

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2967

By: Wells

AS INTRODUCED

An Act relating to dentistry; amending 59 O.S. 1991, Sections 328.1, 328.7, 328.10, 328.15, 328.20, 328.23, 328.26, 328.31, 328.32, 328.36, 328.39, 328.42 and 328.49, which relate to licensure and regulation of dental professions; clarifying language; deleting obsolete language; modifying name of Board of Governors of Registered Dentists of Oklahoma and stating certain powers; expanding certain prohibition; deleting language pertaining to travel expenses and affiliation with certain organization; clarifying terms of existing Board members; modifying gender references; requiring Board of Dentistry organize annually at certain meeting; modifying terms-of-office for Board officers; providing for quarterly, special, emergency and continued meetings, quorum, appointment of administrative officer, bond and reimbursement for actual and necessary expenses; requiring compliance with and stating application of certain acts; removing, modifying and adding certain powers of Board; modifying procedures relating to use of dental technician and laboratory for certain purposes; modifying and adding procedures and requirements for issuing licenses

without examination to persons practicing dentistry or a specialty in another state; providing for investigation; authorizing Board to require certain continuing education and reciprocity; deleting certain statutory fees and providing fees be set by Board rule; modifying intern permit provisions; deleting references to agencies for which interns may work and restrictions on renewal of permits; prohibiting issuance of permit to certain persons and allowing permits to be renewed annually at discretion of Board; deleting provisions pertaining to operating as a corporation or dental office; making certain professional entities subject to State Dental Act; providing for licensure, responsibilities, enforcement actions, certificates, records, registration, fees and registry related thereto; providing for use of trade name and restrictions pertaining thereto; modifying and adding acts and occurrences by dental professionals which constitute grounds for penalties; modifying provisions for operating a dental laboratory; eliminating cap on permit application fee; requiring notification of change of ownership; construing act; updating revolving fund language; modifying complaint and hearing procedures; establishing review panel to hear complaints; providing for investigatory and other powers; granting review panel authority to initiate individual proceeding; excluding review panel from participating in proceeding as Board members; authorizing settlement agreement and declaring agreement part of investigation file; requiring

final approval by Board; exempting review panel from Oklahoma Open Meeting Act; authorizing Board to impose certain penalties for certain acts; requiring standard of clear and convincing evidence; providing for judicial review of order; deleting certain penalty provisions; stating responsibility of Board for enforcement of State Dental Act; making certain actions unlawful; providing for individual proceedings, notice, hearing, penalties, and remedies available to Board; construing certain actions; authorizing Board to establish certain fees and charges; setting minimum and maximum fees; exempting certain licensee from certain renewal fee; repealing 59 O.S. 1991, Sections 328.11, 328.12, 328.14, 328.16, 328.18, 328.28, 328.37, 328.38, 328.43, 328.44, 328.45, 328.46 and 328.47, which relate to Board powers, membership, meetings, officers and employees, continuing education, unlawful practices, display of licenses, dental laboratories and technicians, permit renewal, appeals and hearings and investigations; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 328.1, is amended to read as follows:

Section 328.1 ~~This act~~ Section 328.1 et seq. of this title shall be known and may be cited as the "The State Dental Act".

SECTION 2. AMENDATORY 59 O.S. 1991, Section 328.7, is amended to read as follows:

Section 328.7 ~~There is hereby constituted a Board of Governors of the organization to be known as "The Board of Governors of the Registered Dentists of Oklahoma", consisting~~ A. 1. Pursuant to Section 39 of Article V of the Constitution of the State of Oklahoma, there is hereby created a "Board of Dentistry" which shall be an agency of state government. The Board shall adopt a seal, sue and be sued in its own name, and implement and enforce the provisions of the State Dental Act.

2. Whenever the term "The Board of Governors of the Registered Dentists of Oklahoma" or a term of like import appears in the Oklahoma Statutes, it shall mean the Board of Dentistry.

3. Whenever the terms "Board" or "Board of Governors" appear in the State Dental Act, the terms shall mean the Board of Dentistry.

B. 1. The Board shall consist of eight (8) dentist members, one ~~(1)~~ dental hygienist member and two ~~(2)~~ members who shall represent the public ~~in general~~. One dentist member shall be elected from each of the eight districts. One dental hygienist member shall be elected by dental hygienists residing in ~~the State of Oklahoma~~ this state who are legally licensed to practice dental hygiene therein. The two public representative members shall be appointed by the Governor, subject to confirmation by the Senate. ~~The members representing the~~ No public member may not be dentists a dentist, dental surgeons, dental hygienists or hygienist, dental assistant, dental technicians laboratory technician, or holder of a permit to operate a dental laboratory, or be related by blood or marriage within the third degree of consanguinity or affinity to any such person. Each member shall hold office for a period of three (3) years and until his/her term expires and/or his/her a successor in office is selected elected and qualified. Board members shall not serve for more than three (3) consecutive terms. However, upon

~~this act becoming effective, the present members of the Board of Governors shall hold office until their terms expire and/or their successors are elected and qualified as hereinafter provided. The members of the Board of Governors shall be reimbursed for travel expenses as provided in the State Travel Reimbursement Act. The Board of Governors, at its discretion, may affiliate with the American Association of Dental Examiners as an active member and pay regular dues to said association and may send no more than two board members as delegates to regular meetings thereof.~~

2. The members of The Board of Governors of the Registered Dentists of Oklahoma on November 1, 1996, shall serve as members of the Board of Dentistry for the remainder of the terms for which they were elected.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 328.10, is amended to read as follows:

Section 328.10 ~~The officers of the organization shall be~~ A.
The Board of Dentistry shall organize annually at the last regularly scheduled meeting of the Board before the beginning of each fiscal year, by electing from among its members a president, a first vice-president, a second vice-president, and a secretary-treasurer. The duties of said officers each officer shall be prescribed by in the rules of the Board of Governors. Provided that at the will of the board, the secretary-treasurer may be one and the same person. The president, vice-presidents and secretary-treasurer shall be elected by the Board of Governors from among its members at the time of each annual meeting of the Board of Governors. The term of office of the persons elected president, vice-presidents and secretary-treasurer shall assume the duties of their respective offices at the conclusion of the meeting at which they are elected. The term of office shall be for one (1) year. An annual meeting shall be held at a time and place designated by the Board of

Governors be for the following fiscal year and until their successors are elected and qualified.

