

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2263

By: Nelson

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Section 328.7, which relates  
9 to the Board of Dentistry; increasing number of  
10 dental hygienist members on the Board; and providing  
11 an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.7, is  
15 amended to read as follows:

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

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

1 established by subsection D of this section. The dental hygienist  
2 ~~member~~ members shall be elected at-large by the dental hygienists  
3 residing in this state who are legally licensed to practice dental  
4 hygiene therein. The two public representative members shall be  
5 appointed by the Governor, subject to confirmation by the Senate.  
6 No public representative member may be a dentist, dental hygienist,  
7 dental assistant, dental laboratory technician, or holder of a  
8 permit to operate a dental laboratory, or be related within the  
9 third degree of consanguinity 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. a. Nominations for dentist members of the Board  
23 shall be by petition signed by at least ten  
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1 dentists residing in the district to be  
2 represented by the nominee.

3 b. Nominations for the dental hygienist ~~member~~  
4 members of the Board shall be by petition signed  
5 by at least ten dental hygienists residing in  
6 this state.

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

13 3. a. Only dentists residing in a district shall be entitled  
14 to vote to elect the Board member from that district.

15 b. Only dental hygienists residing and licensed in this  
16 state shall be entitled to vote to elect the dental  
17 hygienist Board ~~member~~ members.

18 D. For the purpose of nominating and electing dentist members  
19 of the Board, this state shall be divided into eight geographical  
20 districts, which shall consist of the following counties within the  
21 following districts:

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

1 District No. 2: Tulsa and Creek.

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

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

6 District No. 5: Oklahoma.

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

9 District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee,  
10 Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore,  
11 Atoka, Pushmataha, Choctaw and McCurtain.

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

14 E. 1. Dentist members of the Board may be recalled and removed  
15 from the Board in a special recall election to be conducted by the  
16 Board upon receipt of a written recall petition signed by at least  
17 twenty percent (20%) of the dentists residing in the district  
18 represented by the member who is the subject of the recall petition.  
19 Only dentists residing in the affected district may vote in the  
20 special recall election.

21 2. The dental hygienist ~~member~~ members of the Board may be  
22 recalled and removed from the Board in a special recall election to  
23 be conducted by the Board upon receipt of a written recall petition  
24 signed by at least twenty percent (20%) of the licensed dental

1 hygienists residing in this state. Only dental hygienists residing  
2 and licensed in this state shall be entitled to vote in the special  
3 recall election.

4 3. Special recall elections shall be by secret ballot. The  
5 ballots shall be mailed by the Board to those entitled to vote at  
6 least thirty (30) days prior to the date of counting the ballots and  
7 shall be returned by mail to the office of the Board, then opened  
8 and counted at a meeting of the Board. In other respects, special  
9 recall elections shall be conducted as provided by the rules of the  
10 Board. If a majority of the votes cast in the special recall  
11 election are in favor of recalling the Board member, the member  
12 shall be removed from the Board effective on the date the results of  
13 the special recall election are certified by the Board.

14 F. 1. A vacancy among the dentist members of the Board shall  
15 be filled by a special election in the district of the vacancy for  
16 the unexpired term within sixty (60) days after the vacancy occurs.

17 2. A vacancy ~~of~~ among the dental hygienist ~~member~~ members on  
18 the Board shall be filled by a special election in this state for  
19 the unexpired term within sixty (60) days after the vacancy occurs.

20 3. Nominations shall be made and special elections shall be  
21 conducted in the same manner as provided in subsection C of this  
22 section. If no one is nominated within forty-five (45) days from  
23 date of vacancy, the vacancy shall be filled by appointment by the  
24 Board. A vacancy among the public representative members of the

1 Board shall be filled by appointment by the Governor, subject to  
2 confirmation by the Senate.

3 SECTION 2. This act shall become effective November 1, 2012.

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