ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1445

By: Stanley and Nations of the House

and

Maddox of the Senate

(professions and occupations - amending 59 O.S., Sections 328.3, 328.29, 328.33 and 328.34 - State Dental Act - definitions - dental hygiene – emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause and entire bill and insert

"An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 328.3, 328.15, 328.17, 328.19, 328.21, 328.41, 328.43a, 328.44a, 328.48, 328.49 and 328.51a, which relate to the State Dental Act; modifying and adding new definitions; deleting obsolete language and updating references; providing Board of Dentistry additional authority over dental assistants; deleting Board authority for specified appointments and provisions relating to appointees; clarifying references; modifying duplicate license fees by adding specified categories; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, 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~~ means 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 a treatment facility, including the limited treatment of patients in accordance with the provisions of the State Dental Act~~; the~~. A dental assistant or dental nurse may assist ~~the~~ a 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, diagnoses any conditions to be treated, 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 has personally diagnosed any conditions to be treated, 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 hygienist program who holds a license to practice dental hygiene in another state 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 private health facility,

c. a group home or residential care facility serving the elderly, handicapped or juveniles,

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. a patient of record's private residence,

i. an accredited dental college,

j. an accredited dental hygiene program, or

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

SECTION 2. AMENDATORY 59 O.S. 2001, Section 328.15, is amended to read as follows:

Section 328.15 A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Dentistry shall have the power to formulate, adopt, and promulgate rules as may be necessary to regulate the practice of dentistry in this state and to implement and enforce the provisions of the State Dental Act.

B. The Board is authorized and empowered to:

1. Examine and test the qualifications of applicants for a license~~, certificate,~~ or permit to be issued by the Board;

2. Affiliate by contract or cooperative agreement with another state or combination of states for the purpose of conducting simultaneous regional examinations of applicants for a license to practice dentistry, dental hygiene, or a dental specialty;

3. Maintain a list of the name, current mailing address and principal office address of all persons who hold a license~~, certificate,~~ or permit issued by the Board;

4. Account for all receipts and expenditures of the monies of the Board, including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year. The Board's annual statement of receipts and expenditures shall be audited by the State Auditor and Inspector or an independent accounting firm, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the president and secretary-treasurer of the Board;

5. Within limits prescribed in the State Dental Act, set all fees and administrative penalties to be imposed and collected by the Board;

6. Maintain an office staff and employ legal counsel and other advisors to the Board, including advisory committees;

7. Investigate and issue investigative and other subpoenas, pursuant to Article II of the Administrative Procedures Act;

8. Initiate individual proceedings and issue orders imposing administrative penalties, pursuant to Article II of the Administrative Procedures Act, against any dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory who has violated the State Dental Act or the rules of the Board;

9. Conduct, in a uniform and reasonable manner, inspections of dental offices and dental laboratories and their business records;

10. Establish guidelines for courses of study necessary for expanded duties of dental assistants and, when appropriate, issue permits authorizing ~~individuals~~ dental assistants to perform expanded duties;

11. Establish continuing education requirements for dentists, dental hygienists, and dental assistants who hold expanded duty permits issued by the Board;

12. Recognize the parameters of care established and approved by the American Dental Association;

13. Formulate, adopt, and promulgate rules, pursuant to Article I of the Administrative Procedures Act, as may be necessary to implement and enforce the provisions of the Oklahoma Dental Mediation Act;

14. Hire one or more investigators to conduct investigations of alleged violations of the State Dental Act or the rules of the Board;

15. Seek and receive advice and assistance of the Office of the Attorney General of this state;

16. Promote the dental health of the people of this state;

17. Inform, educate, and advise all persons who hold a license~~, certificate,~~ or permit issued by the Board, or who are otherwise regulated by the Board, regarding the State Dental Act and the rules of the Board;

18. Affiliate with the American Association of Dental Examiners as an active member, pay regular dues, and send members of the Board as delegates to its meetings;

19. Enter into contracts;

20. Acquire, rent, hold, encumber, and dispose of personal property as is needed; and

21. Take all other actions necessary to implement and enforce the State Dental Act.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 328.17, is amended to read as follows:

Section 328.17 A. The Board of ~~Governors shall have power to appoint committees and examining boards for the dental specialists and dental hygienists, and to hire such employees as it may deem necessary or proper, and fix and pay salaries and necessary expenses therefor. Provided further, upon this act becoming effective, the Board of Governors will~~ Dentistry shall have power to appoint one dental hygienist in an advisory capacity to sit with the Board ~~of Governors~~ to ~~assist it~~:

1. Assist the Board in the administration and enforcement of the dental hygienist provisions of ~~this act~~ the State Dental Act, and ~~to be~~;

2. Be present only at a Board ~~of Governors'~~ meeting when the agenda of ~~said~~ the meeting includes matters pertinent to the administration and enforcement of the dental hygiene provision of ~~this act~~ the State Dental Act. ~~Such~~

B. The appointment ~~will~~ shall be made from a list of names submitted to the Board ~~of Governors~~ by the dental hygienists of ~~the State of Oklahoma~~ this state. ~~This~~

C. The appointment shall be for a period of two (2) years or until a successor is appointed. ~~The Board of Governors will also appoint four persons who operate dental laboratories under the permit duly issued pursuant to the provisions of this act to sit with the Board of Governors in an advisory capacity and to assist it in the administration and enforcement of the laboratory provisions of this act. One member will be appointed from District 2 and District 8 to serve a term of three (3) years; one member will be appointed from District 1 and District 4 to serve for a term of two (2) years; one member will be appointed from District 3 and District 7 to serve for a term of two (2) years; and one member will be appointed from District 5 and District 6 to serve for a term of one (1) year. When the terms of office expire for such members of the advisory board, and members subsequently appointed thereto, the Board of Governors will appoint a member from that district or districts whose members' terms have expired to serve for terms of three (3) years, or until their successors are appointed. Such appointments will be made from a list of names of at least two persons for each position, submitted to the Board of Governors by the persons who operate dental laboratories under permits duly issued pursuant to the provisions of this act.~~

SECTION 4. AMENDATORY 59 O.S. 2001, Section 328.19, is amended to read as follows:

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

1. Representing oneself to the public as being a dentist or as one authorized to practice dentistry;

2. Representing oneself to the public as being able to diagnose or examine clinical material and contract for the treating thereof;

3. Treating or professing to treat by professional instructions;

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;

5. Removing human teeth;

6. Repairing or filling cavities in human teeth;

7. Correcting or attempting to correct malposed teeth;

8. Administering anesthetics, general or local;

9. Treating deformities of the jaws and adjacent structures;

10. Using x-ray and interpreting dental x-ray film;

11. Offering or undertaking, by any means or methods, to remove stains, discolorations, or concretions from the teeth;

12. Operating or prescribing for any disease, pain, injury, deficiency, deformity, or any physical condition connected with the human mouth;

13. Taking impressions of the teeth and jaws;

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;

15. Adjusting or attempting to adjust any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth;

16. Diagnosing, making, and adjusting appliances to artificial casts of malposed teeth for treatment of the malposed teeth in the human mouth, without instructions;

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

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 representing oneself to be a dentist shall be prima facie evidence that the person is engaged in the practice of dentistry; provided that nothing in this section shall be so construed as to prevent the following:

1. Physicians or surgeons, who are licensed under the laws of this state, from administering any kind of treatment coming within the province of medicine or surgery;

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;

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, when acting under the direction and supervision of licensed dentists or dentists holding properly issued permits acting as instructors;

4. Acts of a dental clinician or other participant at a dental educational meeting or at an accredited dental college, when no fee is charged to or paid by a patient;

5. The practice of dental hygiene, as defined herein, by a person granted a ~~certificate of ability~~ license by the Board;

6. The performing of acts by a dental assistant and/or dental nurse who performs the acts under the direct supervision of a dentist and in accordance with the provisions of the State Dental Act and the rules promulgated by the Board; or

7. The fabrication of dental appliances pursuant to a 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 5. AMENDATORY 59 O.S. 2001, Section 328.21, is amended to read as follows:

Section 328.21 A. No person, unless registered to practice dentistry or dental hygiene in this state on July 1, 1970, shall practice dentistry or dental hygiene without first applying for and obtaining a license from the Board of 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 the Board in writing and shall be accompanied by the fee established by the rules of the Board, together with satisfactory proof that the applicant:

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 the Board to practice dentistry or dental hygiene in this state shall be accompanied by satisfactory proof that the applicant is:

1. A graduate of an accredited dental college, if the applicant is to practice dentistry; or

2. A graduate of an accredited dental hygiene program, if the applicant is to practice dental hygiene.

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

D. 1. When the applicant and the accompanying proof are found satisfactory, the Board shall notify the applicant to appear for examination at the time and place to be fixed by the Board. Examination 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 the clinical examination, shall be deemed public documents, and shall be preserved by the Board for a period of two (2) years after the Board has made and published its decision thereon.