B. The Board shall hold regularly scheduled meetings during each quarter of the year at a time and place determined by the Board and may hold such special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. The Board may appoint an individual to be the principal administrative officer of the Board and may confer upon that person the title selected by the Board, based upon the person's education, background, experience and ability. The principal administrative officer shall be responsible for the performance of administrative functions delegated by the Board.

D. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

E. All members of the Board and such employees, as determined by the Board, shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

F. The responsibilities and rights of any member or employee of the Board who acts within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.

G. Members of the Board 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 4. AMENDATORY 59 O.S. 1991, Section 328.15, is amended to read as follows:

Section 328.15 ~~The organization shall be governed by the Board of Governors which shall have the power and duties conferred in the State Dental Act. In addition thereto~~

A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Governors Dentistry shall have the power and authority to formulate, adopt and promulgate rules and regulations to carry out as may be necessary to regulate the practice of dentistry in this state and to implement and enforce the provisions of the State Dental Act as it deems necessary and proper to protect the dental health of the public. Further, the

B. The Board of Governors shall be charged with is authorized and empowered to:

- ~~1. The executive functions of the organization; and~~
- ~~2. Examinations of all candidates; and~~
- ~~3. Enforcement of the provisions of the State Dental Act; and~~
- ~~4. The inspection of dental offices and dental laboratories;~~

and

~~5. The establishment of minimum standards of dental care by cooperating with the Office of Public Affairs and other state and federal departments, who maintain dental facilities or offer dental care to persons in the various state and federal institutions. The Board may enter into cooperative contracts or agreements with another state or combination of states for purposes of formulating and conducting regional simultaneous examinations, such as the Central Regional Dental Testing Service, Inc., or successor entity or comparable entities. The Board of Governors, on or before October 1 of each year, shall establish or set, within limits prescribed in the State Dental Act, all fees to be collected pursuant to the State Dental Act. Examine and test the qualifications of applicants for a license, certificate or permit to be issued by the Board;~~

2. Maintain a list of the name and principal office address of all persons who hold a license, certificate or permit issued by the Board;

3. Account for all receipts and expenditures of the monies of the Board, including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year. The Board's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the president and secretary-treasurer of the Board;

4. Within limits prescribed in the State Dental Act, set all fees, charges and administrative penalties to be imposed and collected by the Board;

5. Maintain an office staff and employ legal counsel and other advisors to the Board, including advisory committees;

6. Investigate and issue investigative and other subpoenas, pursuant to Article II of the Administrative Procedures Act;

7. Initiate individual proceedings and issue orders imposing administrative penalties, pursuant to Article II of the Administrative Procedures Act, against persons who violate the State Dental Act or the rules of the Board, including persons who practice dentistry without a license;

8. Conduct, in a uniform and reasonable manner, inspections of dental offices and dental laboratories and their business records;

9. Establish guidelines for courses of study necessary for expanded duties and, when appropriate, issue permits authorizing individuals to perform expanded duties;

10. Establish continuing education requirements for dentists, dental hygienists and dental assistants who hold expanded duty permits issued by the Board;

11. Recognize the parameters of care established and approved by the American Dental Association;

12. Formulate, adopt and promulgate rules, pursuant to Article I of the Administrative Procedures Act, as may be necessary to

implement and enforce the provisions of the Oklahoma Dental
Mediation Act;

13. Hire one or more investigators to conduct investigations of
alleged violations of the State Dental Act or the rules of the
Board;

14. Seek and receive advice and assistance of the Office of the
Attorney General of this state;

15. Promote the dental health of the people of this state;

16. Inform, educate and advise all persons who hold a license,
certificate or permit issued by the Board, or who are otherwise
regulated by the Board, regarding the State Dental Act and the rules
of the Board;

17. Affiliate with the American Association of Dental Examiners
as an active member, pay regular dues and send members of the Board
as delegates to its meetings;

18. Enter into contracts;

19. Acquire, rent, hold, encumber and dispose of personal
property as is needed; and

20. Take all other actions necessary to implement and enforce
the State Dental Act.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 328.20, is
amended to read as follows:

Section 328.20 ~~All dentists shall be required to furnish to the
dental laboratory or~~ A. A dentist may utilize a dental laboratory
technician and a written work authorization before the construction,
alteration, dental laboratory to construct, reproduce or repair or
duplication of any denture, plate, partial plate, bridge, splint,
extraorally, prosthetic teeth, prosthetic dentures, bridges, other
replacements for teeth, splints or orthodontic, or prosthetic
appliance, or thing appliances to be worn in the a human mouth.
~~Said~~ Except as provided in subsection C of Section 328.36 of this
title, a dentist who utilizes the services of a dental laboratory

technician or dental laboratory shall furnish a written work authorization for each patient for whom work is requested.

