

SHORT TITLE: Professions and occupations; enacting the Oklahoma
Denturism Practice Act; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 432

By: Haney

AS INTRODUCED

An Act relating to professions and occupations;
enacting the Oklahoma Denturism Practice Act;
providing short title; stating purpose; prohibiting
certain application of act; defining denturism;
defining terms; creating the Denturism Advisory
Committee; providing for duties, responsibilities,
membership, appointments, qualifications, terms,
vacancies, removal, meetings, officers, quorums,
liability and reimbursement of the Committee
members; requiring the formulation, promulgation
and adoption of certain rules; authorizing the
Commissioner of Health to perform certain acts upon
recommendation of the Committee; authorizing the
Committee to perform certain acts; providing for
certain applications; specifying such applications,
and providing for fees and requirements related
thereto; requiring certain qualifications;
providing for certain criteria; requiring and
providing for certain examinations; authorizing the
retaining of certain examiners; providing for the
issuance of certain licenses; prohibiting certain
fees; requiring certain display of licenses;
providing certain requirements for examinations;
providing for renewal license fees; requiring the
submission of certain evidence; providing for
certain fees and certain display of such licenses;

providing for denturist intern license and applications, fees, examinations, requirements, qualifications, time of validity and display related thereto; authorizing the filing of certain complaints and providing procedures and powers related thereto; authorizing certain hearings, the imposition of certain penalties, and providing procedures relating thereto; specifying grounds for the imposition of certain penalties; providing for judicial review of certain orders; authorizing reinstatement of certain licenses under certain conditions and providing procedures related thereto; authorizing the suspension of certain mentally ill persons licensed pursuant to this act and providing for conditions and procedures related thereto; authorizing certain mental and physical examinations to be ordered and given under certain conditions; denying certain privileges relating to certain testimony; providing penalties for refusal to comply with certain orders; specifying certain unlawful acts; providing penalties; creating the Denturism Revolving Fund; providing for expenditures from and deposits to such fund; stating purpose; providing certain procedures relating to such fund; providing for codification; and providing an effective date.

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 Denturism Practice 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:

A. The Oklahoma Denturism Practice Act is enacted to promote competence and excellence in the providing of dentures, and services and procedures related thereto, to the public at reasonable costs.

B. The Oklahoma Denturism Practice Act shall not apply to:

1. A person holding a valid license to practice dentistry pursuant to Section 328.1 of this title;

2. A person holding a valid certificate of ability to practice dental hygiene pursuant to Section 328.1 of this title;

3. A person working as a dental assistant and/or dental nurse under the supervision of a licensed dentist, as authorized by Section 328.1 of this title;

4. A person who is properly registered as a dental laboratory technician pursuant to Section 328.1 of this title;

5. A person, firm, corporation or partnership holding a valid permit to engage in the business of a dental laboratory pursuant to Section 328.1 of this title;

6. A person holding a valid license to practice medicine and surgery pursuant to Section 481 et seq. of this title; or

7. A person holding a valid license to practice osteopathic medicine pursuant to Section 620 et seq. of this title.

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:

A. Denturism is the science and art of:

1. Constructing, making, producing, finishing, repairing, relining, reproducing, duplicating, supplying, fitting or altering a denture, or advising the use of a denture;

2. Taking impressions, bite registrations, try-ins, fittings and insertions of a denture or in any part of the human mouth for any of the purposes listed in paragraph 1 of this subsection; and

3. Providing other services or procedures incidental to the services and procedures listed in paragraphs 1 and 2 of this subsection.

B. Services and procedures provided by a denturist, or by a denturist intern under the direct supervision of a denturist, within the scope of practice of denturism, as defined in subsection A of this section, shall not constitute, or be construed as, practicing dentistry, practicing dental hygiene, or engaging in the business of a dental laboratory, pursuant to Section 328.1 et seq. of this title.