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

1. Submit, for the files of the Board, a photostatic copy of a dental degree or dental hygiene degree, an official transcript and a recent photograph duly identified and attested; and

2. Pass an examination required by the Board in the theory and practice of the science of dentistry or dental hygiene, whichever the case may be. The Board 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 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 fails to pass any part of the first examination may apply for a second examination, in which case the applicant shall pay a reexamination fee as established by the rules of the Board. Any applicant who fails to pass the examination upon first trial may be given credit for such subjects as the Board may

allow, but such credits shall be extended only to the succeeding examinations. If the applicant fails to pass a second examination, before further re-examination, the Board may require evidence of additional education, as specified by the Board. After a third examination, the Board may deny the applicant another examination.

SECTION 6. AMENDATORY 59 O.S. 2001, 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~~ licensed to practice in this state shall transmit to the secretary-treasurer of the Board of Dentistry, upon a form prescribed by the Board, the signature of the dentist or dental hygienist, current mailing address, principal office address, the number of the license ~~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, together with an annual renewal fee established by the rules of the Board. Upon receipt of the annual renewal fee, the Board shall issue a renewal certificate authorizing 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.

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 a renewal certificate within 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 may be reinstated by the Board at any time within six (6) months from the date of the automatic cancellation of ~~said~~ the license ~~or certificate of ability~~, upon payment of the annual renewal fee and a penalty fee established by the rules of the Board. If ~~said~~ the dentist or dental hygienist does not apply for renewal of the license ~~or certificate of ability~~ and pay the required fees within six (6) months after the license ~~or certificate of ability~~ has been automatically cancelled, then ~~said~~ the dentist or dental hygienist shall be required to file an application for and take the examination provided for in the State Dental Act before again commencing practice.

D. The Board may waive the annual renewal fee for any dentist or dental hygienist and issue a renewal certificate without the payment of any renewal fee, if 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~~ the retirement continues because of age or physical disability.

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 be issued renewal certificates without the payment of annual renewal fees for the remaining years of their active practice.

F. The Board, by rule, shall provide for the remittance of fees otherwise required by 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~~, certificate of ability~~ or renewal certificate and upon satisfactory proof of the loss or destruction thereof, the Board may issue a duplicate, charging therefor a fee established by the rules of the Board.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 328.43a, is amended to read as follows:

Section 328.43a A. Any person may file a written and signed complaint with the Board of Dentistry, alleging that another person has sought to practice or has illegally practiced dentistry or dental hygiene, or has otherwise violated the provisions of the State Dental Act or the rules of the Board, and the facts upon which the allegations are based. The complaint shall be directed by the president of the Board to two specific Board members for review.

B. The Board members who review a complaint shall constitute a review panel. A review panel may conduct or cause to be conducted any investigation of the allegations in the complaint as it reasonably determines may be needed to establish, based on the evidence available to the panel, whether it is more likely than not that:

1. A violation of the provisions of the State Dental Act or the rules of the Board has occurred; and

2. The person named in the complaint has committed the violation.

C. In conducting its investigation, a review panel may seek evidence, take statements, take and hear evidence, and administer oaths and affirmations. A review panel may also use Board attorneys and investigators appointed by the Board to seek evidence.

D. 1. If a review panel determines, based on the evidence available to the panel, that it is more likely than not that a violation of the provisions of the State Dental Act or the rules of the Board has occurred and that the person named in the complaint has more likely than not committed the violation, the review panel

may recommend in writing to the Board that the Board initiate an individual proceeding, pursuant to Article II of the Administrative Procedures Act, against the person named in the complaint. The members of the review panel shall be excluded from participating as Board members in an individual proceeding initiated by the Board based upon their recommendation.

2. The review panel may elect not to recommend that the Board initiate an individual proceeding against the person named in the complaint and may secure a written and signed settlement agreement with such person. A settlement agreement:

a. shall specify the provisions of the State Dental Act or the rules of the Board which such person is alleged to have violated,

b. shall provide that such person agrees not to violate the provisions of the State Dental Act or the rules of the Board in the future,

c. may contain any of the penalties specified in Section 328.44a of this title, and

d. may contain any other provisions agreeable to the review panel and the person involved.

3. When a settlement agreement is entered into, it shall remain part of the investigation file, and may be used against the person involved only if the person involved violates the settlement agreement. Informal resolution of complaints is encouraged. All settlement agreements shall be reported to the Board. A settlement agreement must receive final review and approval by the Board if it contains any of the following penalties specified in Section 328.44a of this title:

a. suspension of a license~~, certificate~~ or permit issued by the Board,

b. revocation of a license~~, certificate~~ or permit issued by the Board,

c. issuance of a censure,

d. placement on probation, or

e. restriction of the services that can be provided by a dentist or a dental hygienist.

