

1 STATE OF OKLAHOMA

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

3 SENATE BILL 806

By: Shortey

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Section 328.7, as amended by  
9 Section 1, Chapter 270, O.S.L. 2012 (59 O.S. Supp.  
10 2012, Section 328.7), which relates to the Board of  
11 Dentistry; clarifying language; and providing an  
12 effective date.

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

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

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

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

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

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

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

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

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

19 D. For the purpose of nominating and electing dentist members  
20 of the Board, this state shall be divided into eight geographical  
21 districts, which shall consist of the following counties within the  
22 following districts:  
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1 District No. 1: Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,  
2 Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine,  
3 Kingfisher and Logan.

4 District No. 2: Tulsa and Creek.

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

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

9 District No. 5: Oklahoma.

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

12 District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee,  
13 Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore,  
14 Atoka, Pushmataha, Choctaw and McCurtain.

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

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

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1           2. The dental hygienist member of the Board may be recalled and  
2 removed from the Board in a special recall election to be conducted  
3 by the Board upon receipt of a written recall petition signed by at  
4 least twenty percent (20%) of the licensed dental hygienists  
5 residing in this state. Only dental hygienists residing and  
6 licensed in this state shall be entitled to vote in the special  
7 recall election.

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

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

21           2. A vacancy of the dental hygienist member on the Board shall  
22 be filled by a special election in this state for the unexpired term  
23 within sixty (60) days after the vacancy occurs.

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

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

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