

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 603

By: Montgomery, Rosino and  
Simpson of the Senate

3  
4 and

West (Josh) of the House  
5

6 An Act relating to dentistry; amending 59 O.S. 2011,  
7 Section 328.3, as last amended by Section 1, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.3),  
8 which relates to definitions; modifying certain  
9 definitions; amending 59 O.S. 2011, Section 328.21,  
as last amended by Section 7, Chapter 229, O.S.L.  
10 2015 (59 O.S. Supp. 2018, Section 328.21), which  
relates to examination; broadening permitted  
11 examinations for licensure; 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  
12 328.22), which relates to specialty license; striking  
certain requirement; amending 59 O.S. 2011, Section  
13 328.23, as last amended by Section 5, Chapter 151,  
O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.23),  
14 which relates to emergency temporary licenses for  
dentistry or dental hygiene; providing eligibility  
for military personnel; amending 59 O.S. 2011,  
15 Section 328.24, as last amended by Section 6, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
16 328.24), which relates to dental assistant permits;  
modifying dates for certain requirements; providing  
17 credentialing and reciprocity for out-of-state permit  
holders and military personnel; amending 59 O.S.  
18 2011, Section 328.32, as last amended by Section 4,  
Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2018, Section  
19 328.32), which relates to grounds for penalties;  
adding certain grounds; amending 59 O.S. 2011,  
20 Section 328.34, as last amended by Section 8, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
21 328.34), which relates to delegation of duties to  
dental hygienist; updating term; amending 59 O.S.  
22 2011, Section 328.41, as last amended by Section 11,  
Chapter 151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
23 328.41), which relates to continuing education  
requirements; adding certain requirement; amending 59  
24 O.S. 2011, Section 328.44a, as last amended by

1 Section 25, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
2 2018, Section 328.44a), which relates to penalties;  
3 permitting summary suspension under certain  
4 circumstances; amending 59 O.S. 2011, Section  
5 328.51a, as last amended by Section 15, Chapter 151,  
6 O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.51a),  
7 which relates to fees; adding certain fee; and  
8 providing an effective date.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
AUTHOR: Add the following House Coauthor: Roberts (Dustin)

AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
and replace with:

"An Act relating to dentistry; amending 59 O.S. 2011,  
Section 328.3, as last amended by Section 1, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
328.3), which relates to definitions; modifying  
certain definitions; amending 59 O.S. 2011, Section  
328.17, as amended by Section 5, Chapter 229, O.S.L.  
2015 (59 O.S. Supp. 2018, Section 328.17), which  
relates to standing committees for Board of  
Dentistry; modifying required annual meetings;  
amending 59 O.S. 2011, Section 328.21, as last  
amended by Section 7, Chapter 229, O.S.L. 2015 (59  
O.S. Supp. 2018, Section 328.21), which relates to  
examination; broadening permitted examinations for  
licensure; modifying 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 credentialing and  
reciprocity for out-of-state permit holders and

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

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

24 SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.3, as  
last amended by Section 1, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
2018, 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;

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/polishing cup or brush and  
14 polishing agent and is not prophylaxis. To be considered  
15 prophylaxis, examination for calculus and scaling must be done by a  
16 hygienist or 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;

24

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.  
23  
24

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; and

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~~ D. Pursuant to Section 328.15 of this title, the  
6 Board may affiliate as a member state, and accept regional exams  
7 including, but not limited to, the Western Regional Examination  
8 Board (WREB), Central Regional Dental Testing Service (CRDTS) or  
9 another regional exam as approved by the Board, as specified in  
10 Section 328.15 of this title that includes the following  
11 requirements:

12 a. for dental licensing the following components:

- 13 (1) a fixed prosthetic component of the preparation  
14 of an anterior all porcelain crown and the  
15 preparation of a three-unit posterior bridge,  
16 (2) a periodontal component on a live patient,  
17 (3) an endodontic component,  
18 (4) an anterior class III and posterior class II  
19 restorative component on a live patient,  
20 (5) a diagnosis and treatment planning section as  
21 approved by the Board, as specified in Section  
22 328.15 of this title, and

1           (6) the Board may determine equivalencies based on  
2           components of other exams for the purpose of  
3           credentialing, or

4        b. for dental hygienists licensing the following  
5        components:

6           (1) clinical patient treatments with an evaluation of  
7           specific clinical skills as well as the  
8           candidate's compliance with professional  
9           standards during the treatment as approved by the  
10          Board in Section 325.15 of this title and shall  
11          include:

12           (a) extra/intra oral assessment,

13           (b) periodontal probing, and

14           (c) scaling/subgingival calculus removal and  
15           supragingival deposit removal.

