

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 864

BY: HANEY

AS INTRODUCED

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;
ESTABLISHING THE OKLAHOMA DENTURIST ACT; PROVIDING
SHORT TITLE; PROVIDING DEFINITIONS; CREATING
OKLAHOMA STATE BOARD OF DENTURISTS; ESTABLISHING
POWERS AND DUTIES OF OKLAHOMA STATE BOARD OF
DENTURISTS; CREATING A DENTURIST REVOLVING FUND;
AUTHORIZING THE PRACTICE OF DENTURISM BY LICENSED
DENTURISTS; PROVIDING EXEMPTIONS; PROHIBITING
CERTAIN ACTS; PRESCRIBING QUALIFICATIONS AND
STANDARDS FOR LICENSING; PROVIDING FOR
EXAMINATIONS; ESTABLISHING FEES FOR LICENSING AND
RENEWAL LICENSING; PROVIDING FOR SUSPENSION OR
REVOCAION OF LICENSE; PROHIBITING FEE SPLITTING;
ALLOWING FOR ADDITIONAL OFFICES; REQUIRING
LIABILITY INSURANCE; PROVIDING FOR POSTING OF
ADDRESS OF OKLAHOMA STATE BOARD OF DENTURISTS;
PROVIDING FOR A GUARANTEE; ESTABLISHING ADVERTISING
REQUIREMENTS; PROVIDING FOR REIMBURSEMENT FOR
DENTURIST SERVICES UNDER DENTAL HEALTH INSURANCE
POLICIES; PROVIDING PENALTIES FOR VIOLATION OF ACT;
REQUIRING REPORTS TO THE BOARD OF HEALTH; ALLOWING
FOR A PARTNERSHIP BETWEEN A DENTURIST AND A
DENTIST; ALLOWING A LICENSED HYGIENIST TO PRACTICE
WITH A DENTURIST; PROVIDING FOR CODIFICATION;

PROVIDING AN EFFECTIVE DATE; AND DECLARING AN
EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Denturist Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Denturist Act is enacted to promote competence and excellence in the providing of prosthetic dental appliances and services related thereto within this state to the public at reasonable costs.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Denturist Act, unless the context requires otherwise:

1. "Board" means the Oklahoma State Board of Denturists;
2. "Denture" or "partial denture" means any removable upper or lower prosthetic device to be worn in the human mouth;
3. "Denturist" means a person licensed under this act to engage in the practice of denturism;
4. "Practice of denturism" means:
 - a. constructing, making, producing, finishing, repairing, relining, reproducing, duplicating, supplying, fitting, or altering any removable upper or lower

prosthetic device to be worn in the human mouth,
working directly with a person or advising the use of
such device,

- b. taking impressions, bite registrations, try-ins,
fittings, and insertions of the denture or partial
denture, or in any part of the human oral cavity for
any of the purposes listed in subparagraph a of this
paragraph, or
- c. other procedures incidental to the procedures
specified in subparagraphs a and b of this paragraph;

5. "Intern" means a person who has completed the required two-year course of classroom training, taken the required examination, and received an intern license from the Board;

6. "Immediate denture" means a denture constructed prior to and inserted immediately after extraction of teeth; and

7. "Supervision of intern" means that all work by an intern shall be performed under the general supervision of a licensed denturist. For purposes of this definition, "general supervision" means the denturist is available for consultation, in person, during the performance of the procedures by an intern. The denturist shall examine the patient initially, check the completed denture as to fit, form and function, and perform such other procedures as the Board may specify by rule or regulation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Board of Denturists shall have a seal and may sue or be sued, and may, for the purpose of carrying into effect and promoting the objects of said Board: employ independent attorneys; seek the advice and assistance of the Attorney General's office of this state; employ inspectors and investigators for the purpose of advising and assisting it in the enforcement of this act; enter into

contracts; employ or appoint staff; and acquire, hold, encumber and dispose of such real and personal property as is necessary.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. For purposes of creating the initial Oklahoma State Board of Denturists, any individual holding a certified denturist designation which is recognized by any local, state or federal entity and who is a member in good standing with the Oklahoma Denturist Association shall be eligible to serve on that Board. The initial Board shall be appointed within sixty (60) days after the passage of this act. The members of the initial Board may take and hold office and perform the duties as set forth in this act by having met the above qualifications or having met all requirements of paragraph 3 of subsection A of Section 13 of this act.