B. Written work authorizations issued by a dentist shall be in duplicate on consecutively numbered forms ~~prescribed~~ approved by the Board of ~~Governors which must~~ Dentistry and shall be completed in full ~~in the~~ and signed by the prescribing dentist's own handwriting dentist. ~~The~~ A dentist is required to retain the duplicate copy of ~~the~~ each written work authorization and to produce the copy for inspection and copying by ~~the Board of Governors,~~ a member of the Board ~~of Governors,~~ or by ~~its~~ an agent or employee of the Board for a period of ~~two (2)~~ three (3) years from the date of the written work authorization. ~~Any dentist who fails to write and retain the above-written work authorization or refuses to allow the Board of Governors, its members, agents or employees to inspect same will be subject to the revocation or suspension of his license, as herein provided. The writ of injunction without bond is made available to the Board of Governors for the enforcement of this act.~~

SECTION 6. AMENDATORY 59 O.S. 1991, Section 328.23, is amended to read as follows:

Section 328.23 A. 1. The Board of Dentistry may, ~~at its discretion,~~ issue a license to practice dentistry, ~~either with or without examination,~~ to a ~~dentist~~ person who ~~shall have~~ has been engaged in ~~actual legal~~ the practice of dentistry in ~~some other~~ another state or territory for at least five (5) years, ~~and is a member in good standing of the American Dental Association,~~ upon the presentation to the Board of ~~the~~ a certificate ~~of~~ from the ~~Board of Dental Examiners or like organization~~ dental licensing agency of ~~the~~ that state or territory in which said dentist is a practitioner, certifying to the applicant's length of practice, competency to practice dentistry and good moral character, and upon the payment of a fee as ~~required~~ established by the rules of the Board ~~of Governors~~ not to exceed Five Hundred Dollars (\$500.00); provided, however, the

state or territory from which such the applicant may come presents a license to practice dentistry shall have obtained equal standard of laws regarding the required the applicant to meet professional education, competency and moral character standards substantially equivalent to the standards required by the Board for issuance of a license by examination to practice of dentistry in this state and will afford equal privileges to members hereof in good standing.

2. The Board shall not issue a license pursuant to this subsection to any person who would not otherwise be eligible to receive a license to practice dentistry.

B. 1. The Board may issue a dental specialty license by credentialing, without examination in the dental specialty, to a person who:

- a. has successfully completed the educational requirements for a dental specialty practice recognized and defined by the Council on Dental Education of the American Dental Association and the Board, and
- b. has been issued a dental specialty license by the dental licensing agency of another state or the Board may accept the National Specialty Examination for dental specialty licensure.

2. In conducting an investigation of a person who has applied for a dental specialty license pursuant to this subsection, the Board may require of the applicant disclosure of the same background information as is required of an applicant for a license to practice dentistry in this state. If the Board determines that the applicant is competent to practice a dental specialty and has a good moral character, and after the applicant passes an examination on the contents and interpretation of the State Dental Act and the rules of the Board, the applicant may be issued a dental specialty license by the Board.

C. The Board may require:

1. An applicant for a license to practice dentistry pursuant to subsection A of this section, or an applicant for a dental specialty license pursuant to subsection B of this section, to have completed the same continuing education requirements as required of dentists in this state; and

2. That the state from which the applicant presents credentials afford substantially equivalent licensure by credentials to dentists of this state.

D. Any ~~member hereof~~ dentist who is desirous of changing ~~his residence~~ residency to ~~that of another state or territory~~ shall, upon application to the Board ~~of Governors,~~ and ~~upon~~ payment of a fee ~~of Five Dollars (\$5.00)~~ established by the rules of the Board, receive a certificate which shall attest that ~~he~~ the dentist is a ~~member~~ in good standing ~~hereof~~ with the Board.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 328.26, is amended to read as follows:

Section 328.26 A. ~~The Board of Governors shall have authority, upon presentation of satisfactory credentials, to Dentistry may, without examination, issue a dental intern permit to a graduate of an approved dental school or college ~~who has not been licensed to practice dentistry in this state. Such permit will be granted for a period of one (1) year. Internships and residencies must be in state-maintained or operated hospitals, or in privately owned hospitals, which have internships or residencies as approved by the Board of Governors; or as a dentist employed by the dental division of the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Department of Human Services. Provided such hospitals maintain a recognized resident staff of one or more registered and licensed dentists, and that the dental department of the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Department of~~~~

~~Human Services has at its head a dentist licensed in Oklahoma. Such intern, resident, or employee shall operate under the direction of the dental staff or head of department, his work to be limited to the patients confined to the hospital or to the patients he is entitled to serve when serving as a dentist for the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Department of Human Services. Such intern, resident, or employee shall serve without fee or compensation other than that received in salary from such position. The Board of Governors shall have the power to revoke the permit of any such intern, resident or employee at any time within the year for which it is issued upon the recommendation of such procedure by the chairman of the dental department of the hospital in which he serves, or by the recommendation of the head of the dental department of the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Department of Human Services, or for any other reason which the Board of Governors may deem justifiable. Such limited permits granted for the purpose of internship, residency, or a dentist employed by the State Department of Health, the Department of Mental Health and Substance Abuse Services or the Department of Human Services shall automatically expire at the end of one (1) year, and shall be subject for renewal for only one (1) additional year except for dental specialties requiring additional time, which may be renewed for two (2) additional years, who is otherwise qualified, upon request of the governing body of any public or private institution for the graduate to serve as a dental intern or resident in the institution, with limited duties as defined in the permit.~~

B. 1. A dental intern permit shall not be issued to any person whose license to practice dentistry in this state or in another state has been suspended or revoked, or to whom a license to practice dentistry has been refused.

2. A dental intern permit shall not authorize the holder to open an office for the private practice of dentistry, or to receive compensation for the practice of dentistry, except a salary paid by the federal government or this state, or their subdivisions, or the public or private institution where the holder of the intern permit will be employed.

