

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 296

By: Morgan of the Senate

and

Stanley of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the State Dental Act; amending 59  
12 O.S. 1991, Sections 328.3, as amended by Section 1,  
13 Chapter 377, O.S.L. 1998, 328.7, as last amended by  
14 Section 2, Chapter 108, O.S.L. 1997, 328.20, as  
15 amended by Section 5, Chapter 2, O.S.L. 1996, 328.21,  
16 328.36, as amended by Section 11, Chapter 2, O.S.L.  
17 1996, 328.39, as amended by Section 12, Chapter 2,  
18 O.S.L. 1996, Section 13, Chapter 2, O.S.L. 1996, and  
19 328.41 (59 O.S. Supp. 1998, Sections 328.3, 328.7,  
20 328.20, 328.36, 328.39 and 328.39a), which relate to  
21 the State Dental Act; adding, changing and deleting  
22 certain definitions; deleting certain reference to  
23 certain term; deleting certain provision relating to  
24 term of service of certain members; providing for  
25 filling of vacancies; changing description of certain  
26 laboratory work authorized; requiring retention of  
27 certain documents for specified period; requiring  
28 certain identification of certain items; making  
29 certain delivery requirements; regularizing usage;  
30 clarifying references; modifying and expanding  
31 statements of acts or occurrences constituting  
32 grounds for which certain penalties may be imposed;  
authorizing certain dental hygiene programs;  
providing for content of certain examinations;  
modifying process and procedure and eligibility for  
initial licensure and registration and for annual  
renewals thereof; providing for establishment of fees  
by rule; providing for recodification; repealing 59  
O.S. 1991, Sections 328.13, as amended by Section 4,  
Chapter 108, O.S.L. 1997, 328.35 and 328.40, as  
amended by Section 5, Chapter 108, O.S.L. 1997 (59  
O.S. Supp. 1998, Sections 328.13 and 328.40), which  
relate to vacancies, committees and examining boards  
for dental specialists, hygienists and laboratories,  
definitions and written work authorizations; and  
providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 1991, Section 328.3, as  
2 amended by Section 1, Chapter 377, O.S.L. 1998 (59 O.S. Supp. 1998,  
3 Section 328.3), is amended to read as follows:

4 Section 328.3 As used in the State Dental Act, the following  
5 words, phrases, or terms, unless the context otherwise indicates,  
6 shall have the following meanings:

7 1. "Accredited dental college" means an institution whose  
8 dental educational program is accredited by the Commission on Dental  
9 Accreditation of the American Dental Association;

10 2. "Accredited dental hygiene program" means a dental hygiene  
11 educational program which is accredited by the Commission on Dental  
12 Accreditation of the American Dental Association;

13 3. "Board" and "Board of Governors" are synonymous and mean the  
14 Board of Dentistry;

15 ~~2.~~ 4. "Dentistry" means the practice of dentistry in all of its  
16 branches;

17 ~~3. "Dental laboratory technology" means the construction, upon~~  
18 ~~the laboratory prescription of a dentist, of any dental appliance or~~  
19 ~~thing to be worn in the human mouth, by a dental laboratory~~  
20 ~~technician who uses inert materials and mechanical devices for the~~  
21 ~~fabrication or construction of any such dental appliance or thing;~~

22 ~~4. "Laboratory prescription" and "work authorization" are~~  
23 ~~synonymous and mean a written description of the procedures to be~~  
24 ~~followed in the fabrication or construction of any dental~~  
25 ~~restoration, appliance or thing to be worn in the human mouth by a~~  
26 ~~dental laboratory technician who uses inert materials and mechanical~~  
27 ~~devices for the fabrication or construction of any dental appliance~~  
28 ~~or thing;~~

29 5. "Dentist" means a graduate of an accredited dental college  
30 who has been issued a license by the Board to practice dentistry as  
31 defined in Section 328.19 of this title;