B. The Board shall be comprised of six (6) members, of which four shall be denturists, one shall be a licensed medical doctor or oral surgeon, and one shall be a lay person. The medical doctor or oral surgeon and lay person shall be appointed by the Governor. The lay person shall not be related by blood or marriage to any licensed medical doctor, dentist or dental hygienist within the fifth degree of consanguinity.

C. For the purpose of composing the initial Board, four members shall be elected by the Oklahoma Denturist Association and the other two members shall be appointed by the Governor. A chairperson shall be designated by the Board. The chairperson shall serve a term of four (4) years. The chairperson shall designate one denturist to a term of one year, two denturists to terms of two years, and one denturist to a term of three years. The medical doctor or oral surgeon shall serve a term of two (2) years and the lay person shall serve a term of one (1) year. Thereafter, members shall be elected to the Board for terms of three (3) years each, except that

elections to fill vacancies shall be for the unexpired term of such vacancies.

D. The Board shall elect one of its members as president for a term of one (1) year, said president may be a member who has been elected for any of the one-, two-, or three-year terms but shall not automatically serve as president for more than one (1) year unless elected to do so; one of its members as treasurer; and one of its members as secretary. One member may serve as both secretary and treasurer. The president of the Board shall be a licensed dentist.

E. Members of the Board shall serve without compensation, but shall be reimbursed from the funds of the Board for their travel and other necessary expenses incurred in attending meetings of the Board or in performing duties prescribed by this act and approved by the Board at the regular state per diem and mileage rates.

F. The Oklahoma State Board of Denturists shall be responsible only to the Oklahoma State Board of Health.

G. The Oklahoma Denturist Association shall elect the new Board member to fill any vacancy which may occur on the Board due to death, resignation, or any other reason. The elected member shall serve the unexpired term of such vacancy. This shall not apply to the oral surgeon or medical doctor, and the lay person.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall meet at least annually to conduct its business and perform its duties, and shall meet at such other times as designated by the president or by request of two or more members of the Board.

B. A majority of the Board shall constitute a quorum for all purposes, and the majority vote of the members voting shall

constitute the action of the Board. All actions of the Board must be by the affirmative vote of at least four of its members.

C. The Secretary of the Board shall keep a complete record of all of the Board proceedings.

D. The Board may appoint, as needed, a Fair Practice Committee consisting of three denturists selected from licensed denturists, or if sufficient numbers are unable or unwilling to serve, then from the National Denturist Association, eligible for appointment to the Board. The Committee shall investigate allegations of unprofessional conduct and make recommendations to the Board regarding disciplinary matters. The Committee may conduct hearings, take evidence, and issue subpoenas in the performance of its duties to the same extent as the Board itself. The Committee will meet as need arises, and shall file a written report and recommendations with the Board on the decisions made.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.7 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall have the following powers and duties:

1. To determine the qualifications of persons applying for licenses under this act;
2. To prescribe, administer and determine examinations and a passing grade for licenses under this act;
3. To collect and adjust fees and charges prescribed in this act or by its rules to cover the operating expenses of the Board as may become necessary from time to time;
4. To issue licenses for the practice of denturism under the conditions prescribed in this act;
5. To discipline, revoke or suspend denturist licenses in the manner prescribed by this act;

6. To conduct hearings, administer oaths, and subpoena witnesses for the purpose of carrying out the activities authorized under this act;

7. To appoint committees and chairpersons and to delegate responsibilities to them as the need arises from time to time;

8. To adopt any rules and regulations governing the practice of denturism and the conduct of denturists;

9. To approve and certify schools and clinics offering training programs in denturism;

10. To establish rules governing its meetings; and

11. To inspect the place of business of any licensed denturist at a reasonable time and in a reasonable manner to assure compliance with this act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Not later than ninety (90) days after the appointment of the full Board, the Board shall adopt rules relating to the licensing of denturists.

