

SB 230

THE STATE SENATE
Tuesday, February 25, 2003

Senate Bill No. 230
As Amended

SENATE BILL NO. 230 - By: CRUTCHFIELD of the Senate and STANLEY of the House.

[professions and occupations - State Dental Act - dental hygiene practice - effective date]

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 328.29, is amended to read as follows:

Section 328.29 It shall be unlawful for any dental hygienist to:

~~(a) advertise~~ 1. Advertise or publish, directly or indirectly, or circulate through the usual commercial channels, such as the press, magazines, directories, radio, television, sign, display or by leaflets, the fact that he or she is in the practice of dental hygiene;

~~(b) place~~ 2. Place his or her name in any city, commercial or other directory;

~~(c) place~~ 3. Place his or her name in the classified section of a telephone directory;

~~(d) offer~~ 4. Offer free dental service or examination as an inducement to gain patronage;

1 ~~(e) claim~~ 5. Claim the use of any secret or patented methods or
2 treatments;

3 ~~(f) employ~~ 6. Employ or use solicitors to obtain patronage;

4 ~~(g) pay~~ 7. Pay or accept commission in any form or manner as
5 compensation for referring patients to any person for professional
6 services;

7 ~~(h) in~~ 8. In any way advertise as having ability to diagnose or
8 prescribe for any treatment;

9 ~~(i) publish~~ 9. Publish any schedule or comparative prices or
10 fees for his or her services;

11 ~~(j) claim~~ 10. Claim or infer superiority over other dental
12 hygienists;

13 ~~(k) perform~~ 11. Perform any services in the mouth other than
14 those which are hereafter authorized by the Board of Governors
15 pursuant to authority conferred by this act;

16 ~~(l) attempt~~ 12. Attempt to conduct a practice of dental hygiene
17 in some other location other than ~~in an office of a dentist and~~
18 ~~under his supervision~~ those authorized under the State Dental Act
19 and the rules of the Board;

20 ~~(m) attempt~~ 13. Attempt to use in any manner whatsoever any
21 oral prophylaxis list, call list, records, reprints or copies of
22 same or information gathered therefrom, or the names of patients

1 whom he or she has formerly treated when serving as an employee in
2 the office of a dentist for whom he or she was formerly employed; or
3 ~~(n) fail~~ 14. Fail to keep prominently displayed in the office
4 of the dentist for whom he or she is employed his or her certificate
5 of ability and annual registration certificate.

6 Any person committing an offense against any of the provisions
7 of this section, including duly promulgated rules and regulations of
8 the Board shall, upon conviction, be subjected to such penalties as
9 are provided in this act, and the writ of injunction without bond is
10 made available to the Board of Governors for the enforcement of this
11 act. Provided, however, a dental hygienist may place his or her
12 name in letters no larger than those used by his or her dentist
13 employer on the door, window or premises, with the letters R.D.H. or
14 the words, dental hygienist, following his or her name.

15 SECTION 2. AMENDATORY 59 O.S. 2001, Section 328.33, is
16 amended to read as follows:

17 Section 328.33 The Board of Governors shall have the power,
18 after a hearing for any of the causes now existing in the laws of
19 the State of Oklahoma, or for a violation of this act, or for a
20 violation of the prescribed duties, rules and regulations as the
21 Board of Governors may adopt, to revoke or suspend a certificate of
22 ability of a dental hygienist or to discipline by probation or
23 reprimand, public or private. The Board of Governors shall also

1 have the power to pass upon all petitions by a dental hygienist for
2 reinstatement to good standing. The Board of Governors shall keep a
3 record of the evidence and proceedings in all matters involving the
4 revocation or suspension of a certificate of ability or reprimand or
5 probation of a dental hygienist and shall make findings of fact and
6 a decision thereon. The Board of Governors shall immediately
7 forward a certified copy of said decision to the dental hygienist
8 involved by registered mail to ~~his~~ the last-known business address.
9 The decision shall be final unless the dental hygienist shall appeal
10 as provided by this act. If an appeal is not timely taken the
11 decision shall be carried out by striking the name of the dental
12 hygienist from the rolls, or suspending ~~him~~ the dental hygienist for
13 the period mentioned in issuing a reprimand, or otherwise acting as
14 required by the decision. The Board of Governors shall have power
15 to revoke or suspend the certificate of ability, reprimand, or place
16 on probation a dental hygienist for a violation of one or more of
17 the following:

18 ~~(a)~~ 1. Upon presentation to the Board of Governors of a
19 certified copy of a court record, showing that a dental hygienist
20 has been convicted of a crime involving turpitude;

