STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1068 By: Newberry of the Senate

and

McBride of the House

COMMITTEE SUBSTITUTE

[professions and occupations - State Dental Act - Oklahoma Dental Mediation Act - codification - effective date - emergency]

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.2, as amended by Section 1, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.2), is amended to read as follows:

Section 328.2 The practice of dentistry in the State of Oklahoma is hereby declared to affect the public health, safety and general welfare and to be subject to regulation and control in the public's best interest. It is further declared to be a matter of

public interest and concern that the dental profession, through advancement and achievement, merits and receives the confidence of the public and that only properly qualified dentists be permitted to practice dentistry and supervise dental hygienists, dental assistants ~~and~~, oral maxillofacial surgery assistants and orthodontic assistants in the State of Oklahoma. All provisions of this act relating to the practice of dentistry, the practice of dental hygiene, the procedures performed by dental assistants ~~and~~, oral maxillofacial surgery assistants and orthodontic assistants, and the fabrication of dental appliances in dental laboratories by dental laboratory technicians shall be liberally construed to carry out these objects and purposes.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.3, as amended by Section 2, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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. "Accredited dental assisting program" means a dental assisting program which is accredited by the Commission on Dental Accreditation of the American Dental Association;

4. "Board" means the Board of Dentistry;

~~4.~~ 5. "Dentistry" means the practice of dentistry in all of its branches;

~~5.~~ 6. "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.~~ 7. "Dental ambulatory surgical center" or "DASC" means a facility that operates exclusively for the purpose of furnishing outpatient surgical services to patients. A DASC shall have the same privileges and requirements as a dental office and additionally must be an accredited facility;

8. "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.~~ 9. "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 license by the Board and who is authorized to practice dental hygiene as hereinafter defined;

~~8.~~ 10. "Dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant" means an individual working for a dentist, under the dentist's direct supervision or direct visual 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. A dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant may assist a dentist with the patient; provided, this shall be done only under the direct supervision or direct visual supervision and control of the dentist and only in accordance with the educational requirements and rules promulgated by the Board;

~~9.~~ 11. "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.~~ 12. "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.~~ 13. "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.~~ 14. "Dental specialty" means a specialized practice of a branch of dentistry, recognized and defined by the American Dental Association ~~and the rules of~~ or by the Board;

~~13.~~ 15. "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, and authorizes the procedures to be performed by a dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant~~, remains~~ or orthodontic assistant. The supervising dentist is continuously on site and physically present 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.~~ 16. "Direct visual supervision" means the supervisory dentist has direct ongoing visual oversight which shall be maintained at all times during any procedure authorized to be completed by a dental hygienist or an oral maxillofacial dental assistant. Direct visual supervision shall only be required by a dentist with a general anesthesia permit during a general anesthesia procedure;

17. "General supervision" means the supervisory dentist has ~~previously~~ diagnosed any conditions to be treated within the past thirteen (13) months, 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. General supervision and indirect supervision may only be used in supervising dental hygienists;

~~15.~~ 18. "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.~~ 19. "Investigations" means an investigation proceeding, authorized under Sections 328.15A and 328.43a of this title, to investigate alleged violations of the State Dental Act or the rules of the Board;

~~17.~~ 20. "Laboratory prescription" means a written description, dated and signed by a dentist, of dental laboratory technology to be performed by a dental laboratory technician;

~~18.~~ 21. "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;

~~19.~~ 22. "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;

~~20.~~ 23. "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 for dental care;

~~21. "Retired dentist" means a person that has a current active dental or specialty license but is limited to practicing in a volunteer nonpaid capacity;~~

~~22.~~ 24. "Specialty assistant" means an oral maxillofacial assistant or an orthodontic assistant as defined by Section 328.25 of this title;

25. "Supervision" means direct supervision, direct visual supervision, indirect supervision, or general supervision; and

~~23.~~ 26. "Treatment facility" means:

a. a federal, tribal, state or local public health facility,

b. a federal qualified health care facility (FQHC),

c. a private health facility,

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

~~d.~~ e. a hospital,

~~e.~~ f. a nursing home,

~~f.~~ g. a penal institution operated by or under contract with the federal or state government,

~~g.~~ h. a public or private school,

~~h.~~ i. a patient of record's private residence,

~~i.~~ j. a mobile dental ~~unit~~ facility,

~~j.~~ ~~an accredited~~

k. a dental college accredited by the Commission on Dental Accreditation,

~~k.~~ ~~an accredited~~

l. a dental hygiene program accredited by the Commission on Dental Accreditation, ~~or~~

~~l.~~ m. a dental assisting program accredited by the Commission on Dental Accreditation, or

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

SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.10, is amended to read as follows:

Section 328.10 A. The Board of Dentistry shall organize annually at the last regularly scheduled meeting of the Board before the beginning of each fiscal year, by electing from among its members a president, a first vice-president, a second vice-president, and a secretary-treasurer. The duties of each officer

shall be prescribed in the rules of the Board. The term of office of the persons elected president, vice-presidents and secretary-treasurer shall be for the following fiscal year and until their successors are elected and qualified.

B. The Board shall hold regularly scheduled meetings during each quarter of the year at a time and place determined by the Board and may hold such additional regular meetings, special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. ~~The Board may appoint an individual to be the principal administrative officer of the Board and may confer upon that person the title selected by the Board, based upon the person's education, background, experience and ability. The principal administrative officer shall be responsible for the performance of administrative functions delegated by the Board.~~

~~D. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.~~

~~E. All members of the Board and such employees, as determined by the Board, shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.~~

~~F. The responsibilities and rights of any member or employee of the Board who acts within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.~~

~~G.~~ Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

D. Committee members and anesthesia inspectors appointed by the Board shall be eligible for reimbursement for travel expenses in accordance with the State Travel Reimbursement Act.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.15, as last amended by Section 3, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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 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 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;

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

6. Employ an Executive Director, 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, oral maxillofacial surgery assistant, orthodontic 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 dental assistants, oral maxillofacial surgery assistants, orthodontic assistants and, when appropriate, issue permits authorizing dental assistants to perform expanded duties;

11. Establish continuing education requirements for dentists, dental hygienists, dental assistants ~~and~~, oral maxillofacial surgery assistants and orthodontic assistants who hold permits issued by the Board;

12. Recognize the parameters and standards 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. Seek and receive advice and assistance of the Office of the Attorney General of this state;

15. Promote the dental health and education of dental health of the people of this state;

16. Inform, educate, and advise all persons who hold a license 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;

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

18. Enter into contracts;

19. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, hold, encumber, and dispose of personal property as is needed, maintain, use and operate or contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by the State Dental Act; provided, all contracts for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

20. Acquire items through purchase or donation with historical significance related to the Oklahoma Dental Board or the Territorial Dental Board of Oklahoma;

21. Receive or accept the surrender of a license, permit, or certificate granted to any person by the Board as provided in Section 328.44a of this title; and

~~21.~~ 22. Take all other actions necessary to implement and enforce the State Dental Act.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.17, is amended to read as follows:

Section 328.17 A. 1. The Board of Dentistry shall have ~~power to appoint one dental hygienist in an advisory capacity to sit with the Board to:~~

~~1. Assist the Board in the administration and enforcement of the dental hygienist provisions of the State Dental Act; and~~

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

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

~~C. The appointment shall be for a period of two (2) years or until a successor is appointed.~~ the following standing committees that shall meet once per year and other times as needed to study issues affecting the practice of dentistry and the safety of the public and to make recommendations to the Board:

a. Dental Practice Committee,

b. Historical and Retirement Committee,

c. Assistants, Dental Labs and Other Auxiliary Personnel Committee,

d. Specialty Practice Committee, and

e. Anesthesia Committee.

2. Each committee shall be cochaired by a current or past Board member to be appointed by the Board President and a member of a statewide organization representing dentists as recommended by such organization.

3. Each committee may have up to ten committee members with the exception of the Anesthesia Committee which may have up to eighteen members exclusive of the cochairs.

4. The Board President shall appoint all committee members. One-half (1/2) of the committee members shall be recommended by the Board and one-half (1/2) of the committee members shall be recommended to the Board President by a statewide organization representing dentists.