1       6. "Dental office" means an establishment owned and operated by  
2 a dentist for the practice of dentistry, which may be composed of  
3 reception rooms, business offices, private offices, laboratories,  
4 and dental operating rooms where dental operations are performed;

5       7. "Dental hygienist" means an individual who has fulfilled the  
6 educational requirements and is a graduate of an ~~approved school of~~  
7 accredited dental hygiene program and who has passed an examination  
8 and has been issued a certificate of ability by the Board and who is  
9 authorized to practice dental hygiene as hereinafter defined;

10       8. "Dental assistant and/or dental nurse" means an individual  
11 working for a dentist, under the dentist's supervision, and  
12 performing duties in the dental office, including the limited  
13 treatment of patients in accordance with the provisions of the State  
14 Dental Act; the dental assistant or dental nurse may assist the  
15 dentist with the patient; provided, this shall be done only under  
16 the direct supervision and control of the dentist and only in  
17 accordance with the educational requirements and rules promulgated  
18 by the Board;

19       9. "Dental laboratory" means a location, whether in a dental  
20 office or not, where a dentist or a dental laboratory technician  
21 performs dental laboratory technology;

22       10. "Dental laboratory technician" means an individual whose  
23 name is duly filed in the official records of the Board, which  
24 authorizes the technician, upon the laboratory prescription of a  
25 dentist, to ~~use inert materials and mechanical devices for the~~  
26 ~~fabrication of any dental restorations, appliances, or things to be~~  
27 ~~worn in the human mouth~~ perform dental laboratory technology, which  
28 services must be rendered only to the prescribing dentist and not to  
29 ~~any actual user or prospective user~~ the public;

30       11. "Dental laboratory technology" means using materials and  
31 mechanical devices for the construction, reproduction or repair of  
32

1 dental restorations, appliances or other devices to be worn in a  
2 human mouth;

3 12. "Dental specialty" means a specialized practice of a branch  
4 of dentistry, recognized and defined by the American Dental  
5 Association and the rules of the Board; ~~and~~

6 ~~12.~~ 13. "Laboratory prescription" means a written description,  
7 dated and signed by a dentist, of dental laboratory technology to be  
8 performed by a dental laboratory technician; and

9 14. "Out-of-state dentist" means a graduate of an accredited  
10 dental college who holds a license to practice dentistry in another  
11 state but who is not licensed to practice dentistry in this state.

12 SECTION 2. AMENDATORY 59 O.S. 1991, Section 328.7, as  
13 last amended by Section 2, Chapter 108, O.S.L. 1997 (59 O.S. Supp.  
14 1998, Section 328.7), is amended to read as follows:

15 Section 328.7 A. 1. Pursuant to Section 39 of Article V of  
16 the Oklahoma Constitution ~~of the State of Oklahoma~~, there is hereby  
17 created the Board of Dentistry which shall be an agency of state  
18 government. The Board shall adopt a seal, sue and be sued in its  
19 own name, and implement and enforce the provisions of the State  
20 Dental Act.

21 2. Whenever the term "The Board of Governors of the Registered  
22 Dentists of Oklahoma" or a term of like import appears in the  
23 Oklahoma Statutes, it shall mean the Board of Dentistry.

24 ~~3. Whenever the terms "Board" or "Board of Governors" appear in~~  
25 ~~the State Dental Act, the terms shall mean the Board of Dentistry.~~

26 B. 1. The Board shall consist of eight dentist members, one  
27 dental hygienist member and two members who shall represent the  
28 public. One dentist member shall be elected by the dentists  
29 residing in each of the eight geographical districts established by  
30 subsection C of this section. The dental hygienist member shall be  
31 elected at-large by the dental hygienists residing in this state who  
32 are legally licensed to practice dental hygiene therein. The two

1 public representative members shall be appointed by the Governor,  
2 subject to confirmation by the Senate. No public representative  
3 member may be a dentist, dental hygienist, dental assistant, dental  
4 laboratory technician, or holder of a permit to operate a dental  
5 laboratory, or be related within the third degree of consanguinity  
6 or affinity to any such person.