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:

As used in the Oklahoma Denturism Practice Act:

1. "Applicant" means any person submitting an application for licensure to the Board;

2. "Board" means the State Board of Health;

3. "Commissioner" means the State Commissioner of Health;

4. "Committee" means the Denturism Advisory Committee;

5. "Denture" means any upper or lower, complete or partial, prosthetic device to be worn in the human mouth;

6. "Denturist" and "licensee" are synonymous and mean a person holding an original license to practice denturism in this state;

7. "Denturist intern" and "intern" are synonymous and mean a person holding an intern license to practice denturism in this state under the direct supervision of a denturist;

8. "Denturist intern license" and "intern license" are synonymous and mean a license granting authorization to practice denturism in this state under the direct supervision of a denturist, issued by the Commissioner to an applicant found by the Commissioner to meet the licensing requirements of Section 13 of this act;

9. "Department" means the State Department of Health;

10. "Direct supervision" means directions, advice and assistance given to an intern by a denturist, in person, during the performance of services and procedures by the intern;

11. "Examination" means the process used by the Commissioner, prior to the issuance of an original license or an intern license, to test the qualifications and knowledge of an applicant in certain basic sciences and in the science and art of denturism;

12. "Original license" means a license granting initial authorization to practice denturism in this state, issued by the Commissioner to an applicant found by the Commissioner to meet the licensing requirements of Section 10 of this act; and

13. "Renewal license" means a license issued to a denturist by the Commissioner, on or before the first day of January of each year, which authorizes such denturist to practice denturism in this state during the succeeding calendar year.

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. There is hereby created a Denturism Advisory Committee, whose duty and responsibility shall be to assist in the implementation, administration and enforcement of the Oklahoma Denturism Practice Act. The Committee shall consist of seven (7) members who shall be appointed by the Commissioner of Health, with the advice and consent of the State Board of Health. Except as provided in subsection B of this section, five members shall be denturists, one member shall be a lay person representing the

public, and one member shall be an employee of the State Department of Health.

B. The initial members of the Committee, other than the lay person and the Department employee, shall be appointed from a list of ten (10) persons submitted to the Commissioner by any association of denturists in this state. The persons on said list shall be legal residents of this state, shall be members in good standing of the Oklahoma Association of Denturists, and shall be recognized as "certified denturists" by virtue of their having previously taken and passed the National Denturist Certification Test administered by the National Denturist Association. Such initial members of the Committee shall be appointed for the following terms: One member for one (1) year; one member for two (2) years; one member for three (3) years; one member for four (4) years; and one member for five (5) years. Thereafter, at the expiration of the term of each such member, the Commissioner, with the advice and consent of the Board, shall appoint a successor for a term of five (5) years, which appointment shall be made from a list of five (5) denturists submitted to the Commissioner by any Oklahoma associations of denturists. Such members of the Committee shall serve beyond the expiration of their terms of office until a successor is appointed by the Commissioner and confirmed by the Board. The Commissioner, with the advice and consent of the Board, shall appoint a successor for the balance of an unexpired term, if a vacancy should occur on the Committee. All appointments to fill such vacancies shall be made from a list of five (5) denturists submitted to the Commissioner by associations of denturists in this state.

C. All initial members of the Committee shall be appointed by the Commissioner and confirmed by the Board by November 1, 1993.

D. The lay member of the Committee shall:

1. Be a legal resident of this state;

2. Not be a registered or licensed practitioner of any of the healing arts or be related by blood or marriage within the third degree to any such person; and

3. Serve on the Committee at the pleasure of the Commissioner.

E. The Department employee member of the Committee shall be a legal resident of this state and shall serve on the Committee at the pleasure of the Commissioner.

F. A denturist member may be removed from the Committee by the board for cause which shall include, but not be limited to:

1. Ceasing to be qualified;

2. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;

3. Being found guilty of malfeasance, misfeasance or nonfeasance in relation to his Committee duties;

4. Being found mentally incompetent by a court of competent jurisdiction;

5. Being found in violation of the Oklahoma Denturism Practice Act; or

6. Failing to attend three (3) successive meetings of the Committee without just cause, as determined by the Board.

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 Denturism Advisory Committee shall hold its initial meeting within thirty (30) days after its members have been appointed by the Commissioner and confirmed by the Board. At its initial meeting and annually thereafter, the Committee shall elect from among its members a chairperson, vice-chairperson and secretary. The Committee shall hold regular meetings at least once each quarter at a time and place determined by the Committee, and may hold such adjourned and special meetings as found by the Committee to be expedient or necessary. Upon the written request of

at least four (4) Committee members, the chairperson shall call a special meeting of the Committee. A majority of the Committee appointed shall constitute a quorum for the transaction of business. The affirmative vote of at least four (4) of its members shall be required to constitute action of the Committee.

