

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 296

By: Morgan of the Senate

and

Stanley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the State Dental Act; amending 59 O.S. 1991, Sections 328.3, as amended by Section 1, Chapter 377, O.S.L. 1998, 328.7, as last amended by Section 2, Chapter 108, O.S.L. 1997, 328.19, 328.20, as amended by Section 5, Chapter 2, O.S.L. 1996, 328.21, 328.27, 328.36, as amended by Section 11, Chapter 2, O.S.L. 1996, 328.39, as amended by Section 12, Chapter 2, O.S.L. 1996, Section 13, Chapter 2, O.S.L. 1996, and 328.41 (59 O.S. Supp. 1998, Sections 328.3, 328.7, 328.20, 328.36, 328.39, and 328.39a), which relate to the State Dental Act; adding, changing, and deleting certain definitions; deleting certain reference to certain term; deleting certain provision relating to term of service of certain members; providing for filling of vacancies; modifying and adding to the definition of practicing dentistry; changing description of certain laboratory work authorized; requiring retention of certain documents for specified period; requiring certain identification of certain items; providing for issuance of faculty permits; stating requirements for faculty permits and entitlements and restrictions conferred upon faculty permit holders; making certain delivery requirements; modifying and expanding statements of acts or occurrences constituting 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, definitions, and written work authorizations; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 59 O.S. 1991, Section 328.7, as last amended by Section 2, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1998, 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 ~~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 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.

~~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.

D. 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 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 3. AMENDATORY 59 O.S. 1991, Section 328.19, is amended to read as follows:

Section 328.19 ~~Any~~ A. The following acts by any person shall be regarded as practicing dentistry within the meaning of ~~this act~~ the State Dental Act:

~~(a) shall hold himself out or employ methods, in any way, representing himself~~ 1. Representing oneself to the public as being engaged in the a dentist or as one authorized to practice of dentistry;

~~(b) shall hold himself out, in any way, 2. Representing oneself to the public as being able to diagnose or profess to diagnose or examine clinical material and contract for the treating thereof;~~

~~(c) shall treat 3. Treating or profess professing to treat by professional instructions;~~

~~(d) shall hold himself out 4. Representing oneself to the public as treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures;~~

~~(e) shall remove 5. Removing human teeth;~~

~~(f) shall repair 6. Repairing or fill filling cavities in human teeth;~~

~~(g) shall correct 7. Correcting or attempt the correction of attempting to correct malposed teeth;~~

~~(h) shall administer 8. Administering anesthetics, general or local;~~

~~(i) shall treat 9. Treating deformities of the jaws and adjacent structures;~~

~~(j) shall use 10. Using x-ray and interpret interpreting dental x-ray film;~~

~~(k) shall offer 11. Offering or undertake undertaking, by any means or methods, to remove stains, discolorations, or concretions from the teeth;~~

~~(l) shall operate 12. Operating or prescribe prescribing for any disease, pain, injury, deficiency, deformity, or any physical condition connected with the human mouth;~~

~~(m) shall take impression 13. Taking impressions of the teeth and jaws;~~

~~(n) shall furnish, supply, construct, reproduce or repair, or offer 14. Furnishing, supplying, constructing, reproducing, or repairing, or offering to furnish, supply, construct, reproduce, or repair, prosthetic dentures, (sometimes known as plates), bridges,~~

or other substitutes for natural teeth for the user or prospective user thereof;

~~(o) shall adjust or attempt or profess~~ 15. Adjusting or attempting to adjust any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth;

~~(p) shall diagnose, make and adjust~~ 16. Diagnosing, making, and adjusting appliances to artificial casts of malposed teeth for treatment of the malposed teeth in the human mouth, without instructions;

~~(q) shall write a work authorization~~ 17. Writing a laboratory prescription to a dental laboratory or dental laboratory technician for the construction, reproduction or repair of any appliance or structure to be worn in the human mouth; or

~~(r) shall own, maintain, or operate~~ 18. Owning, maintaining, or operating an office or offices by holding a financial interest in same for the practice of dentistry.

B. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign or other media ~~whereby he represents himself~~ representing oneself to be a dentist shall be prima facie evidence that ~~such~~ the person is engaged in the practice of dentistry; provided that nothing in this section shall be so construed as to prevent the following:

~~(a)~~ 1. Physicians or surgeons, who are ~~regularly~~ licensed and ~~registered~~ under the laws of this state, from administering any kind of treatment coming within the province of medicine or surgery;

~~(b)~~ 2. The practice of dentistry in the discharge of their official duties by dentists in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, the United States Public Health Service, or the United States Veterans Administration;

~~(c)~~ 3. Dental schools or colleges, as now conducted and approved, or as may be approved, and the practice of dentistry by

students in dental schools, colleges or hospitals, approved by the Board of Governors, when acting under the direction and supervision of licensed dentists or dentists holding properly issued permits acting as instructors;

~~(d) The practice of dentistry by licensed dentists of other states or countries at meetings of the organization or component parts thereof, alumni meetings of dental colleges, 4. Acts of a dental clinician or any other recognized participant at a dental educational meeting or at an accredited dental organization, while appearing as clinicians where college, when no fee is charged to or paid by the a patient;~~

~~(e) 5. The practice of dental hygiene, as hereinafter defined herein, by a person granted a certificate of ability by the Board of Governors;~~

~~(f) The practice of dental hygiene, as defined herein, or the 6. The performing of acts by a dental assistant and/or dental nurse who performs said the acts under the direct supervision of the a dentist and in accordance with all educational requirements, the provisions of the State Dental Act and the rules, regulations or procedures relating thereto as promulgated by the Board of Governors; or~~

~~(g) 7. The fabrication of dental appliances pursuant to a specific work authorization written by a licensed laboratory prescription of a dentist, by a dental laboratory technician in a dental laboratory using inert materials and mechanical devices for the fabrication of any restoration, appliance or thing to be worn in the human mouth.~~

SECTION 4. AMENDATORY 59 O.S. 1991, Section 328.20, as amended by Section 5, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998, Section 328.20), is amended to read as follows:

Section 328.20 A. A dentist may utilize a dental laboratory technician and a dental laboratory to ~~construct, reproduce or~~

~~repair, extraorally, prosthetic teeth, prosthetic dentures, bridges, other replacements for teeth, splints or orthodontic or prosthetic appliances to be worn in a human mouth~~ perform or provide dental laboratory technology. Except as provided in subsection C of Section 328.36 of this title, a dentist who utilizes the services of a dental laboratory technician or dental laboratory shall furnish a ~~written work authorization~~ laboratory prescription for each patient for whom a work product is ~~requested~~ prescribed.

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

C. The number of the laboratory prescription shall appear on all dental models and correspond to all dental restorations, appliances or other devices being constructed, reproduced or repaired. Any dental model, restoration, appliance or other device in the possession of a dental laboratory technician or dental laboratory without a laboratory prescription and corresponding number on the model, restoration, appliance or device shall be prima facie evidence of a violation of the State Dental Act. After completion, the prescribed work product shall be returned by the

dental laboratory technician or dental laboratory to the prescribing dentist or the dental office of the dentist with the name or number of the laboratory prescription accompanying the invoice.

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

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

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

1. Is of good moral character; and
2. Is twenty-one (21) years of age, or over, at the time of making application to practice dentistry or eighteen (18) years of age, or over, if the applicant is to practice dental hygiene.

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

1. A graduate of ~~and has a degree from the faculty of a~~ an accredited dental college, ~~school or dental department of a university,~~ if the applicant is to practice dentistry, and ~~applicant must be a~~

2. A graduate of a training school for dental hygienists an accredited dental hygiene program, if the applicant is to practice dental hygiene. ~~In~~

The college or program, in either case, ~~the school must~~ shall be ~~approved~~ accredited by the Commission on Dental Accreditation of the American Dental Association.