5. Committee members shall be on staggered three-year terms and shall serve at the pleasure of the Board.

B. There shall be a Dental Hygiene Advisory Committee:

1. The Dental Hygiene Advisory Committee shall be composed of the following members:

a. one current dental hygiene member of the Board, and

b. two dental hygienists recommended by the Board and two dental hygienists recommended by a statewide organization representing dental hygienists;

2. The Committee shall have the following functions:

a. to develop and propose recommendations to the Board regarding the education, examination, licensure, and regulation of dental hygienists,

b. to advise the Board in rulemaking regarding dental hygiene,

c. to hold meetings at least annually but not more than four times a year,

d. to work directly with the Allied Dental Education Committee in reviews and recommendations for equivalent programs; and

3. Members of the Committee shall be appointed by the Board and shall serve a term of three (3) years. Appointments shall be made so that approximately one-third (1/3) of the Committee is reappointed at any given time. Members may be appointed for consecutive terms if recommended by the Board President.

C. There shall be an Allied Dental Education Committee. This Committee shall review the standards and equivalency of in-state and out-of-state dental and auxiliary program requirements.

1. The Board President shall appoint all members of the Allied Dental Education Committee upon approval by the Board.

2. The Committee shall have the authority to evaluate individual credentials and programs for the purpose of issuing dental assistant expanded duty permits and dental hygiene advanced procedure permits based on criteria as defined by the State Dental Act and other statutes and shall make recommendations to the Board.

3. The Committee shall set the standards and review criteria for all programs for advanced procedures of dental hygienists and expanded duties for dental assistants from programs that are providers approved by the Commission on Dental Accreditation (CODA), or a program approved by the Board. The Board may consider current

technology and other methods of education when evaluating a program for approval.

4. The Committee shall meet as necessary.

5. The Committee may have up to six members of whom three shall have a background in dental education in addition to the Dental Hygiene Board member and the Board President or his designees.

6. Committee members shall serve staggered three-year terms and serve at the pleasure of the Board.

D. The Board President shall have the authority to appoint other ad hoc committees as needed.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.19, as amended by Section 4, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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; or

19. Any other procedure otherwise defined in the State Dental Act requiring a valid license or permit to perform while the person does not hold such valid license or permit.

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 license by the Board;

6. The practice of a registered nurse, licensed practical nurse or certified nurse anesthetist holding a valid license issued by the Oklahoma Board of Nursing while performing acts in a dental office or facility under the supervision of a licensed dentist;

7. The performing of acts by a dental assistant ~~or~~, oral maxillofacial surgery assistant, or orthodontic assistant who performs the acts under the direct supervision or direct visual supervision of a dentist and in accordance with the provisions of the State Dental Act and the rules promulgated by the Board; or

~~7.~~ 8. 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 7. AMENDATORY 59 O.S. 2011, Section 328.21, as amended by Section 5, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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.

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;

3. Has passed a written theoretical examination and a clinical examination as approved by the Board; and

4. Has passed a written jurisprudence examination over the rules and laws affecting dentistry in Oklahoma.

C. An application from a candidate who desires to secure a license from the Board to practice dentistry or dental hygiene in

this state shall be accompanied by satisfactory proof that the applicant ~~is~~:

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

2. ~~A~~ Is 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~~;

3. Has passed all portions of the National Board of Dental Examination or the National Board Dental Hygiene Examination; and

4. Has passed the Western Regional Examination Board (WREB), or another exam as approved by the Board as specified in Section 328.15 of this title.

Anyone applying for a specialty license by credentials before January 1, 2015, may make application to the Board President to have the specialty practice committee individually review the credentials of the individual and may require that the individual pass a specialty exam in lieu of the requirement in paragraph 4 of this subsection.

D. 1. When the applicant and the accompanying proof are found satisfactory, the Board shall notify the applicant to appear for the jurisprudence 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~~ A dental student or a dental hygiene student in their last semester of a dental or dental hygiene program, having met all other requirements, may make application and take the jurisprudence examination with a letter from the dean of the dental school or director of the hygiene program stating that the applicant is a candidate for graduation within the next six (6) months.

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

~~1. Submit~~ 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~~ any other information as required by the Board.

F. Any applicant who fails to pass any part of the ~~first~~ jurisprudence examination may apply for a second examination, in which case the applicant shall pay a reexamination fee as established by the statutes or rules of the ~~Board~~ State Dental Act.

G. Any applicant who fails to pass the clinical examination ~~upon first trial~~ as described in paragraph 4 of subsection C of this section, 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.

~~G. No person shall practice as a dental assistant or oral maxillofacial surgery assistant for more than one (1) day in a calendar year without having obtained a permit as a dental assistant~~

~~or oral maxillofacial surgery assistant from the Board of Dentistry within thirty (30) days of beginning employment.~~

~~Any person seeking to obtain a dental assistant or oral maxillofacial surgery assistant permit must have a supervising dentist currently licensed in Oklahoma and complete the requirements set forth by the Board.~~

H. A dentist or dental hygienist currently licensed in another state having met the qualifications in paragraphs 1 through 3 of subsections B and C of this section may apply for license by credentials upon meeting the following:

1. A dentist holding a general dentist license in good standing and having practiced for at least five (5) years previously, and having passed examinations substantially equivalent to the requirements for Oklahoma may apply for license by credentials;

2. A dental hygienist holding a dental hygiene license in good standing and having practiced for at least two (2) years previously, and having passed examinations substantially equivalent to the requirements for Oklahoma may apply for license by credentials; and

3. An applicant applying for a dental or dental hygiene license by credentials shall only be required to pass the jurisprudence portion of the examination requirements as set forth in paragraph 4 of subsection C of this section.

I. There shall be three types of advanced procedure available for dental hygienists upon completion of a training class or program that has been approved by the Board:

1. Administration of nitrous oxide;

2. Providing local anesthesia; and

3. Gain line access for IV sedation.

J. All licensees and permit holders shall display their current permit or license in a visible place within the dental office or treatment facility.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.22, is amended to read as follows:

Section 328.22 A. 1. The Board of Dentistry may issue a dental specialty license authorizing a dentist ~~or an out-of-state dentist~~ to represent himself or herself to the public as a specialist, and to practice as a specialist, in a dental specialty.

2. No dentist ~~or out-of-state dentist~~ shall represent himself or herself to the public as a specialist, nor practice as a specialist, unless the individual:

a. has successfully completed an advanced dental specialty educational program accredited by the Commission on Dental Accreditation of the American Dental Association, ~~and~~

b. can meet the requirements for a general dental license set forth in Section 328.21 of this title,

c. has passed the jurisprudence examination covering the State Dental Act and rules and state laws, and

d. has completed any additional requirements set forth in state law or rules and been issued a dental specialty license by the Board.

3. Specialties recognized by the Board include:

a. dental public health,

b. endodontics,

c. oral and maxillofacial surgery,

d. oral and maxillofacial radiology,

e. orthodontics and dentofacial orthopedics,

f. pediatric dentistry,

g. periodontics,

h. prosthodontics, and

i. oral pathology.

B. 1. ~~Except as authorized in subsection C of this section, an applicant for a dental specialty license must satisfactorily pass an examination for dental specialty practice, as provided in the rules of the Board.~~

~~2. An applicant for a dental specialty license who fails the examination shall be entitled to retake the examination upon such terms and conditions as may be established by the rules of the Board.~~

~~C. 1. The Board may issue a dental specialty license by credentialing, without examination in the dental specialty, to an out-of-state dentist who:~~

~~a. is in good standing with the dental licensing agency of the state or states in which the out-of-state dentist has been issued a license to practice dentistry,~~

~~b. has successfully completed an advanced dental specialty educational program accredited by the Commission on Dental Accreditation of the American Dental Association, and~~

~~c. has been issued a dental specialty license by the dental licensing agency of another state or has received board certification from a national dental specialty board recognized by the Commission on Dental Accreditation of the American Dental Association and the rules of the Board.~~

At the time of application, if the dentist has ever been licensed in any other state, he or she shall provide a letter of good standing from that state before the Board may issue the specialty license.