B. The chairperson shall preside at meetings of the Committee, arrange the Committee agenda, sign Committee documents, coordinate Committee activities and perform such other duties as may be prescribed by the Committee or the rules of the Board.

C. The vice-chairperson shall perform the duties of the chairperson during the latter's absence or disability and shall perform such other duties as may be prescribed by the Committee or the rules of the Board.

D. The secretary shall keep a record of all proceedings of the Committee, certify to actions of the Committee and perform such other duties as may be prescribed by the Committee or the rules of the Board.

E. The Committee shall act in accordance with the provisions of the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, and the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

F. The liability of any member of the Committee acting within the scope of his Committee duties shall be governed by the Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes.

G. Members of the Committee shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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:

Pursuant to and in compliance with Article I of the Administrative Procedures Act, Section 250.2 et seq. of Title 75 of the Oklahoma Statutes, the State Board of Health, giving due regard to the recommendations of the Denturism Advisory Committee, shall have the power to formulate, adopt and promulgate rules deemed necessary to regulate the practice of denturism in this state and to implement and enforce the provisions of the Oklahoma Denturism Practice 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:

The Commissioner, giving due regard to the recommendations of the Denturism Advisory Committee, shall have the authority to:

1. Receive fees levied by the Oklahoma Denturism Practice Act, and deposit said fees in the Denturism Revolving Fund;
2. Receive payment of administrative fines imposed pursuant to the Oklahoma Denturism Practice Act, and deposit said fines in the Denturism Revolving Fund;
3. Determine the qualifications of applicants for an original license, renewal license or intern license;
4. Prepare and administer an examination to qualified applicants for an original license or intern license, and determine a passing grade for such applicants;
5. Approve and certify schools and clinics offering training programs in denturism;
6. Issue, deny, suspend, revoke or reinstate original licenses, renewal licenses and intern licenses;

7. Discipline denturists and interns in any manner prescribed by the Oklahoma Denturism Practice Act or the rules of the State Board of Health;

8. Conduct hearings, administer oaths and issue subpoenas for the purpose of administering and enforcing the Oklahoma Denturism Practice Act;

9. Inspect, or cause to be inspected by an employee of the State Department of Health, the place of business of any denturist at a reasonable time and in a reasonable manner, if such inspection is deemed by the Commissioner to be necessary to assure compliance with the Oklahoma Denturism Practice Act and the rules of the Board;

10. Initiate prosecution and injunctive proceedings to enforce the provisions of the Oklahoma Denturism Practice Act;

11. Request the Attorney General or a district attorney, if deemed necessary by the Commissioner, to bring an action to enforce the provisions of the Oklahoma Denturism Practice Act; and

12. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration and enforcement of the Oklahoma Denturism Practice Act.

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:

The Denturism Advisory Committee shall have the authority to:

1. Make recommendations to the State Board of Health regarding the formulation, adoption and promulgation of rules deemed necessary to regulate the practice of denturism in this state and to implement and enforce the provisions of the Oklahoma Denturism Practice Act;

2. Advise and assist the Commissioner in:

a. determining the qualifications of applicants for an original license, renewal license or intern license, and

- b. preparing, administering and grading examinations given to qualified applicants for an original license or intern license;

3. Make recommendations to the Commissioner regarding any of the powers and duties of the Commissioner, as set forth in Section 8 of this act; and

4. Investigate complaints filed with the Commissioner regarding unprofessional actions or conduct of denturists or interns, and submit written reports of its findings regarding such complaints to the Commissioner, as provided in Section 15 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:

A. Applications for an original license to practice denturism in this state shall be made to the Commissioner in writing on a form and in a manner prescribed by the Commissioner. The application shall be accompanied by payment of an application fee, in the amount of One Hundred Fifty Dollars (\$150.00), which shall not be refundable under any circumstances. If the application is approved, the applicant, upon payment of an examination fee, in the amount of One Hundred Fifty Dollars (\$150.00), may take an examination administered by the Commissioner for the purpose of securing an original license. If the application is disapproved by the Commissioner, it shall be returned to the applicant with the reason for its disapproval fully stated in writing.

