

SHORT TITLE: Dentistry; creating the Dental Hygiene Committee; modifying powers of Board of Dentistry; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 515

By: Long

AS INTRODUCED

An Act relating to dentistry; amending 59 O.S. 1991, Section 328.15, as amended by Section 4, Chapter 2, O.S.L. 1996, and 328.17 (59 O.S. Supp. 1996, Section 328.15), which relate to powers and advisory members of the Board of Dentistry; creating the Dental Hygiene Committee; providing for membership, qualifications, terms of office, initial appointments, and filling of vacancies; providing for reimbursement of certain expenses; providing for officers and regular, additional, and special meetings; authorizing Committee to promulgate rules for certain purposes, select dental hygiene examiners, and provide for certain examinations and procedures; requiring Committee to receive complaints and investigative reports and to make certain recommendations to Board of Dentistry; providing immunity for actions of members; requiring staff of Board of Dentistry to perform certain duties for Committee; requiring Board to implement and enforce rules promulgated by Committee; modifying powers of Board; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.14a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Dental Hygiene Committee" which shall be comprised of the following five (5) members:

1. One member shall be the elected dental hygienist member of the Board of Dentistry;

2. One member shall be a public member of the Board, appointed by the Board;

3. One member shall be a dentist member of the Board, appointed by the Board, who shall serve as an ex-officio, nonvoting member of the Committee; and

4. Two members shall be dental hygienists who are appointed by the Governor, subject to confirmation by the Senate, and shall be residents of this state for no less than five (5) years immediately preceding appointment to office. The dental hygienist appointees shall be licensed dental hygienists, actively engaged in the practice of dental hygiene at the time of appointment, and shall not have less than five (5) years' experience in dental hygiene. The Governor shall appoint these members from a list of not less than four names submitted by the Oklahoma Dental Hygienists' Association.

B. 1. The initial dental hygienist appointments to the Committee shall serve terms as follows: One member for three (3) years and one member for two (2) years. Following the initial appointments, dental hygienist appointees shall serve for terms of three (3) years and until a successor is appointed and qualified. Terms of office shall expire on October 31.

2. Upon the expiration of the term of an appointed dental hygienist member of the Committee, the Governor shall fill the vacancy by appointment in the same manner as the original appointment. Upon the death, resignation, or removal of an appointed dental hygienist member of the Committee, the Governor

shall fill the vacancy by appointment for the unexpired portion of the term and in the same manner as the original appointment.

3. Removal of an appointed dental hygienist member may be made by the Governor for neglect of duty or for just cause.

C. 1. The dentist and public member appointed by the Board shall be eligible to serve on the Committee while members of the Board and according to the rules of the Board.

2. No member of the Committee shall serve more than three consecutive terms. Members shall serve until a successor is elected or appointed.

D. Each member of the Committee shall receive actual and necessary travel expenses as provided in the State Travel Reimbursement Act.

E. 1. The officers of the Committee shall be a chair and a vice-chair who shall be elected by the Committee from among its members at the time of each annual meeting. The term of each officer shall be for one (1) year, commencing at the conclusion of the annual meeting.

2. An annual meeting shall be held during each calendar year, at a time and place designated by the Committee. The Committee shall schedule at least three (3) regular meetings. At any meeting the Committee may decide upon and schedule additional meetings as necessary.

3. The Committee shall also hold special meetings in accordance with the same rules of the Board upon written notice to all members of the Committee.

F. The Committee shall promulgate all rules necessary for the examination, licensure, and practice of dental hygiene. The Committee shall select dental hygiene examiners and provide for dental hygiene examinations and dental hygiene examination procedures.

G. The Committee shall receive all complaints and investigative reports involving dental hygienists or the practice of dental hygiene, and shall submit recommendations to the Board of Dentistry for consideration of disciplinary action according to the penalties provided for in Section 328.44a of Title 59 of the Oklahoma Statutes.

H. No member of the Committee shall bear liability or be subject to civil damages or criminal prosecutions for any action undertaken or performed within the proper functions of the Committee.

I. 1. The staff of the Board of Dentistry shall perform the duties and transact the business required to give notice and keep records of all meetings of the Committee, and shall maintain records necessary for the operation and the function of the Committee. All meetings shall be held and records maintained in accordance with the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

2. The Board shall provide for all necessary expenditures incurred by the Committee.

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. Further, the Board of Dentistry, pursuant to Section 1 of this act, shall implement and enforce all rules promulgated by the Dental Hygiene Committee to regulate the practice of dental hygiene.

B. The Except as provided in Section 1 of this act and rules promulgated by the Dental Hygiene Committee pursuant thereto, 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. 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 but not limited to 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 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. 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 3. AMENDATORY 59 O.S. 1991, Section 328.17, is amended to read as follows:

Section 328.17 A. ~~The Board of Governors shall have power to~~
Dentistry may appoint committees and examining boards for the dental
specialists ~~and dental hygienists,~~ and to hire ~~such~~ employees as it
may deem necessary or proper, and fix and pay salaries and necessary
expenses therefor. ~~Provided further, upon this act becoming~~
~~effective, the~~

B. In addition to the dental hygienist member elected to the
Board pursuant to Section 328.7 of this title, the Board of
~~Governors will have power to~~ may appoint one dental hygienist in an
advisory capacity to sit with the Board ~~of Governors~~ to assist it in
the administration and enforcement of the dental hygienist
provisions of ~~this act~~ the State Dental Act, and to be present only
at a Board ~~of Governors'~~ meeting when the agenda of ~~said~~ the meeting
includes matters pertinent to the administration and enforcement of
the dental hygiene provision of ~~this act~~ the State Dental Act. ~~Such~~
The appointment will be made from a list of names submitted to the
Board ~~of Governors~~ by the dental hygienists of ~~the State of Oklahoma~~
this state. This appointment shall be for a period of two (2) years
or until a successor is appointed.

C. ~~The Board of Governors will also~~ shall appoint four persons
who operate dental laboratories under the permit duly issued
pursuant to the provisions of ~~this act~~ the State Dental Act to sit
with the Board ~~of Governors~~ in an advisory capacity and to assist it
in the administration and enforcement of the laboratory provisions
of ~~this act~~ the State Dental Act. ~~One member will be appointed from~~
~~District 2 and District 8 to serve a term of three (3) years; one~~
~~member will be appointed from District 1 and District 4 to serve for~~
~~a term of two (2) years; one member will be appointed from District~~
~~3 and District 7 to serve for a term of two (2) years; and one~~
~~member will be appointed from District 5 and District 6 to serve for~~
~~a term of one (1) year. When the terms of office expire for such~~
~~members of the advisory board, and members subsequently appointed~~

~~thereto, the Board of Governors will appoint a member from that district or districts whose members' terms have expired~~ Members will be appointed from each district to serve for terms of three (3) years, or until their successors are appointed. ~~Such~~ These appointments will be made from a list of names of at least two persons for each position, submitted to the Board of Governors by the persons who operate dental laboratories under permits ~~duly~~ issued pursuant to the provisions of ~~this act~~ the State Dental Act.

SECTION 4. This act shall become effective November 1, 1997.

46-1-0320

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