C. Dental intern permits may be renewed annually at the discretion of the Board.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 328.31, is amended to read as follows:

~~Section 328.31 No dentist shall practice dentistry under the name of a corporation, company, clinic, parlor, studio, institute, association or trade name or other title that may suggest a public or semipublic activity, except as hereinafter provided. Any person or persons owning, running, operating, or controlling any room, rooms, or office where dentistry is performed, provided or contracted for, who shall employ, keep or retain any unlicensed or unregistered person or persons and who shall fail, within ten (10) days after demand by the Board of Governors, in writing sent by registered mail, addressed to any such person or persons at said room or office, to furnish to said Board of Governors the names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry or assisting in the practice of dentistry, shall be subject to discipline as provided herein, and, in addition to the remedies provided herein, the writ of injunction is made available to the Board of Governors for the enforcement of this act. No corporation, except as herein provided, shall practice dentistry or dental hygiene, or engage therein, or hold itself out as being entitled to practice the same, or furnish dental services or dentists, or dental hygienists, or advertise under or assume the~~

~~title of dentists or dental hygienists or equivalent title, or furnish dental advice for any compensation, or advertise or hold itself out with any other person or alone, that it has or owns a dental office or can furnish dental service, dentists or dental hygienists, or solicit through itself, or its agents, officers, employees, directors or trustees, dental patronage for any dentists or dental hygienists employed by any corporation. No person or persons shall own or be interested in or manage any office for the practice of dentistry in any location and operate them under their own name with employed dentist or dentists. No person or persons shall be associated or connected with, in any manner, any offices or rooms where the profession of dentistry is practiced, unless such person or persons shall be actually engaged for the major portion of their time in the practice of dentistry at such office or rooms; provided, however, that the provisions of this paragraph shall not apply where a member hereof shall choose to practice dentistry, under his own name, without an employed dentist one or more days of a given week or month in different locations. Provided, however, nothing in this section shall prevent one or more dentists from incorporating their practice in a professional corporation in accordance with the provisions of Title 18, Chapter 18, Oklahoma Statutes, known as A. Professional entities formed pursuant to the Professional Corporation Entity Act, for the purpose of rendering professional services by a dentist, shall be subject to all of the provisions of the State Dental Act, except that professional entities shall not be required to obtain a license from the Board of Dentistry. Individuals who hold a license issued by the Board shall be responsible, pursuant to the State Dental Act, for their personal conduct without regard to the fact that they are acting as an owner, manager, agent or employee of, or the holder of an interest in, a professional entity.~~

B. Professional entities formed for the purpose of rendering professional services by a dentist must register with the Board before rendering such services and must update the registration during June of each year. The Board shall:

1. Provide the form and establish the fee for the registration and update;

2. Maintain a registry of all such professional entities; and

3. Publish annually a summary of the registry.

C. The Board is authorized to issue certificates pursuant to Section 804 of Title 18 of the Oklahoma Statutes and shall maintain a record of each certificate issued.

D. Enforcement actions by the Board for violation of the State Dental Act or the rules of the Board may be brought against a professional entity as well as against any individual who is or has acted as an owner, manager, agent or employee of, or the holder of an interest in, the professional entity.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.31a of Title 59, unless there is created a duplication in numbering, reads as follows:

A dentist may use a trade name in connection with the practice of dentistry provided that:

1. The use of the trade name shall not be false, fraudulent or misleading;

2. Any advertisement in which the trade name appears shall include the name of the dentist actually providing the dental services;

3. The name of the dentist actually providing the dental services shall appear on all billing invoices or statements sent to a patient and on all receipts if any are given to a patient;

4. Treatment records shall be maintained for each patient that clearly identify the dentist who performed the dental services for the patient; and

5. When an advertisement is made in the trade name or the trade name is included in an advertisement, a copy of the advertisement, including a film and audio record if one was used, shall be kept by the dentist for three (3) years from the date of the advertisement.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 328.32, is amended to read as follows:

~~Section 328.32 The Board of Governors shall have power, after a hearing for any causes now existing in the laws of the State of Oklahoma, or for a violation of any acts prohibited herein, to revoke a license of a dentist to practice dentistry, or a specialist license of a dentist, or to suspend the use of the same, or to discipline by probation or reprimand, public or private; and the Board of Governors shall have power to pass upon all petitions for reinstatement. The Board of Governors shall keep a record of the evidence and proceedings in all matters involving the revocation of a license or suspension, probation or reprimand, and shall make findings of fact and a decision thereon. Upon the making of any decision to revoke a license or to suspend a member hereof from practice, or place him or his license under probation, or reprimand a member hereof, the Board of Governors shall immediately forward a certified copy of said decision to the member involved by registered mail, to his last-known business address. Such decision shall be final, unless such member hereof whose license is revoked, suspended, placed under probation, or who is reprimanded, shall have the right of an appeal as provided in this act. In the event an appeal is not taken within the provisions of this act, the Board of Governors shall make and enter an order striking the name of such person from the roll of membership hereof, or suspending him for the period mentioned in said decision or otherwise carrying out provisions of said decision and shall so notify said member thereof. The Board of Governors shall have power to revoke the license of a member hereof, suspend the member from the practice, reprimand or~~

~~order a period of probation of said member upon the following grounds~~ The following acts or occurrences by a dentist shall constitute grounds for which the penalties specified in Section 16 of this act may be imposed by order of the Board of Dentistry:

~~(a) Upon presentation to the Board of Governors of a certified copy of a court record showing that the member hereof has been~~ 1. Pleading guilty or nolo contendere to, or being convicted of, a crime felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;

~~(b) Has presented~~ 2. Presenting to the Board of Governors a false diploma, license or certificate, or one obtained by fraud or illegal means;

~~(c) 3. By reason of persistent inebriety, or addiction to drugs, the member is rendered~~ being incompetent to continue the practice of dentistry;