2. In conducting an investigation of an out-of-state dentist who has applied for a dental specialty license pursuant to this subsection, the Board ~~may~~ shall require of the applicant disclosure

of the same background information as is required of an applicant for a license to practice dentistry in this state. ~~If the Board determines that the out-of-state dentist is competent to practice a dental specialty, and after the out-of-state dentist passes an examination on the contents and interpretation of the State Dental Act and the rules of the Board, the out-of-state dentist may be issued a dental specialty license by the Board.~~

~~3. The Board may require:~~

~~a. an applicant for a dental specialty license pursuant to this subsection to have completed the same continuing education requirements as required of dentists in this state, and~~

~~b. that the state from which the applicant presents credentials afford substantially equivalent licensure by credentialing to dentists of this state.~~

~~D. Upon payment of a fee established by the rules of the Board, any applicant who meets the requirements of this section shall be entitled to be issued a dental specialty license by the Board.~~

~~E. Out-of-state dentists to whom dental specialty licenses have been issued by the Board, but who have not been licensed in this state to practice dentistry, shall limit their practice in this state to the practice of the specialty for which they hold a dental specialty license~~

C. Any person holding an Oklahoma specialty license that does not have an Oklahoma general dentistry license shall be limited to practicing that specialty for which they hold a license.

D. The Board may use the American Dental Association guidelines for the purpose of defining a specialty practice area unless otherwise defined by the Dental Practices Act or Board rules.

SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.23, as last amended by Section 6, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.23), is amended to read as follows:

Section 328.23 A. ~~1. The Board of Dentistry may issue a license to practice dentistry, without examination, to an out-of-state dentist who has been engaged in the practice of dentistry in another state for at least five (5) years, upon presentation to the Board of a certificate from the dental licensing agency of that state, certifying the applicant's length of practice and that the applicant is in good standing with the agency, and upon the payment of a fee established by the rules of the Board; provided, however, the state from which the applicant presents a license to practice dentistry shall have required the applicant to meet professional education, competency, and moral character standards substantially equivalent to the standards required by the Board for issuance of a license by examination to practice dentistry in this state.~~

~~2. The Board shall not issue a license pursuant to this subsection to any person who would not otherwise be eligible to receive a license to practice dentistry.~~

~~3. The Board may require:~~

~~a. an applicant for a license to practice dentistry pursuant to this subsection to have completed the same continuing education requirements as required of dentists in this state, and~~

~~b. that the state from which the applicant presents credentials afford substantially equivalent licensure by credentialing to dentists of this state.~~

~~B. Any dentist who is in good standing with the Board shall, upon application to the Board and payment of a fee established by the rules of the Board, receive a certificate which shall attest that the dentist is in good standing with the Board.~~

~~C.~~ The President of the Board, upon verification that a person meets the requirements provided for in this section and any other requirements provided for in the State Dental Act, may issue a temporary license to practice dentistry for thirty (30) days. A temporary license may be extended but shall not exceed ninety (90) days or the next available regularly scheduled Board meeting.

B. A temporary license to practice dental hygiene shall expire as of the date of the next dental hygiene clinical examination required by the Board.

C. A holder of a temporary license to practice dentistry or dental hygiene shall have the same rights and privileges and be governed by the State Dental Act and the rules of the Board in the same manner as a holder of a permanent license to practice dentistry and dental hygiene.

D. The President of the Board may authorize patient treatment and care to individuals taking the Western Regional Examining Board Exam to complete criteria related to Board examinations and may authorize specialty examinations to be given throughout the year as needed.

SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.23a, is amended to read as follows:

Section 328.23a A. There is established a special volunteer license for dentists and a special volunteer license for dental hygienists who are retired from active practice or out-of-state licensees in active practice who are in the Oklahoma Medical Reserve Corps or assisting with emergency management, emergency operations, or hazard mitigation in response to any emergency, man-made disaster, or natural disaster, or participating in public health initiatives, disaster drills, and community service events that are endorsed by a city, county, or state health department in the state and wish to donate their expertise for the dental care and treatment of indigent and needy persons of the state. The special volunteer license shall be:

1. Issued by the Board of Dentistry to eligible persons;

2. Issued without the payment of an application fee, license fee or renewal fee;

3. Issued or renewed without any continuing education requirements for a period less than one (1) fiscal year; and

4. Issued for one (1) fiscal year or part thereof.

B. A dentist or dental hygienist must meet the following requirements to be eligible for a special volunteer license:

1. Completion of a special volunteer dental or dental hygiene license application, including documentation of the dentist's dental or dental hygiene school graduation and practice history;

2. Documentation that the dentist or dental hygienist has been previously issued a full and unrestricted license to practice dentistry or dental hygiene in Oklahoma or in another state of the United States and that he or she has never been the subject of any medical or dental disciplinary action in any jurisdiction. If the dentist or dental hygienist is licensed in more than one state and any license of the licensee is suspended, revoked, or subject to any agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction, the dentist or dental hygienist shall be ineligible to receive a special volunteer license;

3. Acknowledgement and documentation that the dentist's or dental hygienist's practice under the special volunteer license will

be exclusively and totally devoted to providing dental care to needy and indigent persons in Oklahoma; ~~and~~

4. Acknowledgement and documentation that the dentist or dental hygienist will not receive or have the expectation to receive any payment or compensation, either direct or indirect, for any dental services rendered under the special volunteer license; and

5. A listing of all locations and dates that the person will be completing volunteer work under the special volunteer license.

C. The Board of Dentistry shall have jurisdiction over dentists, dental hygienists, dental assistants, and dental technicians who volunteer their professional services in the state. Dental assistants and dental technicians shall work under the direct supervision of a dentist.

D. Dental assistants and dental technicians shall not be required to obtain a volunteer license. Volunteers in a volunteer initiative who are not dentists or dental hygienists shall be named and provided on a list to the Board by the entity hosting the volunteer initiative. The Board shall provide written documentation to the host entity designating all persons who may participate in the volunteer initiative, including authorization of the timetable requested by the host entity for granting licensure exemption.

E. All persons providing care shall do so under the provisions specified in Section 328.1 et seq. of this title or rules promulgated by the Board. Only those functions authorized by law or

administrative rule shall be performed by the named person approved by the Board.

F. Volunteers shall not use sedation or general anesthesia during volunteer procedures.

G. Volunteers shall use a form to be provided by the Board for any patient with clear instructions for any and all follow-up care.

H. At any time, the Board shall revoke a volunteer license based on documentation of failure to participate according to state laws or administrative rules.

I. A special volunteer license shall be restricted to services provided at the location(s) as listed on the application, or for a specific not-for-profit treatment provider group as approved by the Board.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.23b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. A dentist, dental hygienist or dental assistant that has been licensed or permitted in good standing with the Board in excess of twenty (20) years that has reached the age of sixty-five (65), may apply for a retired volunteer dentist, dental hygienist or dental assistant license on a yearly basis to provide volunteer services. There shall be no continuing education requirements.

2. A retired dentist, dental hygienist or dental assistant with a retired license or permit shall not receive payment either directly or indirectly for work provided.

B. A dentist or dental hygienist that has been licensed in good standing in excess of twenty-five (25) years with the Board that has attained the age of sixty-five (65), and that currently has an active dental or dental hygiene license as provided for in Sections 328.21 and 328.22 of Title 59 of the Oklahoma Statutes shall only be required to complete one-half (1/2) of the continuing education hours required every three (3) years.

SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.24, is amended to read as follows:

Section 328.24 A. ~~1. The Board of Dentistry may issue a license to practice dental hygiene, without examination, to an out-of-state dental hygienist who has been engaged in the active practice of dental hygiene in another state or territory for at least two (2) years immediately preceding application, upon presentation to the Board of a certificate from the Board of Dental Examiners or a like dental hygiene licensing agency of that state or territory, certifying the applicant's length of practice and that the applicant is in good standing with the agency, and upon the payment of a fee established by the rules of the Board; provided, however, the state or territory from which the applicant presents a license to practice dental hygiene shall have required the applicant~~

~~to meet professional education, competency, and other eligibility standards equivalent to the standards required by the Board for issuance of a license by examination to practice dental hygiene in this state.~~

~~2. The Board shall not issue a license pursuant to this subsection to any person who would not otherwise be eligible to receive a license to practice dental hygiene.~~

~~3. The Board may require:~~

~~a. an applicant for a license to practice dental hygiene pursuant to this subsection to have completed the same continuing education requirements as required of dental hygienists in this state, and~~

~~b. that the state or territory from which the applicant presents credentials afford substantially equivalent licensure by credentialing to dental hygienists of this state.~~

~~B. Any dental hygienist who is in good standing with the Board shall, upon application to the Board and payment of a fee established by the rules of the Board, receive a certificate which shall attest that the dental hygienist is in good standing with the Board~~ No person shall practice as a dental assistant for more than one (1) day in a calendar year without having obtained a permit as a dental assistant, oral maxillofacial surgery assistant or

orthodontic assistant from the Board of Dentistry within thirty (30) days of beginning employment.

