

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2322

BY: SETTLE and BENSON of the  
HOUSE

and

WRIGHT of the SENATE

AS INTRODUCED

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;

AMENDING 59 O.S. 1991, SECTION 328.49, WHICH  
RELATES TO THE STATE DENTAL ACT; UPDATING  
REFERENCE; MODIFYING PENALTIES FOR VIOLATION OF THE  
STATE DENTAL ACT; DELETING REFERENCE TO DENTAL  
HYGIENE LICENSE; CREATING MANDATORY INJUNCTIONS;  
DELETING THE GRANTING OF INJUNCTIONS TO THE BOARD  
OF GOVERNORS; MODIFYING LANGUAGE REGARDING SECOND  
VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 328.49, is  
amended to read as follows:

Section 328.49 A. Any person, ~~firm or corporation~~ who shall  
practice or attempt to practice dentistry ~~or dental hygiene within~~  
~~the State of Oklahoma~~ in this state without having first obtained a  
license to practice dentistry from the Board of Governors, or after  
his license ~~or certificate of ability, respectively, shall have to~~  
practice dentistry has been revoked or canceled, or while such  
license is under suspension, ~~as herein provided, or without having~~

~~complied with the provisions of this act~~ shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than ~~One Hundred Dollars (\$100.00)~~, and ~~not exceeding~~ Five Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail not less than thirty (30) days ~~nor exceeding~~ more than one (1) year or by both such fine and imprisonment. Each day of such violation shall be a separate offense. ~~The writ of injunction, without bond, is also made available to the Board of Governors for the enforcement of this act.~~ The court shall also issue an injunction, without bond, permanently enjoining a person from engaging in the unlicensed practice of dentistry.

B. Any person in this state who shall:

1. Practice or attempt to practice dentistry or dental hygiene or conduct the business of a dental laboratory in this state within the meaning of this act without having first obtained a ~~license, certificate of ability, or permit, respectively,~~ to practice dental hygiene from the Board of Governors, or ~~who violates~~ after their certificate of ability to practice dental hygiene has been revoked or canceled, or while such certificate is under suspension; or

2. Conduct the business of a dental laboratory within the meaning of this act without having first obtained a current annual permit to operate a dental laboratory from the Board of Governors, or after their permit has been revoked or canceled, or while such permit is under suspension; or

3. Violate any of the provisions of this act, where the penalty for ~~which~~ such violation is not herein specifically provided, shall be deemed guilty of a misdemeanor. ~~Anyone convicted of such misdemeanor under this act,~~ and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than ~~twelve (12)~~

~~months~~ one (1) year, or both such fine and imprisonment, in the discretion of the court. Each day of such violation shall be a separate offense. ~~The writ~~ Orders of injunction, without bond, ~~is~~ also ~~made available to the Board of Governors for the enforcement of this act~~ shall be granted by the district courts permanently enjoining a person from engaging in the unlawful practice of dental hygiene or from operating a dental laboratory without a permit.

C. Any person, ~~firm, or corporation~~ found guilty of a ~~second~~ ~~and~~ subsequent offense under the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by imprisonment in the county jail for a period of not less than sixty (60) days nor more than one (1) year, and a fine of not less than Five Hundred Dollars (\$500.00), ~~and not exceeding One Thousand Five Hundred Dollars (\$1,500.00)~~ nor more than Five Thousand Dollars (\$5,000.00), and shall have his license, certificate of ability, or permit, respectively, revoked for a period of five (5) years by the Board of Governors ~~of the Registered Dentists of Oklahoma~~. Each day of violation shall be a separate offense.

D. In addition to any other penalties provided herein, any person found guilty of contempt of court ~~by reason of the violation of~~ for violating any order or judgment of injunction prohibiting the unlicensed practice of dentistry now in effect or hereafter entered pursuant to any provision of this act, shall be punished by imprisonment in the county jail for a ~~minimum time of~~ not less than thirty (30) days ~~or a maximum of not~~ nor more than one (1) year and by a fine of not less than Five Hundred Dollars (\$500.00); and in addition, the court may require defendant to furnish a good and sufficient bond in a penal sum to be set by the court, not less than ~~One Thousand Dollars (\$1,000.00)~~ Five Thousand Dollars (\$5,000.00), which shall be conditioned upon future compliance in all particulars with the order or injunction entered, and in the event of failure of

defendant to furnish such bond when so ordered, he shall be confined in the county jail pending his compliance therewith. ~~Such~~ Upon a second violation of the order or injunction, any bond previously furnished shall be forfeited to the state, and the furnishing of a bond shall be mandatory as to any person hereafter found guilty of a second contempt of court for violation of any such order or judgment of injunction entered pursuant to this act, or any prior dental act upon this second violation of the order or injunction. Each further finding of contempt shall result in forfeiture of the bond furnished due to the prior violation.

SECTION 2. This act shall become effective September 1, 1992.

43-2-7878

JAF