~~(d) Has been guilty of~~ 4. Publishing a false, fraudulent, or misleading advertising, as herein prohibited advertisement or statement;

~~(e) Has permitted, directly or indirectly, by knowledge or acquiescence,~~

5. Advertising that he or she has the ability or skill to practice dentistry without causing pain;

6. Using claims or personal testimonials of superior dental care;

7. Using statements which contain assurances or guarantees of the success of treatment;

8. Authorizing or aiding an unregistered or unlicensed person to practice dentistry and/or, to practice dental hygiene, or to perform a function for which a permit from the Board is required;

~~(f) Has permitted~~ 9. Authorizing or aiding a dental hygienist to perform any operation other than as authorized procedure

prohibited by the Board of Governors State Dental Act or the rules of the Board;

~~(g) Has been guilty of dishonorable or unprofessional conduct~~

10. Authorizing or aiding a dental assistant to perform any procedure prohibited by the State Dental Act or the rules of the Board;

~~(h) Has failed 11. Failing to pay registration fee fees as herein provided required by the State Dental Act or the rules of the Board;~~

12. Failing to complete continuing education requirements;

~~(i) Holds himself 13. Holding oneself out as especially qualified in or limiting his or her practice to a branch of dentistry without a special specialty license therefor;~~

~~(j) Is a menace to the public health 14. Endangering the health of patients by reason of having a highly communicable disease and continuing to practice dentistry without taking appropriate safeguards;~~

~~(k) Is 15. Being a menace to the public health by reasons of practicing dentistry in an unsafe or unsanitary offices, practices, or techniques manner or place;~~

~~(l) Has been proven 16. Being shown to be mentally unsound or has been admitted to a mental institution, either public or private, and until he is proven mentally competent;~~

~~(m) Is 17. Being shown to be grossly immoral and that such condition represents a threat to patient care or treatment;~~

~~(n) Is 18. Being incompetent in the to practice of dentistry while delivering care to a patient;~~

~~(o) Is guilty of willful 19. Gross negligence in the practice of dentistry;~~

~~(p) Is guilty of 20. Offering to effect or effecting a division of fees, or agreeing to split or divide the a fee received for dental service services with any person, in exchange for the person~~

bringing or referring a patient ~~without the knowledge of the patient or his legal representative;~~

~~(q) Has been convicted of violating or has willfully violated the federal or state narcotic or barbiturate laws or has been 21. Being involuntarily committed for treatment for drug addiction to an institution, either public or private, and for treatment for substance abuse, until he has proven himself cured recovery or remission;~~

~~(r) Is guilty of using 22. Using or attempting to use the services of a dental laboratory or dental laboratory technician without issuing a written work authorization, except as provided in subsection C of Section 328.36 of this title;~~

~~(s) Is guilty of aiding or 23. Aiding, abetting or encouraging a dental hygienist employed by him or her to make use of an oral prophylaxis list, or the calling by telephone or by use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist;~~

~~(t) Is guilty of having 24. Having more than the equivalent of two full-time dental hygienists per for each dentist actively practicing in the same dental office who will supervise the dental hygienists;~~

~~(u) Is guilty of 25. Knowingly patronizing or using the services of any a dental laboratory or dental laboratory technician in this state unless such dental laboratory or dental laboratory technician shall have first who has not complied with the provisions of the act regulating dental laboratories and dental laboratory technicians State Dental Act and the rules of the Board;~~

~~(v) Has placed a dental appliance in the mouth without first having a written authorization from the dentist who caused same to be constructed;~~

~~(w) Has authorized, permitted or allowed his or her 26.~~

Authorizing or aiding a dental hygienist, dental nurse, dental assistant, or dental laboratory technician, or holder of a permit to operate a dental laboratory, to violate any provision of this act the State Dental Act or any the rules and regulations of the Board of Governors, or has violated any of the provisions of this act.;

27. Willfully disclosing confidential information to the detriment of a patient;

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

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

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

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

32. Being dishonest in a material way with a patient;

33. Failing to retain all patient records for at least three (3) years, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

34. Failing to retain the dentist's copy of any written work authorization for at least three (3) years, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

35. Violating the state dental act of another state resulting in a plea of guilty or nolo contendere, conviction or suspension or

revocation of the license of the dentist under the laws of that state; or

36. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 328.36, is amended to read as follows:

Section 328.36 A. 1. All persons, firms, corporations, limited liability companies, or partnerships ~~within in~~ this state ~~engaging in the business of~~ who desire to operate a dental laboratory, as defined ~~by Section 328.35 of this title in this act,~~ shall file with the ~~secretary of the~~ Board of ~~Governors~~ Dentistry a written application, ~~the~~ on a form ~~of which shall be~~ prescribed by the Board ~~of Governors,~~ for a permit to operate a dental laboratory ~~in this state~~ and pay a the fee ~~as required by~~ established by the rules of the Board, ~~but not to exceed Twenty Dollars (\$20.00).~~ This application shall include the names and addresses of all persons, firms, corporations, limited liability companies, or partnerships owning or operating the dental laboratory. Upon receipt of ~~such the~~ application and fee, the Board ~~of Governors~~ shall determine the qualifications of the applicant and may grant a permit to the ~~applying dental laboratory applicant to conduct the business of~~ operate a dental laboratory within the state. ~~No person, firm, corporation or partnership shall begin the operation of a dental laboratory without having filed for and obtained said permit from the Board of Governors.~~

2. Except as provided in subsection C of this section, no person, firm, corporation, limited liability company, or partnership shall operate a dental laboratory in this state without having obtained a permit from the Board.

B. Any change in ownership or location of a dental laboratory shall immediately be communicated to the Board which shall endorse

upon the permit, without further fee, the change in ownership or location.