B. The application shall be made to the Board in writing and shall be accompanied by the fee established by the Board, together with satisfactory proof that the applicant:

1. Is of good moral character; and

2. Passes a background check with criteria established by the Board.

C. There shall be four types of expanded duty permits available for dental assistants upon completion of a program approved by CODA or a program that has been approved by the Board prior to 1981:

1. Radiation safety;

2. Coronal polishing and topical fluoride;

3. Sealants; and

4. Assisting in the administration of nitrous oxide.

D. An applicant for a dental assistant permit who has graduated from a program accredited by the Commission on Dental Accreditation (CODA) and has passed the jurisprudence test shall receive all four expanded duty permits provided for in subsection C of this section.

E. No dental assistant shall be authorized to perform functions specifically allowed to be performed by a specialty assistant.

F. Each dental assistant shall be required to complete three (3) hours of continuing education within a three-year period, which shall include infection control.

SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.25, is amended to read as follows:

Section 328.25 A. ~~The Board of Dentistry may issue a temporary license to practice dental hygiene, without examination, to an out-of-state dental hygienist who has been engaged in the active practice of dental hygiene in another state or territory during the two (2) years immediately preceding application upon presentation to the Board of a certificate from the Board of Dental Examiners or a like dental hygiene licensing agency of that state or territory, certifying that the applicant is in good standing with the agency and upon the payment of a fee established by the rules of the Board; provided, however, the state or territory from which the applicant presents a license to practice dental hygiene shall have required the applicant to meet professional education, competency, and other eligibility standards equivalent to the standards required by the Board for issuance of a license by examination to practice dental hygiene in this state.~~

~~B. A holder of a temporary license to practice dental hygiene shall have the same rights and privileges and be governed by the State Dental Act and the rules of the Board in the same manner as a holder of a permanent license to practice dental hygiene. A temporary license to practice dental hygiene shall expire as of the date of the next dental hygiene clinical examination required by the Board~~ No person shall practice as an oral maxillofacial surgery

assistant or orthodontic assistant without having obtained a permit as an oral maxillofacial surgery assistant or an orthodontic assistant from the Board of Dentistry.

B. Any person seeking to obtain an oral maxillofacial surgery assistant or an orthodontic assistant permit must have a supervising dentist currently licensed in Oklahoma with the associated specialty license and complete the requirements set forth by the Board.

C. The application shall be made to the Board in writing and shall be accompanied by the fee established by the Board, together with the satisfactory proof that the applicant:

1. Is of good moral character;

2. Passes a background check with criteria established by the Board; and

3. Has completed all of the training requirements for the specialty area of the specialty permit as established by the Board.

D. A specialty dental assistant permit shall be considered a temporary training permit until all of the training requirements, as established by the Board for each specialty assistant, have been completed and approved by the Board.

E. A temporary training permit for each specialty assistant shall not be extended beyond two (2) years.

F. All specialty dental assistants are required to be under direct supervision or direct visual supervision at all times by a

licensed dentist. A dentist with a general anesthesia permit may supervise on oral maxillofacial surgical assistant.

G. Any dentist shall notify the Board within thirty (30) days of a specialty assistant no longer under their supervision.

H. An applicant for an oral maxillofacial surgical assistant permit shall provide satisfactory proof of:

1. Successful completion of the Dental Anesthesia Assistant National Certification Examination;

2. A valid CPR or BLS certification;

3. Employment and completion of a minimum of six (6) months of training under the direct supervision of a licensed oral maxillofacial surgeon;

4. Training, including intravenous access or phlebotomy, and experience starting and maintaining intravenous lines; and

5. Completion of an infection-control course as approved by the Board.

I. An oral maxillofacial surgical assistant who has completed all training requirements shall receive a permit to practice as an oral maxillofacial surgical assistant and may assist an oral maxillofacial surgeon with anesthesia by intravenous access provided in a dental office, surgical center or hospital under direct visual supervision and other procedures as approved by the Board. An oral maxillofacial surgical assistant shall not administer any medications except under the direct visual supervision and under

direct verbal instruction at the time the anesthesia is being administered by the dentist.

J. Oral maxillofacial surgical assistants shall be required to complete twelve (12) hours of continuing education every three (3) years in classes approved by the American Association of Oral Maxillofacial Surgeons that are certified by the American Dental Association CERP program or another program approved by the Board. The continuing education requirement shall include at least one (1) hour on infection control.

K. The anesthesia committee provided pursuant to Section 328.17 of this title may make a recommendation to the Board for an oral maxillofacial surgical assistant holding a temporary training permit to substitute training received in another state university, dental school or technical training institute or training acquired in a surgical center or hospital while working under the authority of a licensed physician to qualify as a partial substitute for the requirements to attain a full oral maxillofacial surgical assistant permit.

L. An applicant for an orthodontic assistant permit shall provide satisfactory proof of:

1. Successful completion of a training program specializing in assisting of an orthodontist and approved by the Board;

2. Completion of an infection-control class approved by the Board; and

3. Completion of a minimum of six (6) months of training by a licensed orthodontist.

M. An orthodontic assistant that has completed all training requirements shall receive a permit to practice as an orthodontic assistant and shall have the authority to complete orthodontic procedures as defined by the Board.

SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.26, as last amended by Section 7, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.26), is amended to read as follows:

Section 328.26 A. The Board of Dentistry may, without examination, issue a dental intern, resident or fellowship permit to a student or graduate of an approved dental school or college, who is otherwise qualified, upon request of the dean or the governing body of any public or private institution for the graduate to serve as a dental intern or resident in the institution, with limited duties as defined in the permit.

B. A dental intern, resident or fellowship permit shall not be issued to any person whose license to practice dentistry in this state or in another state has been suspended or revoked, or to whom a license to practice dentistry has been refused.

C. A dental intern, resident or fellowship permit shall not authorize the holder to open an office for the private practice of dentistry, or to receive compensation for the practice of dentistry, except a salary paid by the federal government or this state, or

their subdivisions, or the public or private institution where the holder of the dental intern, resident or fellowship permit will be employed.

D. A dental intern, resident or fellowship permit shall automatically expire when the permit holder is no longer participating in the program offered by the college of dentistry or the accredited dental college.

E. The issuance of a dental intern, resident or fellowship permit by the Board shall in no way be considered a guarantee or predetermination of any person to receive a full license issued by the Board.

F. Dental intern or resident permits may be renewed annually at the discretion of the Board.

G. A holder of a temporary license to practice dentistry or dental hygiene shall have the same rights and privileges and be governed by the State Dental Act and the rules of the Board in the same manner as a holder of a permanent license to practice dentistry and dental hygiene with the exceptions listed in this section.

H. Any student completing an externship in a dental assisting program shall hold a current dental assistant permit as defined in Section 328.24 of this title.

SECTION 15. AMENDATORY 59 O.S. 2011, Section 328.27, as amended by Section 8, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.27), is amended to read as follows:

Section 328.27 A. 1. The Board of Dentistry may, without a clinical examination, upon presentation of satisfactory credentials, including completion of the dental hygiene National Boards and both Part I and Part II of the National Board examination for dentists, and under such rules as the Board may promulgate, issue a faculty permit to an applicant who:

a. is a graduate of a school of dentistry approved by the Board and is licensed to practice dentistry in another state or country,

b. successfully completes advanced training in a specialty approved by the Commission on Dental Accreditation of the American Dental Association, or

c. is a graduate of an accredited dental hygiene program and is licensed to practice dental hygiene in another state.

