ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1416 By: Morgan of the Senate

and

Stanley of the House

(nonprofit dental service corporations - Board of Dentistry - eligibility to vote - repealing - advertising -

effective date)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"(nonprofit dental service corporations - Board of Dentistry - eligibility to vote - repealing - advertising -

effective date)

SECTION 1. AMENDATORY 36 O.S. 1991, Section 2673, is amended to read as follows:

Section 2673. The Insurance Commissioner shall certify ~~such corporation~~ nonprofit dental service corporations by issuing a certificate of authority, authorizing the applicant to issue contracts to its subscribers, when it is shown to the satisfaction of the Commissioner that:

1. The applicant is established as a bona fide nonprofit dental service corporation;

2. The contracts between the applicant and the participating dentists or other providers of health services, if any, obligate each provider executing the same to render service to which each

subscriber may be entitled under the terms of the contract to be issued to the subscribers;

3. The amount of required working capital of the corporation is paid into the corporation and, if subject to repayment, can be repaid, but without interest, and only out of operating income;

4. The amount of money actually available for working capital is sufficient to carry on the plan for a period of three (3) months from the date of issuance of the certificate of authority; and

5. The applicant has secured signed contracts of participation from not less than one-third (1/3) of the dentists within ~~the State of Oklahoma,~~ this state who ~~are licensed by the State of Oklahoma~~ hold a current license issued by the Board of Dentistry pursuant to the State Dental Act. The form of such contracts of participation shall be approved by the Board of ~~Governors of the Registered Dentists of Oklahoma~~ Dentistry prior to securing the required signatures.

SECTION 2. AMENDATORY 36 O.S. 1991, Section 2682, is amended to read as follows:

Section 2682. Nothing in this Article shall be deemed to alter the statutory relationship of dentist and patient which has heretofore been established. No dental service corporation shall in any way attempt to influence the subscriber in ~~his~~ the free choice of a dentist other than to limit its benefit to properly licensed dentists of ~~the State of Oklahoma~~ this state who are in good standing with the Board of ~~Governors of the Registered Dentists of Oklahoma~~ Dentistry. Nothing in this Article shall be deemed to abridge the right of any dentist to decline patients in accordance with the standards of practices of such dentist; and no such corporation shall be deemed to be engaged in the corporate practice of dentistry.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 328.7, as last amended by Section 2, Chapter 280, O.S.L. 1999 (59 O.S. Supp. 1999, Section 328.7), is amended to read as follows:

Section 328.7 A. ~~1.~~ Pursuant to Section 39 of Article V of the Oklahoma Constitution, 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.~~

B. 1. The Board shall consist of eight dentist members, one dental hygienist member and two 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 members shall be appointed by the Governor, subject to confirmation by 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.

3. Each member of the Board shall hold office for a term of three (3) years and until a successor in office is elected and qualified. Board members shall not serve for 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.

C. 1. Nominations for dentist members of the Board of Dentistry shall be by petition signed by at least ten dentists residing in the district to be represented by the nominee. Nominations for the dental hygienist member of the Board shall be by petition signed by at least ten dental hygienists residing in this state.

2. The elections shall be by secret ballot. The ballots shall be mailed by the Board to those entitled to vote at least thirty (30) days prior to the date of counting of the ballots and shall be returned by mail to the secretary-treasurer of the Board, then opened and counted at a meeting of the Board. In other respects, elections shall be conducted as provided by the rules of the Board.

3. Only dentists residing in a district shall be entitled to vote for the Board member from that district. Only dental hygienists residing and licensed in this state shall be entitled to vote for the dental hygienist Board member.

4. a. Dentist members of the Board may be recalled and removed from the Board in a special recall election to be called by the Board upon receipt of a written petition signed by at least twenty percent (20%) of the licensed dentists residing in the district represented by the member being recalled. All licensed dentists residing only in the affected district may vote in the special election.

b. The dental hygienist member of the Board may be recalled and removed from the Board in a special recall election to be called by the Board upon receipt of a written petition signed by at least twenty

percent (20%) of the licensed dental hygienists residing in this state.

c. If a majority of the votes cast in the special recall election are in favor of recalling the Board member, the member shall be removed from the Board effective on the date the results of the special recall election are certified by the Board.

D. 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.

~~D.~~ E. A vacancy among the dentist members of the Board 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~~. Nominations shall be made in the same manner as provided in ~~Section 328.9 of this title, or if~~ this section. 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 shall be filled by appointment by the Governor, subject to confirmation by the Senate.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 396, as last amended by Section 1, Chapter 40, O.S.L. 1998 (59 O.S. Supp. 1999, Section 396), is amended to read as follows:

Section 396. There is hereby re-created, to continue until July 1, 2004, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Oklahoma State Board of Embalmers and Funeral Directors. The Board shall consist of seven (7) persons, who shall be appointed by the Governor. The term of membership of each member of the Board shall be five (5) years from the expiration of the term of the member succeeded. Any member having served as a member of the Board shall be eligible for reappointment. Provided that, a member of the Board shall serve no more than two consecutive terms and any unexpired term that a member is appointed to shall not apply to this limit. The Governor shall appoint the necessary members to the Board upon vacancies and immediately prior to the expiration of the various terms. Upon request of the Governor, appointments of a licensed embalmer and funeral director member of the Board shall be made from a list of five qualified persons submitted by the Oklahoma Funeral Directors Association. An appointment to fill a vacancy shall be for the unexpired term. A member of the Board shall serve until a successor is appointed and qualified. No person shall be a member of the Board, unless, at the time of appointment, the person is of good moral character and a resident of this state. ~~Five~~ Four

of the members shall have been actively engaged in the practice of embalming and funeral directing in this state for not less than seven (7) consecutive years immediately prior to the appointment of the person, and each of such members shall have an active license as provided by this act and such member shall keep the license effective and remain a resident of this state during the entire time the person serves on the Board. ~~Two~~ Three of the members of the Board shall be chosen from the general public, one of whom shall, if possible, be a person licensed and actively engaged in the health care field, and such members shall not be licensed funeral directors or embalmers or have any interest, directly or indirectly, in any funeral establishment or any business dealing in funeral services, supplies or equipment. These ~~two~~ three members shall be appointed to serve for five-year terms.

SECTION 5. REPEALER 59 O.S. 1991, Sections 328.9, as amended by Section 3, Chapter 108, O.S.L. 1997 and 328.50 (59 O.S. Supp. 1999, Section 328.9), are hereby repealed.

SECTION 6. This act shall become effective November 1, 2000."

Passed the House of Representatives the 4th day of April, 2000.

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Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 2000.

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President of the Senate