B. These rules shall pertain, but need not be limited, to the following:

1. The administrative procedures relating to the issuance, refusal to issue, suspension and revocation of denturist licenses;

2. The procedures and requirements relating to the issuance of intern licenses;

3. The methods by which and the conditions under which denturists are required to practice denturism;

4. The establishment of educational requirements for the purpose of eligibility for licensing;

5. The establishment of equivalency training and experience standards for the purpose of eligibility for licensing; and

6. The specification of other procedures incidental to the practice of denturism.

C. At least ten (10) days prior to any meeting of the Board, it shall post or make public its intention to hold a meeting unless an emergency is declared. If an emergency is declared, the Board shall notify the news media and post the time and place within its office twenty-four (24) hours prior to the meeting. The Board can declare executive privilege and meet without the public being present when the subject matter is of such nature that public knowledge could jeopardize either personal right of confidentiality or the evidence of possible wrongdoing which may result in a legal action.

D. All rules approved by the Board pursuant to this section may be repealed or amended at any time by the Board, after like notice and hearing on the portion amended at any regular meeting.

E. The Board shall at all times operate within the rules of the Oklahoma Open Meeting Act.

F. All rules and actions taken by the Board shall be made available to the State Board of Health. Any information gathered during an executive meeting shall be provided to the State Board of Health provided said information is held in confidence until it is determined what action shall be taken.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.9 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall establish and collect fees which shall be reserved for its operations.

B. There is hereby created in the Office of the State Treasury a revolving fund for the Oklahoma State Board of Denturists, to be designated the "Denturist Revolving Fund". The fund shall consist of all monies received by the Board. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Oklahoma State Board of

Denturists. The revolving fund is created for the purpose of accumulating and allowing the disbursement of funds by the Board. The Secretary of the Board shall deposit all receipts in the fund on a timely basis and the Board shall not incur expenditures in excess of the balance in the fund. The revolving fund shall be audited at least once a year by the State Auditor and Inspector.

C. The state shall appropriate, through the Legislature, a one-time appropriation of One Hundred Thousand Dollars (\$100,000.00) to be placed in the fund created in subsection B of this section for the purpose of establishing the initial operating fund of the Board.

D. Fees for licensing and renewal shall not exceed the following amounts:

1. An application fee not to exceed Two Hundred Fifty Dollars (\$250.00);
2. An initial licensing fee not to exceed Five Hundred Dollars (\$500.00);
3. An annual license renewal fee not greater than Three Hundred Dollars (\$300.00);
4. A photocopy charge not to exceed seventy-five cents (\$0.75) per page for copies of the Board records; and
5. Such other charges as may be prescribed by Board rules.

E. All monies received under the provisions of this act shall be deposited in the State Treasury to the credit of the Denturist Revolving Fund. All costs and expenses incurred by the Board under the provisions of this act shall be a charge against and paid from the Denturist Revolving Fund upon written resolution of the Board. In no instance will the Denturist Revolving Fund be obligated to pay any claims which, in aggregate with claims already paid, exceed the income to the Denturist Revolving Fund derived by the application of this act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.10 of Title 59, unless there is created a duplication in numbering, reads as follows:

After the effective date of this act, a person must hold a license for the practice of denturism in order to perform the following acts:

1. Engage or offer to engage in the practice of denturism;
2. Use in connection with his name the word "denturist" or any other words, letters, abbreviations, or insignia implying that such person is engaged in the practice of denturism; and
3. Supervise a denturist intern in his place of business. The supervising denturist must be physically present at a minimum of fifty percent (50%) of the time the denturist's office is open for business.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.11 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Paragraph 1 of Section 10 of this act shall not apply to:

1. Students of denturism in pursuit of clinical studies under a program approved by the Board; and
2. Licensed interns working under the direct supervision of a licensed denturist, provided, that no denturist may supervise more than one intern at any given time, regardless of the number of offices owned.

B. Section 10 of this act shall not apply to those licensed to practice medicine or dentistry by the State of Oklahoma, or a person in the employ of the State Health Service, the Veteran's Administration, or other federal agency for the purpose of practicing medicine or dentistry.

