STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1029 By: Stanley

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 328.3, as last amended by Section 1, Chapter 280, O.S.L. 1999 and 328.34 (59 O.S. Supp. 2000, Section 328.3), which relate to the State Dental Act; adding and modifying definitions; updating and clarifying language; modifying procedures and requirements for employment of dental hygienists; requiring certain supervision; providing for promulgation of rules; requiring certain examinations; limiting number of dental hygienists; modifying certain procedures; 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 last amended by Section 1, Chapter 280, O.S.L. 1999 (59 O.S. Supp. 2000, 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;

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

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 accredited dental hygiene program and who has passed an examination and has been issued a ~~certificate of ability~~ license 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 direct supervision, and performing duties in the dental office or treatment facility, 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 perform dental laboratory technology, which services must be rendered only to the prescribing dentist and not to 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;

13. "Direct supervision" means the supervisory dentist is in the dental office or treatment facility and, during the appointment, personally examines the patient, personally diagnoses any conditions to be treated, personally authorizes the procedures to be performed by a dental hygienist or dental assistant, remains in the dental office or treatment facility while the procedures are being performed and, before dismissal of the patient, evaluates the results of the dental treatment;

14. "General supervision" means the supervisory dentist has previously diagnosed any conditions to be treated, has personally authorized the procedures to be performed by a dental hygienist, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist;

15. "Indirect supervision" means the supervisory dentist is in the dental office or treatment facility and, during the appointment, personally examines the patient, personally diagnoses any conditions to be treated, personally authorizes the procedures to be performed by a dental hygienist, remains in the dental office or treatment facility while the procedures are being performed, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist;

16. “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.~~ 17. "Out-of-state dental hygienist" means a graduate of an accredited dental hygiene program who holds a license to practice dental hygiene in another state or territory but who is not licensed to practice dental hygiene in this state;

18. “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;

19. “Patient” or “patient of record” means an individual who has given a medical history, and has been examined and accepted for dental care by a dentist;

20. “Supervision” means direct supervision, indirect supervision, or general supervision; and

21. “Treatment facility” means:

a. a federal, state or local public health facility,

b. a group home serving the elderly, handicapped or juveniles,

c. a home health agency,

d. a hospital,

e. a nursing home,

f. a penal institution operated by or under contract with the federal or state government,

g. a public or private school,

h. an accredited dental college,

i. an accredited dental hygiene program, and

j. such other places as are authorized by the rules of the Board of Dentistry.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 328.34, is amended to read as follows:

Section 328.34 ~~Any~~ A. A dental hygienist may practice dental hygiene under the supervision of a dentist in a dental office or treatment facility. Authorization for general supervision shall be at the discretion of the supervisory dentist and shall be limited to a maximum period of time established by the rules of the Board, not exceeding thirteen (13) months, following an examination by the supervisory dentist of a patient of record.

B. A dentist or treatment facility may employ ~~up to~~ not more than the equivalent of two full-time registered dental hygienists for each dentist actively practicing in the same dental office or treatment facility. ~~Such dental~~ Dental hygienists may remove lime deposits, accretions, and stains from exposed surfaces of the teeth, and directly beneath the free margin of the gum, give topical caries prevention treatment to the extracoronal surfaces of the teeth, ~~and~~ take x-rays pertaining to the field of dentistry and may perform other ~~acts~~ procedures under the supervisions of a dentist, in accordance with the rules of ~~prescribed duties, regulations and procedures promulgated by~~ the Board of ~~Governors~~ Dentistry. ~~He may operate only in the office of a dentist, or in hospitals under the direct supervision of dentists; provided,~~ Boards of Education ~~or any organized health service~~ may employ registered dental hygienists whose services shall be limited to the examination of teeth and the teaching of dental hygiene or as otherwise authorized by the Board ~~of Governors~~.

SECTION 3. This act shall become effective November 1, 2001.

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