

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2303

By: Hilliard

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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; modifying board  
10 membership; and providing an effective date.

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

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

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

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

1 ~~member~~ members shall be elected at-large by the dental hygienists  
2 residing in this state who are legally licensed to practice dental  
3 hygiene therein. The two public representative members shall be  
4 appointed by the Governor, subject to confirmation by the Senate.  
5 No public representative member may be a dentist, dental hygienist,  
6 dental assistant, dental laboratory technician, or holder of a  
7 permit to operate a dental laboratory, or be related within the  
8 third degree of consanguinity or affinity to any such person.

9       2. Before assuming duties on the Board, each member shall take  
10 and subscribe to the oath of office or affirmation provided in  
11 Article XV of the Oklahoma Constitution, which oath or affirmation  
12 shall be administered and filed as provided in the Article.

13       3. Each member of the Board shall hold office for a term of  
14 three (3) years and until a successor in office is elected and  
15 qualified. Board members shall not serve for more than three (3)  
16 consecutive terms. To be eligible to be elected to and serve on the  
17 Board, a dentist or dental hygienist must have been licensed to  
18 practice in this state for at least five (5) years, and for the five  
19 (5) years prior to the date of counting the ballots, not have been  
20 subject to a penalty imposed by the Board or its predecessor board.

21       C.   1.   a.   Nominations for dentist members of the Board  
22                   shall be by petition signed by at least ten  
23                   dentists residing in the district to be  
24                   represented by the nominee.

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

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

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

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

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

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

23           District No. 2:  Tulsa and Creek.

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

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

5 District No. 5: Oklahoma.

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

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

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

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

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

1 and licensed in this state shall be entitled to vote in the special  
2 recall election.

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

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

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

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