

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 603

By: Montgomery, Rosino and  
Simpson of the Senate

6 and

7 West (Josh) of the House

8  
9  
10 COMMITTEE SUBSTITUTE

11 An Act relating to dentistry; amending 59 O.S. 2011,  
12 Section 328.3, as last amended by Section 1, Chapter  
13 151, O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.3),  
14 which relates to definitions; modifying certain  
15 definitions; amending 59 O.S. 2011, Section 328.17,  
16 as amended by Section 5, Chapter 229, O.S.L. 2015 (59  
17 O.S. Supp. 2018, Section 328.17), which relates to  
18 standing committees for Board of Dentistry; modifying  
19 required annual meetings; amending 59 O.S. 2011,  
20 Section 328.21, as last amended by Section 7, Chapter  
21 229, O.S.L. 2015 (59 O.S. Supp. 2018, Section  
22 328.21), which relates to examination; broadening  
23 permitted examinations for licensure; modifying  
24 credentialing requirements; amending 59 O.S. 2011,  
Section 328.22, as last amended by Section 4, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
328.22), which relates to specialty license; striking  
certain requirement; amending 59 O.S. 2011, Section  
328.23, as last amended by Section 5, Chapter 151,  
O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.23),  
which relates to emergency temporary licenses for  
dentistry or dental hygiene; providing eligibility  
for military personnel; amending 59 O.S. 2011,  
Section 328.24, as last amended by Section 6, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
328.24), which relates to dental assistant permits;  
modifying dates for certain requirements; providing

1        credentialing and reciprocity for out-of-state permit  
2        holders and military personnel; amending 59 O.S.  
3        2011, Section 328.32, as last amended by Section 4,  
4        Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2018, Section  
5        328.32), which relates to grounds for penalties;  
6        adding certain grounds; amending 59 O.S. 2011,  
7        Section 328.34, as last amended by Section 8, Chapter  
8        151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
9        328.34), which relates to delegation of duties to  
10        dental hygienist; updating term; amending 59 O.S.  
11        2011, Section 328.41, as last amended by Section 11,  
12        Chapter 151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
13        328.41), which relates to continuing education  
14        requirements; adding certain requirement; amending 59  
15        O.S. 2011, Section 328.44a, as last amended by  
16        Section 25, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
17        2018, Section 328.44a), which relates to penalties;  
18        permitting summary suspension under certain  
19        circumstances; amending 59 O.S. 2011, Section  
20        328.51a, as last amended by Section 15, Chapter 151,  
21        O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.51a),  
22        which relates to fees; adding certain fee; and  
23        providing an effective date.

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

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

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

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

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

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

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

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

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

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

15 12. "Dental hygienist" means an individual who has fulfilled  
16 the educational requirements and is a graduate of an accredited  
17 dental hygiene program and who has passed an examination and has  
18 been issued a license by the Board and who is authorized to practice  
19 dental hygiene as hereinafter defined;

20 13. "Dental assistant or oral maxillofacial surgery assistant"  
21 means an individual working for a dentist, under the dentist's  
22 direct supervision or direct visual supervision, and performing  
23 duties in the dental office or a treatment facility, including the  
24 limited treatment of patients in accordance with the provisions of

1 the State Dental Act. A dental assistant or oral maxillofacial  
2 surgery assistant may assist a dentist with the patient; provided,  
3 this shall be done only under the direct supervision or direct  
4 visual supervision and control of the dentist and only in accordance  
5 with the educational requirements and rules promulgated by the  
6 Board;

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

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

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

20 17. "Dental specialty" means a specialized practice of a branch  
21 of dentistry, recognized by the Board, where the dental college and  
22 specialty program are accredited by the Commission on Dental  
23 Accreditation (CODA), or a dental specialty recognized by the Board,  
24 requiring a minimum number of hours of approved education and

1 training and/or recognition by a nationally recognized association  
2 or accreditation board;

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

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

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

18 21. "General anesthesia" means a drug-induced loss of  
19 consciousness during which patients are not arousable, even by  
20 painful stimulation. The ability to independently maintain  
21 ventilator function is often impaired. Patients often require  
22 assistance in maintaining a patent airway, and positive pressure  
23 ventilation may be required because of depressed spontaneous  
24

