

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1411

By: Nelson

4
5 AS INTRODUCED

6 An Act relating to professions and occupations;
7 amending 59 O.S. 2011, Section 328.7, as amended by
8 Section 1, Chapter 270, O.S.L. 2012 (59 O.S. Supp.
9 2012, Section 328.7), which relates to the Board of
Dentistry; modifying board membership; and providing
an effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.7, as
14 amended by Section 1, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012,
15 Section 328.7), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

1 District No. 2: Tulsa and Creek.

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

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

6 District No. 5: Oklahoma.

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

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

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

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

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

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

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

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

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

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

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

3 SECTION 2. This act shall become effective November 1, 2013.

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5 54-1-6453 LRB 12/28/12

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