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

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

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

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

18       ~~H.~~ I. A dentist or dental hygienist currently licensed in  
19 another state having met the qualifications in paragraphs 1 through  
20 3 of subsections B and C of this section may apply for a license by  
21 credentials upon meeting the following:

22       1. A dentist holding a general dentist license in good standing  
23 and having practiced for at least five hundred (500) hours ~~per year~~  
24 ~~for~~ within the previous five (5) years immediately prior to

1 application and having passed a regional examination substantially  
2 equivalent to the requirements for this state may apply for  
3 licensure by credentials;

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

11 a. a letter of good standing from all states ever  
12 licensed, and

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

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

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 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 WREB or CRDTS exam.

24

1       ~~F.~~ J. There shall be two types of advanced procedure available  
2 for dental hygienists upon completion of a CODA approved program or  
3 course that has been approved by the Board:

- 4           1. Administration of nitrous oxide; and
- 5           2. Administration of local anesthesia.

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

9           SECTION 4.           AMENDATORY           59 O.S. 2011, Section 328.22, as  
10 last amended by Section 4, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
11 2018, Section 328.22), is amended to read as follows:

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

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

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

1           ~~nationally recognized dental specialty accreditation~~  
2           ~~board~~ the Commission on Dental Accreditation,

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

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

7           ~~d.~~

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

11         3. Specialties recognized by the Board shall include:

12           a. dental public health,

13           b. endodontics,

14           c. oral and maxillofacial surgery,

15           d. oral and maxillofacial radiology,

16           e. orthodontics and dentofacial orthopedics,

17           f. pediatric dentistry,

18           g. periodontics,

19           h. prosthodontics, and

20           i. oral pathology.

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

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

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

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

13           SECTION 5.           AMENDATORY           59 O.S. 2011, Section 328.23, as  
14 last amended by Section 5, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
15 2018, Section 328.23), is amended to read as follows:

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

23           B. The President of the Board, upon verification that a person  
24 meets the requirements provided for in the State Dental Act, may

1 issue an emergency temporary license to practice dental hygiene,  
2 which shall expire as of the date of the next dental hygiene  
3 clinical examination in Oklahoma, as required by the Board.

4 C. An active duty military spouse residing with the active duty  
5 member having met the requirements for licensure shall be eligible  
6 for a temporary license.

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

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

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

24



1 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.24, as  
2 last amended by Section 6, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
3 2018, Section 328.24), is amended to read as follows:

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

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

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

17 C. Beginning ~~January 1, 2019~~ January 1, 2020, every dental  
18 assistant receiving a permit shall complete a class on infection  
19 control as approved by the Board within one (1) year from the date  
20 of receipt of the permit. Any person holding a valid dental  
21 assistant permit prior to ~~January 1, 2019~~ January 1, 2020, shall  
22 complete an infection-control class as approved by the Board before  
23 ~~December 31, 2019~~ December 31, 2020. Failure to complete the class  
24

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

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

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

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

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

23 G. A dental assistant who holds an out-of-state dental  
24 assistant permit with expanded duties may apply for credentialing

1 and reciprocity for a dental assistant permit including any expanded  
2 duty by demonstrating the following:

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

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

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

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

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

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

23  
24

1 SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.32, as  
2 last amended by Section 4, Chapter 113, O.S.L. 2016 (59 O.S. Supp.  
3 2018, Section 328.32), is amended to read as follows:

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

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

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

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

20 4. Publishing a false, fraudulent, or misleading advertisement  
21 or statement;

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

1           6. Authorizing or aiding a dental hygienist to perform any  
2 procedure prohibited by the State Dental Act or the rules of the  
3 Board;

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

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

9           9. Failing to complete continuing education requirements;

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

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

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

19          13. Practicing dentistry in an unsafe or unsanitary manner or  
20 place, including but not limited to repeated failures to follow  
21 Centers for Disease Control (CDC) or Occupational Health Safety  
22 Administration (OSHA) guidelines;