21 ~~(b)~~ 2. The presentation to the Board of Governors of a false
22 diploma, license or certificate, or one obtained by fraud or illegal
23 means;

1 ~~(e)~~ 3. By reasons of persistent inebriety or addiction to
2 drugs, the dental hygienist is rendered incompetent to continue the
3 practice of dental hygiene;

4 ~~(d)~~ 4. Has been guilty of dishonorable or unprofessional
5 conduct;

6 ~~(e)~~ 5. Has failed to pay registration fees as herein provided;

7 ~~(f)~~ 6. Is a menace to the public health by reason of
8 communicable disease;

9 ~~(g)~~ 7. Has been proven mentally unsound or has been admitted to
10 a mental institution, either public or private, and until ~~he~~ the
11 dental hygienist has proven himself or herself mentally competent;

12 ~~(h)~~ 8. Is grossly immoral;

13 ~~(i)~~ 9. Is incompetent in the practice of dental hygiene;

14 ~~(j)~~ 10. Is guilty of willful negligence in the practice of
15 dental hygiene;

16 ~~(k)~~ 11. Has been convicted of violating or has willfully
17 violated the federal or state narcotic or barbiturate laws; or has
18 been committed for treatment for drug addiction to an institution,
19 either public or private, and until ~~he~~ the dental hygienist has
20 proven himself or herself to be cured;

21 ~~(l)~~ 12. Is practicing or attempting to practice dental hygiene
22 in any place other than ~~the office of a dentist, and under his~~

1 ~~supervision~~ those authorized under the State Dental Act and the
2 rules of the Board;

3 ~~(m)~~ 13. Is using or attempting to use in any manner whatsoever
4 any oral prophylaxis list, call list, records, reprints or copies of
5 same, or information gathered therefrom, of the names of patients
6 whom such dental hygienist might have served in the office of a
7 prior employer, unless such names appear upon the bona fide call or
8 oral prophylaxis list of ~~his~~ the dental hygienist's present employer
9 and were caused to so appear through the legitimate practice of
10 dentistry, as provided for in this act; or

11 ~~(n)~~ 14. Has violated any part of this act or rules and
12 regulations of the Board of Governors.

13 SECTION 3. AMENDATORY 59 O.S. 2001, Section 328.34, is
14 amended to read as follows:

15 Section 328.34 A. Any dentist may employ up to two registered
16 dental hygienists. Such dental hygienists may remove lime deposits,
17 accretions, and stains from exposed surfaces of the teeth, and
18 directly beneath the free margin of the gum, give topical caries
19 prevention treatment to the extracoronal surfaces of the teeth, and
20 take x-rays pertaining to the field of dentistry and may perform
21 other acts in accordance with the rules of prescribed duties,
22 regulations and procedures promulgated by the Board of Governors.
23 ~~He~~ Dental hygienists may operate ~~only~~ in the office of a dentist, ~~or~~

1 in hospitals under the direct supervision of dentists; ~~provided,~~
2 ~~Boards of Education or any organized health service may employ~~
3 ~~registered hygienists whose services shall be limited to the~~
4 ~~examination of teeth and the teaching of dental hygiene or as~~
5 ~~otherwise authorized by the Board of Governors,~~ or as provided in
6 subsections B and C of this section.

7 B. Dental hygienists may practice in the following settings:

8 1. A federal, state or local public health facility or private
9 health facility;

10 2. A group home servicing the elderly, handicapped or
11 juveniles;

12 3. A home health agency;

13 4. A hospital;

14 5. A nursing home;

15 6. A penal institution operated by or under contract with the
16 federal or state government;

17 7. A public or private school;

18 8. A private residence of a patient of record; or

19 9. Such other settings authorized by the rules of the Board of
20 Dentistry.

21 C. Pursuant to subsection B of this section, a registered
22 dental hygienist may practice under the supervision of a dentist,
23 including public health supervision which means the dental hygienist

1 provides dental hygiene services to a patient based on the
2 authorization of the patient's dentist or a dentist associated with
3 or acceptable to the facility or institution where the dental
4 hygienist is providing services, without the dentist's required
5 presence. If the authorizing dentist has not examined the patient
6 within the prior thirteen-month period, the dental hygienist shall
7 prepare a written report for submission to the authorizing dentist
8 of the dental hygienist's assessment and treatment of the patient.

9 SECTION 4. This act shall become effective November 1, 2003.

10 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 2-13-03 -
11 DO PASS, As Amended and Coauthored.