2. A faculty permit shall be issued only upon the certification of the dean of an accredited dental college or the director of an accredited dental hygiene program located in this state that the applicant is a bona fide member of the teaching staff of that college or program.

3. Following the first year of employment, the faculty permit holder shall show proof of passing an appropriate clinical board examination recognized by the Board of Dentistry.

4. A faculty permit shall be valid for one (1) year and may be renewed by the Board at the written request of the dean of an accredited dental program or the director of an accredited dental hygiene program.

B. The holder of a faculty permit shall be entitled to perform services and procedures in the same manner as a person holding a license to practice dentistry or dental hygiene in this state, but all services and procedures performed by the faculty permit holder shall only be without compensation other than that received in salary from a faculty position or through faculty practice as authorized by the Board. Such services and procedures shall be performed only within the facilities of an accredited dental college or accredited dental hygiene program or in a seminar or postgraduate course and as an adjunct to teaching functions. A holder of a faculty permit shall only engage in faculty practice of dentistry or dental hygiene within the facilities designated by the accredited dental college and including teaching hospitals approved by the Board.

C. The Dean of an accredited dental or hygiene program may petition the Board to allow a visiting faculty member to have a visiting faculty permit not to exceed one (1) year, based on a showing of criteria that the individual possesses specialty knowledge in a specific area that would benefit the college or program.

D. Upon request of the Dean, the Board President may issue a dentist or hygienist licensed in another state or country a temporary license pursuant to Section 328.23 of this title for the purpose of attending a seminar or live training in dental techniques or dental anesthesia, given at the University of Oklahoma College of Dentistry to licensed dentists and hygienists for continuing education credits and students enrolled in the University of Oklahoma College of Dentistry. A temporary permit issued for this purpose shall not exceed seven (7) days and may not be issued to the same person more than four times in a calendar year.

E. Upon the request of the Oklahoma Dental Association President or the Oklahoma Dental Hygiene Association President, the Board President may issue a dentist or a hygienist licensed in another state a temporary license pursuant to Section 328.23 of this title for the purpose of attending live demonstrations during the Oklahoma Dental Association or Oklahoma Dental Hygiene Association annual meeting. A temporary permit issued for this purpose shall not exceed four (4) days per calendar year.

SECTION 16. AMENDATORY Section 6, Chapter 270, O.S.L. 2012, as amended by Section 9, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.28a), is amended to read as follows:

Section 328.28a A. Beginning January ~~2014~~ 2016, every applicant for any type of license or permit issued by the Board of Dentistry shall be subject to a criminal background check.

B. Each applicant shall submit two completed fingerprint cards as required by the Board. The fingerprint cards shall be required to be in a clear, readable format acceptable to the Oklahoma State Bureau of Investigation.

C. Each applicant shall include a money order or cashier's check made payable to the Oklahoma State Bureau of Investigation or the Board for the purposes of a local and national criminal background check.

D. The Board shall forward the fingerprint cards, along with the applicable fee for a national fingerprint criminal history records search, to the Bureau.

E. The Bureau shall retain one set of fingerprints in the Automated Fingerprint Identification System and submit the other set to the Federal Bureau of Investigation for a national criminal history records search.

SECTION 17. AMENDATORY 59 O.S. 2011, Section 328.29a, as amended by Section 10, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.29a), is amended to read as follows:

Section 328.29a A. The Board of Dentistry shall have the power, after a hearing, to revoke or suspend a permit of a dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant or to discipline by a probation or censure, public or private, for:

1. Any of the causes now existing in the laws of the State of Oklahoma;

2. A violation of the provisions of the State Dental Act; or

3. A violation of the rules of the Board promulgated pursuant to the State Dental Act.

B. The Board shall also have the power to act upon a petition by a dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a permit, censure or probation of a dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant. The Board shall make findings of fact and a decision thereon. The Board shall immediately forward a certified copy of the decision to the dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant involved by registered mail to the last-known official address as recorded by the Board.

C. The decision shall be final unless the dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant appeals the decision as provided by the State Dental Act.

D. The Board shall have power to revoke or suspend the permit, censure, or place on probation a dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant for a violation of one or more of the following:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;

2. The presentation to the Board of false application or documentation for a permit;

3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue to function as a dental assistant ~~or~~, oral maxillofacial surgery assistant or orthodontic assistant;

4. Functioning outside the direct supervision of a dentist;

5. Performing any function prohibited by Chapter 15 of the Oklahoma Administrative Code or any violation that would be a violation for a dentist or hygienist under Section 328.32 or 328.33 of this title; or

6. Failure to secure an annual registration as specified in Section 328.41 of this title.

SECTION 18. AMENDATORY 59 O.S. 2011, Section 328.31a, is amended to read as follows:

Section 328.31a A. One dentist or multiple dentists may use a trade name in connection with the practice of dentistry provided that:

1. The use of the trade name shall not be false, fraudulent or misleading;

2. The name of the dentist or dentists actually providing the dental services to the patient shall appear on all insurance claim

forms, billing invoices or statements sent to the patient and on all receipts if any are given to the patient;

3. Treatment records shall be maintained for each patient that clearly identify the dentist or dentists who performed all dental services for the patient; and

4. When one dentist or multiple dentists make an advertisement in the trade name or the trade name is included in an advertisement, a copy of the advertisement, including but not limited to any electronic form of the advertising, shall be kept by the dentist or dentists for three (3) years from the first publication date of the advertisement.

B. Beginning July 1, 2015, all advertisements for dentistry shall include the name of the dentist or dentists that shall be providing treatment and shall list the type of dental or specialty license on the advertisement.

~~B.~~ C. The Board of Dentistry shall promulgate rules regulating advertisements in which one dentist or multiple dentists use a trade name.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.31b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Each licensed dentist shall maintain written records on each patient that shall contain at a minimum the following information about the patient:

1. A health history listing known illnesses, other treating physicians and current medications prescribed;

2. Results of clinical examination and tests conducted, including the identification, or lack thereof, of any oral pathology or diseases;

3. Treatment plan proposed by the dentist; and

4. Treatment rendered to the patient. The patient record shall clearly identify the dentist and the dental hygienist providing the treatment with the dentist, specialty or dental hygienist license number.

Whenever patient records are released or transferred, the dentist releasing or transferring the records shall maintain either the original records or copies thereof and a notation shall be made in the retained records, indicating to whom the records were released or transferred.

B. Patient records may be kept in an electronic data format, provided that the dentist maintains a back-up copy of information stored in the data processing system using disk, tape or other electronic back-up system and that said back-up is updated on a regular basis, at least weekly, to assure that data is not lost due to system failure. Any electronic data system shall be capable of producing a hard copy on demand.

C. All patient records shall be maintained for seven (7) years from the date of treatment.

D. Each licensed dentist shall retain a copy of each entry in his or her patient appointment book or such other log, calendar, book, file or computer data used in lieu of an appointment book for a period of no less than seven (7) years from the date of each entry thereon.

E. Patient records shall clearly identify the dentist or dental hygienist providing the treatment along with their dental, specialist or dental hygienist license number.

