulation.
23 No interventions are required to maintain a patent airway, and
24

1 spontaneous ventilation is adequate. Cardiovascular function is
2 usually maintained;

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

9 31. "Patient" or "patient of record" means an individual who
10 has given a medical history and has been examined and accepted by a
11 dentist for dental care;

12 32. "Residencies" are programs designed for advanced clinical
13 and didactic training in general dentistry or other specialties or
14 other specialists at the post-doctoral level recognized by the
15 Commission on Dental Accreditation (CODA) or the Board;

16 33. "Supervision" means direct supervision, direct visual
17 supervision, indirect supervision or general supervision; ~~and~~

18 34. "Teledentistry" means the remote delivery of dental patient
19 care via telecommunications and other technology for the exchange of
20 clinical information and images for dental consultation, preliminary
21 treatment planning and patient monitoring; and

22 35. "Treatment facility" means:

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

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

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.21, as
18 last amended by Section 3, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
19 2020, Section 328.21), is amended to read as follows:

20 Section 328.21. A. No person shall practice dentistry or
21 dental hygiene without first applying for and obtaining a license
22 from the Board of Dentistry.

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

4 1. Is of good moral character;

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

8 3. Has passed a written theoretical examination and a clinical
9 examination approved by the Board; and

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

12 C. An application from a candidate who desires to secure a
13 license from the Board to practice dentistry or dental hygiene in
14 this state shall be accompanied by satisfactory proof that the
15 applicant:

16 1. Is a graduate of an accredited dental college, if the
17 applicant is to practice dentistry;

18 2. Is a graduate of an accredited dental hygiene program, if
19 the applicant is to practice dental hygiene; and

20 3. Has passed all portions of the National Board Dental
21 Examination or the National Board Dental Hygiene Examination.

22 D. Pursuant to Section 328.15 of this title, the Board may
23 affiliate as a member state, and accept regional exams ~~including,~~
24 ~~but not limited to~~ from the Commission on Dental Competency

1 Assessments (CDCA), the Western Regional ~~Examination~~ Examining Board
2 (WREB), or the Central Regional Dental Testing Service (CRDTS) or
3 another regional exam that includes if the following requirements
4 are included:

5 a. ~~for~~

6 1. For dental licensing the following components:

7 ~~(1)~~

8 a. a fixed prosthetic component of the preparation of an
9 anterior all porcelain crown and the preparation of a
10 three-unit posterior bridge,

11 ~~(2)~~

12 b. a periodontal component on a live patient,

13 ~~(3)~~

14 c. an endodontic component,

15 ~~(4)~~

16 d. an anterior class III and posterior class II
17 restorative component on a live patient,

18 ~~(5)~~

19 e. a diagnosis and treatment planning section as approved
20 by the Board, as specified in Section 328.15 of this
21 title, and

22 ~~(6)~~

23

24

1 f. the Board may determine equivalencies based on
2 components of other exams for the purpose of
3 credentialing~~ing~~; or

4 ~~b. for~~

5 2. For dental hygienists licensing the following components:

6 ~~(1)~~

7 a. clinical patient treatments with an evaluation of
8 specific clinical skills ~~as well as,~~ and

9 b. evaluation of the candidate's compliance with
10 professional standards during the treatment as
11 approved by the Board in Section ~~325.15~~ 328.15 of this
12 title and shall include:

13 ~~(a)~~

14 (1) extra/intra oral assessment,

15 ~~(b)~~

16 (2) periodontal probing, and

17 ~~(c)~~

18 (3) scaling/subgingival calculus removal and
19 supragingival deposit removal.

20 E. When the applicant and the accompanying proof are found
21 satisfactory, the Board shall notify the applicant to appear for the
22 jurisprudence examination at the time and place to be fixed by the
23 Board. A dental student or a dental hygiene student in their last
24 semester of a dental or dental hygiene program, having met all other

1 requirements, may make application and take the jurisprudence
2 examination with a letter from the dean of the dental school or
3 director of the hygiene program stating that the applicant is a
4 candidate for graduation within the next six (6) months.

5 F. The Board shall require every applicant for a license to
6 practice dentistry or dental hygiene to submit, for the files of the
7 Board, a copy of a dental degree or dental hygiene degree, an
8 official transcript, a recent photograph duly identified and
9 attested, and any other information as required by the Board.