SECTION 12. NEW LAW new section of law to be codified in the Oklahoma Statutes as Section 329.12 of Title 59, unless there is created a duplication in numbering, reads as follows:

In the course of their practice of denturism, a licensed denturist and the interns working under his supervision shall not:

1. Perform procedures which will alter any tissues or natural teeth through surgical intervention or orthodontic reconstruction;

2. Treat any abnormalities of the mouth, but shall refer the patient to appropriate health professionals;

3. Administer, dispense, or prescribe any controlled drugs or medication for any oral or medical diseases;

4. Provide continuing service to any patient referred for abnormalities of the mouth until an appropriate health professional has treated and released that patient;

5. Construct or fit orthodontic appliances; and

6. Hold themselves out or permit themselves to be represented as a licensed dentist.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.13 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon application and payment of the appropriate fees, the Board shall issue a license to practice denturism to any applicant who meets one of the following criteria:

1. For applications submitted within one (1) year after passage of this act, applicants must:

a. furnish two signed affidavits by persons other than family members, or other evidence as may be prescribed by the Board, that they have been employed for at least five (5) years prior to application in all phases of denture and partial denture technology,

b. be able to demonstrate competence in denture construction and intra-oral procedures by satisfactorily completing a practical examination,

c. document the completion of courses in and pass a written exam covering the following subjects: head

and oral anatomy, oral pathology, microbiology, dental materials and intra-oral procedures, asepsis, and first aid for minor office emergencies, and

- d. have been a legal resident of this state for a period of three (3) years on the effective date of this act;

2. For applications submitted more than one (1) year after passage of this act, applicants must:

- a. complete at least two (2) years of formal training at a school or clinic approved by the Board, including courses in head and oral anatomy, oral pathology, microbiology, dental materials and intra-oral procedures, asepsis, and first aid for minor office emergencies, and
- b. complete a two-year internship under the supervision of a licensed denturist and satisfactorily complete practical, written and oral examinations administered by the Board pursuant to this act; or

3. The Board may at its discretion issue a license or temporary license to any applicant to practice as a denturist who shall furnish proof that said applicant has been a resident of this state for a period of not less than five (5) years, and has practiced as a denturist for a period of not less than ten (10) years. The Board at its discretion, may require the applicant to:

- a. attain up to one hundred (100) hours of continuing education in any subject or subjects the Board may designate,
- b. submit to an oral examination by the Board covering those subjects pertaining to the practice of denturism as well as questions to determine personal qualifications, or
- c. produce notarized statements from past and current patients as to his experience, number of years in

business, and success of appliances provided his patients.

If the Board determines that any information furnished to the Board is false or misleading, the applicant shall be barred from ever practicing denturism in this state.

B. Each practicing denturist must display his license in a prominent place at the facility at which he practices denturism.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.14 of Title 59, unless there is created a duplication in numbering, reads as follows:

For the purpose of the initial licensing examination following passage of this act, the Board may at its discretion, employ the services of a board of examiners from the National Denturist Association, or from any state where denturists are legally recognized and regulated, or from any denturist organization which holds a legal license to practice and which license is recognized on federal lands. Said examining board may utilize, at their discretion, the authority granted the Board in paragraph 3 of subsection A of Section 13 of this act for the purpose of establishing the Board.

The examiners may authorize licensing under this act to any denturist who meets the five-year residency and five (5) years of experience requirement and has been recognized as a "certified denturist" by virtue of having previously taken and passed the National Denturist Certification Test. A letter of proof shall be required from the secretary of records of the National Denturist Association. The Board may authorize any applicant to apply for licensure who can show proof of ownership of a denturist office in the State of Oklahoma for three (3) years prior to enactment of this act and meet such other qualifications as the Board may prescribe. Thereafter, the Board shall be empowered to appoint a licensed denturist to develop and administer future examinations.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.15 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall administer the examination for licensing at least once a year, at such times and places as the Board may determine, if applicants exist to take the examination. The examination shall be established upon the approval of the Board and shall be of such character as to determine the qualifications, fitness, and ability of the applicant to practice denturism.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.16 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board or a committee appointed by the Board for that purpose shall prepare and administer the examinations for licensing, subject to the following requirements:

1. Examinations shall be of such character as to determine the qualifications, fitness, and ability of the applicant to practice denturism. The form of the test must include written and oral examinations and a practical demonstration of skills as the Board may prescribe;

2. The written and oral examination shall include, at a minimum, coverage of the following subjects:

- a. head and oral anatomy,
- b. oral pathology,
- c. physiology,
- d. clinical dental technology,
- e. dental laboratory technology,
- f. microbiology,
- g. infectious disease control,
- h. clinical jurisprudence,
- i. asepsis,
- j. first aid for minor office emergencies,

- k. dental materials and intra-oral procedures,
- l. other practical skills, and
- m. any other subject matter stated by rule of the Board.