7 2. Before assuming duties on the Board, each member shall take  
8 and subscribe to the oath of office or affirmation provided in  
9 Article XV of the Oklahoma Constitution, which oath or affirmation  
10 shall be administered and filed as provided in the Article.

11 3. Each member of the Board shall hold office for a term of  
12 three (3) years and until a successor in office is elected and  
13 qualified. Board members shall not serve for more than three (3)  
14 consecutive terms. To be eligible to be elected to and serve on the  
15 Board, a dentist or dental hygienist must have been licensed to  
16 practice in this state for at least five (5) years, and for the five  
17 (5) years prior to the date of counting the ballots, not have been  
18 subject to a penalty imposed by the Board or its predecessor board.

19 ~~4. The members of The Board of Governors of the Registered~~  
20 ~~Dentists of Oklahoma on November 1, 1996, shall serve as members of~~  
21 ~~the Board of Dentistry for the remainder of the terms for which they~~  
22 ~~were elected.~~

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

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

30 District No. 2: Tulsa and Creek.

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

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

3 District No. 5: Oklahoma.

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

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

9 District No. 8: Osage, Payne, Washington, Nowata, Craig,  
10 Ottawa, Rogers, Delaware and Pawnee.

11 D. A vacancy among the dentist members of the Board shall be  
12 filled by a special election in the district of the vacancy for the  
13 unexpired term within sixty (60) days after the vacancy occurs, as  
14 provided in Section 328.9 of this title. A vacancy of the dental  
15 hygienist member on the Board shall be filled by a special election  
16 in the state for the unexpired term within sixty (60) days after the  
17 vacancy occurs, as provided in Section 328.9 of this title.

18 Nominations shall be made in the same manner as provided in Section  
19 328.9 of this title, or if no one is nominated within forty-five  
20 (45) days from date of vacancy, the vacancy shall be filled by  
21 appointment by the Board. A vacancy among the public representative  
22 members of the Board shall be filled by appointment by the Governor,  
23 subject to confirmation by the Senate.

24 SECTION 3. AMENDATORY 59 O.S. 1991, Section 328.20, as  
25 amended by Section 5, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998,  
26 Section 328.20), is amended to read as follows:

27 Section 328.20 A. A dentist may utilize a dental laboratory  
28 technician and a dental laboratory to ~~construct, reproduce or~~  
29 ~~repair, extraorally, prosthetic teeth, prosthetic dentures, bridges,~~  
30 ~~other replacements for teeth, splints or orthodontic or prosthetic~~  
31 ~~appliances to be worn in a human mouth~~ perform or provide dental  
32 laboratory technology. Except as provided in subsection C of

1 Section 328.36 of this title, a dentist who utilizes the services of  
2 a dental laboratory technician or dental laboratory shall furnish a  
3 ~~written work authorization~~ laboratory prescription for each patient  
4 for whom a work product is ~~requested~~ prescribed.

5 B. ~~Written work authorizations~~ Laboratory prescriptions issued  
6 by a dentist shall be in duplicate on consecutively numbered forms  
7 approved by the Board of Dentistry and shall be completed in full  
8 and signed by the prescribing dentist. A The owner of a dental  
9 laboratory shall retain each original laboratory prescription  
10 received from a prescribing dentist and produce the document for  
11 inspection and copying by a member of the Board or by an agent or  
12 employee of the Board, for a period of three (3) years from the date  
13 of the laboratory prescription. The prescribing dentist is required  
14 to shall retain the duplicate copy of each ~~written work~~  
15 ~~authorization~~ laboratory prescription and ~~to~~ produce the ~~copy~~  
16 document for inspection and copying by a member of the Board or by  
17 an agent or employee of the Board, for a period of three (3) years  
18 from the date of the ~~written work authorization~~ laboratory  
19 prescription.