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

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

22 ~~I.~~ A dentist or dental hygienist currently licensed in another
23 state having met the qualifications in paragraphs 1 through 3 of
24

1 subsections B and C of this section may apply for a license by
2 credentials upon meeting the following:

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

8 2. A dental hygienist holding a dental hygiene license in good
9 standing and having practiced for at least four hundred twenty (420)
10 hours within the previous five (5) years immediately prior to
11 application and having passed a regional examination substantially
12 equivalent to the requirements for Oklahoma may apply for licensure
13 by credentials. Applicants for credentialing must include:

14 a. a letter of good standing from all states in which the
15 applicant has ever been licensed, and

16 b. any other requirements as set forth by the rules;

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

21 4. A dental hygienist applying for credentialing for advanced
22 procedures by providing proof of passage of the advanced procedure
23 in a CDCA, WREB or CRDTS exam.

24

1 ~~I.~~ I. There shall be two types of advanced procedure available
2 for dental hygienists upon completion of a ~~CODA~~ Commission on Dental
3 Accreditation (CODA) approved program or course that has been
4 approved by the Board:

5 1. Administration of nitrous oxide; and

6 2. Administration of local anesthesia.

7 ~~J.~~ J. All licensees and permit holders shall display their
8 current permit or license in a visible place within the dental
9 office or treatment facility.

10 K. The Board shall have the authority to temporarily change
11 requirements of an examination due to availability or changes in the
12 examination format, not to exceed one (1) year.

13 L. During a year in which governmental officials have declared
14 a health pandemic, a state or federal disaster, or other natural or
15 man-made disaster, the Board shall have the authority through a
16 resolution to change or make allowances in requirements of all
17 candidates for licensure and issue temporary licenses for extended
18 periods of time or as needed until the event passes. The resolution
19 shall have a beginning and an end date and shall automatically
20 expire no less than thirty (30) days after the end of the disaster
21 is declared by governmental officials.

22 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.22, as
23 last amended by Section 4, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
24 2020, Section 328.22), is amended to read as follows:

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

5 2. No dentist shall represent himself or herself to the public
6 as a specialist,~~nor~~ or practice as a specialist as listed in this
7 paragraph, unless the individual:

8 a. has successfully completed an advanced dental
9 specialty educational program ~~recognized by the Board~~
10 ~~and~~ accredited by the Commission on Dental
11 Accreditation, or has met the Board Certification
12 requirements of a dental specialty recognized by the
13 ~~Board, requiring a minimum number of hours of approved~~
14 ~~education and training and recognition by the~~
15 ~~Commission on Dental Accreditation~~ National Commission
16 on Recognition of Dental Specialties and Certifying
17 Boards,

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

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

23 3. ~~Specialties~~ Specialty licenses recognized by the Board shall
24 include:

- a. dental public health,
- 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 and maxillofacial pathology,
- j. dental anesthesiology,
- k. oral medicine, and
- l. orofacial pain.

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.

1 D. The Board may use the American Dental Association National
2 Commission on Recognition of Dental Specialties and Certifying
3 Boards guidelines or the guidelines of another nationally recognized
4 dental association or board for the purpose of defining a specialty
5 practice area not otherwise defined herein.

6 SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.23, as
7 last amended by Section 5, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
8 2020, 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 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 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. An active duty military spouse residing with the active duty
22 member having met the requirements for licensure shall be eligible
23 for a temporary license.

1 D. Any applicant requesting an emergency temporary license
2 shall submit a letter explaining the exigent circumstances along
3 with all application materials. The determination of whether or not
4 to grant the emergency temporary license based upon the exigent
5 circumstances shall be at the sole discretion of the President or
6 acting President of the Board.

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

12 F. The President of the Board may authorize patient treatment
13 and care ~~to~~ by individuals taking the Commission on Dental
14 Competency Assessments (CDCA) or the Western Regional Examining
15 Board Exam exam, or other regional exams as approved by the Board,
16 in order for such individuals to complete criteria related to Board
17 examinations and. The Board may authorize specialty examinations to
18 be given throughout the year as needed.