1 ventilation or drug-induced depression of neuromuscular function.  
2 Cardiovascular function may be impaired;

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

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

23 24. "Investigations" means an investigation proceeding,  
24 authorized under Sections 328.15A and 328.43a of this title, to

1 investigate alleged violations of the State Dental Act or the rules  
2 of the Board;

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

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

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

17 28. "Mobile dental clinic" means a permitted motor vehicle or  
18 trailer utilized as a dental clinic, and/or that contains dental  
19 equipment and is used to provide dental services to patients on-site  
20 and shall not include a mobile dental anesthesia provider. A mobile  
21 dental clinic shall also mean and include a volunteer mobile dental  
22 facility that is directly affiliated with a church or religious  
23 organization as defined by Section 501(c)(3) or 501(d) of the United  
24 States Internal Revenue Code, the church or religious organization



1 with which it is affiliated is clearly indicated on the exterior of  
2 the mobile dental facility, and such facility does not receive any  
3 form of payment either directly or indirectly for work provided to  
4 patients other than donations through the affiliated church or  
5 religious organization; provided, that the volunteer mobile dental  
6 facility shall be exempt from any registration fee required under  
7 the State Dental Act;

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

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

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

23 32. "Residencies" are programs designed for advanced clinical  
24 and didactic training in general dentistry or other specialties or

1 other specialists at the post-doctoral level recognized by the  
2 ~~American Dental Association~~ Commission on Dental Accreditation  
3 (CODA) or the Board;

4 33. "Supervision" means direct supervision, direct visual  
5 supervision, indirect supervision or general supervision; and

6 34. "Treatment facility" means:

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

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

10 c. a private health facility,

11 d. a group home or residential care facility serving the  
12 elderly, handicapped or juveniles,

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

14 f. a nursing home,

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

17 h. a public or private school,

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

19 j. a mobile dental clinic,

20 k. a dental college, dental program, dental hygiene  
21 program or dental assisting program accredited by the  
22 Commission on Dental Accreditation, or

23 l. such other places as are authorized by the Board.  
24

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.17, as  
2 amended by Section 5, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2018,  
3 Section 328.17), is amended to read as follows:

4 Section 328.17 A. 1. The Board of Dentistry shall have the  
5 following standing committees that shall meet once per year and  
6 other times as needed to study issues affecting the practice of  
7 dentistry and the safety of the public and to make recommendations  
8 to the Board:

- 9 a. Dental Practice Committee,
- 10 b. Anesthesia Committee,
- 11 c. Specialty Practice Committee,
- 12 d. Historical and Retirement Committee, and
- 13 e. Assistants, Dental Labs and Other Auxiliary Personnel  
14 Committee.

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

19 3. Each committee may have up to ten committee members with the  
20 exception of the Anesthesia Committee which may have up to eighteen  
21 members, exclusive of the cochairs;

22 4. The Board President, with approval of the Board, shall  
23 appoint all committee members. One-half (1/2 or 50%) of the  
24 committee members shall be recommended by the Board and one-half

1 (1/2 or 50%) of the committee members shall be recommended to the  
2 Board President by a statewide organization representing dentists;  
3 and

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

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

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

9 2. Two dental hygienists recommended by the Board and two  
10 dental hygienists recommended by a statewide organization  
11 representing dental hygienists;

12 3. The Committee shall have the following functions:

13 a. to develop and propose recommendations to the Board  
14 regarding the education, examination, licensure, and  
15 regulation of dental hygienists,

16 b. to advise the Board in rulemaking regarding dental  
17 hygiene,

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

20 d. to work directly with the Allied Dental Education  
21 Committee in reviews and recommendations for  
22 equivalent dental hygiene programs; and

23 4. Members of the Committee shall be appointed by the Board and  
24 shall serve a term of three (3) years. Appointments shall be made

1 so that approximately one-third (1/3 or 33%) of the Committee is  
2 reappointed at any given time. Members may be appointed for  
3 consecutive terms if recommended by the Board President and approved  
4 by the Board.