20 C. The number of the laboratory prescription shall appear on  
21 all dental models and correspond to all dental restorations,  
22 appliances or other devices being constructed, reproduced or  
23 repaired. Any dental model, restoration, appliance or other device  
24 in the possession of a dental laboratory technician or dental  
25 laboratory without a laboratory prescription and corresponding  
26 number on the model, restoration, appliance or device shall be prima  
27 facie evidence of a violation of the State Dental Act. After  
28 completion, the prescribed work product shall be returned by the  
29 dental laboratory technician or dental laboratory to the prescribing  
30 dentist or the dental office of the dentist with the name or number  
31 of the laboratory prescription accompanying the invoice.  
32

1 SECTION 4. AMENDATORY 59 O.S. 1991, Section 328.36, as  
2 amended by Section 11, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998,  
3 Section 328.36), is amended to read as follows:

4 Section 328.36 A. 1. ~~All persons, firms, corporations or~~  
5 ~~partnerships in this state who desire~~ Any person, firm, corporation,  
6 partnership or other legal entity who desires to operate a dental  
7 laboratory, in this state shall file with the Board of Dentistry a  
8 ~~written application,~~ on a form prescribed by the Board, an  
9 application for a permit to operate a dental laboratory and pay the  
10 fee established by the rules of the Board. ~~This~~ The application  
11 shall include the ~~names and addresses of all persons, firms,~~  
12 ~~corporations or partnerships owning or operating~~ name and address of  
13 each person, firm, corporation, partnership or other legal entity  
14 who owns an interest in or will operate the dental laboratory. Upon  
15 receipt of the application and fee, the Board shall determine the  
16 qualifications of the applicant and may grant a permit to the  
17 applicant to operate a dental laboratory ~~within the state.~~

18 2. Except as provided in subsection C of this section, no  
19 person, firm, corporation, ~~or~~ partnership or other legal entity  
20 shall operate a dental laboratory in this state without having  
21 obtained a permit from the Board.

22 B. Any change in ownership, operation or location of a dental  
23 laboratory shall immediately be communicated to the Board, which  
24 shall endorse upon the permit, without further fee, the change in  
25 ownership, operation or location.

26 C. Nothing in the State Dental Act shall be construed to:

27 1. Prohibit a dentist from owning or operating a private,  
28 noncommercial dental laboratory in a dental office for the dentist's  
29 use in the practice of dentistry;

30 2. Require a dentist to obtain a permit from the Board for the  
31 operation of a dental laboratory in the office of the dentist unless  
32

1 dental laboratory technology is provided to persons other than the  
2 dentist at that location; or

3 3. Require a dentist to issue a ~~written work authorization~~  
4 laboratory prescription for dental laboratory technology to be  
5 ~~provided~~ performed by an employee of, in the office of, and for a  
6 patient of, the dentist.

7 SECTION 5. AMENDATORY 59 O.S. 1991, Section 328.21, is  
8 amended to read as follows:

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

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

22 1. Is of good moral character; and

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

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

30 1. A graduate of ~~and has a degree from the faculty of a~~ an  
31 accredited dental college, ~~school or dental department of a~~

32

1 ~~university,~~ if the applicant is to practice dentistry, ~~or applicant~~  
2 ~~must be a~~

3 2. A graduate of a training school for dental hygienists an  
4 accredited dental hygiene program, if the applicant is to practice  
5 dental hygiene. ~~In The college or program, in either case, the~~  
6 ~~school must~~ shall be approved accredited by the Commission on Dental  
7 Accreditation of the American Dental Association.

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

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

22 2. The theoretical and jurisprudence examination papers and all  
23 grading thereon, and the grading of ~~practical work~~ the clinical  
24 examination, shall be deemed public documents, and shall be  
25 preserved by the ~~secretary of the~~ Board ~~of Governors~~ for a period of  
26 two (2) years after the Board ~~of Governors~~ shall have has made and  
27 published its decision thereon.