SECTION 20. AMENDATORY 59 O.S. 2011, Section 328.32, as last amended by Section 12, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.32), is amended to read as follows:

Section 328.32 A. The following acts or occurrences by a dentist shall constitute grounds for which the penalties specified in Section 328.44a of this title may be imposed by order of the Board of Dentistry:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;

2. Presenting to the Board a false diploma, license, or certificate, or one obtained by fraud or illegal means;

3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue the practice of dentistry;

4. Publishing a false, fraudulent, or misleading advertisement or statement;

5. Authorizing or aiding an unlicensed person to practice dentistry, to practice dental hygiene, or to perform a function for which a permit from the Board is required;

6. Authorizing or aiding a dental hygienist to perform any procedure prohibited by the State Dental Act or the rules of the Board;

7. Authorizing or aiding a dental assistant, orthodontic assistant or oral maxillofacial surgery assistant to perform any procedure prohibited by the State Dental Act or the rules of the Board;

8. Failing to pay fees as required by the State Dental Act or the rules of the Board;

9. Failing to complete continuing education requirements;

10. Representing himself or herself to the public as a specialist in a dental specialty without holding a dental specialty license therefor;

11. Representing himself or herself to the public as a specialist whose practice is limited to a dental specialty, when such representation is false, fraudulent, or misleading;

12. Endangering the health of patients by reason of having a highly communicable disease and continuing to practice dentistry without taking appropriate safeguards;

13. Practicing dentistry in an unsafe or unsanitary manner or place, including but not limited to repeated failures to follow

Centers for Disease Control (CDC) or Occupational Health Safety Administration (OSHA) guidelines;

14. Being shown to be mentally unsound;

15. Being shown to be grossly immoral and that such condition represents a threat to patient care or treatment;

16. Being incompetent to practice dentistry while delivering care to a patient;

17. Committing gross negligence in the practice of dentistry;

18. Committing repeated acts of negligence in the practice of dentistry;

19. Offering to effect or effecting a division of fees, or agreeing to split or divide a fee for dental services with any person, in exchange for the person bringing or referring a patient;

20. Being involuntarily committed to an institution for treatment for substance abuse, until recovery or remission;

21. Using or attempting to use the services of a dental laboratory or dental laboratory technician without issuing a laboratory prescription, except as provided in subsection C of Section 328.36 of this title;

22. Aiding, abetting, or encouraging a dental hygienist employed by the dentist to make use of an oral prophylaxis list, or the calling by telephone or by use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist;

23. Having more than the equivalent of three full-time dental hygienists for each dentist actively practicing in the same dental office ~~who will supervise the dental hygienists, dental assistants, or oral maxillofacial surgery assistants~~;

24. Allowing a person not holding a permit or license issued by the Board to assist in the treatment of a patient without having a license or permit issued by the Board;

25. Knowingly patronizing or using the services of a dental laboratory or dental laboratory technician who has not complied with the provisions of the State Dental Act and the rules of the Board;

26. Authorizing or aiding a dental hygienist, dental assistant, orthodontic assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory to violate any provision of the State Dental Act or the rules of the Board;

27. Willfully disclosing confidential information;

28. Writing a false, unnecessary, or excessive prescription for any drug or narcotic which is a controlled dangerous substance under either federal or state law;

29. Prescribing or administering any drug or treatment without having established a valid dentist-patient relationship;

30. Using or administering nitrous oxide gas in a dental office in an inappropriate or unauthorized manner;

31. Engaging in nonconsensual physical contact with a patient which is sexual in nature, or engaging in a verbal communication which is intended to be sexually demeaning to a patient;

32. Practicing dentistry without displaying, at the dentist's primary place of practice, the license issued to the dentist by the Board to practice dentistry and the current renewal certificate;

33. Being dishonest in a material way with a patient;

34. Failing to retain all patient records for at least ~~three (3)~~ seven (7) years from the date of the last treatment, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

35. Failing to retain the dentist's copy of any laboratory prescription for at least three (3) years, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

36. Allowing any corporation, organization, group, person, or other legal entity, except another dentist or a professional entity that is in compliance with the registration requirements of subsection B of Section 328.31 of this title, to direct, control, or interfere with the dentist's clinical judgment. Clinical judgment shall include, but not be limited to, such matters as selection of a

course of treatment, control of patient records, policies and decisions relating to pricing, credit, refunds, warranties and advertising, and decisions relating to office personnel and hours of practice. Nothing in this paragraph shall be construed to:

a. limit a patient's right of informed consent, or

b. to prohibit insurers, preferred provider organizations and managed care plans from operating pursuant to the applicable provisions of the Oklahoma Insurance Code and the Public Health Code;

37. Violating the state dental act of another state resulting in a plea of guilty or nolo contendere, conviction or suspension or revocation of the license of the dentist under the laws of that state;

38. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice;

39. Failing to comply with the terms and conditions of an order imposing suspension of a license or placement on probation issued pursuant to Section 328.44a of this title; or

40. Failing to cooperate during an investigation or providing false information, verbally or in writing, to the Board, the Board's investigator or an agent of the Board.

B. The provisions of the State Dental Act shall not be construed to prohibit any dentist from displaying or otherwise

advertising that the dentist is also currently licensed, registered, certified, or otherwise credentialed pursuant to the laws of this state or a nationally recognized credentialing board, if authorized by the laws of the state or credentialing board to display or otherwise advertise as a licensed, registered, certified, or credentialed dentist.

SECTION 21. AMENDATORY 59 O.S. 2011, Section 328.34, as amended by Section 14, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.34), is amended to read as follows:

Section 328.34 A. A dental hygienist may practice dental hygiene under the supervision of a dentist in a dental office or treatment facility. A dentist may employ not more than the equivalent of three full-time dental hygienists for each dentist actively practicing in the same dental office. <u>Employing the equivalent of three dental hygienists is employment of any combination of full- or part-time dental hygienists not to exceed one hundred twenty (120) hours per week per dentist.</u>

B. 1. A dentist may delegate to a dental hygienist the following procedures:

a. the duties and expanded duties authorized for dental assistants by the State Dental Act or the rules of the Board of Dentistry,

b. health history assessment pertaining to dental hygiene,

c. dental hygiene examination and the charting of intra-oral and extra-oral conditions, which include periodontal charting, dental charting and classifying occlusion,

d. dental hygiene assessment and treatment planning for procedures authorized by the supervisory dentist,

e. prophylaxis, which means the removal of any and all calcareous deposits, stains, accretions, or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth, including rotary or power driven instruments. This paragraph shall not be construed to prohibit the use of a rubber ~~cap~~ cup or brush on the crowns of human teeth by a dental assistant who holds a current expanded duty permit for Coronal Polishing/Topical Fluoride issued by the Board,

f. periodontal scaling and root planing,

g. dental hygiene nutritional and dietary evaluation,

h. placement of subgingival prescription drugs for prevention and treatment of periodontal disease,

i. soft tissue curettage,

j. placement of temporary fillings,

k. removal of overhanging margins,

l. dental implant maintenance,

m. removal of periodontal packs,

n. polishing of amalgam restorations, and

o. other procedures authorized by the Board.

2. The procedures specified in subparagraphs b through o of paragraph 1 of this subsection may be performed only by a dentist or a dental hygienist.

3. Except as provided in subsections C and D of this section, the procedures specified in paragraph 1 of this subsection may be performed by a dental hygienist only on a patient of record, which means an individual who has given a medical history and has been examined and accepted by a dentist for dental care, and only under the supervision of a dentist. The level of supervision, whether direct, indirect or general, shall be at the discretion of the supervisory dentist. Authorization for general supervision shall be limited to a maximum of thirteen (13) months following an examination by the supervisory dentist of a patient of record.

C. 1. A dentist may authorize procedures to be performed by a dental hygienist, without complying with the provisions of paragraph 3 of subsection B of this section, if:

a. the dental hygienist has at least two (2) years experience in the practice of dental hygiene,

b. the authorization to perform the procedures is in writing and signed by the dentist, and

c. the procedures are performed during an initial visit to a person in a treatment facility.

2. The person upon whom the procedures are performed must be referred to the authorizing dentist after completion of the procedures performed pursuant to paragraph 1 of this subsection.

3. A dental hygienist shall not perform a second set of procedures on a person pursuant to this subsection until the person has been examined and accepted for dental care by the authorizing dentist.

4. The treatment facility in which any procedure is performed by a dental hygienist pursuant to this subsection shall note each such procedure in the medical records of the person upon whom the procedure was performed.

D. A treatment facility may employ dental hygienists whose services shall be limited to the examination of teeth and the teaching of dental hygiene or as otherwise authorized by the Board.

E. The Board is authorized to:

1. Prescribe, by rule, advanced procedures that may be performed by a dental hygienist who has satisfactorily completed a course of study regarding the performance of such procedures. The advance procedures shall include the administration of local

anesthesia and the administration of nitrous oxide analgesia, and assisting with intravenous sedation;

2. Establish guidelines for courses of study necessary for a dental hygienist to perform advanced procedures;

3. Issue authorization to perform advanced procedures to those dental hygienists who meet the eligibility requirements; and

4. Establish the level of supervision, whether direct, indirect or general, under which the advanced procedures may be performed.

F. A dental hygienist shall not own or operate an independent practice of dental hygiene.

G. Nothing in the State Dental Act shall be construed to prohibit a dentist from performing any of the procedures that may be performed by a dental hygienist.