19 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.23a, as
20 amended by Section 10, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020,
21 Section 328.23a), is amended to read as follows:

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

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

- 10 1. Issued by the Board of Dentistry to eligible persons;
- 11 2. Issued without the payment of an application fee, license
12 fee or renewal fee;
- 13 3. Issued or renewed without any continuing education
14 requirements for a period less than one (1) calendar year; and
- 15 4. Issued for one (1) calendar year or part thereof.

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

- 18 1. Completion of a special volunteer dental or dental hygiene
19 license application, including documentation of the dentist's dental
20 or dental hygiene school graduation and practice history;
- 21 2. Documentation that the dentist or dental hygienist has been
22 previously issued a full and unrestricted license to practice
23 dentistry or dental hygiene in ~~Oklahoma~~ this state or in another
24 state of the United States and that he or she has never been the

1 subject of any reportable medical or dental disciplinary action in
2 any jurisdiction. If the dentist or dental hygienist is licensed in
3 more than one state and any license of the licensee is suspended,
4 revoked, or subject to any agency order limiting or restricting
5 practice privileges, or has been voluntarily terminated under threat
6 of sanction, the dentist or dental hygienist shall be ineligible to
7 receive a special volunteer license;

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

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

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

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

23 D. Dental assistants may be issued a volunteer permit at the
24 request of an entity that provides dental services to the needy.

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

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

18 F. Volunteers shall not use sedation or general anesthesia
19 during volunteer procedures.

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

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

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

5 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.25, as
6 last amended by Section 11, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
7 2020, Section 328.25), is amended to read as follows:

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

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

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

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

20 2. Has completed all of the training requirements for the oral
21 maxillofacial surgery assistant permit as established by the Board.

22 D. An oral maxillofacial surgery assistant permit shall be
23 considered a temporary training permit until all of the training
24 requirements, as established by the Board for each oral

1 maxillofacial surgery assistant, have been completed and approved by
2 the Board.

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

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

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

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

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

23 1. Successful completion of the Dental Anesthesia Assistant
24 National Certification Examination (DAANCE) provided by the American

1 Association of Oral Maxillofacial Surgeons (AAOMS) or another
2 program or examination as approved by the Board;

3 2. A valid BLS certification;

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

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

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

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

20 K. Oral maxillofacial surgery assistants shall be required to
21 complete ~~twelve (12)~~ eight (8) hours of continuing education every
22 ~~three (3)~~ two (2) years in classes approved by AAOMS that are
23 certified by the American Dental Association CERP program or another
24

1 program approved by the Board. The continuing education requirement
2 shall include at least one (1) hour on infection control.

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

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

14 1. Under direct supervision:

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

18 b. draw up and prepare medications; and

19 2. Under direct visual supervision:

20 a. follow instructions of the oral surgeon while acting
21 as an accessory hand on behalf of the oral surgeon
22 that is administering the medication and actively
23 treating the patient. For the purposes of this
24 section, "administer" means to have the sole

1 responsibility for anesthesia care, including
2 determining medicines to be used and the dosage,
3 timing, route of delivery and administration of
4 medication and the assessment of the level of
5 anesthesia and monitoring the physiological results of
6 such care; provided, only an oral surgeon or dentist
7 possessing a current general anesthesia permit may
8 administer or assess the level of sedation or general
9 anesthesia and monitor the results of such care,

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

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

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

1 4. O. Nothing in ~~this act~~ the State Dental Act shall be
2 construed as to allow an oral surgery assistant or dental assistant
3 to administer anesthesia care to a patient.

4 SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.26, as
5 last amended by Section 4, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
6 2020, Section 328.26), is amended to read as follows:

7 Section 328.26. A. The Board of Dentistry may, without
8 examination, issue a dental student intern, resident or fellowship
9 permit to a student or graduate of an approved dental school or
10 college, or a residency program approved by the Commission on Dental
11 Accreditation (CODA). Upon meeting the qualifications and upon
12 approval of the dean or the governing body of any public or private
13 institution any person may request a dental student intern, resident
14 or fellow permit to be issued from the Board, with limited duties as
15 defined in the permit. A fellowship permit may only be given to a
16 person currently participating in a fellowship program affiliated
17 with an accredited dental school.

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

22 C. A dental student intern, resident or fellowship permit shall
23 not authorize the holder to open an office for the private practice
24 of dentistry, or to receive compensation for the practice of

1 dentistry, except a salary paid by the federal government or this
2 state, or their subdivisions, or the public or private institution
3 where the holder of the dental student intern, resident or
4 fellowship permit will be employed.