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

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

8 2. The Allied Dental Education Committee shall:

9 a. review the standards and equivalency of in-state and  
10 out-of-state dental and auxiliary program requirements  
11 and make recommendations to the Board,

12 b. evaluate individual credentials and programs for the  
13 purpose of issuing dental assistant expanded duty  
14 permits and dental hygiene advanced procedure permits  
15 from persons holding out-of-state licenses and permits  
16 based on CODA or DANB programs and criteria as defined  
17 by the State Dental Act and other statutes and shall  
18 make recommendations to the Board,

19 c. recommend standards and guidelines and review criteria  
20 for all expanded duty programs or courses for dental  
21 assistants from CODA approved programs and non-CODA  
22 approved providers and advanced procedures of dental  
23 hygienists from CODA approved programs to the Board,  
24 and

1           d.    recommend and develop guidelines for classroom,  
2                    electronic media and other forms of education and  
3                    testing;

4           3.    The Committee shall meet as deemed necessary by the Board  
5    President;

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

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

11           b.    the hygiene member of the Board or their designee who  
12                   must be a current or past Board Member,

13           c.    the Dean of the University of Oklahoma College of  
14                   Dentistry or his or her designee,

15           d.    up to seven at-large members, one of which must be an  
16                   educator and one of which must have a current  
17                   Certified Dental Assistant Permit.

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

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

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.21, as  
2 last amended by Section 7, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
3 2018, Section 328.21), is amended to read as follows:

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

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

10 1. Is of good moral character;

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

14 3. Has passed a written theoretical examination and a clinical  
15 examination approved by the Board; and

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

18 C. An application from a candidate who desires to secure a  
19 license from the Board to practice dentistry or dental hygiene in  
20 this state shall be accompanied by satisfactory proof that the  
21 applicant:

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

24

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

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

5 4. Has passed a regional exam including, but not limited to,  
6 the Western Regional Examination Board (WREB), Central Regional  
7 Dental Testing Service (CRDTS) or another regional exam ~~as approved~~  
8 by the Board, as specified in Section 328.15 of this title that the  
9 Board has affiliated with pursuant to Section 328.15 of this title,  
10 which includes the following requirements:

11 a. for dental licensing the following components:

- 12 (1) a fixed prosthetic component of an anterior crown  
13 and a posterior bridge preparation,
- 14 (2) a periodontal component,
- 15 (3) an endodontic component,
- 16 (4) an anterior class III and posterior class II  
17 restorative component on a live patient,
- 18 (5) a diagnosis and treatment planning section as  
19 approved by the Board, as specified in Section  
20 328.15 of this title, and
- 21 (6) any equivalencies based on components of other  
22 exams as determined by the Board, or

23 b. for dental hygienists licensing the following  
24 components:



- 1           (1) the evaluation and treatment, including  
2           periodontal probing, of one quadrant of teeth  
3           with the appropriate number of qualifying  
4           surfaces on a live patient, and  
5           (2) cleaning and removal of supragingival and  
6           subgingival deposits of at least one quadrant of  
7           teeth with at least eight (8) qualifying surfaces  
8           on a live patient as approved by the Board, as  
9           specified in Section 328.15 of this title.

10           D. When the applicant and the accompanying proof are found  
11 satisfactory, the Board shall notify the applicant to appear for the  
12 jurisprudence examination at the time and place to be fixed by the  
13 Board. A dental student or a dental hygiene student in their last  
14 semester of a dental or dental hygiene program, having met all other  
15 requirements, may make application and take the jurisprudence  
16 examination with a letter from the dean of the dental school or  
17 director of the hygiene program stating that the applicant is a  
18 candidate for graduation within the next six (6) months.

19           E. The Board shall require every applicant for a license to  
20 practice dentistry or dental hygiene to submit, for the files of the  
21 Board, a copy of a dental degree or dental hygiene degree, an  
22 official transcript, a recent photograph duly identified and  
23 attested, and any other information as required by the Board.

1 F. Any applicant who fails to pass the jurisprudence  
2 examination may apply for a second examination, in which case the  
3 applicant shall pay a reexamination fee as established by the  
4 statutes or rules of the State Dental Act.