B. This section may, in special situations as determined by the Board or the examiners, be subject to paragraph 3 of subsection A of Section 13 of this act.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.17 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board is authorized to prepare and administer written and oral examinations in the area of denture technology and partial denture technology for the purpose of licensing interns. All examinations prepared and given under this section may be prepared and given by the full Board or by a subcommittee appointed by the Board. Except for practical skill areas, the intern examination may cover any of the topics listed in paragraph 2 of subsection A of Section 16 of this act.

B. A person shall be eligible to take the examination pursuant to subsection A of this section who:

- 1. Is eighteen (18) years of age or older;
- 2. Is a high school graduate or equivalent; and
- 3. Has successfully completed a minimum of two (2) years of post high school training in denture technology and related areas, as approved by the Board.

C. Any eligible person desiring to take the examination in order to become licensed as an intern shall make a written application to the Board to take the examination. This application shall be accompanied by a nonrefundable examination fee of Two Hundred Fifty Dollars (\$250.00).

D. Any applicant failing to pass the examination shall be entitled to one additional examination for which the fee shall be One Hundred Fifty Dollars (\$150.00). The fee for each additional

examination after the first additional examination shall be Two Hundred Dollars (\$200.00). After the second failure of an intern examination, the Board may, by rule, require additional training as a condition precedent to any further attempt to pass such examination. The applicant for any examination as an intern shall present himself for examination when called upon to do so by the Board in writing. Failure to attend the examination, in the absence of forty-eight (48) hours written notice or good cause shown to the Board, may be treated as a failure of the examination.

E. An intern license shall be valid for a period of five (5) years but may not be renewed.

F. Interns may practice denturism only under the direct supervision of a licensed denturist.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.18 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board shall have the power to refuse to issue a license, suspend or revoke a license, or place a licensed person on probation for a period specified by the Board and subject to such conditions as the Board shall impose, or to reprimand or censure a licensee for any of the following causes:

1. Conviction of crime or violation of laws of this state where such crime or violation bears a demonstrable relationship to fitness for the practice of denturism;

2. Incompetence or gross negligence in the practice or admission to practice of denturism;

3. Willful, knowing, or grossly negligent fraud or misrepresentation in the practice of denturism;

4. Use of any narcotic, controlled or dangerous drug or intoxicating liquor, to an extent that such use impairs the ability to safely conduct the practice of denturism; and

5. Willful violation of any provision of this act or rules adopted thereunder.

B. The Board shall have the power to examine and inspect the place of business of any licensed denturist at any reasonable time and in a reasonable manner to assure compliance with this act.

C. The Board shall have the right to establish standards of conduct and practice, and the power to enforce such standards with monetary penalties not to exceed One Thousand Five Hundred Dollars (\$1,500.00) for each occurrence and/or revocation or suspension of license.

D. For the purposes of this section, a licensed denturist or intern shall be deemed, by the application for and acceptance of the license, to have given his consent to a mental or physical examination when directed by the Board. The Board may direct the examination whenever it determines a denturist or intern may be suffering from a mental illness which may be interfering with his competent practice of denturism or from the use of intoxicants or drugs to an extent that the intoxicants or drugs may be preventing him from practicing competently and with safety to his patients. A denturist examined pursuant to an order of the Board shall have no privilege to prevent the testimony of the examining individual or to prevent the acceptance into evidence of the report of any examining individual. Failure to comply with an order of the Board to submit to a mental or physical exam shall require the Board to immediately order the license of the denturist or intern suspended until such time as he shall submit to the examination.