5 D. A dental student intern with a valid dental student intern
6 permit may work under the direct supervision of a licensed dentist
7 for compensation upon meeting the following criteria:

8 1. The dental student intern shall notify the Board of the
9 supervising dentist;

10 2. A dental student intern, having finished the first year of
11 dental school, may assist in all duties of a dental assistant
12 pursuant to the administrative rules of the Board; and

13 3. A dental student intern, having finished the second year of
14 dental school, may assist in all duties permitted in paragraph 2 of
15 this subsection, radiation safety, coronal polishing and sealants.

16 E. A dental student intern, resident or fellowship permit shall
17 automatically expire when the permit holder is no longer
18 participating in the program offered by the college of dentistry,
19 the accredited dental college or the institution.

20 F. The issuance of a dental student intern, resident or
21 fellowship permit by the Board shall in no way be considered a
22 guarantee or predetermination of any person to receive a full
23 license issued by the Board.

24

1 G. Dental student intern or resident or fellowship permits may
2 be renewed annually at the request of the dean of the college or
3 program director of the program approved by CODA and at the
4 discretion of the Board.

5 H. Residents and Fellows with a valid permit may supervise
6 student dental clinics under the authority of the Dean or Associate
7 Dean of the University of Oklahoma College of Dentistry.

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

18 SECTION 8. AMENDATORY Section 19, Chapter 229, O.S.L.
19 2015 (59 O.S. Supp. 2020, Section 328.31b), is amended to read as
20 follows:

21 Section 328.31b. A. Every dental office or treatment facility,
22 whether individual, group or multi-doctor practice operating under a
23 name, trade name or other professional entity shall maintain written
24 records on each patient treated at the facility and shall make these

1 records available to the Board and other regulatory entities or be
2 subject to the penalties as set forth in Section ~~328.44~~ 328.44a of
3 this title.

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

7 1. A health history listing known illnesses, other treating
8 physicians~~7~~ and current medications prescribed;

9 2. Results of clinical examination and tests conducted~~7~~
10 including the identification, or lack thereof, of any oral pathology
11 or diseases;

12 3. Treatment plan proposed by the dentist; and

13 4. Treatment rendered to the patient. The patient record shall
14 clearly identify the dentist and the dental hygienist providing the
15 treatment with the dentist, specialty or dental hygienist license
16 number~~7~~. The patient record shall include documentation of any
17 medications prescribed, administered or dispensed to the patient.

18 ~~5.~~ C. Whenever patient records are released or transferred, the
19 dentist releasing or transferring the records shall maintain either
20 the original records or copies thereof and a notation shall be made
21 in the retained records indicating to whom the records were released
22 or transferred.~~7~~ and

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

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

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

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

15 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.32, as
16 last amended by Section 34, Chapter 161, O.S.L. 2020 (59 O.S. Supp.
17 2020, Section 328.32), is amended to read as follows:

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

23 1. Pleading guilty or nolo contendere to, or being convicted
24 of, a felony, a misdemeanor involving moral turpitude, any crime in

1 which an individual would be required to be a registered sex
2 offender under Oklahoma law, any violent crime, Medicaid fraud,
3 insurance fraud, identity theft, embezzlement or a violation of
4 federal or state controlled dangerous substances laws;

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

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

10 4. Publishing a false, fraudulent, or misleading advertisement
11 or statement;

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

15 6. Authorizing or aiding a dental hygienist to perform any
16 procedure prohibited by the State Dental Act or the rules of the
17 Board;

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

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

23 9. Failing to complete continuing education requirements;

24

1 10. Representing himself or herself to the public as a
2 specialist in a dental specialty without holding a dental specialty
3 license therefor;

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

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

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

14 14. Being shown to be mentally unsound;

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

17 16. Being incompetent to practice dentistry while delivering
18 care to a patient;

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

20 18. Committing repeated acts of negligence in the practice of
21 dentistry;

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

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

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

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

12 23. Having more than the equivalent of three full-time dental
13 hygienists for each dentist actively practicing in the same dental
14 office;