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

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

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

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

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

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

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

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

SECTION 6. AMENDATORY 59 O.S. 1991, Section 328.27, is amended to read as follows:

Section 328.27 A. 1. The Board of ~~Governors shall have~~ Dentistry may, without examination, upon presentation of satisfactory credentials, and under such rules ~~and regulations~~ as the Board ~~of~~ Governors may ~~prescribe~~ promulgate, ~~to issue permits to~~ persons a faculty permit to an applicant who are ~~graduates~~

a. is a graduate of a school of dentistry approved by the Board and is licensed to practice dentistry in another state or country, or

b. is a graduate of an accredited dental hygiene approved by the Board, when such persons are program and is licensed to practice dental hygiene in some other another state. Such permits

2. A faculty permit shall be issued only upon the certification of the dean of a an accredited dental school and/or college or the director of a an accredited dental hygiene school program located in this state that the applicant is a bona fide member of the teaching staff of that school college or program. Such permits

3. A faculty permit shall be valid for one (1) year and may be reissued renewed by the Board of Governors for only one (1) additional year.

B. The holder of ~~such permits~~ a faculty permit shall be entitled to perform ~~all operations which~~ services and procedures in the same manner as a person ~~licensed~~ holding a license to practice dentistry or dental hygiene in this state ~~would be entitled to perform,~~ but ~~such~~ all services ~~will~~ and procedures performed shall be without ~~fee or~~ compensation other than that received in salary from ~~such positions~~ a faculty position, and shall be performed only within the facilities of ~~the~~ an accredited dental school location college or accredited dental hygiene program or in a seminar or postgraduate course and as an adjunct to ~~his or her~~ teaching functions ~~in such school or to the profession.~~ A holder of a faculty permit shall not engage in faculty or private practice of dentistry or dental hygiene.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 328.36, as amended by Section 11, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998, Section 328.36), is 6amended to read as follows:

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

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

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

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

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

2. Require a dentist to obtain a permit from the Board for the operation of a dental laboratory in the office of the dentist unless dental laboratory technology is provided to persons other than the dentist at that location; or

3. Require a dentist to issue a ~~written work authorization~~ laboratory prescription for dental laboratory technology to be

~~provided~~ performed by an employee of, in the office of, and for a patient of, the dentist.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 328.39, as amended by Section 12, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998, Section 328.39), is amended to read as follows:

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

1. Publishing a false, fraudulent or misleading advertisement or statement;

2. ~~Providing~~ Performing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of this title;

3. ~~Constructing, reproducing, altering, restoring, repairing, furnishing or supplying a prosthetic tooth, teeth, dentures, bridges, crowns, or other substitutes for human teeth or gums, or portions thereof, without a written work authorization~~ Performing dental laboratory technology without a laboratory prescription of a dentist, except as provided in subsection C of Section 328.36 of this title;

4. Failing to return a prescribed work product to ~~a~~ the prescribing dentist or the dental office of the dentist;

5. Refusing to allow a member of the Board or an agent or employee of the Board to inspect laboratory prescriptions or dental restorations, appliances or other devices that are being constructed, reproduced or repaired;

6. Possessing dental equipment not necessary for performing dental laboratory technology;

~~6.~~ 7. Being dishonest in a material way with a dentist; or

~~7.~~ 8. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice.

SECTION 9. AMENDATORY Section 13, Chapter 2, O.S.L. 1996 (59 O.S. Supp. 1998, Section 328.39a), is amended to read as follows:

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

1. Publishing a false, fraudulent or misleading advertisement or statement;

2. Providing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of ~~Title 59 of the Oklahoma Statutes~~ this title;

3. ~~Constructing, reproducing, altering, restoring, repairing, furnishing or supplying a prosthetic tooth, teeth, dentures, bridges, crowns, or other substitutes for human teeth or gums, or portions thereof, without a written work authorization~~ Providing dental laboratory technology without a laboratory prescription of a dentist, except as provided in subsection C of Section 328.36 of ~~Title 59 of the Oklahoma Statutes~~ this title;

4. Failing to return a prescribed work product to a prescribing dentist or the dental office of the dentist;

5. Refusing to allow a member of the Board or an agent or employee of the Board to inspect laboratory prescriptions or dental restorations, appliances or other devices that are being constructed, reproduced or repaired;