SECTION 22. AMENDATORY 59 O.S. 2011, Section 328.41, as last amended by Section 15, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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, dental hygienist, dental assistant, oral maxillofacial surgery assistant, orthodontic assistant and other licensee or permit holders previously licensed or permitted by the Board to practice in this state shall submit a renewal application with 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, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant to continue the practice of dentistry or dental hygiene, respectively, in this state for a period of one (1) year. Every license or permit issued by the Board shall expire on December 31 of each year.

B. Dentists shall complete sixty (60) hours of continuing education every three (3) years and dental hygienists shall complete thirty (30) hours of continuing education every three (3) years as prescribed by the Board.

C. Upon failure of a dentist, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant to pay the annual renewal fee within two (2) months after January 1, the Board shall notify the dentist, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant in writing by certified mail to the last-known mailing address of the dentist, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant as reflected in the records of the Board.

~~C.~~ D. Any dentist, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant whose license or permit 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 one (1) year from the

date of the expiration of the license, upon payment of the annual renewal fee and a penalty fee established by the rules of the Board. If the dentist, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant does not apply for renewal of the license or permit and pay the required fees within one (1) year after the license has expired, then the dentist, dental hygienist, dental assistant, ~~or~~ oral maxillofacial surgery assistant or orthodontic assistant shall be required to file an application for and take the examination or other requirements provided for in the State Dental Act or the rules promulgated by the Board 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 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 the retirement continues because of age or physical disability.~~

E. ~~Any dentist or dental hygienist who has had a license to practice dentistry or dental hygiene in good standing for thirty-five (35) years and has reached the age of seventy (70) 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.~~ F. In case of a lost or destroyed license 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.

G. A dentist, dental hygienist, specialty dental assistant or dental assistant that is in good standing and not under investigation that notifies the Board in writing of a voluntary nonrenewal of license or requests retirement status shall have a right to renew and/or reinstate his or her license within five (5) years from the date of notice. The Board may require any training or continuing education requirements to be met prior to reinstatement.

H. A dentist, dental hygienist, specialty dental assistant or dental assistant that has not had an active license or permit in excess of five (5) years shall be required to apply as a new applicant.

SECTION 23. AMENDATORY 59 O.S. 2011, Section 328.43a, as amended by Section 10, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2013, 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 the respondent has sought to practice or has illegally practiced dentistry or dental hygiene, has violated the provisions relating to dental assistants, 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 investigation and review~~ 1. Upon the receipt of a complaint to the Board alleging a violation of the State Dental Act or other state law by a licensee, permit holder or other individual under the authority of the Board, the Board President shall assign up to three Board members as the review and investigative panel. The remaining Board members shall constitute the Board member jury panel.

2. The review and investigative panel, in its discretion, may notify the respondent of the complaint at any time prior to its dismissal of the complaint or making a recommendation to the Board. ~~If the Board initiates an individual proceeding under paragraph 1 of subsection D of this section, the respondent of the individual proceeding shall be provided a copy of the recommendation and any~~

~~exculpatory information as required by the Administrative Procedures Act.~~

B. ~~The Board members who review a complaint shall constitute a review panel. A~~ The review and investigative panel shall confer and shall 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. 1. In conducting its investigation, a review and investigative panel may seek evidence, take statements, take and hear evidence, and administer oaths and affirmations and shall have any other powers as defined by the Administrative Procedures Act. A review and investigative panel may also use Board attorneys and investigators appointed by the Board to seek evidence.

2. The review and investigative panel shall not have contact or discussions regarding the investigation with the other Board members that shall be on the jury panel during the investigative phase.

3. No Board member that is a dentist living in the same district as a dentist that is the subject of a complaint shall serve

on a review and investigative panel or on the Board member jury panel.

4. All records, documents and other materials during the review and investigative panel portion shall be considered investigative files and not be subject to the Oklahoma Open Records Act.

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 respondent 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 respondent.~~

~~2. The Board shall determine whether to accept or reject the recommendation that an individual proceeding be initiated.~~

~~3. If the Board determines that the recommendation should be accepted, a formal Statement of Complaint shall be filed within ten (10) days of the action of the Board.~~

~~4. The individual proceeding shall be conducted according to the rules of the Board and the requirements of the Administrative Procedures Act. 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.~~

~~5. The review panel may decide to enter into a public or private settlement agreement with the respondent. A public or private 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.~~

~~A private settlement agreement~~ The Board President, First Vice-President, Second Vice-President, Secretary-Treasurer or other member of the Board shall act as the presiding administrative judge during any proceeding. The presiding administrative judge shall be allowed to seek advice from judicial counsel, or other legal counsel appointed by the Board.

E. The investigative and review panel shall have the authority to:

1. Dismiss the complaint as unfounded;

2. Refer the case to mediation pursuant to the Oklahoma Dental Mediation Act. The mediation panel shall report to the review and

investigative panel that a mediation was successful or refer the matter back to the review and investigative panel at which time they will reassume jurisdiction or dismiss the complaint;

3. Issue a private settlement agreement that shall not include any restriction upon the licensee's or permit holder's license or permit;

4. Assess an administrative fine not to exceed One Thousand Five Hundred Dollars ($1,500.00) per violation pursuant to a private settlement agreement; and

5. Issue a formal complaint for a hearing of the Board member jury panel pursuant to Article II of the Administrative Procedures Act against the licensee or permit holder.

The review and investigative panel and the Board President shall have the authority to authorize the Executive Director or the Board's attorney to file an injunction in district court for illegal activity pursuant to the State Dental Act when needed.

F. In the event of a majority of members of the Board being recused from the Board member jury panel, the Board President or presiding administrative judge shall appoint a previous Board member with a current active license in good standing to serve as a jury panel member.

G. Any action as set forth in paragraphs 1 through 3 of subsection E of this section shall remain part of the investigation file, and may be disclosed or used against the respondent only if

the respondent violates the settlement agreement or if ordered by a court of competent jurisdiction. ~~All settlement agreements shall be reported to the Board. The Board may require that a private settlement agreement be made a public settlement agreement. A respondent may withdraw from the settlement agreement if the Board determines a private settlement agreement shall be made public.~~

~~6. A public or private 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 or permit issued by the Board,~~

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

~~c. issuance of a censure,~~

~~d. placement on probation,~~

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

~~f. an administrative penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00) per violation.~~

~~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 respondent. Although evidence against a respondent does not warrant formal proceedings, a review panel may issue a confidential letter of concern to a respondent~~

~~when there are indications of possible misconduct by the respondent that could lead to serious consequences or formal action.~~

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

~~G. The Board of Dentistry, its employees, independent contractors, appointed committee members and other agents shall keep confidential all information obtained in the following circumstances:~~

~~1. During an investigation into allegations of violations of the State Dental Act, including but not limited to:~~

~~a. any review or investigation made to determine whether to allow an applicant to take an examination, or~~

~~b. whether the Board shall grant a license, certificate, or permit;~~

~~2. In the course of conducting an investigation;~~

~~3. Reviewing investigative reports provided to the Board by a registrant; and~~

~~4. Receiving and reviewing examination and test scores.~~

H. The President of the Board or presiding administrative judge shall approve any private settlement agreement.

I. The investigative review panel may make a recommendation for an agreed settlement order to be approved by the Board. The agreed settlement order may include any recommendation agreed upon between

the license holder including but not limited to any penalty available to the Board pursuant to Section 328.44a of this title.

J. A formal complaint issued by the review and investigative panel shall specify the basic factual allegations and the provisions of the State Dental Act, state law or rules that the license or permit holder is alleged to have violated. The formal notice of a complaint shall be served to the license or permit holder either in person, to their attorney, by agreement of the individual by an investigator of the Board, or a formal process server pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

K. Any information obtained and all contents of any investigation file shall be exempt from the provisions of the Oklahoma Open Records Act. ~~Except for the approval of private settlement, a final order issued by the Board shall be subject to the Oklahoma Open Records Act.~~

~~I. Information obtained by the Board or any of its agents shall be considered competent evidence, subject to the rules of evidence, in a court of competent jurisdiction for:~~

~~1. Matters directly related to actions of the Board; or~~

~~2. Matters where criminal charges are filed in a municipal, district or federal court action.~~

~~All other information and investigation records where complaints have not been found to be actionable in either an administrative, civil or criminal matter shall not be open to the public.~~

~~Information obtained by the Board or its agents shall not be admissible as evidence in any other type of civil or criminal action.~~

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.43b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. In any matter involving a fatality of a dental patient within seventy-two (72) hours of receiving anesthesia or that is required to be reported to the Board pursuant to Section 328.55 of Title 59 of the Oklahoma Statutes, such matter shall be investigated by the Adverse Outcomes Review and Investigation Panel.

