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THE STATE SENATE
Monday, February 21, 2000

Senate Bill No. 1416

SENATE BILL NO. 1416 - By: MORGAN of the Senate and STANLEY of the House.

An Act relating to insurance and dentistry; amending 36 O.S. 1991, Sections 2673 and 2682, which relate to nonprofit dental service corporations; updating references; amending 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), which relates to the Board of Dentistry; deleting obsolete language; providing Board election and recall procedures; stating eligibility to vote; repealing 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), which relate to Board of Dentistry and to advertising of dental products or services; and providing an effective date.

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

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

1 each provider executing the same to render service to which each
2 subscriber may be entitled under the terms of the contract to be
3 issued to the subscribers;

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

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

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

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

20 Section 2682. Nothing in this Article shall be deemed to alter
21 the statutory relationship of dentist and patient which has
22 heretofore been established. No dental service corporation shall in
23 any way attempt to influence the subscriber in ~~his~~ the free choice

1 of a dentist other than to limit its benefit to properly licensed
2 dentists of ~~the State of Oklahoma~~ this state who are in good
3 standing with the Board of ~~Governors of the Registered Dentists of~~
4 ~~Oklahoma~~ Dentistry. Nothing in this Article shall be deemed to
5 abridge the right of any dentist to decline patients in accordance
6 with the standards of practices of such dentist; and no such
7 corporation shall be deemed to be engaged in the corporate practice
8 of dentistry.

9 SECTION 3. AMENDATORY 59 O.S. 1991, Section 328.7, as
10 last amended by Section 2, Chapter 280, O.S.L. 1999 (59 O.S. Supp.
11 1999, Section 328.7), is amended to read as follows:

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

17 ~~2. Whenever the term "The Board of Governors of the Registered~~
18 ~~Dentists of Oklahoma" or a term of like import appears in the~~
19 ~~Oklahoma Statutes, it shall mean the Board of Dentistry.~~

20 B. 1. The Board shall consist of eight dentist members, one
21 dental hygienist member and two members who shall represent the
22 public. One dentist member shall be elected by the dentists
23 residing in each of the eight geographical districts established by

1 subsection C of this section. The dental hygienist member shall be
2 elected at-large by the dental hygienists residing in this state who
3 are legally licensed to practice dental hygiene therein. The two
4 public representative members shall be appointed by the Governor,
5 subject to confirmation by the Senate. No public representative
6 member may be a dentist, dental hygienist, dental assistant, dental
7 laboratory technician, or holder of a permit to operate a dental
8 laboratory, or be related within the third degree of consanguinity
9 or affinity to any such person.

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

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

22 C. 1. Nominations for dentist members of the Board of
23 Dentistry shall be by petition signed by at least ten dentists

1 residing in the district to be represented by the nominee.
2 Nominations for the dental hygienist member of the Board shall be by
3 petition signed by at least ten dental hygienists residing in this
4 state.

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

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

15 4. Dentist members of the Board may be recalled and removed
16 from the Board in a special recall election to be called by the
17 Board upon receipt of a written petition signed by at least twenty
18 percent (20%) of the licensed dentists residing in a district. The
19 dental hygienist member of the Board may be recalled and removed
20 from the Board in a special recall election to be called by the
21 Board upon receipt of a written petition signed by at least twenty
22 percent (20%) of the licensed dental hygienists residing in this
23 state. If a majority of the votes cast in the special recall

1 election are in favor of recalling the Board member, the member
2 shall be removed from the Board effective on the date the results of
3 the special recall election are certified by the Board.

4 D. For the purpose of nominating and electing dentist members
5 of the Board, this state shall be divided into eight geographical
6 districts, which shall consist of the following counties within the
7 following districts:

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

11 District No. 2: Tulsa and Creek.

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

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

16 District No. 5: Oklahoma.

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

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

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

1 ~~D. E.~~ A vacancy among the dentist members of the Board shall be
2 filled by a special election in the district of the vacancy for the
3 unexpired term within sixty (60) days after the vacancy occurs, ~~as~~
4 ~~provided in Section 328.9 of this title.~~ A vacancy of the dental
5 hygienist member on the Board shall be filled by a special election
6 in the state for the unexpired term within sixty (60) days after the
7 vacancy occurs, ~~as provided in Section 328.9 of this title.~~

8 Nominations shall be made in the same manner as provided in ~~Section~~
9 ~~328.9 of this title, or if this section.~~ If no one is nominated
10 within forty-five (45) days from date of vacancy, the vacancy shall
11 be filled by appointment by the Board. A vacancy among the public
12 representative members of the Board shall be filled by appointment
13 by the Governor, subject to confirmation by the Senate.

14 SECTION 4. REPEALER 59 O.S. 1991, Sections 328.9, as
15 amended by Section 3, Chapter 108, O.S.L. 1997 (59 O.S. Supp. 1999,
16 Section 328.9), and 328.50 are hereby repealed.

17 SECTION 5. This act shall become effective November 1, 2000.

18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-14-00 -
19 DO PASS, As Coauthored.