E. Notwithstanding the provisions of subsection E of Section 17 of this act, if the license of an intern is suspended or revoked, and the intern is afterwards reinstated, the period of the intern license shall be extended for a period equal to the period of suspension or revocation as the case may be.

F. A person whose license has been revoked by either the Board, or a similar board or body of any other jurisdiction, shall not be eligible to apply for a license until one (1) year after the date of revocation.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.19 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A denturist license which has expired may be reinstated upon payment of the required renewal fee, a Fifty Dollar (\$50.00) additional late payment fee, and proof of satisfaction of the continuing education requirement if application for reinstatement is made within three (3) months after expiration of the license. If reinstatement is not requested within three (3) months after expiration of the license, the Board may, by rule, require the denturist to take the regular examination in addition to the above requirements prior to reinstatement.

B. A person whose license has been revoked by the Board may be reinstated only upon written application showing affirmatively that the cause which resulted in the revocation has been eliminated or the applicant has otherwise rehabilitated himself, and that reinstatement of the applicant would not be a detriment to the denturism profession or a danger to the public. The burden of proof shall be on the applicant. The applicant may be required to pass a written, oral, or practical skills examination, or any combination of such examinations by order of the Board prior to reinstatement.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.20 of Title 59, unless there is created a duplication in numbering, reads as follows:

No person licensed under the provisions of this act shall directly or indirectly:

1. Make any payment or gift of anything of value to a person who has referred a patient as consideration for or to show appreciation for such referral;

2. Receive or accept any rebate, payment of gift from any person to whom a patient is referred; or

3. Engage in any form of fee-splitting or other form of sharing of remuneration, with respect to referrals except as payment for denturist services actually performed.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.21 of Title 59, unless there is created a duplication in numbering, reads as follows:

A denturist shall, prior to the opening of any additional office, make application to the Board and receive permission in writing from the Board to have such additional place of practice. A denturist shall meet such requirements as to time required to physically and personally supervise any additional office which the Board grants permission to open.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.22 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall purchase liability insurance for the purpose of paying any judgment for any reason against the Board or any of its members which may arise in the performance of their duties as Board members.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.23 of Title 59, unless there is created a duplication in numbering, reads as follows:

Every licensed denturist shall obtain both liability and malpractice insurance to cover services provided by every individual in the denturist office who has contact with a patient. This insurance shall not be of an amount less than One Hundred Thousand Dollars (\$100,000.00).

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.24 of Title 59, unless there is created a duplication in numbering, reads as follows:

A notice shall be posted in a conspicuous area on any premises where the practice of denturism is conducted, with lettering of a size easily read by the average person and in substantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO
PRACTICES OF THIS ESTABLISHMENT MAY CONTACT
THE OKLAHOMA BOARD OF DENTURISTS,
(address)

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.25 of Title 59, unless there is created a duplication in numbering, reads as follows:

All denturist services must be unconditionally guaranteed for a period of not less than thirty (30) days and full refund of the cost of the denture or partial denture shall be made if the denture or partial denture is returned during the guarantee period. This guarantee does not include immediate dentures. Any person who purchases a dental appliance from a denturist with the intention of enforcing the thirty-day unconditional guarantee without cause or is paid or coerced by another party to do so, both parties shall be guilty of a misdemeanor punishable by imprisonment for a period of not more than six (6) months, and by a fine of not more than One Thousand Dollars (\$1,000.00).

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.26 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Subject to the requirements that a denturist neither mislead the public, nor make self-laudatory statements regarding the quality of his work when such statements can not be analytically shown to be true, a denturist may advertise services through public media, such

as a telephone directory, newspaper or other periodical, radio or television, or through written communication not involving personal contact.

B. A copy of recording of an advertisement or written communication shall be kept for three (3) years after its dissemination along with a record of where and when it was used.

C. If an advertisement is mailed, the denturist shall maintain those records necessary to determine the names of those persons to whom the advertisement is mailed for a period of three (3) years.

D. Any communication made pursuant to this section shall include the name of at least one denturist responsible for its content.

E. On the front of each envelope in which an advertisement of a denturist is mailed or on the front of each post card if the advertisement is printed on a postcard, shall be placed the words: "This is an advertisement". These words shall be printed in type size at least as large as the print of the address and shall be located in a conspicuous place on the envelope or card.