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

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

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

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

3 28. Writing a false, unnecessary, or excessive prescription for
4 any drug or narcotic which is a controlled dangerous substance under
5 either federal or state law, or prescribing, dispensing or
6 administering opioid drugs in excess of the maximum limits
7 authorized in Section 2-309I of Title 63 of the Oklahoma Statutes;

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

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

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

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

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

19 34. Failing to retain all patient records for at least seven
20 (7) years from the date of the last treatment as provided by Section
21 328.31b of this title, except that the failure to retain records
22 shall not be a violation of the State Dental Act if the dentist
23 shows that the records were lost, destroyed, or removed by another,
24 without the consent of the dentist;

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

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

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

22 37. Violating the state dental act of another state resulting
23 in a plea of guilty or nolo contendere, conviction or suspension or
24

1 revocation or other sanction by another state board, of the license
2 of the dentist under the laws of that state;

3 38. Violating or attempting to violate the provisions of the
4 State Dental Act or the rules of the Board, a state or federal
5 statute or rule relating to scheduled drugs, fraud, a violent crime
6 or any crime for which the penalty includes the requirement of
7 registration as a sex offender in Oklahoma as a principal, accessory
8 or accomplice;

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

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

15 41. Having multiple administrative or civil actions reported to
16 the National Practitioner Databank; or

17 42. Failing to complete an approved two-hour course on opioid
18 and scheduled drug prescribing within one (1) year of obtaining a
19 license or a violation of a law related to controlled dangerous
20 substances including prescribing laws pursuant to Section 2-309D of
21 Title 63 of the Oklahoma Statutes.

22 B. The provisions of the State Dental Act shall not be
23 construed to prohibit any dentist from displaying or otherwise
24 advertising that the dentist is also currently licensed, registered,

1 certified, or otherwise credentialed pursuant to the laws of this
2 state or a nationally recognized credentialing board, if authorized
3 by the laws of the state or credentialing board to display or
4 otherwise advertise as a licensed, registered, certified, or
5 credentialed dentist.

6 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.33, as
7 last amended by Section 5, Chapter 113, O.S.L. 2016 (59 O.S. Supp.
8 2020, Section 328.33), is amended to read as follows:

9 Section 328.33. A. The following acts or occurrences by a
10 dental hygienist shall constitute grounds for which the penalties
11 specified in Section 328.44a of this title may be imposed by order
12 of the Board of Dentistry or be the basis for denying a new
13 applicant any license or permit issued by the Board:

14 1. Any of the causes now existing in the laws of ~~the State of~~
15 ~~Oklahoma~~ this state;

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

17 3. A violation of the rules of the Board promulgated pursuant
18 to the State Dental Act.

19 B. The Board shall also have the power to act upon a petition
20 by a dental hygienist for reinstatement to good standing. The Board
21 shall keep a record of the evidence and proceedings in all matters
22 involving the revocation or suspension of a license or reprimand or
23 probation of a dental hygienist. The Board shall make findings of
24 fact and a decision thereon. The Board shall immediately forward a

1 certified copy of the decision to the dental hygienist involved by
2 registered mail to the last-known business address of the dental
3 hygienist.

4 C. 1. The decision shall be final unless the dental hygienist
5 appeals the decision as provided by the State Dental Act.

6 2. If an appeal is not timely taken, the decision shall be
7 carried out by striking the name of the dental hygienist from the
8 rolls, or suspending the dental hygienist for the period mentioned
9 in issuing a reprimand, or otherwise acting as required by the
10 decision.

11 D. The Board shall have power to revoke or suspend the license,
12 reprimand, or place on probation a dental hygienist for a violation
13 of one or more of the following:

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

17 2. Presenting to the Board a false diploma, license or
18 certificate, or one obtained by fraud or illegal means;

19 3. Being, by reason of persistent inebriety or addiction to
20 drugs, incompetent to continue the practice of dental hygiene;

21 4. Has been guilty of dishonorable or unprofessional conduct;

22 5. Failure to pay registration fees as provided by the State
23 Dental Act;

24

1 6. Is a menace to the public health by reason of communicable
2 disease;

3 7. Being shown to be mentally incapacitated or has been
4 admitted to a mental institution, either public or private, and
5 until the dental hygienist has been proven to be mentally competent;

6 8. Being shown to be grossly immoral;

7 9. Being incompetent in the practice of dental hygiene;