23          14. Being shown to be mentally unsound;

24

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

3 16. Being incompetent to practice dentistry while delivering  
4 care to a patient;

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

6 18. Committing repeated acts of negligence in the practice of  
7 dentistry;

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

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

13 21. Using or attempting to use the services of a dental  
14 laboratory or dental laboratory technician without issuing a  
15 laboratory prescription, except as provided in subsection C of  
16 Section 328.36 of this title;

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

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

1        24. Allowing a person not holding a permit or license issued by  
2 the Board to assist in the treatment of a patient without having a  
3 license or permit issued by the Board;

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

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

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

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

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

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

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

23

24

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

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

5           34. Failing to retain all patient records for at least seven  
6 (7) years from the date of the last treatment, except that the  
7 failure to retain records shall not be a violation of the State  
8 Dental Act if the dentist shows that the records were lost,  
9 destroyed, or removed by another, without the consent of the  
10 dentist;

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

16           36. Allowing any corporation, organization, group, person, or  
17 other legal entity, except another dentist or a professional entity  
18 that is in compliance with the registration requirements of  
19 subsection B of Section 328.31 of this title, to direct, control, or  
20 interfere with the dentist's clinical judgment. Clinical judgment  
21 shall include, but not be limited to, such matters as selection of a  
22 course of treatment, control of patient records, policies and  
23 decisions relating to pricing, credit, refunds, warranties and  
24



1 advertising, and decisions relating to office personnel and hours of  
2 practice. Nothing in this paragraph shall be construed to:

- 3 a. limit a patient's right of informed consent, or
- 4 b. prohibit insurers, preferred provider organizations  
5 and managed care plans from operating pursuant to the  
6 applicable provisions of the Oklahoma Insurance Code  
7 and the Public Health Code;

8 37. Violating the state dental act of another state resulting  
9 in a plea of guilty or nolo contendere, conviction or suspension or  
10 revocation or other sanction by another state board, of the license  
11 of the dentist under the laws of that state;

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

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

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

1 41. Having multiple administrative or civil actions reported to  
2 the National Practitioner Databank; or

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

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

16 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.34, as  
17 last amended by Section 8, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
18 2018, Section 328.34), is amended to read as follows:

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

1 any combination of full- or part-time dental hygienists not to  
2 exceed one hundred twenty (120) hours per week per dentist.

3 B. 1. A dentist may delegate to a dental hygienist the  
4 following procedures:

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

1 teeth by a dental assistant who holds a current  
2 expanded duty permit for Coronal Polishing/Topical  
3 Fluoride issued by the Board,

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

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

18 3. Except as provided in subsections C and D of this section,  
19 the procedures specified in paragraph 1 of this subsection may be  
20 performed by a dental hygienist only on a patient of record and only  
21 under the supervision of a dentist. The level of supervision,  
22 whether direct, indirect or general, shall be at the discretion of  
23 the supervisory dentist. Authorization for general supervision  
24 shall be limited to a maximum of thirteen (13) months following an

1 examination by the supervisory dentist of a patient of record. For  
2 the purposes of this paragraph, "patient of record" means an  
3 individual who has given a medical history and has been examined and  
4 accepted by a dentist for dental care.

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

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

10 b. the authorization to perform the procedures is in  
11 writing and signed by the dentist, and

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

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

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

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

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

4 E. The Board is authorized to:

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

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

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

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

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

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

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

1 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.41, as  
2 last amended by Section 11, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
3 2018, Section 328.41), is amended to read as follows:

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

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

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

24 1. ~~Dentists shall complete sixty (60) hours;~~

1       ~~2. Hygienists shall complete thirty (30) hours;~~

2       ~~3. Oral maxillofacial surgery assistants shall complete twelve~~  
3 ~~(12) hours~~ 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 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. oral maxillofacial surgery assistants shall complete  
11          eight (8) hours,

12          d. dental assistants shall have two (2) hours of  
13          infection control, and

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

17       ~~4. 2.~~ Any newly licensed dentist shall complete a two-hour  
18 opioid and scheduled drug prescribing class within one (1) year of  
19 obtaining licensure; and

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

22           a. dentists shall complete forty (40) hours, including a  
23           one-time, two-hour opioid and scheduled drug  
24           prescribing class,



- 1           b.    hygienists shall complete twenty (20) hours,  
2           c.    OMS assistants shall complete eight (8) hours, and  
3           d.    dental assistants shall have two (2) hours of  
4                infection control.