C. Nothing in the State Dental Act shall be construed to:

1. Prohibit a dentist from owning or operating a private, noncommercial dental laboratory in a dental office for the dentist's use in the practice of dentistry;

2. Require a dentist to obtain a permit from the Board for the operation of a dental laboratory in his or her dental office unless dental laboratory technology is provided to persons other than the dentist at that location; or

3. Require a dentist to issue a written work authorization for dental laboratory technology to be provided by an employee of, in the office of, and for a patient of, the dentist.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 328.39, is amended to read as follows:

Section 328.39 ~~It shall be unlawful for any dental laboratory or dental laboratory technician to:~~

~~(a) advertise or publish directly or indirectly, or circulate through the usual commercial channels, such as the press, magazines, directories, radio, television, sign, display or leaflets that the dental laboratory or dental laboratory technician is engaged in the business of dental technology;~~

~~(b) permit the placing of the name of the dental laboratory or the name of any dental laboratory technician in any city, commercial, telephone, or other public directory or directories in public or office buildings, using what is known as display type or type that is in any way dissimilar from the standard in size, shape or color, or to use any other device tending to give the name visual prominence over other names listed;~~

~~(c) advertise services, techniques, or materials, or quote prices in or on any magazine, newspaper, directory, radio, periodical, or by any other means available to the public generally;~~

~~(d) use any outside window sign, or other outside signs to attract the attention of the general public~~ The following acts or occurrences by a dental laboratory technician shall constitute grounds for which the penalties specified in Section 16 of this act may be imposed by order of the Board of Dentistry:

1. Publishing a false, fraudulent or misleading advertisement or statement;

~~(e) work for or be employed by any~~ 2. Providing dental laboratory not authorized in this act technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of this title;

~~(f) be employed by any dental laboratory which violates the provisions of this act;~~

~~(g) furnish, supply, construct, reproduce, alter, restore or repair~~ 3. Constructing, reproducing, altering, restoring, repairing, furnishing or supplying a prosthetic tooth, teeth, dentures and restorations (sometimes known as false teeth), bridges, crowns, or other substitutes for natural human teeth or gums, or portions thereof, without the written, signed and dated a written work authorization of a dentist therefor, except as provided in subsection C of Section 328.36 of this title;

~~(h) fail to pay permit fee as herein provided;~~

~~(i) fail~~ 4. Failing to return prescribed work to the prescribing a dentist or his the dental office of the dentist;

~~(j) perform dental laboratory work without a written work authorization;~~

~~(k) have on its premises or in its possession~~ 5. Possessing dental equipment not necessary for the conduct of a performing dental laboratory's function laboratory technology; or

6. Being dishonest in a material way with a dentist; or

~~(1) have violated any of 7. Violating or attempting to violate the provisions of this act the State Dental Act or the rules of the Board, as a principal, accessory or accomplice.~~

~~Any person committing an offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this act, and the writ of injunction without bond is made available to the Board of Governors for the enforcement of this act. Provided, however, a dental laboratory may advertise in professional dental periodicals and solicit patronage by means of enclosures in sealed envelopes addressed to dentists only.~~

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.39a of Title 59, unless there is created a duplication in numbering, reads as follows:

The following acts or occurrences by a holder of a permit to operate a dental laboratory shall constitute grounds for which the penalties specified in Section 16 of this act may be imposed by order of the Board of Dentistry:

1. Publishing a false, fraudulent or misleading advertisement or statement;

2. Providing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of Title 59 of the Oklahoma Statutes;

3. Constructing, reproducing, altering, restoring, repairing, furnishing or supplying a prosthetic tooth, teeth, dentures, bridges, crowns, or other substitutes for human teeth or gums, or portions thereof, without a written work authorization of a dentist, except as provided in subsection C of Section 328.36 of Title 59 of the Oklahoma Statutes;

4. Failing to return prescribed work to a dentist or the dental office of the dentist;

5. Possessing dental equipment not necessary for performing dental laboratory technology;

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

7. Operating a dental laboratory without displaying, at the primary place of operation, a permit issued by the Board for the operation of the dental laboratory and the current renewal certificate;

8. Being dishonest in a material way with a dentist; or

9. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 328.42, is amended to read as follows:

Section 328.42 ~~All fees paid under this act shall be paid to the State Treasurer and be placed~~ There is hereby created in the State Treasury ~~in a separate and distinct~~ revolving fund for the Board of Dentistry to be ~~known~~ designated as "The State Dental Fund". ~~All monies in said fund, or so much thereof as may be necessary, shall be expended from time to time in the payment of all necessary expenses incurred in effectuating the purposes of this act, including attorneys' fees,~~ The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the State Dental Act. All monies accruing to the credit of this fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the State Dental Act. Expenditures from this fund shall be made upon warrants issued by the State Treasurer against claims ~~submitted by the board to~~ filed as prescribed by law with the Director of State Finance for audit approval and payment; ~~provided, however, that no member of the Board of Governors shall receive any other~~

~~compensation than his allotted per diem, subsistence and travel pay according to Section 7 of this act; provided, however, if the secretary-treasurer shall be a member of the Board, he shall receive such other compensation as the Board may approve.~~

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.43a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any person may file a written and signed complaint with the Board of Dentistry, alleging that another person has sought to practice or has illegally practiced dentistry or dental hygiene, or has otherwise violated the provisions of the State Dental Act or the rules of the Board, and the facts upon which the allegations are based. The complaint shall be directed by the president of the Board to two specific Board members for review.

B. The Board members who review a complaint shall constitute a review panel. A review panel may conduct or cause to be conducted any additional investigation of the allegations in the complaint as it reasonably determines may be needed to establish, based on the evidence available to the panel, whether it is more likely than not that:

1. A violation of the provisions of the State Dental Act or the rules of the Board has occurred; and

2. The person named in the complaint has committed the violation.

C. In conducting its investigation, a review panel may seek evidence, take statements, take and hear evidence, and administer oaths and affirmations. A review panel may also use Board attorneys and investigators appointed by the Board to seek evidence.