B. Each applicant for an original license shall:

1. Be at least twenty-one (21) years of age;
2. Be possessed of good moral character; and
3. Have complied with all applicable rules promulgated by the State Board of Health pursuant to Section 7 of this act.

C. The Commissioner shall issue an original license to any applicant who meets the criteria set forth in subsection B of this section and who meets one of the following criteria:

1. For applications for an original license submitted to the Commissioner on or before December 31, 1994, an applicant shall:

- a. have been a legal resident of this state for a period of one (1) year immediately preceding September 1, 1993,
- b. submit two (2) affidavits by persons other than family members, or other evidence satisfactory to the Commissioner, that he has been employed, for a period of at least five (5) years prior to the date of submission of the application, in all phases of denture technology, and
- c. document his competence to practice denturism by:
 - (1) successfully completing a written examination 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 successfully completing a practical examination in denture construction and intra-oral procedures, which examinations shall be prepared and administered by the Commissioner, or
 - (2) submitting proof, in the form of an affidavit from the secretary of a national denturist association, that he is recognized as a "certified denturist" by virtue of his having previously taken and passed a national denturist certification test administered by said association; or

2. For applications for an original license submitted to the Commissioner subsequent to December 31, 1994, an applicant shall:

- a. submit documentary evidence of satisfactory completion of at least two (2) years of formal education and training in denturism at a school or clinic approved by the Commissioner, including dental materials and intra-oral procedures, asepsis, and first aid for minor office emergencies,
- b. submit documentary evidence of satisfactory completion of a two-year internship as an intern under the direct supervision of a denturist, and
- c. successfully complete the examination administered by the Commissioner, as provided in Section 11 of this act.

D. Any applicant who fails to successfully complete the examination shall be entitled to retake the examination upon the payment to the Commissioner of a reexamination fee in the amount of One Hundred Dollars (\$100.00). If an applicant should fail the examination a second time, the Commissioner may require additional education or training as a condition precedent to taking the examination again.

E. The Commissioner may, at the Commissioner's discretion, retain the services of a board of examiners from a national denturist association, or a board of examiners from any state where denturists are legally recognized and regulated, for the purpose of preparing and administering the written and practical examinations mentioned in paragraph 1 of subsection C of this section.

F. The Commissioner shall issue an original license to those applicants satisfying the requirements of this section. No license fee shall be charged by the Commissioner for the balance of the calendar year in which such a license is issued.

G. A denturist shall, at all times, display his original license in a prominent place at the primary facility at which he is engaged in the practice of denturism.

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. For applicants submitting an application for an original license subsequent to December 31, 1994, the Commissioner shall prepare and administer an examination meeting the following requirements:

1. The examination shall be of such character as to determine the qualifications, fitness and ability of the applicant to practice denturism;

2. The examination shall cover those technical, professional and practical subjects that relate to the practice of denturism including, but not limited to:

- 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 prescribed by the rules of the State Board of Health; and

3. The examination shall include a practical demonstration of skills in denture construction and intra-oral procedures.

B. The Commissioner shall administer the examination at least once each year, at such time and place as the Commissioner may determine, if there are applicants who have qualified to take the examination.

SECTION 12. NEW LAW A 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:

A. Every person holding an original license to practice denturism in this state shall pay to the Commissioner, on or before the first day of January of each year, a renewal license fee in the amount of Three Hundred Dollars (\$300.00). The licensee shall also submit to the Commissioner:

1. Satisfactory evidence that during the preceding year the licensee attended two (2) days or more of a continuing education program administered by an Oklahoma association of denturists and approved by the Commissioner; or

2. Satisfactory evidence that the licensee was unavoidably prevented, by illness or otherwise, from attending such a continuing education program, together with the affidavits of two (2) denturists who personally know the licensee and vouch for his good standing in the profession.