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

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

1 application for and take the examination or other requirements  
2 provided for in the State Dental Act or the rules promulgated by the  
3 Board before again commencing practice.

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

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

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

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

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

1 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.44a, as  
2 last amended by Section 25, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
3 2018, Section 328.44a), is amended to read as follows:

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

- 15 1. Refusal to issue a license or permit, or a renewal thereof,  
16 provided for in the State Dental Act;
- 17 2. Suspension of a license or permit issued by the Board for a  
18 period of time deemed appropriate by the Board;
- 19 3. Revocation of a license or permit issued by the Board;
- 20 4. Imposition of an administrative penalty not to exceed One  
21 Thousand Five Hundred Dollars (\$1,500.00) per violation;
- 22 5. Issuance of a censure;
- 23 6. Placement on probation for a period of time and under such  
24 terms and conditions as deemed appropriate by the Board;

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

3 8. Restriction of the services that can be provided by a  
4 dentist or dental hygienist, under such terms and conditions as  
5 deemed appropriate by the Board.

6 B. A dentist, dental hygienist, dental assistant, oral  
7 maxillofacial surgery assistant, dental laboratory technician, or  
8 holder of a permit to operate a dental laboratory, against whom a  
9 penalty is imposed by an order of the Board pursuant to the  
10 provisions of this section, shall have the right to seek a judicial  
11 review of such order pursuant to Article II of the Administrative  
12 Procedures Act.

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

16 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.51a, as  
17 last amended by Section 15, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
18 2018, Section 328.51a), is amended to read as follows:

19 Section 328.51a A. The Board of Dentistry is authorized to  
20 charge the following fees for the purpose of implementing and  
21 enforcing the State Dental Act. The penalty and late fee shall be  
22 twice the amount of the original fee for license renewals.

23 Notwithstanding any other provisions of the State Dental Act, the  
24

1 fees established by the Board shall be not less nor more than the  
2 range created by the following schedule:

3 1. LICENSE AND PERMIT APPLICATION FEES:

4		Minimum	Maximum
5	a. License by Examination		
6	Dentist	\$200.00	\$400.00
7	Dental Hygienist	\$100.00	\$200.00
8	b. License by Credentialing		
9	Dentist	\$500.00	\$1,000.00
10	Dental Hygienist	\$100.00	\$200.00
11	c. Dental Specialty License by		
12	Examination	\$300.00	\$600.00
13	d. Dental Specialty License by		
14	Credentialing	\$500.00	\$1,000.00
15	e. Faculty Permit		
16	Dentist	\$100.00	\$200.00
17	Dental Hygienist	\$50.00	\$100.00
18	f. Dental Student Intern Permit	\$50.00	\$200.00
19	g. Temporary License to Practice		
20	Dental Hygiene	\$50.00	\$100.00
21	h. Dental Assistant or Oral		
22	Maxillofacial Surgery		
23	Assistant Permit	\$50.00	\$100.00

24

1	i.	<u>Dental Assistant with</u>		
2		<u>Expanded Duty or Duties by</u>		
3		<u>Credential</u>	<u>\$100.00</u>	<u>\$200.00</u>
4	<u>j.</u>	Temporary License to Practice		
5		Dentistry	\$75.00	\$150.00
6	<del>j.</del>			
7	<u>k.</u>	Permit to Operate a Dental		
8		Laboratory - current Oklahoma		
9		licensed dentist	\$20.00	\$60.00
10	<del>k.</del>			
11	<u>l.</u>	General Anesthesia Permit		
12		Dentist	\$100.00	\$200.00
13	<del>l.</del>			
14	<u>m.</u>	Conscious Sedation Permit		
15		Dentist	\$100.00	\$200.00
16	<del>m.</del>			
17	<u>n.</u>	Permit to Operate a Dental		
18		Laboratory - commercial	\$200.00	\$500.00
19	2.	RE-EXAMINATION FEES:		
20	a.	License by Examination		
21		Dentist	\$200.00	\$400.00
22		Dental Hygienist	\$100.00	\$200.00
23	b.	Dental Specialty License by		
24		Examination	\$300.00	\$600.00