D. Upon a review panel finding, based on the evidence available to the panel, that it is more likely than not that a violation of the provisions of the State Dental Act or the rules of the Board has occurred, that the person named in the complaint has more likely

than not committed the violation, and that there is sufficient evidence in the possession of the review panel to support a recommendation, the review panel may then recommend in writing to the Board that the Board initiate an individual proceeding, pursuant to Article II of the Administrative Procedures Act, against the person named in the complaint. The members of the review panel shall be excluded from participating as Board members in an individual proceeding initiated by the Board based upon their recommendation.

E. The review panel may elect not to recommend that the Board initiate an individual proceeding against the person named in the complaint and may secure a settlement agreement that such person will not violate the provisions of the State Dental Act or the rules of the Board in the future. A settlement agreement must be stated in writing and may take any form satisfactory to the review panel and the person involved. When a settlement agreement is entered into, it shall remain part of the investigation file and may be used against the person involved only if the person involved violates the settlement agreement. Informal resolution of complaints is encouraged. Any settlement agreement made by a review panel must receive final review and approval by the Board. A review panel may act without complying with the Oklahoma Open Meeting Act.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.44a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board of Dentistry is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory has committed any of the acts or

occurrences set forth in Sections 328.29, 328.32, 328.33 and 328.39 of Title 59 of the Oklahoma Statutes and Section 13 of this act:

1. Refusal to issue a license, certificate or permit, or a renewal thereof, provided for in the State Dental Act;
2. Suspension of a license, certificate or permit issued by the Board for a maximum period of one (1) year;
3. Revocation of a license, certificate or permit issued by the Board;
4. Imposition of an administrative penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00);
5. Issuance of a censure;
6. Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board, provided that the maximum period of probation shall be two (2) years, except that, for an individual participating in a chemical dependency program, the maximum period of probation shall be four (4) years; or
7. Restriction of the services that can be provided by a dentist or dental hygienist, under such terms and conditions as deemed appropriate by the Board.

B. A dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, against whom a penalty is imposed by an order of the Board pursuant to 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.

SECTION 17. AMENDATORY 59 O.S. 1991, Section 328.49, is amended to read as follows:

Section 328.49 ~~Any person, firm or corporation who shall practice or attempt~~ A. The Board of Dentistry shall be responsible for the enforcement of the provisions of the State Dental Act against all persons who are in violation thereof, including, but not limited to, individuals who are practicing or attempting to practice

~~dentistry or dental hygiene within the State of Oklahoma, after his license or certificate of ability, respectively, shall have been revoked, or while under suspension, as herein provided, or without having complied with the provisions of this act shall be 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), or by imprisonment in the county jail not less than thirty (30) days nor exceeding 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.~~

~~Any person who shall 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, from the Board of Governors, or who violates any of the provisions of this act, the penalty for which is not herein specifically provided, shall be deemed guilty of a misdemeanor. Anyone convicted of such misdemeanor under this act 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, or both such fine and imprisonment, in the discretion of the court. 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.~~

~~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, and a fine of not less than Five Hundred~~

~~Dollars (\$500.00), and not exceeding One Thousand Five Hundred Dollars (\$1,500.00), 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.~~

~~In addition to any other penalties provided herein, any person found guilty of contempt of court by reason of the violation of 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 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), 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 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 without proper authorization from the Board.~~

B. 1. It shall be unlawful for any person, except a dentist,
to:

- a. practice or attempt to practice dentistry,
- b. hold oneself out to the public as a dentist or as a person who practices dentistry, or
- c. employ or use the words "Doctor" or "Dentist", or the letters "D.D.S.", "D.M.D.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dentist.

2. It shall be unlawful for any person, except a dental hygienist, to:

- a. practice or attempt to practice dental hygiene,
- b. hold oneself out to the public as a dental hygienist or as a person who practices dental hygiene, or
- c. employ or use the words "Registered Dental Hygienist", or the letters "R.D.H.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dental hygienist.

3. It shall be unlawful for any person to:

- a. give false or fraudulent evidence or information to the Board in an attempt to obtain any license, certificate or permit from the Board, or
- b. aid or abet another person in a violation of this subsection.

4. Each day of a violation of this subsection shall constitute a separate and distinct offense.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.49a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. The Board of Dentistry may initiate and conduct, at the office of the Board and in the Board's name, an individual proceeding, pursuant to Article II of the Administrative Procedures Act, against any person, to be named as the respondent, who has allegedly violated any of the provisions of Section 328.49 of Title 59 of the Oklahoma Statutes. If, after notice and opportunity for a hearing, the Board finds, by clear and convincing evidence, that the respondent has committed a violation of any of the provisions of Section 328.49 of Title 59 of the Oklahoma Statutes, the Board may issue an order imposing, for each separate violation, an administrative penalty of not less than Five Hundred Dollars (\$500.00), but which in the aggregate for all violations does not

exceed One Thousand Five Hundred Dollars (\$1,500.00). If the respondent is a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, the Board may impose any of the penalties specified in Section 16 of this act.

2. Any person against whom a penalty is imposed by an order of the Board pursuant to the provisions of this subsection shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act. In addition to any remedies provided in the Administrative Procedures Act, the prevailing party on an appeal shall be entitled to recover costs and reasonable attorney fees.