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

31 ~~(a)~~ 1. Submit, for the files of the Board ~~of Governors~~, a  
32 photostatic copy of a dental degree or dental hygiene degree, an

1 official transcript and a recent photograph duly identified and  
2 attested; and

3 ~~(b) 2.~~ 2. Pass an examination ~~given~~ required by the ~~board~~ Board in  
4 the theory and practice of the science of dentistry or dental  
5 hygiene, whichever the case may be. ~~Provided that the~~ The Board ~~of~~  
6 ~~Governors~~ may recognize the results of examinations conducted by the  
7 Commission on National Dental Examinations or results of regionally  
8 conducted examinations with which regions the Board ~~of Governors~~ is  
9 affiliated by contract or cooperative agreement pursuant to Section  
10 328.15 of this title, in lieu of, or subject to, such examinations  
11 as may be required.

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

26 SECTION 6. AMENDATORY 59 O.S. 1991, Section 328.39, as  
27 amended by Section 12, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998,  
28 Section 328.39), is amended to read as follows:

29 Section 328.39 The following acts or occurrences by a dental  
30 laboratory technician shall constitute grounds for which the  
31 penalties specified in Section ~~16~~ 328.44a of this ~~act~~ title may be  
32 imposed by order of the Board of Dentistry:

- 1 1. Publishing a false, fraudulent or misleading advertisement  
2 or statement;
- 3 2. ~~Providing~~ Performing dental laboratory technology at a  
4 location for which no permit to operate a dental laboratory has been  
5 issued by the Board, except as provided in subsection C of Section  
6 328.36 of this title;
- 7 3. ~~Constructing, reproducing, altering, restoring, repairing,~~  
8 ~~furnishing or supplying a prosthetic tooth, teeth, dentures,~~  
9 ~~bridges, crowns, or other substitutes for human teeth or gums, or~~  
10 ~~portions thereof, without a written work authorization~~ Performing  
11 dental laboratory technology without a laboratory prescription of a  
12 dentist, except as provided in subsection C of Section 328.36 of  
13 this title;
- 14 4. Failing to return a prescribed work product to a the  
15 prescribing dentist or the dental office of the dentist;
- 16 5. Refusing to allow a member of the Board or an agent or  
17 employee of the Board to inspect laboratory prescriptions or dental  
18 restorations, appliances or other devices that are being  
19 constructed, reproduced or repaired;
- 20 6. Possessing dental equipment not necessary for performing  
21 dental laboratory technology;
- 22 ~~6.~~ 7. Being dishonest in a material way with a dentist; or
- 23 ~~7.~~ 8. Violating or attempting to violate the provisions of the  
24 State Dental Act or the rules of the Board, as a principal,  
25 accessory or accomplice.

26 SECTION 7. AMENDATORY Section 13, Chapter 2, O.S.L. 1996  
27 (59 O.S. Supp. 1998, Section 328.39a), is amended to read as  
28 follows:

29 Section 328.39a The following acts or occurrences by a holder  
30 of a permit to operate a dental laboratory shall constitute grounds  
31 for which the penalties specified in Section ~~16~~ 328.44a of this ~~act~~  
32 title may be imposed by order of the Board of Dentistry:

- 1        1. Publishing a false, fraudulent or misleading advertisement  
2 or statement;
- 3        2. Providing dental laboratory technology at a location for  
4 which no permit to operate a dental laboratory has been issued by  
5 the Board, except as provided in subsection C of Section 328.36 of  
6 ~~Title 59 of the Oklahoma Statutes~~ this title;
- 7        3. ~~Constructing, reproducing, altering, restoring, repairing,~~  
8 ~~furnishing or supplying a prosthetic tooth, teeth, dentures,~~  
9 ~~bridges, crowns, or other substitutes for human teeth or gums, or~~  
10 ~~portions thereof, without a written work authorization~~ Providing  
11 dental laboratory technology without a laboratory prescription of a  
12 dentist, except as provided in subsection C of Section 328.36 of  
13 ~~Title 59 of the Oklahoma Statutes~~ this title;
- 14        4. Failing to return a prescribed work product to a prescribing  
15 dentist or the dental office of the dentist;
- 16        5. Refusing to allow a member of the Board or an agent or  
17 employee of the Board to inspect laboratory prescriptions or dental  
18 restorations, appliances or other devices that are being  
19 constructed, reproduced or repaired;
- 20        6. Failing to retain an original laboratory prescription  
21 received from a prescribing dentist for a period of three (3) years  
22 from the date of the laboratory prescription, except that the  
23 failure to retain a document shall not be a violation of the State  
24 Dental Act if the owner of the dental laboratory shows that the  
25 document was lost, destroyed, or removed by another, without the  
26 consent of the owner;
- 27        7. Possessing dental equipment not necessary for performing  
28 dental laboratory technology;
- 29        ~~6.~~ 8. Failing to pay fees as required by the State Dental Act  
30 or the rules of the Board;
- 31        ~~7.~~ 9. Operating a dental laboratory without displaying, at the  
32 primary place of operation, a permit issued by the Board for the

1 operation of the dental laboratory and the current renewal  
2 certificate;

3 ~~8.~~ 10. Being dishonest in a material way with a dentist; or

4 ~~9.~~ 11. Violating or attempting to violate the provisions of the  
5 State Dental Act or the rules of the Board, as a principal,  
6 accessory or accomplice.

7 SECTION 8. AMENDATORY 59 O.S. 1991, Section 328.41, is  
8 amended to read as follows:

9 Section 328.41 A. On or before the first day of January of  
10 each year, every dentist licensed and dental hygienist registered to  
11 practice in this state shall transmit to the ~~secretary~~ secretary-  
12 treasurer of the Board of ~~Governors~~ Dentistry, upon a form  
13 prescribed by the Board ~~of Governors~~, ~~his or her~~ the signature of  
14 the dentist or dental hygienist, ~~post office~~ current mailing  
15 address, principal office address, the number of ~~his or her~~ the  
16 license ~~certificate~~ or certificate of ability of the dentist or  
17 dental hygienist, a statement whether he or she has been engaged  
18 during the preceding year in the active and continuous practice of  
19 dentistry or dental hygiene whether within or without this state,  
20 and such other information as may be required by the Board ~~of~~  
21 ~~Governors~~, together with the annual renewal fee herein provided  
22 ~~for. On or before the first day of October of each year, the Board~~  
23 ~~of Governors shall determine the amount that may be necessary for~~  
24 ~~the next ensuing fiscal year to carry out and enforce the provisions~~  
25 ~~of this act and shall fix the renewal fee at such reasonable sum as~~  
26 ~~may be necessary for that purpose, but not to exceed One Hundred~~  
27 ~~Dollars (\$100.00) for dentists and Seventy-five Dollars (\$75.00) for~~  
28 ~~dental hygienists, and immediately notify all registered dentists~~  
29 ~~and dental hygienists of the amount of the said fee for the ensuing~~  
30 year established by the rules of the Board. Upon receipt of ~~such~~  
31 the annual renewal fee, the Board shall issue a renewal certificate  
32 authorizing ~~such~~ the dentist or dental hygienist to continue the

1 practice of dentistry or dental hygiene, respectively, in this state  
2 for a period of one (1) year. Any

3 B. Upon failure of a dentist or dental hygienist to pay the  
4 annual renewal fee within two (2) months after January 1, the Board  
5 shall notify the dentist or dental hygienist in writing by certified  
6 mail to the last-known mailing address of the dentist or dental  
7 hygienist, as reflected in the records of the Board.

