

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2090

By: Glover of the House

and

Robinson of the Senate

AS INTRODUCED

An Act relating to professions and occupations;  
amending 59 O.S. 1991, Sections 328.3, 328.15, as amended by Section 4, Chapter 2, O.S.L. 1996, 328.21, 328.24, 328.25, 328.27, 328.33 and 328.34 (59 O.S. Supp. 1996, Section 328.15), which relate to the State Dental Act; changing name of the Board of Governors of the Registered Dentists of Oklahoma to the Board of Dentistry; clarifying and updating language; modifying and adding to terms; modifying powers and duties of the Board of Dentistry; removing certain fee limitations; providing for out-of-state-schooled applicants; providing restrictions and conditions for licensure, certification and permitting; specifying certain standards; authorizing certain requirements; prohibiting issuance of certain certificates, licenses and permits to certain persons; modifying certain licensing, certification and permitting procedures; providing for temporary certificates; providing for promulgation of rules; providing for duration of certain certificates; requiring certain accredited programs and schools; deleting,

clarifying and updating certain language; adding and modifying grounds, acts or occurrences for which certain penalties may be imposed against dental hygienists; adding grounds, acts or occurrences for which certain penalties may be imposed against dental assistants; specifying locations in which dental hygiene may be practiced; specifying conditions and restrictions; limiting number of dental hygienists which may be supervised by dentist; specifying which services, procedures or acts may be assigned to or performed or carried out by a dental hygienist; requiring supervision; providing for construction of act; specifying which services, procedures or acts may be assigned to or performed or carried out by a dental assistant; requiring supervision; repealing 59 O.S. 1991, Sections 328.4, 328.5, 328.29 and 328.30, as amended by Section 20, Chapter 2, O.S.L. 1996 (56 O.S. Supp. 1996, Section 328.30), which respectively relate to the Registered Dentists of Oklahoma organization, membership therein, unlawful practices for dental hygienists and license display requirements; 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 328.3, is amended to read as follows:

Section 328.3 ~~(a) The term "organization" means the Registered Dentists of Oklahoma.~~

~~(b) The term~~ For purposes of the State Dental Act:

~~1. "Board or~~ "Board of Governors" means the Board of ~~Governors~~  
~~of the Registered Dentists of Oklahoma.~~ Dentistry;

~~(c) The term "dentistry~~ 2. "Dentistry" means the practice of  
dentistry in all of its branches.;

~~(d) The term "dental~~ 3. "Dental laboratory technology" means  
the construction, upon the ~~written work authorization~~ laboratory  
prescription of a licensed dentist, of any dental appliance or thing  
to be worn in the human mouth, by a dental laboratory technician who  
uses inert materials and mechanical devices for the fabrication or  
construction of any such dental appliance or thing.;

~~(e) The term "written~~ 4. "Laboratory prescription" and "work  
authorization" ~~means~~ are synonymous and mean a written description  
of the procedures to be followed in the fabrication or construction  
of any dental restoration, appliance or thing to be worn in the  
human mouth by a dental laboratory technician who uses inert  
materials and mechanical devices for the fabrication or construction  
of any such dental appliance or thing.;

~~(f) The term "dentist"~~ 5. "Dentist" means a ~~professionally~~  
~~trained individual who has fulfilled the educational requirements~~  
~~and is~~ a graduate of an accredited dental ~~school and~~ college who has  
been licensed by the Board ~~of Governors to administer to the general~~  
~~public through the~~ to practice of dentistry as herein defined.;

~~(g) The term "dental~~ 6. "Dental office" means an establishment  
owned and operated by a licensed dentist for the practice of  
dentistry which may be composed of reception rooms, business  
offices, private offices, laboratories, and dental operating rooms  
where dental operations are performed.;

~~(h) The term "dental~~ 7. "Dental hygienist" means ~~an individual~~  
~~who has fulfilled the educational requirements and is~~ a graduate of  
an ~~approved~~ accredited school of dental hygiene ~~and~~ who has ~~passed~~  
~~an examination and has~~ been issued a certificate of ability by the

~~Board of Governors and who is authorized to practice dental hygiene as hereinafter defined.;~~

~~(i) The term "dental 8. "Dental assistant and/or dental nurse" means an individual working for the licensed who assists in the delivery of dentistry to patients of record of a dentist, under his supervision of the dentist, and performing who performs duties in the dental office, including the limited treatment of patients, in accordance with the provisions of ~~this act. The dental assistant and/or dental nurse may assist the dentist with the patient, provided, this shall be done only under the direct supervision and control of the dentist and only in accordance with the educational requirements, the State Dental Act and rules and regulations promulgated by the Board of Governors.;~~~~