6. Failing to retain an original laboratory prescription received from a prescribing dentist for a period of three (3) years from the date of the laboratory prescription, except that the

failure to retain a document shall not be a violation of the State Dental Act if the owner of the dental laboratory shows that the document was lost, destroyed, or removed by another, without the consent of the owner;

7. Possessing dental equipment not necessary for performing dental laboratory technology;

~~6.~~ 8. Failing to pay fees as required by the State Dental Act or the rules of the Board;

~~7.~~ 9. Operating a dental laboratory without displaying, at the primary place of operation, a permit issued by the Board for the operation of the dental laboratory and the current renewal certificate;

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

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

SECTION 10. AMENDATORY 59 O.S. 1991, Section 328.41, is amended to read as follows:

Section 328.41 A. On or before the first day of January of each year, every dentist licensed and dental hygienist registered to practice in this state shall transmit to the ~~secretary~~ secretary-treasurer of the Board of ~~Governors~~ Dentistry, upon a form prescribed by the Board ~~of Governors~~, ~~his or her~~ the signature of the dentist or dental hygienist, ~~post-office~~ current mailing address, principal office address, the number of ~~his or her~~ the license ~~certificate~~ or certificate of ability of the dentist or dental hygienist, a statement whether he or she has been engaged during the preceding year in the active and continuous practice of dentistry or dental hygiene whether within or without this state, and such other information as may be required by the Board ~~of Governors~~, together with ~~the~~ an annual renewal fee ~~herein provided for.~~ ~~On or before the first day of October of each year, the Board~~

~~of Governors shall determine the amount that may be necessary for the next ensuing fiscal year to carry out and enforce the provisions of this act and shall fix the renewal fee at such reasonable sum as may be necessary for that purpose, but not to exceed One Hundred Dollars (\$100.00) for dentists and Seventy-five Dollars (\$75.00) for dental hygienists, and immediately notify all registered dentists and dental hygienists of the amount of the said fee for the ensuing year established by the rules of the Board. Upon receipt of such the annual renewal fee,~~ the Board shall issue a renewal certificate authorizing ~~such~~ the dentist or dental hygienist to continue the practice of dentistry or dental hygiene, respectively, in this state for a period of one (1) year. ~~Any~~

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

C. A license or certificate of ability granted under authority of this or any prior dental act shall automatically be canceled if the holder thereof fails to secure ~~the~~ a renewal certificate ~~or~~ registration herein provided for within a period of three (3) months from the 31st day of December of each year. Any dentist or dental hygienist whose license or certificate of ability is automatically canceled by reason of failure, neglect or refusal to secure the renewal certificate ~~or registration~~ may be reinstated by the Board ~~of Governors~~ at any time within six (6) months from the date of the automatic cancellation of said license or certificate of ability, upon payment of the annual renewal ~~certificate or registration~~ fee and a penalty fee ~~in an amount as required~~ established by the rules of the Board ~~of Governors, but not to exceed One Hundred Dollars (\$100.00)~~. If said dentist or dental hygienist ~~shall~~ does not apply for renewal of the license or certificate of ability and pay the

required fees within ~~said~~ six (6) months after ~~it shall have the~~
license or certificate of ability has been automatically cancelled
~~and pay the required fees,~~ then said dentist or dental hygienist
shall be required to file an application for and take the
examination provided for in ~~this act~~ the State Dental Act before
again commencing practice. ~~Upon failure of a dentist or dental~~
~~hygienist to pay the annual renewal fee within two (2) months after~~
~~January 1, the Board of Governors shall notify such dentist or~~
~~dental hygienist in writing by registered mail to his or her~~
~~last-registered address. Failure to mail or receive such notice,~~
~~however, shall not affect the cancellation of any license or~~
~~certificate of ability made prior to the effective date of this~~
~~provision. Provided, however, that the~~

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

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

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

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

SECTION 11. RECODIFICATION 59 O.S. 1991, Section 328.20, as last amended by Section 4 of this act, shall be recodified as Section 328.36a of Title 59 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 12. REPEALER 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), are hereby repealed.

SECTION 13. This act shall become effective November 1, 1999.

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