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

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

17 1. A dentist holding a general dentist license in good standing  
18 and having practiced for at least five hundred (500) hours ~~per year~~  
19 ~~for~~ within the previous five (5) years immediately prior to  
20 application and having passed a regional examination substantially  
21 equivalent to the requirements for this state may apply for  
22 licensure by credentials;

23 2. A dental hygienist holding a dental hygiene license in good  
24 standing and having practiced for at least four hundred twenty (420)

1 hours ~~per year for the previous two (2) years~~ within the previous  
2 five (5) years immediately prior to application and having passed a  
3 regional examination substantially equivalent to the requirements  
4 for Oklahoma may apply for licensure by credentials. Applicants for  
5 ~~reciprocity~~ credentialing must include:

6 a. a letter of good standing from all states ever  
7 licensed, and

8 b. ~~proof of five (5) years of continuous active practice~~  
9 ~~immediately prior to application for dentists and two~~  
10 ~~(2) years for hygienists, and~~

11 ~~e.~~ any other requirements as set forth by the rules; or

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

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

19 1. Administration of nitrous oxide; and

20 2. Administration of local anesthesia.

21 J. All licensees and permit holders shall display their current  
22 permit or license in a visible place within the dental office or  
23 treatment facility.

24

1 SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.22, as  
2 last amended by Section 4, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
3 2018, Section 328.22), is amended to read as follows:

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

8 2. No dentist shall represent himself or herself to the public  
9 as a specialist, nor practice as a specialist, unless the  
10 individual:

11 a. has successfully completed an advanced dental  
12 specialty educational program recognized by the Board  
13 and accredited by the Commission on Dental  
14 Accreditation, or a dental specialty recognized by the  
15 Board, requiring a minimum number of hours of approved  
16 education and training and/or recognition by a  
17 nationally recognized dental specialty accreditation  
18 board,

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

21 ~~c.~~ has passed the jurisprudence examination covering the  
22 State Dental Act, rules and state laws, and

23 ~~d.~~

24

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

4           3.   Specialties recognized by the Board shall include:

- 5           a.   dental public health,
- 6           b.   endodontics,
- 7           c.   oral and maxillofacial surgery,
- 8           d.   oral and maxillofacial radiology,
- 9           e.   orthodontics and dentofacial orthopedics,
- 10          f.   pediatric dentistry,
- 11          g.   periodontics,
- 12          h.   prosthodontics, and
- 13          i.   oral pathology.

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

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

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

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

8 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.23, as  
9 last amended by Section 5, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
10 2018, Section 328.23), is amended to read as follows:

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

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

1 C. An active duty military spouse residing with the active duty  
2 member having met the requirements for licensure shall be eligible  
3 for a temporary license.

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

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

15 ~~E.~~ F. The President of the Board may authorize patient  
16 treatment and care to individuals taking the Western Regional  
17 Examining Board Exam, or other regional exams as approved by the  
18 Board, to complete criteria related to Board examinations and may  
19 authorize specialty examinations to be given throughout the year as  
20 needed.

21 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.24, as  
22 last amended by Section 6, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
23 2018, Section 328.24), is amended to read as follows:  
24

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

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

- 11 1. Is of good moral character; and
- 12 2. Passes a background check with criteria established by the  
13 Board.

14 C. Beginning ~~January 1, 2019~~ January 1, 2020, every dental  
15 assistant receiving a permit shall complete a class on infection  
16 control as approved by the Board within one (1) year from the date  
17 of receipt of the permit. Any person holding a valid dental  
18 assistant permit prior to ~~January 1, 2019~~ January 1, 2020, shall  
19 complete an infection-control class as approved by the Board before  
20 ~~December 31, 2019~~ December 31, 2020. Failure to complete the class  
21 shall be grounds for discipline pursuant to Section 328.29a of this  
22 title.

23 D. There shall be five types of expanded duty permits available  
24 for dental assistants upon completion of a program approved by the



1 Commission on Dental Accreditation (CODA) or a course that has been  
2 approved by the Board:

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

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

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

19 G. A dental assistant who holds an out-of-state dental  
20 assistant permit with expanded duties may apply for credentialing  
21 and reciprocity for a dental assistant permit including any expanded  
22 duty by demonstrating the following:

23  
24

1       1. The dental assistant has had a valid dental assistant permit  
2 in another state for a minimum of two (2) years and is in good  
3 standing;

4       2. The dental assistant has had a valid expanded duty in  
5 another state for a minimum of one (1) year; and

6       3. The dental assistant provides a certificate or proof of  
7 completion of an educational class for the expanded duty and that  
8 the dental assistant has been providing this treatment to dental  
9 patients while working as a dental assistant in a dental office for  
10 one (1) year.