F. If a denturist renders services for which a fee has been advertised, the denturist must render that service for no more than the advertised fee.

G. If a denturist publishes fee information by means of a radio or television, or other electronic media advertisement, the denturist shall be bound by any representation made therein for a period from the date of first broadcast to thirty (30) days after the last broadcast.

H. If a denturist publishes any fee information in a print media publication that is published more frequently than one time per month, the denturist shall be bound by any representation made therein for a period of not less than thirty (30) days after such publication. If a denturist publishes any fee information in such a publication that is published once a month or less frequently, such

denturist shall be bound by any representation made therein until the publication of the succeeding issue. If a denturist publishes any fee information in such a publication which has no fixed date for publication of a succeeding issue, the denturist shall be bound by any representation made therein for a reasonable period of time after publication but in no event less than one (1) year.

I. A denturist shall not give anything of value, either directly or indirectly to a person for recommending the denturist services except that a denturist may pay the reasonable cost of advertising or written communication permitted by this section.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.27 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any denturist who shall be aggrieved by any action of the Board in denying, refusing to renew, suspending or revoking a denturist or intern license may appeal therefrom to the Oklahoma Board of Health. Such appeal shall be perfected by filing with the Secretary of the Board of Health, within thirty (30) days following the action of the Board, a notice of appeal setting forth briefly the petitioner's complaint. A copy of the notice of appeal shall be served upon the president or secretary of the Board with notice to the secretary of the Board of Health in a manner of civil appeal. The Board of Health may sustain or reverse the action of the Board or direct the Board to take any further or other action with regard to the appeal.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.28 of Title 59, unless there is created a duplication in numbering, reads as follows:

Notwithstanding the provision of any policy of insurance covering dental health, whenever such policy provides for reimbursement for any service which is within the lawful scope of a denturist, the insured under such policy shall be entitled to reimbursement for such service, whether the service is performed by

a dentist or denturist. This section shall apply to any policy covering dental insurance issued or in effect after the day upon which this act becomes effective.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.29 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any person who shall practice or attempt to practice denturism in this state without having first obtained a license to practice denturism from the Oklahoma State Board of Denturists, or after his license to practice denturism has been revoked or cancelled or while such license is under suspension, as herein provided, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for not less than six (6) months nor 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 for the enforcement of this act.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.30 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any person prosecuted as a denturist in the State of Oklahoma for violation of the Oklahoma Dental Act and found guilty shall not be prohibited from receiving a license to practice denturism under the provisions of this act unless they were charged and found guilty of committing an act which resulted in gross physical harm. No charges shall be filed or prosecuted against any member of the Oklahoma Denturist Association which were contemplated prior to passage of this act, and all prosecutions in progress against any member of the Oklahoma Denturist Association shall be dismissed.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.31 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Board of Denturists shall be responsible to the State Board of Health and provide the Board of Health such information as it may request regarding the function and activities of the Board.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.32 of Title 59, unless there is created a duplication in numbering, reads as follows:

Upon the effective date of this act, it shall be lawful for a denturist and a dentist to form a partnership with each providing the services they are licensed to provide; each providing those services within the guidelines of their respected professional areas.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 329.33 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any licensed dental hygienist who holds a valid license to practice is hereby granted the right to practice within the office of a denturist without the supervision of a dentist. The hygienist may be employed by a denturist or be self-employed within the denturist office and meet all the ethical and professional standards required by the dental profession and this act. Hygienists who practice as an independent practitioner must furnish such financial liability insurance as required by this act and shall meet such requirements which the Board establishes.

Hygienists who wish to practice within a denturist office must register with the Oklahoma State Board of Denturists. The Board will furnish an application form, and an application fee of One Hundred Dollars (\$100.00) must accompany the application for registration. An annual reregistration fee will be One Hundred

Dollars (\$100.00) plus proof of thirty-two (32) hours of continuing education by attending credited courses or seminars approved by the Dental Hygienist Association or the Oklahoma State Board of Denturists or approved by the Dental Board. A hygienist who violates this act shall be prohibited from practicing within the office of a denturist.

SECTION 34. This act shall become effective July 1, 1992.

SECTION 35. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-1671

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