~~(j) The term "dental 9. "Dental laboratory" means an establishment that has been duly granted a permit, and is on the official records of the Board of Governors a location, whether in a dental office or not, where a dentist or a dental laboratory technician is performing performs dental laboratory technology. Such dental laboratory may be located either within the office of a dentist or dentists for his or their use, or in a separate location for the commercial use of licensed dentists, whereby using inert materials and mechanical devices the dental laboratory technician fabricates dental restorations, appliances or things to be worn in the human mouth upon the written work authorization of a licensed dentist.;~~

~~(k) The term "dental 10. "Dental laboratory technician" means an individual whose name is duly filed on the official records of the Board of Governors, which authorizes him the technician, upon the ~~written work authorization~~ laboratory prescription of a licensed dentist, to use inert materials and mechanical devices for the fabrication of any dental restorations, appliances or things to be~~

worn in the human mouth, which services must be rendered only to the licensed dentist and not to any actual user or prospective user;

11. "Patient" or "Patient of record" means an individual who has given a medical history and has been examined and diagnosed by a dentist, during the preceding twelve (12) months, and who considers oneself a patient of the dentist for general or specialized dentistry; and

12. "Supervision" means the direction given by a dentist, following the dentist's examination and diagnosis, of services to be performed on a patient of the dentist, by a dental hygienist or dental assistant, with evaluation by the dentist of the services before the patient leaves the dental office; provided, the dentist's evaluation of a service is not required for a dental hygienist employed by the dentist to perform a prophylaxis or diagnostic imaging on the dentist's patient of record, if the dentist has given written consent on a form approved by the Board, signed by the patient and kept on file in the dentist's office.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 328.15, as amended by Section 4, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1996, Section 328.15), is amended to read as follows:

Section 328.15 A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Dentistry shall have the power to formulate, adopt and promulgate rules 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.

B. The Board is authorized and empowered to:

1. Examine and test the qualifications of applicants for a license, certificate or permit to be issued by the Board;

2. Enter into cooperative contracts or agreements with another state or combination of states for purposes of formulating and conducting simultaneous regional examinations of applicants for a

license to practice dentistry or a certificate of ability to practice dental hygiene;

3. 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.~~ 4. 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.~~ 5. Within limits prescribed in the State Dental Act, set all fees, charges and administrative penalties to be imposed and collected by the Board;

~~5.~~ 6. Maintain an office staff and employ legal counsel and other advisors to the Board, including but not limited to advisory committees;

~~6.~~ 7. Investigate and issue investigative and other subpoenas, pursuant to Article II of the Administrative Procedures Act;

~~7.~~ 8. Initiate individual proceedings and issue orders imposing administrative penalties, pursuant to Article II of the Administrative Procedures Act, against any dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory who has violated the State Dental Act or the rules of the Board;

~~8.~~ 9. Conduct, in a uniform and reasonable manner, inspections of dental offices and dental laboratories and their business records;

~~9.~~ 10. Establish ~~guidelines for courses of study necessary for expanded duties~~ eligibility requirements of experience, knowledge

and education for dental hygienists and dental assistants who participate in training courses approved by the Board and, when appropriate, issue permits authorizing individuals to perform for expanded duties to those dental hygienists and dental assistants who meet the eligibility requirements;

~~10.~~ 11. Establish continuing education requirements for dentists, dental hygienists and dental assistants who hold ~~expanded duty permits~~ a license, certificate or permit issued by the Board;

~~11.~~ 12. Recognize the parameters of care established and approved by the American Dental Association;

~~12.~~ 13. 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.~~ 14. Hire one or more investigators to conduct investigations of alleged violations of the State Dental Act or the rules of the Board;

~~14.~~ 15. Seek and receive advice and assistance of the Office of the Attorney General of this state;

~~15.~~ 16. Promote the dental health of the people of this state;

~~16.~~ 17. 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.~~ 18. 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.~~ 19. Enter into contracts;

~~19.~~ 20. Acquire, rent, hold, encumber and dispose of personal property as is needed; and

~~20.~~ 21. Take all other actions necessary to implement and enforce the State Dental Act.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 328.21, is amended to read as follows:

Section 328.21 A. No person, unless ~~currently~~ registered to practice dentistry or dental hygiene in this state ~~at the effective date of this act on July 1, 1970,~~ shall ~~begin the practice of~~ dentistry or dental hygiene ~~for himself, a dentist, any institution or individual,~~ without first applying for and obtaining a license from the Board of ~~Governors~~ Dentistry, if the applicant is to practice dentistry, or a certificate of ability, if the applicant is to practice dental hygiene.