8 C. A license or certificate of ability granted under authority  
9 of this or any prior dental act shall automatically be canceled if  
10 the holder thereof fails to secure the a renewal certificate or  
11 registration herein provided for within a period of three (3) months  
12 from the 31st day of December of each year. Any dentist or dental  
13 hygienist whose license or certificate of ability is automatically  
14 canceled by reason of failure, neglect or refusal to secure the  
15 renewal certificate or registration may be reinstated by the Board  
16 of Governors at any time within six (6) months from the date of the  
17 automatic cancellation of said license or certificate of ability,  
18 upon payment of the annual renewal certificate or registration fee  
19 and a penalty fee in an amount as required established by the rules  
20 of the Board of Governors, but not to exceed One Hundred Dollars  
21 (\$100.00). If said dentist or dental hygienist shall does not apply  
22 for renewal of the license or certificate of ability and pay the  
23 required fees within said six (6) months after it shall have the  
24 license or certificate of ability has been automatically cancelled  
25 and pay the required fees, then said dentist or dental hygienist  
26 shall be required to file an application for and take the  
27 examination provided for in this act the State Dental Act before  
28 again commencing practice. Upon failure of a dentist or dental  
29 hygienist to pay the annual renewal fee within two (2) months after  
30 January 1, the Board of Governors shall notify such dentist or  
31 dental hygienist in writing by registered mail to his or her  
32 last-registered address. Failure to mail or receive such notice,

1 ~~however, shall not affect the cancellation of any license or~~  
2 ~~certificate of ability made prior to the effective date of this~~  
3 ~~provision. Provided, however, that the~~

4 D. ~~The Board of Governors~~ may waive the annual ~~payment of fees~~  
5 ~~herein provided for the renewal of license to any Oklahoma fee for~~  
6 ~~any dentist or certificate of ability of any Oklahoma dental~~  
7 ~~hygienist and issue a renewal certificate without the payment of any~~  
8 ~~renewal fee, if said the dentist or dental hygienist has held an~~  
9 ~~Oklahoma license or certificate of ability at least twenty-five (25)~~  
10 ~~years but because of age or physical disability has retired from the~~  
11 ~~practice of dentistry or dental hygiene. The waiver of fees herein~~  
12 ~~provided may be continued so long as said retirement continues~~  
13 ~~because of age or physical disability. Provided further, that any~~

14 E. ~~Any~~ dentist or dental hygienist who has had a license to  
15 practice dentistry or a certificate of ability to practice dental  
16 hygiene in good standing for thirty-five (35) years and has reached  
17 the age of sixty-five (65), years shall upon application to the  
18 Board ~~of Governors~~ be issued renewal certificates ~~for the renewal of~~  
19 ~~their license or certificate of ability~~ without the payment of  
20 annual ~~registration~~ renewal fees for the remaining years of their  
21 active practice.

22 F. ~~The Board of Governors~~, by rule, shall provide for the  
23 remittance of fees otherwise required by ~~this act~~ the State Dental  
24 Act while a dentist or dental hygienist is on active duty with any  
25 of the Armed Forces of the United States.

26 G. In case of a lost or destroyed license ~~or~~, certificate of  
27 ability or renewal certificate ~~or registration~~ and upon satisfactory  
28 proof of the loss or destruction thereof, the Board ~~of Governors~~ may  
29 issue a duplicate, charging therefor a fee ~~as required by~~  
30 established by the rules of the Board ~~of Governors~~, ~~but not to~~  
31 ~~exceed One Hundred Dollars (\$100.00).~~

1 SECTION 9. RECODIFICATION 59 O.S. 1991, Section 328.20,  
2 as last amended by Section 3 of this act, shall be recodified as  
3 Section 328.36a of Title 59 of the Oklahoma Statutes, unless there  
4 is created a duplication in numbering.

5 SECTION 10. REPEALER 59 O.S. 1991, Sections 328.13, as  
6 amended by Section 4, Chapter 108, O.S.L. 1997, 328.35 and 328.40,  
7 as amended by Section 5, Chapter 108, O.S.L. 1997 (59 O.S. Supp.  
8 1998, Sections 328.13 and 328.40), are hereby repealed.

9 SECTION 11. This act shall become effective November 1, 1999.

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