B. The Board may initiate a civil action, pursuant to Section 1381 et seq. of Title 12 of the Oklahoma Statutes, seeking a temporary restraining order or injunction commanding a person to refrain from engaging in conduct which constitutes a violation of any of the provisions of Section 328.49 of Title 59 of the Oklahoma Statutes. In an action filed pursuant to this subsection, the prevailing party shall be entitled to recover costs and reasonable attorney fees.

C. 1. The Board may initiate a contempt proceeding, pursuant to Section 565 et seq. of Title 21 of the Oklahoma Statutes, when:

- a. the Board has obtained a restraining order or injunction commanding a person to refrain from engaging in conduct which constitutes a violation of any of the provisions of Section 328.49 of Title 59 of the Oklahoma Statutes, and the person continues to engage in such conduct, or
- b. any predecessor board has obtained a restraining order or injunction commanding a person to refrain from engaging in conduct which constitutes a violation of

any of the provisions of a preceding state dental act,
and the person continues to engage in such conduct.

2. A contempt proceeding initiated pursuant to this subsection shall not be construed to constitute an action for crime under Section 215.4 of Title 19 of the Oklahoma Statutes.

D. 1. If a person violates any of the provisions of Section 328.49 of Title 59 of the Oklahoma Statutes, the Board may request that the district attorney of the county in which such violation is believed to have occurred bring a criminal action in that county against the person. A duplicate copy of the Board's request shall be sent to the Attorney General of this state.

2. Any person who violates any of the provisions of Section 328.49 of Title 59 of the Oklahoma Statutes, upon conviction, shall be guilty of a misdemeanor and shall be punished as follows:

- a. for a first offense, a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment,
- b. for a second offense, a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment, or
- c. for a third or subsequent offense, a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisonment in the county jail for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.51a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board of Dentistry is authorized, by rule, to establish fees and charges to be imposed for the purpose of implementing and enforcing the State Dental Act. Notwithstanding any other provisions of the State Dental Act, the fees and charges established by the Board shall be not less nor more than the range created by the following schedule:

1. LICENSE, CERTIFICATE, AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License or Certificate by Examination		
Dentist	\$200.00	\$400.00
Dental Hygienist	\$100.00	\$200.00
b. License or Certificate by Credentialing		
Dentist	\$500.00	\$1,000.00
Dental Hygienist	\$100.00	\$200.00
c. Dental Specialty License by Examination	\$300.00	\$600.00
d. Dental Specialty License by Credentialing	\$500.00	\$1,000.00
e. Faculty Permit		
Dentist	\$100.00	\$200.00
Dental Hygienist	\$50.00	\$100.00
f. Dental Intern Permit	\$100.00	\$200.00
g. Temporary Certificate to Practice Dental Hygiene	\$50.00	\$100.00
h. Certified Dental Assistant Permit	\$10.00	\$60.00
i. Dental Assistant Permit for Expanded Duties	\$10.00	\$60.00
j. Permit to Operate a Dental Laboratory	\$20.00	\$60.00
k. General Anesthesia or Deep Sedation Permit		
Dentist	\$100.00	\$200.00

2. RE-EXAMINATION FEES:

a.	License or Certificate by Examination		
	Dentist	\$200.00	\$400.00
	Dental Hygienist	\$100.00	\$200.00
b.	Dental Specialty License by Examination	\$300.00	\$600.00

3. ANNUAL RENEWAL FEES:

a.	Dentist	\$100.00	\$200.00
b.	Dental Hygienist	\$65.00	\$130.00
c.	Dental Specialty License	\$100.00	\$200.00
d.	Faculty Permit		
	Dentist	\$50.00	\$100.00
	Dental Hygienist	\$50.00	\$100.00
e.	Dental Intern Permit	\$50.00	\$100.00
f.	Certified Dental Assistant Permit	\$10.00	\$60.00
g.	Dental Assistant Permit for Expanded Duties	\$10.00	\$60.00
h.	Permit to Operate a Dental Laboratory	\$20.00	\$60.00
i.	General Anesthesia or Deep Sedation Permit		
	Dentist	\$100.00	\$200.00

4. PENALTY FEES FOR LATE RENEWAL OF LICENSE, CERTIFICATE OR

PERMIT:

a.	Dentist	\$100.00	\$200.00
b.	Dental Hygienist	\$50.00	\$100.00
c.	Dental Specialty License	\$100.00	\$200.00
d.	Certified Dental Assistant Permit	\$10.00	\$30.00
e.	Dental Assistant Permit for Expanded Duties	\$10.00	\$30.00
f.	Permit to Operate a Dental Laboratory	\$20.00	\$60.00
g.	General Anesthesia or Deep Sedation Permit		
	Dentist	\$100.00	\$200.00

5. OTHER FEES AND CHARGES:

- | | | | |
|----|---|---------|---------|
| a. | Duplicate License | \$10.00 | \$30.00 |
| b. | Duplicate Certificate, Permit or Registration | \$5.00 | \$15.00 |
| c. | Certificate of Good Standing | \$5.00 | \$15.00 |
| d. | Professional Entity Certification Letter | \$5.00 | \$20.00 |
| e. | Professional Entity Registration or Update | \$5.00 | \$20.00 |
| f. | Registration to Dispense Dangerous Drugs | \$5.00 | \$20.00 |
| g. | Prescription Books | \$2.50 | \$7.50 |
| h. | Preparation of Lists of Dentists, Dental Hygienists, Dental Assistants who hold a Permit for Expanded Duties, and Holders of a Permit to Operate a Dental Laboratory - Per Page | \$0.25 | \$0.75 |

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

SECTION 20. REPEALER 59 O.S. 1991, Sections 328.11, 328.12, 328.14, 328.16, 328.18, 328.28, 328.37, 328.38, 328.43, 328.44, 328.45, 328.46 and 328.47, are hereby repealed.

SECTION 21. This act shall become effective November 1, 1996.

45-2-8428 KSM