E. If a review panel does not make the determination specified in subsection D of this section, the panel shall dismiss the complaint and direct the principal administrative officer of the Board to give written notification of the dismissal to the person who filed the complaint and to the person named in the complaint.

F. A review panel may act without complying with the Oklahoma Open Meeting Act.

SECTION 8. AMENDATORY 59 O.S. 2001, Section 328.44a, is amended to read as follows:

Section 328.44a A. The Board of Dentistry is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory has committed any of the acts or occurrences set forth in Sections 328.29, 328.32, 328.33 ~~and~~, 328.39 and 328.39a of ~~Title 59 of the Oklahoma Statutes and Section 13 of~~ this ~~act~~ title:

1. Refusal to issue a license~~, certificate~~ or permit, or a renewal thereof, provided for in the State Dental Act;

2. Suspension of a license~~, certificate~~ or permit issued by the Board for a maximum period of one (1) year;

3. Revocation of a license~~, certificate~~ or permit issued by the Board;

4. Imposition of an administrative penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00);

5. Issuance of a censure;

6. Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board, provided that the maximum period of probation shall be two (2) years, except that, for an individual participating in a chemical dependency program, the maximum period of probation shall be four (4) years; or

7. Restriction of the services that can be provided by a dentist or dental hygienist, under such terms and conditions as deemed appropriate by the Board.

B. A dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, against whom a penalty is imposed by an order of the Board pursuant to the provisions of this section, shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

SECTION 9. AMENDATORY 59 O.S. 2001, Section 328.48, is amended to read as follows:

Section 328.48 It shall be the duty of the Board of ~~Governors~~ Dentistry, annually, to have prepared a statement showing the total amount of receipts and expenditures of the ~~organization~~ Board for the preceding twelve (12) months ~~preceding~~. ~~Such~~ The statement shall be properly certified under oath by the president and ~~treasurer~~ secretary-treasurer of the Board to the Governor of ~~the State of Oklahoma~~ this state.

SECTION 10. AMENDATORY 59 O.S. 2001, Section 328.49, is amended to read as follows:

Section 328.49 A. The Board of Dentistry shall be responsible for the enforcement of the provisions of the State Dental Act against all persons who are in violation thereof, including, but not limited to, individuals who are practicing or attempting to practice dentistry or dental hygiene without proper authorization from the Board.

B. 1. It shall be unlawful for any person, except a dentist, to:

a. practice or attempt to practice dentistry,

b. hold oneself out to the public as a dentist or as a person who practices dentistry, or

c. employ or use the words "Doctor" or "Dentist", or the letters "D.D.S." or "D.M.D.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dentist.

2. It shall be unlawful for any person, except a dental hygienist, to:

a. practice or attempt to practice dental hygiene,

b. hold oneself out to the public as a dental hygienist or as a person who practices dental hygiene, or

c. employ or use the words "Registered Dental Hygienist", or the letters "R.D.H.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dental hygienist.

3. It shall be unlawful for any person to:

a. give false or fraudulent evidence or information to the Board in an attempt to obtain any license~~, certificate~~ or permit from the Board, or

b. aid or abet another person in violation of this subsection.

4. Each day of a violation of this subsection shall constitute a separate and distinct offense.

C. 1. If a person violates any of the provisions of subsection B of this section, the Board may request that the district attorney of the county in which such violation is believed to have occurred bring a criminal action in that county against the person. A duplicate copy of the Board's request shall be sent to the Attorney General of this state.

2. Any person who violates any of the provisions of subsection B of this section, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished as follows:

a. for a first offense, by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment,

b. for a second offense, by a fine of not less than One Thousand Five Hundred Dollars ($1,500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment, or

c. for a third or subsequent offense, by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days, or by both such fine and imprisonment.

D. The Board may initiate a civil action, pursuant to Chapter 24 of Title 12 of the Oklahoma Statutes, seeking a temporary restraining order or injunction, without bond, commanding a person to refrain from engaging in conduct which constitutes a violation of any of the provisions of subsection B of this section. In an action filed pursuant to this subsection, the prevailing party shall be entitled to recover costs and reasonable attorney fees.