8 10. Committing willful negligence in the practice of dental
9 hygiene;

10 11. Being involuntarily committed for treatment for drug
11 addiction to a facility, either public or private, and until the
12 dental hygienist has been proven cured;

13 12. Practicing or attempting to practice dental hygiene in any
14 place or in any manner other than as authorized by Section 328.34 of
15 this title;

16 13. Claiming the use of any secret or patented methods or
17 treatments with materials not approved by the Food and Drug
18 Administration;

19 14. Making statements or advertising as having the ability to
20 diagnose or prescribe for any treatment;

21 15. Performing any services in the mouth other than those
22 authorized by the Board of Dentistry pursuant to authority conferred
23 by the State Dental Act;

24

1 16. Attempting to conduct a practice of dental hygiene in any
2 place or in any manner other than as authorized by Section 328.34 of
3 this title;

4 17. Attempting to use in any manner whatsoever any oral
5 prophylaxis list, call list, records, reprints or copies of same or
6 information gathered therefrom, or the names of patients whom he or
7 she has formerly treated when serving as an employee in the office
8 of a dentist for whom he or she was formerly employed;

9 18. Failing to keep prominently displayed in the office of the
10 dentist for whom he or she is employed his or her current valid
11 license renewal certificate;

12 19. Using or attempting to use in any manner whatsoever any
13 oral prophylaxis list, call list, records, reprints or copies of
14 same, or information gathered therefrom, of the names of patients
15 whom such dental hygienist might have served in the office of a
16 prior employer, unless such names appear upon the bona fide call or
17 oral prophylaxis list of the present employer of the dental
18 hygienist and were caused to so appear through the legitimate
19 practice of dentistry, as provided for in the State Dental Act;

20 ~~14.~~ 20. Violating the state dental act of another state
21 resulting in a plea of guilty or nolo contendere, conviction, or
22 suspension or revocation of the license of the dental hygienist
23 under the laws of that state;

1 ~~15.~~ 21. Violating or attempting to violate the provisions of
2 the State Dental Act or the rules of the Board, as a principal,
3 accessory or accomplice;

4 ~~16.~~ 22. Failing to comply with the terms and conditions of an
5 order imposing suspension of a license or placement on probation
6 issued pursuant to Section 328.44a of this title; or

7 ~~17.~~ 23. Any violation that would otherwise be a violation for a
8 dentist under Section 328.32 of this title.

9 E. A dental hygienist may advertise that he or she is
10 practicing in the office of the supervising dentist in which he or
11 she is employed.

12 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.36a, is
13 amended to read as follows:

14 Section 328.36a. A. A dentist may utilize a dental laboratory
15 technician and a dental laboratory to perform or provide dental
16 laboratory technology. Except as provided in subsection C of
17 Section 328.36 of this title, a dentist who utilizes the services of
18 a dental laboratory technician or dental laboratory shall furnish a
19 laboratory prescription for each patient for whom a work product is
20 prescribed.

21 B. Laboratory prescriptions issued by a dentist shall be on
22 forms containing the minimum information required by subsection D of
23 this section and shall be produced or printed by each dentist. Such
24 forms shall be provided by the Board of Dentistry or downloaded from

1 the Board's website. All forms shall be completed in full and
2 signed by the prescribing dentist. The owner of a dental laboratory
3 shall retain each original laboratory prescription received from a
4 prescribing dentist and produce the document for inspection and
5 copying by a member of the Board or by an agent or employee of the
6 Board, for a period of ~~three (3)~~ seven (7) years from the date of
7 the laboratory prescription. The prescribing dentist shall retain
8 the duplicate copy of each laboratory prescription and produce the
9 document for inspection and copying by a member of the Board or by
10 an agent or employee of the Board, for a period of ~~three (3)~~ seven
11 (7) years from the date of the laboratory prescription.

12 C. The patient's name or the identification number of the
13 laboratory prescription shall appear on all dental models and
14 correspond to all dental restorations, appliances or other devices
15 being constructed, reproduced or repaired. Any dental model,
16 restoration, appliance or other device in the possession of a dental
17 laboratory technician or dental laboratory without a laboratory
18 prescription and corresponding number on the model, restoration,
19 appliance or device shall be prima facie evidence of a violation of
20 the State Dental Act. After completion, the prescribed work product
21 shall be returned by the dental laboratory technician or dental
22 laboratory to the prescribing dentist or the dental office of the
23 dentist with the name or number of the laboratory prescription
24 accompanying the invoice.