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

1	j.	Permit to Operate a Dental		
2		Laboratory, non-dentist owner	\$300.00	\$500.00
3	4.	OTHER FEES:		
4	a.	Duplicate License		
5		Dentist or Dental		
6		Hygienist	\$30.00	\$40.00
7	b.	Duplicate Permit or		
8		Registration	\$5.00	\$15.00
9	c.	Certificate of Good Standing	\$5.00	\$15.00
10	d.	Professional Entity		
11		Certification Letter	\$5.00	\$20.00
12	e.	Professional Entity		
13		Registration or Update	\$5.00	\$20.00
14	f.	Mobile Dental Clinic	\$200.00	\$400.00
15	g.	List of the Name and Current		
16		Mailing Address of all		
17		Persons who hold a License or		
18		Permit issued by the Board.		
19		(A request for a list shall		
20		be submitted to the Board in		
21		writing noting the specific		
22		proposed use of the list.)	\$25.00	\$75.00
23				
24				





1 ENGROSSED SENATE  
2 BILL NO. 603

By: Montgomery, Rosino and  
Simpson of the Senate

3 and

4 West (Josh) of the House  
5

6 An Act relating to dentistry; amending 59 O.S. 2011,  
7 Section 328.3, as last amended by Section 1, Chapter  
8 151, O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.3),  
9 which relates to definitions; modifying certain  
10 definitions; amending 59 O.S. 2011, Section 328.21,  
11 as last amended by Section 7, Chapter 229, O.S.L.  
12 2015 (59 O.S. Supp. 2018, Section 328.21), which  
13 relates to examination; broadening permitted  
14 examinations for licensure; amending 59 O.S. 2011,  
15 Section 328.22, as last amended by Section 4, Chapter  
16 151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
17 328.22), which relates to specialty license; striking  
18 certain requirement; amending 59 O.S. 2011, Section  
19 328.23, as last amended by Section 5, Chapter 151,  
20 O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.23),  
21 which relates to emergency temporary licenses for  
22 dentistry or dental hygiene; providing eligibility  
23 for military personnel; amending 59 O.S. 2011,  
24 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  
credentialing and reciprocity for out-of-state permit  
holders and military personnel; amending 59 O.S.  
2011, Section 328.32, as last amended by Section 4,  
Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2018, Section  
328.32), which relates to grounds for penalties;  
adding certain grounds; amending 59 O.S. 2011,  
Section 328.34, as last amended by Section 8, Chapter  
151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
328.34), which relates to delegation of duties to  
dental hygienist; updating term; amending 59 O.S.  
2011, Section 328.41, as last amended by Section 11,  
Chapter 151, O.S.L. 2018 (59 O.S. Supp. 2018, Section  
328.41), which relates to continuing education  
requirements; adding certain requirement; amending 59  
O.S. 2011, Section 328.44a, as last amended by

1 Section 25, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
2 2018, Section 328.44a), which relates to penalties;  
3 permitting summary suspension under certain  
4 circumstances; amending 59 O.S. 2011, Section  
5 328.51a, as last amended by Section 15, Chapter 151,  
6 O.S.L. 2018 (59 O.S. Supp. 2018, Section 328.51a),  
7 which relates to fees; adding certain fee; and  
8 providing an effective date.

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

10 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.3, as  
11 last amended by Section 1, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
12 2018, Section 328.3), is amended to read as follows:

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

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

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

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

4. "Board" means the Board of Dentistry;

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

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

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

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

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

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

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

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

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

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

23

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 26. "Minimal sedation" means a minimally depressed level of  
24 consciousness, produced by a pharmacological method, that retains



1 the patient's ability to independently and continuously maintain an  
2 airway and respond normally to tactile stimulation and verbal  
3 command. Although cognitive function and coordination may be  
4 modestly impaired, ventilator and cardiovascular functions are  
5 unaffected;

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

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

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

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

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

16        32. "Residencies" are programs designed for advanced clinical  
17 and didactic training in general dentistry or other specialties or  
18 other specialists at the post-doctoral level recognized by the  
19 Commission on Dental Accreditation (CODA) of the American Dental  
20 Association or the Board;