11       H. Any person having served in the military as a dental  
12 assistant shall receive credentialing and reciprocity for expanded  
13 functions by demonstrating the following:

14       1. Proof of military service in excess of two (2) years with  
15 any certifications or training in the expanded function areas; and

16       2. Verification from the commanding officer of the medical  
17 program or the appropriate supervisor stating that the dental  
18 assistant provided the expanded functions on patients in the  
19 military dental facility for a minimum of one (1) year within the  
20 past five (5) years.

21       SECTION 7.        AMENDATORY        59 O.S. 2011, Section 328.32, as  
22 last amended by Section 4, Chapter 113, O.S.L. 2016 (59 O.S. Supp.  
23 2018, Section 328.32), is amended to read as follows:  
24

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

6 1. Pleading guilty or nolo contendere to, or being convicted  
7 of, a felony, a misdemeanor involving moral turpitude, any crime in  
8 which an individual would be required to be a registered sex  
9 offender under Oklahoma law, any violent crime, Medicaid fraud,  
10 insurance fraud, identity theft, embezzlement or a violation of  
11 federal or state controlled dangerous substances laws;

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

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

17 4. Publishing a false, fraudulent, or misleading advertisement  
18 or statement;

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

22 6. Authorizing or aiding a dental hygienist to perform any  
23 procedure prohibited by the State Dental Act or the rules of the  
24 Board;

- 1       7. Authorizing or aiding a dental assistant or oral  
2 maxillofacial surgery assistant to perform any procedure prohibited  
3 by the State Dental Act or the rules of the Board;
- 4       8. Failing to pay fees as required by the State Dental Act or  
5 the rules of the Board;
- 6       9. Failing to complete continuing education requirements;
- 7       10. Representing himself or herself to the public as a  
8 specialist in a dental specialty without holding a dental specialty  
9 license therefor;
- 10       11. Representing himself or herself to the public as a  
11 specialist whose practice is limited to a dental specialty, when  
12 such representation is false, fraudulent, or misleading;
- 13       12. Endangering the health of patients by reason of having a  
14 highly communicable disease and continuing to practice dentistry  
15 without taking appropriate safeguards;
- 16       13. Practicing dentistry in an unsafe or unsanitary manner or  
17 place, including but not limited to repeated failures to follow  
18 Centers for Disease Control (CDC) or Occupational Health Safety  
19 Administration (OSHA) guidelines;
- 20       14. Being shown to be mentally unsound;
- 21       15. Being shown to be grossly immoral and that such condition  
22 represents a threat to patient care or treatment;
- 23       16. Being incompetent to practice dentistry while delivering  
24 care to a patient;

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

2 18. Committing repeated acts of negligence in the practice of  
3 dentistry;

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

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

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

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

18 23. Having more than the equivalent of three full-time dental  
19 hygienists for each dentist actively practicing in the same dental  
20 office;

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

24

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

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

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

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

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

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

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

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

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

24

1       34. Failing to retain all patient records for at least seven  
2 (7) years from the date of the last treatment, 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       35. Failing to retain the dentist's copy of any laboratory  
8 prescription for at least three (3) years, except that the failure  
9 to retain records shall not be a violation of the State Dental Act  
10 if the dentist shows that the records were lost, destroyed, or  
11 removed by another, without the consent of the dentist;

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

- 22           a. limit a patient's right of informed consent, or
- 23           b. prohibit insurers, preferred provider organizations  
24               and managed care plans from operating pursuant to the

1 applicable provisions of the Oklahoma Insurance Code  
2 and the Public Health Code;

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

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

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

16 40. Failing to cooperate during an investigation or providing  
17 false information, verbally or in writing, to the Board, the Board's  
18 investigator or an agent of the Board; ~~or~~

19 41. Having multiple administrative or civil actions reported to  
20 the National Practitioner Databank; or

21 42. Failing to complete an approved two-hour course on opioid  
22 and scheduled drug prescribing within one (1) year of obtaining a  
23 license or a violation of a law related to controlled dangerous  
24



1 substances including prescribing laws pursuant to Section 2-309D of  
2 Title 63 of the Oklahoma Statutes.