1 D. At a minimum, prescriptions shall contain the following
2 information:

3 1. The name and address of the dental laboratory;

4 2. The patient's name and/or identifying number. In the event
5 such identifying number is used, the name of the patient shall be
6 written on a copy of the prescription retained by the dentist;

7 3. A description of the work to be completed with diagrams, if
8 applicable;

9 4. A description of the type of materials to be used;

10 5. The actual date on which the authorization or prescription
11 was written or completed;

12 6. The signature in ink or by electronic method of the dentist
13 issuing the prescription and the state license number and address of
14 such dentist; and

15 7. A section to be completed by the dental laboratory and
16 returned to the issuing dentist that shall disclose all information
17 and certify that the information is accurate by including the
18 signature of a reasonable part of the primary contractor.

19 E. The Board shall make readily available a sample form on the
20 Board's website for use by any licensee at no cost.

21 F. A dentist may produce, transfer and retain copies of the
22 form electronically.

23 G. A dentist may refer a patient to a dental laboratory for the
24 purpose of selecting the shading or matching shades of a prosthetic

1 device being prepared for the dentist to deliver to the patient.
2 The dentist must maintain a copy of the prescription written for the
3 laboratory.

4 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.41, as
5 last amended by Section 9, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
6 2020, Section 328.41), is amended to read as follows:

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

21 2. Beginning July 1, 2017, resident and fellowship permits
22 shall be valid from July 1 through June 30 of each year and dental
23 student intern permits shall be valid from August 1 through July 31
24 of each year.

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

3 ~~1. Beginning July 1, 2019, through June 30, 2021, continuing~~
4 ~~education requirements shall be due at the end of each two-year~~
5 ~~period as follows:~~

6 a. ~~dentists.~~

7 C. 1. Continuing education requirements for a dentist or
8 dental hygienist shall consist of:

9 a. a live, in-person cardiopulmonary resuscitation class
10 approved by the Board,

11 b. an ethics class approved by the Board,

12 c. for a dentist, two (2) hours of opioid and scheduled
13 drug prescribing classes, and

14 d. any combination of the following:

15 (1) completion of classes at a university, college or
16 technology center school accredited by the
17 Commission on Dental Accreditation (CODA) or
18 college courses related to dentistry, which shall
19 count equal to credit hours received on a
20 transcript,

21 (2) teaching one or more classes at a school or
22 program accredited by CODA, for which the dentist
23 or dental hygienist shall receive credit for the

24

- 1 semester credit hours and one (1) hour of credit
2 per eighteen (18) hours of clinical instruction,
3 (3) publishing papers, presenting clinics and
4 lecturing, for which the dentist or dental
5 hygienist shall receive six (6) credit hours for
6 each hour of the original presentation and hour-
7 for-hour credit for a subsequent presentation of
8 the same material. No more than fifty percent
9 (50%) of total required continuing education
10 hours may be fulfilled by activities described in
11 this division,
12 (4) a scientific-based medical treatment and patient
13 care class approved by the Board,
14 (5) any health-related program sponsored by the
15 Veterans Administration or Armed Forces provided
16 at a government facility,
17 (6) formal meetings by national or state professional
18 organizations for dental providers, or
19 university-sponsored professional alumni clinical
20 meetings approved by the Board,
21 (7) organized study clubs,
22 (8) uncompensated volunteer work at an event approved
23 by the Board not to exceed seven (7) hours for a
24

1 dentist or four (4) hours for a dental hygienist,
2 or

3 (9) practice-management-related courses not to exceed
4 four (4) hours for a dentist or two (2) hours for
5 a dental hygienist.

6 2. Full-time graduate study, internships, residencies and
7 dentists and dental hygienists engaged in a full-time program
8 accredited by CODA shall be exempt from continuing education for a
9 continuing education year per academic year completed.

10 3. New graduates of dental and hygiene programs shall not be
11 required to complete continuing education for the first year after
12 graduation. Continuing education requirements for dentists and
13 dental hygienists who are new graduates shall begin July 1 of the
14 calendar year following the year of graduation. Hours shall be
15 prorated by year of new licensure.