B. Application shall be made to ~~said the~~ the Board ~~of Governors~~ in writing, and shall, ~~in every instance,~~ be accompanied by a the fee, ~~as required established by the rules of the Board of Governors, but not to exceed Two Hundred Dollars (\$200.00),~~ together with satisfactory proof that the applicant is:

1. Is of good moral character; and

2. Is twenty-one (21) years of age, or over, at the time of making application to practice dentistry or eighteen (18) years of age, or over, if the applicant is to practice dental hygiene.

C. An application from a candidate who desires to secure a license or certificate of ability from ~~said the~~ the Board ~~of Governors~~ to practice dentistry or dental hygiene in this state shall be accompanied by satisfactory proof that the applicant is a:

1. A graduate of and has a degree from ~~the faculty of~~ a dental college, school or dental department of a university, if the applicant is to practice dentistry; ~~or applicant must be a~~

2. A graduate of a training school for dental hygienists, if the applicant is to practice dental hygiene. ~~In either case, the~~ The school must or dental department of a university, in either case, shall be approved accredited by the Commission on Dental Accreditation of the American Dental Association.

D. 1. When ~~said~~ the applicant and the accompanying proof are found satisfactory, the Board ~~of Governors~~ shall notify the applicant to appear ~~before it~~ for examination at the time and place to be fixed by the Board ~~of Governors~~. Examination shall be ~~made in writing in all theoretical subjects; both theoretical and practical examinations shall be~~ of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental hygiene, whichever the case may be, and shall consist of three (3) parts, namely:

- a. a written theoretical examination,
- b. a clinical examination, and
- c. a written jurisprudence examination, relating to the contents and interpretation of the State Dental Act and the rules of the Board.

2. The theoretical and jurisprudence examination papers and all grading thereon, and the grading of ~~practical work~~ the clerical examination, shall be deemed public documents, and preserved by the secretary-treasurer of the Board ~~of Governors~~ for a period of two (2) years after the Board ~~of Governors shall have~~ made and published its decision thereon.

E. The Board ~~of Governors~~ shall demand that every applicant for a license to practice dentistry or certificate of ability to practice dental hygiene ~~shall:~~

~~(a)~~ 1. Submit, for the files of the Board ~~of Governors~~, a photostatic copy of a dental degree, an official transcript and a recent photograph duly identified and attested;

~~(b)~~ 2. Pass an examination given by the board in the theory and practice of the science of dentistry or dental hygiene, whichever the case may be. ~~Provided that the~~ The Board ~~of Governors~~ may recognize the results of examinations conducted by the Commission on National Dental Examinations or results of regionally conducted examinations with which regions the Board ~~of Governors~~ is affiliated

by contract or cooperative agreement pursuant to Section 328.15 of this title, in lieu of, or subject to, such examinations as may be required.

F. Any applicant who ~~shall fail~~ fails to pass ~~his~~ any part of the first examination ~~shall have a right to~~ may apply for a second examination, in which case ~~he~~ the applicant shall pay ~~an examination~~ a re-examination fee as ~~required~~ established by the rules of the Board ~~of Governors, but not to exceed Two Hundred Dollars (\$200.00).~~ Any applicant who ~~shall fail~~ fails to pass the examination upon ~~his~~ first trial may be given credit for such subjects as the Board ~~of~~ Governors may deem him entitled to may allow, but such credits shall be extended only to the succeeding examinations. If the applicant ~~shall fail~~ fails to pass a second examination, before further re-examination, the Board ~~of Governors~~ may require evidence of additional education, as specified by the Board ~~of Governors~~. After a third examination, the Board of Governors may deny applicant another examination.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 328.24, is amended to read as follows:

Section 328.24 A. 1. The Board of Dentistry, pursuant to the provisions of this section, ~~may, at its discretion,~~ issue a certificate of ability to practice dental hygiene, ~~either with or~~ without examination, to a ~~dental hygienist~~ person who ~~shall have~~ has been engaged in ~~actual legal~~ the practice of dental hygiene in ~~some~~ other another state ~~or territory~~ for at least two (2) years ~~preceding application, and is a member in good standing of the~~ American Dental Hygiene Association, upon the presentation to the Board of the ~~a~~ certificate ~~of~~ from the ~~Board of Dental Examiners or~~ a like organization of the dental licensing agency of that state or ~~territory in which said dental hygienist is a practitioner,~~ certifying to the applicant's ~~competency and good character~~ length of practice and that the applicant is in good standing with said

agency, and upon the payment of a the fee as required established by  
rules of the Board of Governors not to exceed One Hundred Dollars  
(\$100.00); provided, however, that the state or territory from which  
such application may come. The state issuing the license to  
practice dental hygiene 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 certificate of  
ability by examination to practice of dental hygiene and will afford  
equal privileges to members hereof in this state.

2. The Board shall not issue a certificate of ability pursuant  
to this subsection to any person who would not otherwise be eligible  
to receive a certificate of ability to practice dental hygiene.

B. The Board may require:

1. An applicant for a certificate of ability to practice dental  
hygiene pursuant to subsection A of this section to have completed  
the same continuing education requirements as required of dental  
hygienists in this state; and

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

C. Any member hereof in good standing dental hygienist 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 rules of the Board, receive a certificate which shall  
attest that he the dental hygienist is a member in good standing  
hereof with the Board.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 328.25, is  
amended to read as follows:

Section 328.25 The Board may, ~~at its discretion,~~ issue a  
temporary certificate of ability to practice dental hygiene, ~~which~~

~~would not exceed twelve (12) months, and be valid only up to date of next examination for certificate of ability to practice dental hygiene without examination, to a dental hygienist person who is a member in good standing of the American Dental Hygiene Association, and has been engaged in the practice of dental hygiene in another state upon the presentation to the Board of the a certificate of the Board of Dental Examiners or a like organization from the dental licensing agency of the that state or territory in which said dental hygienist is a practitioner, or like certificate from an approved school of dental hygiene, certifying to the applicant's competency and good character that the applicant is in good standing with said agency, and upon the payment of a fee to be fixed annually by the Board of Governors, not to exceed One Hundred Dollars (\$100.00). The issuance established by rules of the Board. A holder of a temporary certificate gives said dental hygienist of ability to practice dental hygiene shall have the same rights and privileges as a permanent certificate, therefore the annual fees and other registration responsibilities will be the same as one who holds a permanent certificate to practice dental hygiene; said dental hygienist will be liable and provided by the State Dental Act and rules promulgated thereto, and shall be governed by the State Dental Act and all rules and regulations as one who holds promulgated thereto in the same manner as a holder of a permanent certificate of ability to practice dental hygiene. A temporary certificate of ability to practice dental hygiene shall have a duration of not longer than twelve (12) months and shall not be renewable.~~

SECTION 6. AMENDATORY 59 O.S. 1991, Section 328.27, is amended to read as follows:

Section 328.27 The Board of ~~Governors shall have authority~~ Dentistry may, without examination, upon presentation of satisfactory credentials, and under such rules ~~and regulations~~ as the Board ~~of Governors~~ may prescribe, ~~to issue permits to persons a~~

~~faculty permit to a person who are graduates~~ is a graduate of a school of dentistry or an accredited dental college or an accredited school of dental hygiene approved by the Board, when such persons are and is licensed to practice dentistry or dental hygiene in some other another state. ~~Such permits~~ A faculty permit shall be issued only upon the certification of the dean of a an accredited dental school and/or college or the director of a an accredited school of dental hygiene school located in this state that the applicant is a bona fide member of the teaching staff of that college or school. ~~Such permits~~ A faculty permit shall be valid for one (1) year and may be reissued renewed by the Board of Governors for only one (1) additional year. The holder of ~~such permits~~ a faculty permit shall be entitled to perform all operations which as a person licensed holding a license to practice dentistry or a certificate to practice dental hygiene is entitled to perform in this state would be entitled to perform, but such all services will performed shall be without fee or compensation other than that received in salary from such positions a faculty position, and shall be performed only within the facilities of the an accredited dental college or accredited school location of dental hygiene or in a seminar or postgraduate course and as an adjunct to his or her teaching functions in such school or to the profession. A holder of a faculty permit shall not engage in faculty or private practice of dentistry.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 328.33, is amended to read as follows:

Section 328.33 ~~The Board of Governors shall have the power, after a hearing for any of the causes now existing in the laws of the State of Oklahoma, or for a violation of this act, or for a violation of the prescribed duties, rules and regulations as the Board of Governors may adopt, to revoke or suspend a certificate of ability of a dental hygienist or to discipline by probation or~~

~~reprimand, public or private. The Board of Governors shall also have the power to pass upon all petitions by a dental hygienist for reinstatement to good standing. The Board of Governors shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a certificate of ability or reprimand or probation of a dental hygienist and shall make findings of fact and a decision thereon. The Board of Governors shall immediately forward a certified copy of said decision to the dental hygienist involved by registered mail to his last-known business address. The decision shall be final unless the dental hygienist shall appeal as provided by this act. If an appeal is not timely taken the decision shall be carried out by striking the name of the dental hygienist from the rolls, or suspending him for the period mentioned in issuing a reprimand, or otherwise acting as required by the decision. The Board of Governors shall have power to revoke or suspend the certificate of ability, reprimand, or place on probation a dental hygienist for a violation of one or more of the following The following acts or occurrences by a dental hygienist shall constitute grounds for which the penalties specified in Section 328.44a of this title 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 a dental hygienist 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) The presentation 2. Presenting to the Board of Governors of a false diploma, license or certificate, or one obtained by fraud or illegal means;~~

~~(c) 3. By reasons of persistent inebriety or addiction to drugs, the dental hygienist is being rendered incompetent to continue the practice of dental hygiene;~~

~~(d) Has been guilty of dishonorable or unprofessional conduct;~~

~~(e) Has failed~~ 4. Publishing a false, fraudulent or misleading advertisement or statement;

5. Performing or attempting to perform any service or procedure other than those which are authorized by the State Dental Act or the rules of the Board;

6. Failing to pay registration fees as herein provided;

~~(f) Is a menace to the public health by reason of communicable disease;~~

~~(g) Has been proven~~ required by the State Dental Act or the rules of the Board;

7. Failing to complete continuing education requirements;

8. Endangering the health of patients by reason of having a highly communicable disease and continuing to practice dental hygiene without taking appropriate safeguards;

9. Being a menace to the public health by reason of practicing dental hygiene in an unsafe or unsanitary manner or place;

10. Being shown to be mentally unsound ~~or has been admitted to a mental institution, either public or private, and until he has proven himself mentally competent;~~

~~(h) Is~~ 11. Being shown to be grossly immoral and that such condition represents a threat to patient care or treatment;

~~(i) Is~~ 12. Being incompetent in the to practice of dental hygiene while delivering dental hygiene care to a patient;

~~(j) Is guilty of willful~~ 13. Gross negligence in the practice of dental hygiene;

~~(k) Has been convicted of violating or has willfully violated the federal or state narcotic or barbiturate laws; or has been~~

14. 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;

~~(l) Is practicing~~ 15. Practicing or attempting to practice dental hygiene in any place other than the office of a dentist, as authorized by Section 328.34 of this title and under his supervision of a dentist;

~~(m) Is using~~ 16. Using or attempting to use in any manner whatsoever any an oral prophylaxis list, call list, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom such the dental hygienist might have served in the office of a prior employer, unless such names appear upon the bona fide call or oral prophylaxis list or call list of his the dental hygienist's present employer and were caused to so appear through the legitimate practice of dentistry, as provided for in this act;

17. Willfully disclosing confidential information;

18. 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;

19. Practicing dental hygiene without displaying, at the dental hygienist's primary place of practice, the certificate of ability issued to the dental hygienist by the Board and the current renewal certificate;

20. Being dishonest in a material way with a dentist or a patient;

21. 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 dental hygienist under the laws of that state; or

~~(n) Has violated any part of this act~~ 22. Violating or attempting to violate the provisions of the State Dental Act or the rules and regulations of the Board of Governors, as a principal, accessory or accomplice.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.33a of Title 59, unless there is created a duplication in numbering, reads as follows:

The following acts or occurrences by a dental assistant shall constitute grounds for which the penalties specified in section 328.44a of this title may be imposed by order of the Board of Dentistry:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;
2. By reason of persistent inebriety or addiction to drugs, being incompetent to continue to assist a dentist in the delivery of health care;
3. Performing a duty for which a permit for expanded duties is required by the rules of the Board, without holding the required permit;
4. Performing an act, or delivering care or a service, which is prohibited to be performed by a dental assistant under the State Dental Act or the rules of the Board;
5. Endangering the health of patients by reason of having a highly communicable disease and continuing to assist a dentist without taking appropriate safeguards;
6. Being incompetent to assist a dentist while delivering dental care to a patient;
7. Being involuntarily committed to an institution for treatment of substance abuse, until recovery or remission;
8. Willfully disclosing confidential information;
9. 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;
10. Assisting a dentist by performing an expanded duty without displaying, at the dental assistant's primary place of service, a

permit issued by the Board for the expanded duty and the current renewal certificate;

11. Being dishonest in a material way with a dentist or a patient; or

12. 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 9. AMENDATORY 59 O.S. 1991, Section 328.34, is amended to read as follows:

Section 328.34 ~~Any~~ A. 1. The holder of a certificate of ability to practice dental hygiene may practice dental hygiene only under the supervision of a dentist and only in the following places:

- a. a dental office,
- b. a hospital,
- c. a nursing home,
- d. an accredited dental college,
- e. an accredited school of dental hygiene, and
- f. such other places as are authorized by the rules of the Board of Dentistry.

2. A dentist may employ up to utilize and supervise the equivalent of two registered full-time dental hygienists to provide dental hygiene services to patients of the dentist. Such dental hygienists may remove lime deposits, accretions, and stains from exposed surfaces of the teeth, and directly beneath the free margin of the gum, give topical caries prevention treatment to the extracoronal surfaces of the teeth, and take x-rays pertaining to the field of dentistry and may perform other acts in accordance with the rules of prescribed duties, regulations and procedures promulgated by the Board of Governors. He may operate only in the office of a dentist, or in hospitals under the direct supervision of dentists; provided, Boards of Education or any organized health service may employ registered hygienists whose services shall be

~~limited to the examination of teeth and the teaching of dental hygiene or as otherwise authorized by~~

B. 1. A dentist may assign to a dental hygienist working under the supervision of the dentist only the services not prohibited by the State Dental Act and which are permitted by the State Dental Act or the rules of the Board of Governors.

2. A dentist cannot assign to a dental hygienist and a dental hygienist shall not perform the following:

- a. diagnosis,
- b. treatment planning,
- c. prescription of medications,
- d. placement of restorative materials in a human oral cavity, except as authorized by the Board,
- e. fitting or adjusting of prosthodontic appliances in a human oral cavity, except as authorized by the Board,
- f. surgery,
- g. administration of injectable local anesthesia or nitrous oxide analgesia, except when the dental hygienist has successfully completed a Board-approved course of study and training, and then only to the extent of that study and training,
- h. parenteral administration of other pharmacologic drugs or agents to a patient, or
- i. any procedure that may contribute to or result in an irreversible alteration of the human oral anatomy.

C. All services assigned to a dental hygienist must be performed under the supervision of the dentist who made the assignment.

D. Nothing in the State Dental Act shall be construed to prohibit a dentist from performing any of the services than can be performed by a dental hygienist.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.34a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. A dentist may assign to a dental assistant working under the supervision of the dentist only the tasks not prohibited by the State Dental Act or the rules of the Board of Dentistry and which are permitted under the State Dental Act or the rules of the Board.

2. A dentist cannot assign to a dental assistant and a dental assistant shall not perform the following:

- a. diagnosis,
- b. treatment planning,
- c. prescription of medications,
- d. placement of restorative materials in a human oral cavity, except as authorized by the Board,
- e. fitting or adjusting of prosthodontic appliances in a human oral cavity, except as authorized by the Board,
- f. surgery,
- g. administration of injectable local anesthesia or nitrous oxide analgesia,
- h. monitoring of a patient who has been administered nitrous oxide analgesia, except when the dental assistant has successfully completed a Board-approved course of study and training, and then only to the extent of that study and training,
- i. parenteral administration of other pharmacologic drugs or agents to a patient,
- j. any procedure that may contribute to or result in an irreversible alteration of the human oral anatomy, or
- k. a Board-approved expanded duty, when the dental assistant does not hold a permit issued by the Board for the expanded duty.

B. All tasks assigned to a dental assistant must be performed under the supervision of the dentist who made the assignment.

SECTION 11. REPEALER 59 O.S. 1991, Sections 328.4, 328.5, 328.29 and 328.30, as amended by Section 20, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1996, Section 328.30), are hereby repealed.

SECTION 12. This act shall become effective November 1, 1997.

46-1-5281 KSM