3 B. The provisions of the State Dental Act shall not be  
4 construed to prohibit any dentist from displaying or otherwise  
5 advertising that the dentist is also currently licensed, registered,  
6 certified, or otherwise credentialed pursuant to the laws of this  
7 state or a nationally recognized credentialing board, if authorized  
8 by the laws of the state or credentialing board to display or  
9 otherwise advertise as a licensed, registered, certified, or  
10 credentialed dentist.

11 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.34, as  
12 last amended by Section 8, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
13 2018, Section 328.34), is amended to read as follows:

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

22 B. 1. A dentist may delegate to a dental hygienist the  
23 following procedures:  
24

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

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

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

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

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

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

6 b. the authorization to perform the procedures is in  
7 writing and signed by the dentist, and

8 c. the procedures are performed during an initial visit  
9 to a person in a treatment facility.

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

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

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

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

24 E. The Board is authorized to:

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

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

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

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

12 F. A dental hygienist shall not own or operate an independent  
13 practice of dental hygiene.

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

17 H. Nothing in the State Dental Act shall be construed to allow  
18 a dental assistant to work under the supervision of a dental  
19 hygienist while acting under direct, indirect or general  
20 supervision.

21 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.41, as  
22 last amended by Section 11, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
23 2018, Section 328.41), is amended to read as follows:

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

15 2. Beginning July 1, 2017, resident and fellowship permits  
16 shall be valid from July 1 through June 30 of each year and dental  
17 student intern permits shall be valid from August 1 through July 31  
18 of each year.

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

- 21 1. Dentists shall complete sixty (60) hours;
- 22 2. Hygienists shall complete thirty (30) hours;
- 23 3. Oral maxillofacial surgery assistants shall complete twelve  
24 (12) hours; ~~and~~

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

4       5. Beginning in 2020, continuing education requirements shall  
5 be due at the end of each two-year period as follows:

6           a. dentists shall complete forty (40) hours, including a  
7 one-time, two-hour opioid and scheduled drug  
8 prescribing class,

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

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

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

13       C. Upon failure of a dentist, dental hygienist, dental  
14 assistant, or oral maxillofacial surgery assistant to pay the annual  
15 renewal fee within two (2) months after January 1, the Board shall  
16 notify the dentist, dental hygienist, dental assistant, or oral  
17 maxillofacial surgery assistant in writing by certified mail to the  
18 last-known mailing address of the dentist, dental hygienist, dental  
19 assistant, or oral maxillofacial surgery assistant as reflected in  
20 the records of the Board.

21       D. Any dentist, dental hygienist, dental assistant, or oral  
22 maxillofacial surgery assistant whose license or permit is  
23 automatically canceled by reason of failure, neglect or refusal to  
24 secure the renewal certificate may be reinstated by the Board at any

1 time within one (1) year from the date of the expiration of the  
2 license, upon payment of the annual renewal fee and a penalty fee  
3 established by the rules of the Board. If the dentist, dental  
4 hygienist, dental assistant, or oral maxillofacial surgery assistant  
5 does not apply for renewal of the license or permit and pay the  
6 required fees within one (1) year after the license has expired,  
7 then the dentist, dental hygienist, dental assistant, or oral  
8 maxillofacial surgery assistant shall be required to file an  
9 application for and take the examination or other requirements  
10 provided for in the State Dental Act or the rules promulgated by the  
11 Board before again commencing practice.

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

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

20 G. A dentist, dental hygienist, oral maxillofacial surgery  
21 assistant or dental assistant that is in good standing and not under  
22 investigation that notifies the Board in writing of a voluntary  
23 nonrenewal of license or requests retirement status shall have a  
24 right to renew or reinstate his or her license within five (5) years



1 from the date of notice. The Board may require any training or  
2 continuing education requirements to be met prior to reinstatement.

