

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE JOINT
RESOLUTION HJR1062

By: Gray

AS INTRODUCED

A Joint Resolution relating to a proposed permanent rule of the Oklahoma State Board of Dentistry; disapproving in part proposed permanent rule OAC 195:16-2, regarding the supervision required of a supervising physician as to a medical micropigmentationologist; declaring legislative intent as to the required supervision; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 1-1453 of Title 63 of the Oklahoma Statutes, the Oklahoma State Board of Dentistry shall be responsible for the promulgation of rules and regulations necessary to implement the Oklahoma Medical Micropigmentation Regulation Act relating to the performance of micropigmentation in the offices of dentists subject to the licensing authority of the Oklahoma State Board of Dentistry; and

WHEREAS, proposed permanent rule OAC 195:16-2 in subsection (C) provides that the required supervision of a medical micropigmentationologist shall be as follows:

"(C) The employment of a medical micropigmentationologist requires direct supervision by the supervising dentist."; and

WHEREAS, the Legislature recognizes that OAC 195:16-2(C) adopted by the Oklahoma State Board of Dentistry on February 22, 2002, and

submitted to the Legislature for consideration on February 27, 2002, is not consistent with legislative intent, exceeds the statutory authority of the Oklahoma State Board of Dentistry, violates state statute and violates the public policy of this state; and

WHEREAS, the Legislature believes that direct supervision should not be required where medical micropigmentation is being performed by a registered nurse in the office of a dentist and that such supervision is inconsistent with legislative intent. It is the belief of the Legislature that general supervision of a registered nurse by the supervising dentist shall be sufficient. Therefore, the Oklahoma State Board of Dentistry shall promulgate rules which are consistent with legislative intent. It is suggested that the Oklahoma State Board of Dentistry in promulgating rules regarding supervision consider the difference between registered nurses performing medical micropigmentation and those who are not registered nurses.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rule OAC 195:16-2(C) as it states:

"(C) The employment of a medical micropigmentologist requires direct supervision by the supervising dentist."

SECTION 2. The Legislature hereby declares that it is the intent of the Legislature that registered nurses credentialed to perform medical micropigmentation be subject only to general supervision by the supervising dentist.

SECTION 3. The Oklahoma State Board of Dentistry shall promulgate rules in accordance with legislative intent as stated in Section 2 of this resolution.

SECTION 4. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive

Director of the Oklahoma State Board of Dentistry and the editor of "The Oklahoma Register".

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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