21        33. "Supervision" means direct supervision, direct visual  
22 supervision, indirect supervision or general supervision; and

23        34. "Treatment facility" means:  
24

- a. a federal, tribal, state or local public health facility,
- b. a federal qualified health care facility (FQHC),
- c. a private health facility,
- d. a group home or residential care facility serving the elderly, handicapped or juveniles,
- e. a hospital or dental ambulatory surgery center (DASC),
- f. a nursing home,
- g. a penal institution operated by or under contract with the federal or state government,
- h. a public or private school,
- i. a patient of record's private residence,
- j. a mobile dental clinic,
- k. a dental college, dental program, dental hygiene program or dental assisting program accredited by the Commission on Dental Accreditation, or
- l. such other places as are authorized by the Board.

SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.21, as last amended by Section 7, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2018, Section 328.21), is amended to read as follows:

Section 328.21. A. No person shall practice dentistry or dental hygiene without first applying for and obtaining a license 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;

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

22 4. Has passed the Western Regional Examination Board (WREB),  
23 Central Regional Dental Testing Service (CRDTS) examination or  
24 another regional exam as approved by the Board, as specified in

1 Section 328.15 of this title which includes the following  
2 requirements:

3 a. for dental licensing:

4 (1) a fixed prosthetic component of an anterior crown  
5 and a posterior bridge preparation or two crowns  
6 that must be placed on an anterior tooth and  
7 posterior molar,

8 (2) a periodontal component,

9 (3) an endodontic component, and

10 (4) an anterior and posterior restorative component  
11 on a live patient, and

12 b. for dental hygienist licensing, examination content

13 based on clinical patient treatment with an evaluation  
14 of specific clinical skills and the candidate's  
15 compliance with professional standards during the  
16 treatment. Such clinical skills shall include, but  
17 may not be limited to, extra/intra oral assessment,  
18 periodontal probing, scaling/subgingival calculus  
19 removal and supragingival deposit removal as approved  
20 by the Board pursuant to Section 328.15 of this title.

21 D. When the applicant and the accompanying proof are found  
22 satisfactory, the Board shall notify the applicant to appear for the  
23 jurisprudence examination at the time and place to be fixed by the  
24 Board. A dental student or a dental hygiene student in their last

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

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

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

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

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

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 per year  
5 for 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 per year for the previous two (2) 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 reciprocity must include:

14 a. a letter of good standing from all states ever  
15 licensed,

16 b. proof of five (5) years of continuous active practice  
17 immediately prior to application for dentists and two  
18 (2) years for hygienists, and

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

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

24

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

- 4 1. Administration of nitrous oxide; and
- 5 2. Administration of local anesthesia.

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

9 SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.22, as  
10 last amended by Section 4, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
11 2018, Section 328.22), is amended to read as follows:

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

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

- 19 a. has successfully completed an advanced dental  
20 specialty educational program recognized by the Board  
21 and accredited by the Commission on Dental  
22 Accreditation, or a dental specialty recognized by the  
23 Board, requiring a minimum number of hours of approved  
24 education and training and/or recognition by a



1 nationally recognized dental specialty accreditation  
2 board,

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

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

7 ~~d.~~

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

11 3. Specialties recognized by the Board shall include:

12 a. dental public health,

13 b. endodontics,

14 c. oral and maxillofacial surgery,

15 d. oral and maxillofacial radiology,

16 e. orthodontics and dentofacial orthopedics,

17 f. pediatric dentistry,

18 g. periodontics,

19 h. prosthodontics, and

20 i. oral pathology.

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

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

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

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

13           SECTION 15.           AMENDATORY           59 O.S. 2011, Section 328.23, as  
14 last amended by Section 5, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
15 2018, Section 328.23), is amended to read as follows:

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

23           B. The President of the Board, upon verification that a person  
24 meets the requirements provided for in the State Dental Act, may

1 issue an emergency temporary license to practice dental hygiene,  
2 which shall expire as of the date of the next dental hygiene  
3 clinical examination in Oklahoma, as required by the Board.

4 C. A military veteran or active duty military spouse residing  
5 with the active duty member having met the requirements for  
6 licensure shall be eligible for a temporary license.