B. Upon receipt of the renewal license fee, and compliance with paragraph 1 or 2 of subsection A of this section, the Commissioner shall issue a renewal license, which shall entitle the holder to practice denturism in this state during the succeeding calendar year.

C. In the event that a licensee shall fail to comply with the requirements of subsection A of this section, the original license of such person shall, upon order of the Commissioner, be revoked. The Commissioner may reinstate such original license upon the payment of all fees due, plus a penalty fee in the amount of Three Hundred Dollars (\$300.00), and upon presentation to the Commissioner

of satisfactory evidence of compliance with the continuing education requirements of subsection A of this section.

D. A denturist shall, at all times, display his current renewal license in a prominent place at the primary facility at which he is engaged in the practice of denturism.

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. Applications for a denturist intern license shall be made to the Commissioner in writing on a form and in a manner prescribed by the Commissioner. The application shall be accompanied by payment of an application fee, in the amount of One Hundred Fifty Dollars (\$150.00), which shall not be refundable under any circumstances. If the application is approved, the applicant, upon payment of an examination fee, in the amount of One Hundred Fifty Dollars (\$150.00), may take an examination administered by the Commissioner for the purpose of securing a denturist intern license. If the application is disapproved by the Commissioner, it shall be returned to the applicant with the reason for its disapproval fully stated in writing.

B. Each applicant for a denturist intern license shall:

1. Be at least eighteen (18) years of age;
2. Be possessed of good moral character;
3. Hold a high school degree or its equivalent;
4. Submit documentary evidence of satisfactory completion of at least two (2) years of formal education and training in denturism at a school or clinic approved by the Commissioner; and
5. Have complied with all applicable rules promulgated by the State Board of Health pursuant to Section 329.7 of this title.

C. The Commissioner shall issue a denturist intern license to any applicant who:

1. Meets the criteria set forth in subsection B of this section;

2. Successfully completes the examination administered by the Commissioner pursuant to Section 14 of this act; and

3. Pays to the Commissioner a denturist intern license fee in the amount of Five Hundred Dollars (\$500.00).

D. Any applicant who fails to successfully complete the examination shall be entitled to retake the examination upon the payment to the Commissioner of a reexamination fee in the amount of One Hundred Dollars (\$100.00). If an applicant should fail the examination a second time, the Commissioner may require additional education or training as a condition precedent to taking the examination again.

E. A denturist intern license shall be valid for a period of five (5) years from the date of its issuance, shall not be renewable, and shall authorize the holder thereof to practice denturism in this state only under the direct supervision of a denturist. When an intern is working under the direct supervision of a denturist, the denturist shall examine the patient initially, check the completed denture as to fit, form and function, and perform such other services or procedures as may be required by the rules of the Board.

F. A denturist intern shall, at all times, display his intern license in a prominent place at the primary facility at which he is engaged in the practice of denturism under the direct supervision of a denturist.

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:

A. For applicants submitting an application for a denturist intern license, the Commissioner shall prepare and administer an examination meeting the following requirements:

1. The examination shall be of such character as to determine the qualifications, fitness and ability of the applicant to practice denturism under the direct supervision of a denturist; and

2. The examination shall cover those technical, professional and practical subjects that relate to the practice of denturism, except for practical skills, as listed in paragraph 2 of subsection A of Section 11 of this act.

B. The Commissioner shall administer the examination at least once each year, at such time and place as the Commissioner may determine, if there are applicants who have qualified to take the examination.

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:

A. Any person may file a complaint with the Commissioner regarding unprofessional actions or conduct of a denturist or denturist intern. Such complaints shall be in writing on a form prescribed by the Commissioner and shall be verified under oath by the complainant or a duly authorized officer of the complainant. The Commissioner shall forward such complaints to the Denturism Advisory Committee for investigation. For the purpose of investigating such complaints, the Committee shall have the authority to:

1. Conduct hearings, administer oaths, and order or subpoena the attendance of witnesses, the inspection of records and premises, and the production of relevant books and papers; and

2. Inspect, or cause to be inspected by an employee of the Department of Health, the place of business of any denturist at a reasonable time and in a reasonable manner.

