

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1405

By: Brinkley

4  
5 AS INTRODUCED

6 An Act relating to the Board of Dentistry; amending  
7 59 O.S. 2011, Section 328.7, which relates to the  
8 Board of Dentistry; adding two additional dental  
9 hygienist members to the Board of Dentistry; and  
10 providing an effective date.

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

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

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

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

1 hygiene therein. The two public representative members shall be  
2 appointed by the Governor, subject to confirmation by the Senate.  
3 No public representative member may be a dentist, dental hygienist,  
4 dental assistant, dental laboratory technician, or holder of a  
5 permit to operate a dental laboratory, or be related within the  
6 third degree of consanguinity or affinity to any such person.

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

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

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

22 b. Nominations for the dental hygienist ~~member~~ members of  
23 the Board shall be by petition signed by at least ten  
24 dental hygienists residing in this state.

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

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

9           b. Only dental hygienists residing and licensed in this  
10 state shall be entitled to vote to elect the dental  
11 hygienist Board ~~member~~ members.

12           D. For the purpose of nominating and electing dentist members  
13 of the Board, this state shall be divided into eight geographical  
14 districts, which shall consist of the following counties within the  
15 following districts:

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

19           District No. 2: Tulsa and Creek.

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

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

24           District No. 5: Oklahoma.

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

3 District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee,  
4 Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore,  
5 Atoka, Pushmataha, Choctaw and McCurtain.

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

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

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

22 3. Special recall elections shall be by secret ballot. The  
23 ballots shall be mailed by the Board to those entitled to vote at  
24 least thirty (30) days prior to the date of counting the ballots and

1 shall be returned by mail to the office of the Board, then opened  
2 and counted at a meeting of the Board. In other respects, special  
3 recall elections shall be conducted as provided by the rules of the  
4 Board. If a majority of the votes cast in the special recall  
5 election are in favor of recalling the Board member, the member  
6 shall be removed from the Board effective on the date the results of  
7 the special recall election are certified by the Board.

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

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

14 3. Nominations shall be made and special elections shall be  
15 conducted in the same manner as provided in subsection C of this  
16 section. If no one is nominated within forty-five (45) days from  
17 date of vacancy, the vacancy shall be filled by appointment by the  
18 Board. A vacancy among the public representative members of the  
19 Board shall be filled by appointment by the Governor, subject to  
20 confirmation by the Senate.

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

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