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

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

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

24

1 SECTION 16. AMENDATORY 59 O.S. 2011, Section 328.24, as  
2 last amended by Section 6, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
3 2018, Section 328.24), is amended to read as follows:

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

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

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

17 C. Beginning ~~January 1, 2019~~ January 1, 2020, every dental  
18 assistant receiving a permit shall complete a class on infection  
19 control as approved by the Board within one (1) year from the date  
20 of receipt of the permit. Any person holding a valid dental  
21 assistant permit prior to ~~January 1, 2019~~ January 1, 2020, shall  
22 complete an infection-control class as approved by the Board before  
23 ~~December 31, 2019~~ December 31, 2020. Failure to complete the class  
24

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

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

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

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

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

23 G. A dental assistant who holds an out-of-state dental  
24 assistant permit with expanded functions may apply for credentialing

1 and reciprocity for a dental assistant permit including any expanded  
2 duty function by demonstrating the following:

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

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

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

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

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

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

22 SECTION 17. AMENDATORY 59 O.S. 2011, Section 328.32, as  
23 last amended by Section 4, Chapter 113, O.S.L. 2016 (59 O.S. Supp.  
24 2018, Section 328.32), is amended to read as follows:

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, Medicaid  
8 fraud or a violation of federal or state controlled dangerous  
9 substances laws;

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

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

15 4. Publishing a false, fraudulent, or misleading advertisement  
16 or statement;

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

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

23

24

- 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, as a principal,  
9 accessory or accomplice;

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

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

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

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

23 B. The provisions of the State Dental Act shall not be  
24 construed to prohibit any dentist from displaying or otherwise

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

7 SECTION 18. AMENDATORY 59 O.S. 2011, Section 328.34, as  
8 last amended by Section 8, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
9 2018, Section 328.34), is amended to read as follows:

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

18 B. 1. A dentist may delegate to a dental hygienist the  
19 following procedures:

- 20 a. the duties and expanded duties authorized for dental  
21 assistants by the State Dental Act or the rules of the  
22 Board of Dentistry,
- 23 b. health history assessment pertaining to dental  
24 hygiene,

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

- k. removal of overhanging margins,
- l. dental implant maintenance,
- m. removal of periodontal packs,
- n. polishing of amalgam restorations, and
- o. other procedures authorized by the Board.

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

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

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

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

1           b.    the authorization to perform the procedures is in  
2                   writing and signed by the dentist, and

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

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

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

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

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

19          E.    The Board is authorized to:

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



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

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

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

7           F. A dental hygienist shall not own or operate an independent  
8 practice of dental hygiene.

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

12           H. Nothing in the State Dental Act shall be construed to allow  
13 a dental assistant to work under the supervision of a dental  
14 hygienist while acting under direct, indirect or general  
15 supervision.

16           SECTION 19.           AMENDATORY           59 O.S. 2011, Section 328.41, as  
17 last amended by Section 11, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
18 2018, Section 328.41), is amended to read as follows:

19           Section 328.41. A. 1. On or before the last day of December  
20 of each year, every dentist, dental hygienist, dental assistant,  
21 oral maxillofacial surgery assistant and other licensee or permit  
22 holders previously licensed or permitted by the Board to practice in  
23 this state, with the exception of those listed in paragraph 2 of  
24 this subsection, shall submit a completed renewal application with

1 information as may be required by the Board, together with an annual  
2 renewal fee established by the rules of the Board. Upon receipt of  
3 the annual renewal fee, the Board shall issue a renewal certificate  
4 authorizing the dentist, dental hygienist, dental assistant, or oral  
5 maxillofacial surgery assistant to continue the practice of  
6 dentistry or dental hygiene, respectively, in this state for a  
7 period of one (1) year. Every license or permit issued by the Board  
8 shall begin on January 1 and expire on December 31 of each year.

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

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

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

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

17 3. Oral maxillofacial surgery assistants shall complete twelve  
18 (12) hours; ~~and~~

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

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

24

- 1 a. dentists shall complete forty (40) hours, including a  
2 one-time, two-hour opioid and scheduled drug  
3 prescribing class,
- 4 b. hygienists shall complete twenty (20) hours,
- 5 c. OMS assistants shall complete eight (8) hours, and
- 6 d. dental assistants shall have two (2) hours of  
7 infection control.