E. In addition to any other penalties provided herein, any person found guilty of contempt of court by reason of the violation of any injunction prohibiting the unlicensed practice of dentistry now in effect or hereafter entered pursuant to any provision of the State Dental Act or any preceding state dental act, shall be

punished by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year, and by a fine of not less than Five Hundred Dollars ($500.00). The court may also require the defendant to furnish a good and sufficient bond in a penal sum to be set by the court, not less than One Thousand Dollars ($1,000.00), which shall be conditioned upon future compliance in all particulars with the injunction entered, and in the event of failure of the defendant to furnish such bond when so ordered, the defendant shall be confined in the county jail pending compliance therewith. Such bond shall be mandatory as to any person hereafter found guilty of a second contempt of court for violation of any injunction entered pursuant to the State Dental Act, or any preceding state dental act.

SECTION 11. AMENDATORY 59 O.S. 2001, Section 328.51a, is amended to read as follows:

Section 328.51a A. The Board of Dentistry is authorized to establish, by rule, fees to be charged for the purpose of implementing and enforcing the State Dental Act. Notwithstanding any other provisions of the State Dental Act, the fees established by the Board shall be not less nor more than the range created by the following schedule:

1. LICENSE~~, CERTIFICATE,~~ AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License ~~or Certificate~~ by Examination		
Dentist	$200.00	$400.00
Dental Hygienist	$100.00	$200.00
b. License ~~or Certificate~~ by Credentialing		
Dentist	$500.00	$1,000.00
Dental Hygienist	$100.00	$200.00
c. Dental Specialty License by Examination	$300.00	$600.00
d. Dental Specialty License by Credentialing	$500.00	$1,000.00

e. Faculty Permit		
Dentist	$100.00	$200.00
Dental Hygienist	$50.00	$100.00
f. Dental Intern Permit	$100.00	$200.00
g. Temporary ~~Certificate~~ License to Practice Dental Hygiene	$50.00	$100.00
h. Dental Assistant Permit for Expanded Duties	$10.00	$60.00
i. Permit to Operate a Dental Laboratory	$20.00	$60.00
j. General Anesthesia Permit		
Dentist	$100.00	$200.00
k. Conscious Sedation Permit		
Dentist	$100.00	$200.00
2. RE-EXAMINATION FEES:		
a. License ~~or Certificate~~ by Examination		
Dentist	$200.00	$400.00
Dental Hygienist	$100.00	$200.00
b. Dental Specialty License by Examination	$300.00	$600.00
c. Jurisprudence Only Re-Examination		
Dentist	$10.00	$20.00
Dental Hygienist	$10.00	$20.00
3. ANNUAL RENEWAL FEES:		
a. Dentist	$100.00	$200.00
b. Dental Hygienist	$65.00	$130.00
c. Dental Specialty License	$100.00	$200.00
d. Faculty Permit		
Dentist	$50.00	$100.00
Dental Hygienist	$50.00	$100.00
e. Dental Intern Permit	$50.00	$100.00

f. Dental Assistant Permit for Expanded Duties	$10.00	$60.00
g. Permit to Operate a Dental Laboratory	$20.00	$60.00
h. General Anesthesia Permit Dentist	$100.00	$200.00
i. Conscious Sedation Permit Dentist	$100.00	$200.00

4. PENALTY FEES FOR LATE RENEWAL OF LICENSE~~, CERTIFICATE~~ OR PERMIT:

a. Dentist	$100.00	$200.00
b. Dental Hygienist	$50.00	$100.00
c. Dental Specialty License	$100.00	$200.00
d. Dental Assistant Permit for Expanded Duties	$10.00	$30.00
e. Permit to Operate a Dental Laboratory	$20.00	$60.00
f. General Anesthesia Permit Dentist	$100.00	$200.00
g. Conscious Sedation Permit Dentist	$100.00	$200.00

5. OTHER FEES:

a. Duplicate License	~~$10.00~~	~~$30.00~~
Dentist	$10.00	$30.00
Dental Hygienist	$5.00	$15.00
b. Duplicate ~~Certificate,~~ Permit or Registration	$5.00	$15.00
c. Certificate of Good Standing	$5.00	$15.00
d. Professional Entity Certification Letter	$5.00	$20.00
e. Professional Entity Registration or Update	$5.00	$20.00

f.	Laboratory Prescription Books	$2.50	$7.50
g.	List of the Name and Current Mailing Address of all Persons who hold a License~~, Certificate,~~ or Permit issued by the Board. (A request for a list shall be submitted to the Board in writing noting the specific proposed use of the list.)	$25.00	$75.00

B. A person who holds a license to practice dentistry in this state, and who also holds a dental specialty license, shall not be required to pay an annual renewal fee for the dental specialty license if the licensee has paid the annual renewal fee for the license to practice dentistry.

SECTION 12. 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."

Passed the Senate the 2nd day of April, 2003.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2003.

_____
Presiding Officer of the House
of Representatives