B. After its investigation of a complaint is completed, the Committee shall submit a written report of its findings to the Commissioner. If the Committee finds that a complaint does not

warrant the initiation of an individual proceeding by the Commissioner, pursuant to subsection A of Section 16 of this act, no further action shall be taken by the Commissioner. If the Committee finds that a complaint warrants the initiation of an individual proceeding, such an individual proceeding shall be initiated by the Commissioner pursuant to subsection A of Section 16 of this act.

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. Upon recommendation of the Denturism Advisory Committee, the Commissioner is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, Section 309 et seq. of Title 75 of the Oklahoma Statutes, to issue an order imposing one or more of the following penalties whenever he finds a denturist or denturist intern guilty of any of the acts set forth in subsection B of this section:

1. Disapproval of an application for a renewal license;
2. Suspension or revocation of an original license or renewal license, or both, or a denturist intern license;
3. Restriction of the practice of a denturist or denturist intern;
4. Imposition of an administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate offense; and
5. Placement of a denturist or denturist intern on probation for a period of time and subject to such conditions as the Commissioner may specify, including requiring the denturist or denturist intern to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another denturist.

B. The following acts by a denturist or denturist intern shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Commissioner:

1. Being convicted of a felony or of any offense under the laws of this state or of the United States where such violation of law bears a demonstrable relationship to fitness for the practice of denturism;

2. Practicing denturism in an incompetent or grossly negligent manner;

3. Using advertising in which statements are made that are fraudulent, deceitful or misleading to the public;

4. Using any controlled dangerous substance, or intoxicating liquor, to an extent that such use impairs his ability to safely conduct the practice of denturism;

5. Making any payment or gift of anything of value to a person who referred a patient as consideration for, or to show appreciation for, such referral;

6. Receiving or accepting any rebate, payment or gift from any person to whom a patient is referred;

7. Engaging in any form of fee-splitting or other form of sharing of remuneration with respect to referrals, except as payment for denturism services or procedures actually performed;

8. Performing services or procedures which will alter any tissue of natural teeth through surgical intervention or orthodontic reconstruction;

9. Treating any abnormalities of the human mouth;

10. Prescribing, administering or dispensing any controlled dangerous substance to a patient for any purpose;

11. Providing continuing service to any patient previously referred to a physician for treatment of abnormalities of the mouth, prior to the time said physician has treated and released said patient;

12. Constructing or fitting orthodontic appliances;

13. Aiding or abetting any person not licensed to practice denturism in this state to practice denturism, except students who

are regularly enrolled in a denturism education and training program at a school or clinic approved by the Commissioner, and interns working under the direct supervision of a denturist;

14. Holding himself out to the public, or permitting himself to be represented to the public, as a licensed dentist;

15. Providing any services or procedures to a patient prior to receipt of a written statement signed by a person holding a valid license to practice medicine and surgery, osteopathy or dentistry in this state, stating that the patient has no visible indications of a condition that would negatively impact the use of dentures;

16. Obtaining, or attempting to obtain, an original license, renewal license, or denturist intern license in a fraudulent manner;

17. Violating any of the provisions of the Oklahoma Denturism Practice Act; or

18. Violating any of the rules of the State Board of Health promulgated pursuant to Section 7 of this act.

C. Any denturist or intern against whom a penalty is imposed by order of the Commissioner under the provisions of this section shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

D. When an original license or renewal license, or both, or a denturist intern license, has been suspended under the provisions of this section, and the period of suspension has expired, such license or licenses shall be reinstated by the Commissioner upon the payment of a reinstatement fee in the amount of One Hundred Dollars (\$100.00).

