

HOUSE OF REPRESENTATIVES  
Monday, February 15, 1999

## Committee Substitute for House Bill No. 1351

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1351 -- By STANLEY of the House and MORGAN of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 328.19, 328.21, 328.27 and 328.41, which relate to the State Dental Act; modifying and adding to the definition of practicing dentistry; 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; repealing 59 O.S. 1991, Section 328.17, which relates to committees and examining boards for dental specialists, hygienists and laboratories; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 328.19, 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 who 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 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, 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 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 2. 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~~ 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~~ 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; ~~or 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 clerical 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~~:

~~(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. 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 re-examination 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 3. AMENDATORY 59 O.S. 1991, Section 328.27, is amended to read as follows:

Section 328.27 The Board of ~~Governors shall have authority~~ Dentistry may, without examination, upon presentation of satisfactory credentials, and under such rules ~~and regulations~~ as the Board of ~~Governors~~ may prescribe, ~~to issue permits to persons~~ a faculty permit to an applicant who ~~are graduates~~ is a graduate of a school of dentistry or an accredited dental college or an accredited dental hygiene approved by the Board, when such persons are program and is licensed to practice dentistry or dental hygiene in some other another state. Such permits 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 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. 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.

SECTION 4. 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 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 5. REPEALER 59 O.S. 1991, Section 328.17, is hereby repealed.

SECTION 6. This act shall become effective November 1, 1999.