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

16 D. Any dentist, dental hygienist, dental assistant, or oral  
17 maxillofacial surgery assistant whose license or permit is  
18 automatically canceled by reason of failure, neglect or refusal to  
19 secure the renewal certificate may be reinstated by the Board at any  
20 time within one (1) year from the date of the expiration of the  
21 license, upon payment of the annual renewal fee and a penalty fee  
22 established by the rules of the Board. If the dentist, dental  
23 hygienist, dental assistant, or oral maxillofacial surgery assistant  
24 does not apply for renewal of the license or permit and pay the

1 required fees within one (1) year after the license has expired,  
2 then the dentist, dental hygienist, dental assistant, or oral  
3 maxillofacial surgery assistant shall be required to file an  
4 application for and take the examination or other requirements  
5 provided for in the State Dental Act or the rules promulgated by the  
6 Board before again commencing practice.

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

11 F. In case of a lost or destroyed license or renewal  
12 certificate and upon satisfactory proof of the loss or destruction  
13 thereof, the Board may issue a duplicate, charging therefor a fee  
14 established by the rules of the Board.

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

22 H. A dentist, dental hygienist, oral maxillofacial dental  
23 assistant or dental assistant that has not had an active license or  
24

1 permit in excess of five (5) years shall be required to apply as a  
2 new applicant.

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

5 SECTION 20. AMENDATORY 59 O.S. 2011, Section 328.44a, as  
6 last amended by Section 25, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
7 2018, Section 328.44a), is amended to read as follows:

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

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

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

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

24

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

3 5. Issuance of a censure;

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

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

8 8. Restriction of the services that can be provided by a  
9 dentist or dental hygienist, under such terms and conditions as  
10 deemed appropriate by the Board.

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

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

21 SECTION 21. AMENDATORY 59 O.S. 2011, Section 328.51a, as  
22 last amended by Section 15, Chapter 151, O.S.L. 2018 (59 O.S. Supp.  
23 2018, Section 328.51a), is amended to read as follows:

24

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

8 1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
9 a. License by Examination		
11 Dentist	\$200.00	\$400.00
12 Dental Hygienist	\$100.00	\$200.00
13 b. License by Credentialing		
14 Dentist	\$500.00	\$1,000.00
15 Dental Hygienist	\$100.00	\$200.00
16 c. Dental Specialty License by		
17 Examination	\$300.00	\$600.00
18 d. Dental Specialty License by		
19 Credentialing	\$500.00	\$1,000.00
20 e. Faculty Permit		
21 Dentist	\$100.00	\$200.00
22 Dental Hygienist	\$50.00	\$100.00
23 f. Dental Student Intern Permit	\$50.00	\$200.00

24

1	g.	Temporary License to Practice		
2		Dental Hygiene	\$50.00	\$100.00
3	h.	Dental Assistant or Oral		
4		Maxillofacial Surgery		
5		Assistant Permit	\$50.00	\$100.00
6	i.	<u>Dental Assistant with</u>		
7		<u>Expanded Function(s) by</u>		
8		<u>Credential</u>	<u>\$75.00</u>	<u>\$150.00</u>
9	<u>j.</u>	Temporary License to Practice		
10		Dentistry	\$75.00	\$150.00
11	<del>j.</del>			
12	<u>k.</u>	Permit to Operate a Dental		
13		Laboratory - current Oklahoma		
14		licensed dentist	\$20.00	\$60.00
15	<del>k.</del>			
16	<u>l.</u>	General Anesthesia Permit		
17		Dentist	\$100.00	\$200.00
18	<del>l.</del>			
19	<u>m.</u>	Conscious Sedation Permit		
20		Dentist	\$100.00	\$200.00
21	<del>m.</del>			
22	<u>n.</u>	Permit to Operate a Dental		
23		Laboratory - commercial	\$200.00	\$500.00

24 2. RE-EXAMINATION FEES:



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

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

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

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

9 i. Returned checks \$25.00 \$30.00

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

15 SECTION 22. This act shall become effective November 1, 2019.  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

1 Passed the Senate the 27th day of February, 2019.

2

3

\_\_\_\_\_  
Presiding Officer of the Senate

4

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2019.

7

8

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24