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

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

9 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.44a, as  
10 last amended by Section 25, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
11 2018, Section 328.44a), is amended to read as follows:

12 Section 328.44a A. The Board of Dentistry is authorized, after  
13 notice and opportunity for a hearing pursuant to Article II of the  
14 Administrative Procedures Act, to issue an order imposing one or  
15 more of the following penalties whenever the Board finds, by clear  
16 and convincing evidence, that a dentist, dental hygienist, dental  
17 assistant, oral maxillofacial surgery assistant, dental laboratory  
18 technician, holder of a permit to operate a dental laboratory, or an  
19 entity operating pursuant to the provisions of the Professional  
20 Entity Act or the State Dental Act has committed any of the acts or  
21 occurrences set forth in Sections 328.29, 329.29a, 328.32, 328.33,  
22 328.39 and 328.39a of this title:

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

- 1           2. Suspension of a license or permit issued by the Board for a  
2 period of time deemed appropriate by the Board;
- 3           3. Revocation of a license or permit issued by the Board;
- 4           4. Imposition of an administrative penalty not to exceed One  
5 Thousand Five Hundred Dollars (\$1,500.00) per violation;
- 6           5. Issuance of a censure;
- 7           6. Placement on probation for a period of time and under such  
8 terms and conditions as deemed appropriate by the Board;
- 9           7. Probation monitoring fees, which shall be the responsibility  
10 of the licensee on all probations; or
- 11           8. Restriction of the services that can be provided by a  
12 dentist or dental hygienist, under such terms and conditions as  
13 deemed appropriate by the Board.

14           B. A dentist, dental hygienist, dental assistant, oral  
15 maxillofacial surgery assistant, dental laboratory technician, or  
16 holder of a permit to operate a dental laboratory, against whom a  
17 penalty is imposed by an order of the Board pursuant to the  
18 provisions of this section, shall have the right to seek a judicial  
19 review of such order pursuant to Article II of the Administrative  
20 Procedures Act.

21           C. The Board may issue a summary suspension on a licensee or  
22 permit holder who is found guilty of a felony charge and is  
23 sentenced to incarceration in a state or federal facility.

24

1 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.51a, as  
2 last amended by Section 15, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
3 2018, Section 328.51a), is amended to read as follows:

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

11 1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License by Examination		
Dentist	\$200.00	\$400.00
Dental Hygienist	\$100.00	\$200.00
b. License by Credentialing		
Dentist	\$500.00	\$1,000.00
Dental Hygienist	\$100.00	\$200.00
c. Dental Specialty License by Examination	\$300.00	\$600.00
d. Dental Specialty License by Credentialing	\$500.00	\$1,000.00
e. Faculty Permit		
Dentist	\$100.00	\$200.00

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

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

1	Assistant, or Dental Student		
2	Intern Permit	\$50.00	\$100.00
3	g. Permit to Operate a Dental		
4	Laboratory, current Oklahoma		
5	Licensed dentist	\$20.00	\$60.00
6	h. General Anesthesia Permit		
7	Dentist	\$100.00	\$200.00
8	i. Conscious Sedation Permit		
9	Dentist	\$100.00	\$200.00
10	j. Permit to Operate a Dental		
11	Laboratory, non-dentist owner	\$300.00	\$500.00
12	4. OTHER FEES:		
13	a. Duplicate License		
14	Dentist or Dental		
15	Hygienist	\$30.00	\$40.00
16	b. Duplicate Permit or		
17	Registration	\$5.00	\$15.00
18	c. Certificate of Good Standing	\$5.00	\$15.00
19	d. Professional Entity		
20	Certification Letter	\$5.00	\$20.00
21	e. Professional Entity		
22	Registration or Update	\$5.00	\$20.00
23	f. Mobile Dental Clinic	\$200.00	\$400.00
24			

- 1           g. List of the Name and Current  
2           Mailing Address of all  
3           Persons who hold a License or  
4           Permit issued by the Board.  
5           (A request for a list shall  
6           be submitted to the Board in  
7           writing noting the specific  
8           proposed use of the list.)           \$25.00           \$75.00
- 9           h. Official State Dental License  
10           Identification Card with  
11           Picture                               \$25.00           \$35.00
- 12           i. Returned checks                       \$25.00           \$30.00

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

18           SECTION 12. This act shall become effective November 1, 2019.

19  
20           57-1-8778           MB           04/11/19  
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