

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2348

By: Gray

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 328.7, as last amended by Section 2, Chapter 108, O.S.L. 1997, 328.10, as amended by Section 3, Chapter 2, O.S.L. 1996, and 328.13, as amended by Section 4, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1997, Sections 328.7, 328.10 and 328.13), which relate to the State Dental Act; adding members to the Board of Dentistry; modifying qualifications; clarifying and updating language; providing for appointment of members by the Governor; deleting districts and requirement for elections; requiring oath of office; making State Dental Board subject to certain acts and other laws; providing for filling of vacancies; authorizing removal; repealing 59 O.S. 1991, Section 328.9, as amended by Section 3, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1997, Section 328.9), which relates to nomination of Board members for election purposes; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 328.7, as last amended by Section 2, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1997, Section 328.7), is amended to read as follows:

Section 328.7 A. 1. Pursuant to Section 39 of Article V of the Constitution of the State of Oklahoma, there is hereby created the 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~~ eleven (11) dentist members, one of whom shall have a certificate of ability to practice dental ~~hygienist member and two~~ hygiene, five members shall have a license to practice dentistry and five members who shall represent the public. ~~One dentist member shall be elected by the dentists residing in each of the eight geographical districts established by subsection C of this section. The dental hygienist member shall be elected at-large by the dental hygienists residing in this state who are legally licensed to practice dental hygiene therein. The two public representative~~ All members shall be appointed by the Governor, ~~subject to confirmation by~~ with the advise and consent of the Senate. No public representative member may be a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, or be related within the third degree of consanguinity or affinity to any such person.

2. ~~Before assuming duties on the Board, each member shall take and subscribe to the oath of office or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation~~

~~shall be administered and filed as provided in the Article A dentist member or dental hygienist member must have had his or her license or certificate of ability to practice in this state for at least five (5) years, and for the five (5) years prior to appointment must not have been subject to a penalty imposed by the Board or its predecessor board or a similar regulatory board in any other state, territory, or possession of the United States.~~

3. Each member of the Board shall ~~hold office~~ serve for a term of three (3) years ~~and until a successor in office is elected and qualified~~ and may continue to serve until a successor has been appointed by the Governor. Board members ~~shall not~~ may serve for ~~no~~ more than three (3) consecutive terms. ~~To be eligible to be elected to and serve on the Board, a dentist or dental hygienist must have been licensed to practice in this state for at least five (5) years, and for the five (5) years prior to the date of counting the ballots, not have been subject to a penalty imposed by the Board or its predecessor board.~~

4. 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.

C. ~~For the purpose of nominating and electing dentist members of the Board, this state shall be divided into eight geographical districts, which shall consist of the following counties within the following districts:~~

~~District No. 1: Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine, Kingfisher and Logan.~~

~~District No. 2: Tulsa and Creek.~~

~~District No. 3: Roger Mills, Custer, Beckham, Washita, Harmon, Greer, Kiowa, Caddo, Jackson and Tillman.~~

~~District No. 4: Canadian, Grady, McClain, Comanche, Cotton, Stephens, Jefferson, Garvin, Murray, Carter and Love.~~

~~District No. 5: Oklahoma.~~

~~District No. 6: Lincoln, Cleveland, Pottawatomie, Seminole, Okfuskee, Hughes, Pontotoc, Coal, Johnston, Marshall and Bryan.~~

~~District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore, Atoka, Pushmataha, Choctaw and McCurtain.~~

~~District No. 8: Osage, Payne, Washington, Nowata, Craig, Ottawa, Rogers, Delaware and Pawnee~~ Before assuming duties on the Board, each member shall take and subscribe to the oath of office or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in the Article.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 328.10, as amended by Section 3, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1997, Section 328.10), is amended to read as follows:

Section 328.10 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~~ and such other officers as the Board deems appropriate. The duties of each officer shall be prescribed in the rules of the Board. The term of office of the persons elected ~~president, vice-presidents and secretary-treasurer~~ shall be for the following fiscal year ~~and until their successors are elected and qualified.~~

B. The Board shall hold at least one regularly scheduled ~~meetings~~ meeting during each quarter of the year at a time and place determined by the Board and may hold ~~such~~ additional regular meetings, special meetings, emergency meetings, or continued or reconvened meetings as ~~found by the Board to be expedient or~~ deemed

necessary. ~~A majority of the Board~~ Six (6) members 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, the Central Purchasing Act and such other acts enacted for the administration of state agencies, boards and commissions.

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 3. AMENDATORY 59 O.S. 1991, Section 328.13, as amended by Section 4, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1997, Section 328.13), is amended to read as follows:

Section 328.13 ~~A vacancy among the dentist members of the Board of Dentistry shall be filled by a special election in the district of the vacancy for the unexpired term within sixty (60) days after the vacancy occurs, as provided in Section 328.9 of this title. A vacancy of the dental hygienist member on the Board shall be filled by a special election in the state for the unexpired term within~~

~~sixty (60) days after the vacancy occurs, as provided in Section 328.9 of this title. Nomination shall be made in the same manner as provided in Section 328.9 of this title, or if no one is nominated within forty-five (45) days from date of vacancy, the vacancy shall be filled by appointment by the Board. A vacancy among the public representative members of the Board~~ A. Vacancies occurring during a term shall be filled by appointment by the Governor, subject to confirmation by the Senate in the same manner as the regular appointments to the Board. A member appointed to fill an unexpired term shall have the full membership privileges from the date of appointment upon subscribing to the oath of office as required in Section 328.7 of this title.

B. The Governor shall remove from the Board any member whose certificate of ability to practice dental hygiene or license to practice dentistry pursuant to the laws of this state has become void or has been revoked or suspended, or who has moved from this state or has become incapacitated, and the Governor may, after hearing, remove any member of the Board for neglect of duty or other just cause.

SECTION 4. REPEALER 59 O.S. 1991, Section 328.9, as amended by Section 3, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1997, Section 328.9), is hereby repealed.

SECTION 5. This act shall become effective November 1, 1998.

46-2-8784

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