B. The Adverse Outcomes Review and Investigation Panel shall stand in the place of the Board's Review and Investigation Panel pursuant to Section 328.43a of Title 59 of the Oklahoma Statutes during the complaint and review process.

C. Upon notification of a fatality to the Board, the President of the Board shall assign four members of the Anesthesia Committee pursuant to Section 328.17 of Title 59 of the Oklahoma Statutes to review and investigate the matter.

D. Two of the members shall hold the same license type whether general or specialty as the licensee that is the subject of the complaint and two shall hold different types of licenses.

E. All other procedures as defined in Section 328.43a of Title 59 of the Oklahoma Statutes regarding complaint and Board procedures shall be followed.

F. The Board may set additional rules and procedures to be followed for any fatality or serious injury requiring hospitalization in the rules.

SECTION 25. AMENDATORY 59 O.S. 2011, Section 328.51a, as amended by Section 17, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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. The penalty and late fee shall be twice the amount of the original fee for license renewals. 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 AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License by Examination		
Dentist	$200.00	$400.00
Dental Hygienist	$100.00	$200.00
b. License 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 License to Practice Dental Hygiene	$50.00	$100.00
h.	Dental Assistant or Oral Maxillofacial Surgery Assistant Permit	$50.00	$100.00
i.	Temporary License to Practice Dentistry	$75.00	$150.00
j.	Permit to Operate a Dental Laboratory-current Oklahoma licensed dentist	$20.00	$60.00
k.	General Anesthesia Permit		
	Dentist	$100.00	$200.00
l.	Conscious Sedation Permit		
	Dentist	$100.00	$200.00

m. Permit to Operate a Dental ~~Laboratory-non-dentist~~ Laboratory, non-dentist owner	$300.00	$500.00
2. RE-EXAMINATION FEES:		
a. License 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/Specialist	$200.00	$400.00
b. Dental Hygienist	$100.00	$200.00
c. ~~Dental Specialty License~~	~~$100.00~~	~~$200.00~~
~~d.~~ Faculty Permit		
Dentist	$50.00	$100.00
Dental Hygienist	$50.00	$100.00
~~e.~~		
d. Dental Intern Permit, Dental Resident, Dental Fellowship	$100.00	$200.00
~~f.~~		

e. Dental Assistant ~~or~~, Oral Maxillofacial Surgery Assistant or Orthodontic Assistant Permit	$50.00	$100.00
~~g.~~		
f. Permit to Operate a Dental Laboratory, current Oklahoma Licensed dentist	$20.00	$60.00
~~h.~~		
g. General Anesthesia Permit Dentist	$100.00	$200.00
~~i.~~		
h. Conscious Sedation Permit Dentist	$100.00	$200.00
~~j.~~		
i. Permit to Operate a Dental Laboratory, non-dentist owner	$300.00	$500.00
4. OTHER FEES:		
a. Duplicate License Dentist or Dental Hygienist	$30.00	$40.00
b. Duplicate 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	$10.00	$25.00
g.	List of the Name and Current Mailing Address of all Persons who hold a License 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
h.	Official State Dental License Identification Card with Picture	$25.00	$35.00
i.	Returned checks	$25.00	$30.00

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 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.57 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2015, each dental office operating with a trade name or associated with a professional entity of any name other than the name of a singular licensed dentist shall be required to have a "designated supervising dentist" (DSD). No office shall operate without a designated supervising dentist approved by the Board and upon evidence satisfactory to the Board that:

1. The place for which the license is sought shall be conducted in full compliance with the law and rules of the Board;

2. The DSD shall verify that all staff members have valid license permits issued by the Board and that the licenses and permits are posted in a conspicuous place within the office;

3. The dental office shall have signage on the exterior of the property in public view listing the names of the dentists that practice within the office;

4. The DSD shall maintain a log listing the names and license numbers of any dentist working at the dental office along with the dates of services during a calendar year. The log shall be signed by the dentist practicing and the DSD of the dental office. The Board may audit the log as necessary at the dental office. The log shall be maintained for seven (7) years;

5. A DSD shall be located on the premises at least fifty percent (50%) of the time the dental office is open with the following exceptions:

a. a specialist practicing only that specialty may serve as the DSD, not to exceed three offices, and shall be exempted from the fifty-percent-on-premises requirement,

b. each office shall be restricted to the specialty practice of the owning specialty dentist,

c. if a practice has multiple dentist ownership, one of the practicing dentist owners in the group or partnership shall be designated as the DSD;

6. The office shall have written guidelines and procedures for infection-control precautions and procedures required by the State Dental Act and as recommended by the Centers for Disease Control and the Occupational Safety and Health Administration; and

7. Other requirements as determined by the Board pursuant to the rules.

B. The Board shall have the authority to promulgate rules to enforce this section.

C. A trade name dental office found by the Board to be in violation shall be subject to the penalties set forth in Section 328.44a of Title 59 of the Oklahoma Statutes and the Board may

require the dental office to replace the DSD or be subject to closure.

D. If the DSD leaves the practice, the Board shall be notified of the new DSD within two (2) working days.

SECTION 27. AMENDATORY 59 O.S. 2011, Section 328.62, is amended to read as follows:

Section 328.62 As used in the Oklahoma Dental Mediation Act:

1. "Board" means the Board of Dentistry;

2. "Dentist" means a ~~graduate of an accredited dental college who has been~~ person licensed by the Oklahoma Board of Dentistry to practice dentistry, as defined in Section 328.19 of this title; and

3. "Mediation committee" means a committee of persons duly constituted of or appointed by ~~any voluntary dental association, voluntary dental society, or the Board~~ a statewide organization representing dentists. The mediation committee shall consist of two members of a statewide organization representing dentists and one former member of the Board not presently serving. The mediation committee is authorized, upon receiving a written request for a review, to conduct a review of the complaints or requests for review of persons, the treatment performed by a dentist and, where appropriate, hold hearings and conduct personal examinations of dental treatment of patients. The mediation committee may, but shall not be obligated to:

a. evaluate the quality of health care services provided by the dentist being reviewed,

b. determine whether health care services rendered were professionally indicated or were performed in compliance with the applicable standards of care,

c. where appropriate, determine whether the cost of health care rendered was considered reasonable given the circumstances of the particular case,

d. evaluate the quality and timeliness of health care services rendered by a dentist for a patient, and

e. recommend to the parties, a method of settlement, for their acceptance or rejection.

Any decision by the mediation committee not to review a matter shall be communicated by the committee to the affected persons within thirty (30) days after the committee has received the material submitted pursuant to Section 328.65 of this title.

SECTION 28. AMENDATORY 59 O.S. 2011, Section 328.63, is amended to read as follows:

Section 328.63 A. <u>A mediation conducted through the Oklahoma Dental Mediation Act is voluntary and shall not be considered a final action for the purposes of injunctive relief or the basis for an appeal to district court.</u> A mediation committee, entities creating such mediation committees, members and staff of such mediation committee, and other persons who assist such mediation

committees shall not be liable in any way for damages or injunctive relief under any law of this state with respect to any action taken in good faith by such mediation committee.

B. Any person who supplies information to a mediation committee in good faith and with reasonable belief that such information is true shall not be liable in any way for damages or injunctive relief under any law of this state with respect to giving such information to the mediation committee.

C. Either party involved in the mediation may request to be dismissed from the process at any time. Upon dismissal from the mediation program, the matter shall be referred back to the referring entity.

D. Upon the completion of a successful mediation, the referring entity shall be given notice that the mediation was successful.

SECTION 29. This act shall become effective July 1, 2014.

SECTION 30. 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.

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