16 D. 1. Dentists shall complete forty (40) hours, ~~including a~~
17 ~~one-time two-hour opioid and scheduled drug prescribing class,~~

18 ~~b. hygienists~~ of continuing education with no more than
19 twenty (20) hours to be completed online. Hygienists
20 shall complete twenty (20) hours, ~~of~~ continuing
21 education with no more than ten (10) hours to be
22 completed online. Interactive classes or webinar
23 classes may, at the discretion of the Board, count as
24 in-person.

1
2 e. ~~oral~~

3 2. Oral maxillofacial surgery assistants shall complete eight
4 (8) hours, of continuing education including one (1) hour of
5 infection control.

6 d. ~~dental~~

7 3. Dental assistants shall ~~have~~ complete two (2) hours of
8 infection control, ~~and~~

9 e. ~~any.~~

10 4. Any newly licensed dentist shall complete a two-hour opioid
11 and scheduled drug prescribing class within one (1) year of
12 obtaining licensure, ~~and~~

13 ~~2. Any newly licensed dentist shall complete a two-hour opioid~~
14 ~~and scheduled drug prescribing class within one (1) year of~~
15 ~~obtaining licensure; and~~

16 ~~3. Beginning in 2020, continuing education requirements shall~~
17 ~~be due at the end of each two-year period as follows:~~

18 ~~a. dentists shall complete forty (40) hours, including a~~
19 ~~one-time, two-hour opioid and scheduled drug~~
20 ~~prescribing class,~~

21 ~~b. hygienists shall complete twenty (20) hours,~~

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

23 ~~d. dental assistants shall have two (2) hours of~~
24 ~~infection control.~~

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

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

24

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

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

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

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

20 ~~I.~~ K. Any application for a license or permit that has remained
21 inactive for more than one (1) year shall be closed.

22 SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.48, is
23 amended to read as follows:

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1 Section 328.48. It shall be the duty of the Board of Dentistry,
2 annually, to have prepared a statement showing the total amount of
3 receipts and expenditures of the Board for the preceding twelve (12)
4 months. The statement shall be properly certified under oath by the
5 president and ~~secretary-treasurer~~ Executive Director of the Board to
6 the Governor ~~of this state~~ and may be sent electronically.

7 SECTION 14. AMENDATORY Section 13, Chapter 270, O.S.L.
8 2012 (59 O.S. Supp. 2020, Section 328.54), is amended to read as
9 follows:

10 Section 328.54. A. Any person conducting a diagnosis for the
11 purpose of prescribing medication or treatment or any other action
12 determined to be a dental practice as defined by the State Dental
13 Act, via the Internet or other telecommunications device on any
14 patient that is physically located in this state shall hold a valid
15 Oklahoma state dental license.

16 B. A dentist holding a valid dental license in Oklahoma may
17 consult, diagnose and treat a patient of record via synchronous or
18 asynchronous telecommunication between the patient and dentist. The
19 dentist must record all activities relating to teledentistry in the
20 patient record and must have an office location in Oklahoma
21 available for follow-up treatment and maintenance of records.

22 SECTION 15. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 328.57 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Upon the declaration by governmental officials of a health
2 pandemic or a state or federal disaster or emergency, dentists and
3 dental hygienists and dental assistants working under the
4 supervision of a dentist or physician, acting in good faith, shall
5 be considered to be acting within the scope of their profession when
6 providing all needed care during such a declared local, state or
7 national emergency, and shall be allowed to perform services
8 requested of them.

9 B. Dentists are authorized to administer vaccinations. All
10 dentists shall comply with Centers for Disease Control and
11 Prevention or State Department of Health documentation if required.

12 C. Dental hygienists are authorized to administer vaccinations
13 while working under the general supervision of a physician as
14 defined by subsection C of Section 725.2 of Title 59 of the Oklahoma
15 Statutes.

16 SECTION 16. REPEALER 59 O.S. 2011, Section 328.29, is
17 hereby repealed.

18 SECTION 17. REPEALER 59 O.S. 2011, Section 328.41, as
19 last amended by Section 4, Chapter 428, O.S.L. 2019 (59 O.S. Supp.
20 2020, Section 328.41), is hereby repealed.

21 SECTION 18. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23
24

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

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