E. When an original license or a denturist intern license has been revoked under the provisions of this section, no application to reinstate such license shall be accepted by the Commissioner until the expiration of one (1) year from the date the revocation of such license became effective. Thereafter, a person whose original license or denturist intern license has been revoked may apply to

the Commissioner for reinstatement of such license. The application shall be in writing on a form and in a manner prescribed by the Commissioner. The person seeking reinstatement of a license must affirmatively show that the act or acts which constituted grounds for the revocation have been eliminated or that the person has otherwise rehabilitated himself, and that reinstatement of such person's original license or intern license would not result in a detriment to the denturism profession or a danger to the public. The Commissioner may require the person seeking reinstatement of a license to successfully complete a written, oral, or practical skills examination, or any combination of such examinations, prior to reinstatement of such license. If the Commissioner determines that reinstatement of an original license or intern license is warranted, such license shall be reinstated by the Commissioner upon the payment of a reinstatement fee in the amount of One Hundred Dollars (\$100.00).

F. Notwithstanding the provisions of subsection E of Section 13 of this act, if a denturist intern license is suspended or revoked and such license is thereafter reinstated, the period of such license shall be extended for a period equal to the period of suspension or revocation, as the case may be.

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 Commissioner is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, Section 309 et seq. of Title 75 of the Oklahoma Statutes, to issue an order suspending the original license and renewal license of a denturist, or the intern license of a denturist intern, who becomes incompetent to practice denturism because of mental illness or physical disability. Commitment of a denturist or intern to an institution for the mentally ill shall be considered

prima facie evidence of his incompetency to practice denturism because of mental illness.

B. Any dentist or intern who has had his original license and renewal license, or intern license, as the case may be, suspended under the provisions of this section shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

C. The Commissioner, on the Commissioner's own motion or on the application of a person whose original license and renewal license, or intern license, has been suspended under the provisions of this section, is authorized, on proper showing that such person's competency to practice denturism has been restored, to reinstate such license or licenses at any time; provided, however, reinstatement shall not be made while such person is confined in an institution for the mentally ill. No reinstatement fee shall be charged by the Commissioner for the reinstatement of any license which has been suspended under the provisions of this section.

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. To assist in the administration and enforcement of Sections 16 and 17 of this act, any person who is issued an original license or dentist intern license by the Commissioner shall be deemed to have given his consent to a mental or physical examination, which may be ordered by the Commissioner when the Commissioner has reasonable cause to believe that a dentist or intern may be:

1. Using any controlled dangerous substance, or intoxicating liquor, to an extent that such use impairs his ability to safely engage in the practice of denturism; or

2. Suffering from a mental illness or physical disability to such a degree that he has become incompetent to practice denturism.

B. A denturist or intern examined pursuant to an order of the Commissioner under the provisions of this section shall have no privilege to prevent the testimony of the examining health professional at a hearing held under the provisions of Section 16 or 17 of this act, or to prevent the acceptance into evidence of the report of the examining health professional at such a hearing.

C. If a denturist or intern should fail to comply with an order of the Commissioner to submit to a mental or physical examination, the Commissioner shall immediately issue an order suspending the original and renewal license of the denturist, or the denturist intern license of the intern, as the case may be, which order of suspension shall remain effective until such time as the denturist or intern submits to the examination ordered.

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. It shall be unlawful:

1. For any person to practice or attempt to practice denturism in this state, or to hold himself out to the public as a denturist in this state, without having first obtained an original license to practice denturism from the Commissioner, or after his original license to practice denturism has been revoked, or while such original license is under suspension; provided, however, this paragraph shall not be construed to prohibit:

- a. a person from participating in a denturism education and training program at a school or clinic approved by the Commissioner, or
- b. a denturist intern from practicing denturism under the direct supervision of a denturist; or

2. For any person to obtain or attempt to obtain an original license, renewal license or denturist intern license in a fraudulent manner.

B. Any person who violates the provisions of subsection A of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail 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 constitute a separate and distinct offense.

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:

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated as the "Denturism Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commissioner pursuant to the provisions of the Oklahoma Denturism Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner for the purpose of implementing and enforcing the provisions of the Oklahoma Denturism Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the Commissioner, or by an employee of the Department authorized by the Commissioner, and filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 21. This act shall become effective September 1, 1993.

44-1-0375 TDS