

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT  
RESOLUTION NO. 1042

By: Gray

AS INTRODUCED

A Joint Resolution relating to a certain emergency rule of the Board of Dentistry regarding fees; disapproving emergency rule OAC 195:2-1-7; directing agency action; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy and disapprove any rule or any portion thereof; and

WHEREAS, state law, pursuant to Section 253 of Title 75 of the Oklahoma Statutes, requires agencies to submit emergency rules to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate within ten (10) days after the rule is adopted; and

WHEREAS, the Board of Dentistry adopted emergency rule OAC 195:2-1-7 on October 18, 1996, and the Governor approved the rule on October 28, 1996, regarding fees; and

WHEREAS, the Board of Dentistry failed to comply with the law by failing to submit emergency rule OAC 195:2-1-7 to the Speaker of the House of Representatives; and

WHEREAS, Section 328.51a of Title 59 of the Oklahoma Statutes establishes a fee schedule and provides that the Board of Dentistry is authorized, by rule, to establish fees and charges which shall

not be less nor more than the statutory fee schedule which was originally requested by the Oklahoma Dental Association and granted by the Legislature through the enactment of Section 328.51a of Title 59 of the Oklahoma Statutes; and

WHEREAS, emergency rule OAC 195:2-1-7 conflicts with the language originally requested by the Oklahoma Dental Association and granted by the Legislature through the enactment of Section 328.51a of Title 59 of the Oklahoma Statutes in that the statute requires a minimum charge for several types of permits, and the rule states that there will be "no fee" for such permits; and

WHEREAS, the Legislature recognizes that the elimination of fees whenever possible is a laudable and worthwhile endeavor which is encouraged by the Legislature and coincides with the intent of the Legislature and the citizens of Oklahoma, but it is also recognized that in order to properly and legally effectuate a reduction or repeal of a statutory fee schedule which contains minimum fee requirements, such efforts must be achieved through the legislative process, not through the agency rulemaking process; and

WHEREAS, the Board of Dentistry failed to comply with the law by adopting a fee schedule that conflicts with the statutory schedule originally requested by the Oklahoma Dental Association and granted by the Legislature through the enactment of Section 328.51a of Title 59 of the Oklahoma Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves emergency rule OAC 195:2-1-7, adopted by the Board of Dentistry on October 18, 1996, and approved by the Governor on October 28, 1996, regarding fees. The language of OAC 195:2-1-7 which is disapproved by this resolution reads as follows:

OAC 195:2-1-7. Fees.

Fees charged by the Board are hereby set as follows:

(1) LICENSE, CERTIFICATE AND PERMIT APPLICATION FEES:

- A. License or Certificate by Examination
  - (i) Dentist - \$200.00
  - (ii) Dental Hygienist - \$100.00
- B. License or Certificate by Credentialing
  - (i) Dentist - \$500.00
  - (ii) Dental Hygienist - \$100.00
- C. Dental Specialty License by Examination - \$300.00
- D. Dental Specialty License by Credentialing - \$500.00
- E. Faculty Permit
  - (i) Dentist - \$100.00
  - (ii) Dental Hygienist - \$50.00
- F. Dental Intern Permit - \$100.00
- G. Temporary Certificate to Practice Dental Hygiene - \$50.00
- H. Dental Assistant Permit for Expanded Duties - \$10.00
- I. Permit to Operate a Dental Laboratory - \$20.00
- J. General Anesthesia Permit Dentist - \$100.00
- K. Conscious Sedation Permit Dentist - \$100.00

(2) RE-EXAMINATION FEES:

- A. License or Certificate by Examination
  - (i) Dentist - \$200.00
  - (ii) Dental Hygienist - \$100.00
- B. Dental Specialty License by Examination - \$300.00
- C. Theoretical or Written Only Re-Examination
  - (i) Dentist - \$10.00
  - (ii) Dental Hygienist - \$10.00

(3) ANNUAL RENEWAL FEES:

- A. Dentist - \$100.00
- B. Dental Hygienist - \$65.00
- C. Dental Specialty License - \$100.00
- D. Faculty Permit

(i) Dentist - No fee

(ii) Dental Hygienist - No fee

E. Dental Intern Permit - No fee

F. Dental Assistant Permit for Expanded Duties - \$20.00

G. Permit to Operate a Dental Laboratory - \$20.00

H. General Anesthesia Permit Dentist - \$100.00

I. Conscious Sedation Permit Dentist - No fee

(4) PENALTY FEES FOR LATE RENEWAL OF LICENSE, CERTIFICATE OR PERMIT:

A. Dentist - \$100.00

B. Dental Hygienist - \$50.00

C. Dental Specialty License - \$100.00

D. Dental Assistant Permit for Expanded Duties - \$20.00

E. Permit to Operate a Dental Laboratory - No fee

F. General Anesthesia Permit Dentist - No fee

G. Conscious Sedation Permit Dentist - No fee

(5) OTHER FEES:

A. Duplicate License - \$10.00

B. Duplicate Certificate, Permit or Registration - \$5.00

C. Certificate of Good Standing - \$5.00

D. Professional Entity Certification Letter - \$5.00

E. Professional Entity Registration or Update - \$5.00

F. Work Authorization Books - \$4.00

G. Preparation of list of Dentists, Dental Hygienists, Dental Assistants who hold a Permit for Expanded Duties, and Holders of a Permit to Operate a Dental Laboratory - \$25.00

(All lists must be requested in writing noting the specific use of the list.)

H. Copies of Public Records - Per Page - \$0.25

SECTION 2. The Legislature hereby directs the Board of Dentistry to immediately adopt and promulgate emergency rules,

notwithstanding the provisions of subsection H of Sections 253 and 308 of Title 75 of the Oklahoma Statutes, which are adopted and promulgated in compliance with the provisions of the Administrative Procedures Act and which establish fees consistent with statutory mandates.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Board of Dentistry and the Editor of "The Oklahoma Register".

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-5639

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