

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 408 By: Garvin of the Senate  
3 and  
4 Miller of the House  
5  
6

7 An Act relating to the practice of dentistry;  
8 amending 59 O.S. 2011, Section 328.21, as last  
9 amended by Section 3, Chapter 397, O.S.L. 2019 (59  
10 O.S. Supp. 2020, Section 328.21), which relates to  
11 application for license; broadening accepted  
12 examinations; amending 59 O.S. 2011, Section 328.23a,  
13 as amended by Section 10, Chapter 229, O.S.L. 2015  
14 (59 O.S. Supp. 2020, Section 328.23a), which relates  
15 to special volunteer license; modifying certain  
16 requirement; amending 59 O.S. 2011, Section 328.25,  
17 as last amended by Section 11, Chapter 363, O.S.L.  
18 2019 (59 O.S. Supp. 2020, Section 328.25), which  
19 relates to oral maxillofacial surgery assistant  
20 permits; modifying certain continuing education  
21 requirements; updating statutory reference; amending  
22 Section 19, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
23 2020, Section 328.31b), which relates to patient  
24 record keeping requirements; modifying certain  
records requirement; amending 59 O.S. 2011, Section  
328.32, as last amended by Section 34, Chapter 161,  
O.S.L. 2020 (59 O.S. Supp. 2020, Section 328.32),  
which relates to grounds for penalties; modifying  
certain grounds; adding reference; amending 59 O.S.  
2011, Section 328.33, as last amended by Section 5,  
Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2020, Section  
328.33), which relates to disciplinary action; adding  
certain violations; authorizing certain  
advertisement; amending 59 O.S. 2011, Section  
328.36a, which relates to laboratory prescriptions;  
modifying time period of certain requirement;  
allowing certain referrals; amending 59 O.S. 2011,  
Section 328.41, as last amended by Section 9, Chapter  
397, O.S.L. 2019 (59 O.S. Supp. 2020, Section  
328.41), which relates to continuing education  
requirements; modifying requirements; amending 59

1 O.S. 2011, Section 328.48, which relates to annual  
2 statements of receipts and expenditures; updating  
3 term; providing for certain electronic transmission;  
4 repealing 59 O.S. 2011, Section 328.29, which relates  
5 to unlawful practices for dental hygienists;  
6 repealing 59 O.S. 2011, Section 328.41, as last  
7 amended by Section 4, Chapter 428, O.S.L. 2019 (59  
8 O.S. Supp. 2020, Section 328.41), which relates to  
9 dentistry; and providing an effective date.

10  
11  
12  
13  
14  
15  
16  
17  
18 AUTHOR: Add the following House Coauthor: West (Josh)

19 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
20 and replace with:

21 "[ practice of dentistry - providing for temporary  
22 modification of examination and licensure  
23 requirements in certain circumstances - modifying  
24 certain continuing education requirements -  
effective date ]

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.3, as  
last amended by Section 1, Chapter 397, O.S.L. 2019 (59 O.S. Supp.  
2020, 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        1. "Accredited dental college" means an institution whose  
2 dental educational program is accredited by the Commission on Dental  
3 Accreditation of the American Dental Association;
- 4        2. "Accredited dental hygiene program" means a dental hygiene  
5 educational program which is accredited by the Commission on Dental  
6 Accreditation of the American Dental Association;
- 7        3. "Accredited dental assisting program" means a dental  
8 assisting program which is accredited by the Commission on Dental  
9 Accreditation of the American Dental Association;
- 10       4. "Board" means the Board of Dentistry;
- 11       5. "Certified dental assistant" means a dental assistant who  
12 has earned and maintains current certified dental assistant  
13 certification from the Dental Assisting National Board (DANB);
- 14       6. "Coronal polishing" means a procedure limited to the removal  
15 of plaque and stain from exposed tooth surfaces, utilizing a slow  
16 speed hand piece with a prophylaxis/polishing cup or brush and polishing  
17 agent and is not prophylaxis. To be considered prophylaxis,  
18 examination for calculus and scaling must be done by a hygienist or  
19 dentist;
- 20       7. "Deep sedation" means a drug-induced depression of  
21 consciousness during which patients cannot be easily aroused but  
22 respond purposefully following repeated or painful stimulation. The  
23 ability to independently maintain ventilator function may be  
24 impaired. Patients may require assistance in maintaining a patent

1 airway, and spontaneous ventilation may be inadequate.

2 Cardiovascular function is usually maintained;

3 8. "Dentistry" means the practice of dentistry in all of its  
4 branches;

5 9. "Dentist" means a graduate of an accredited dental college  
6 who has been issued a license by the Board to practice dentistry as  
7 defined in Section 328.19 of this title;

8 10. "Dental ambulatory surgical center (DASC)" means a facility  
9 that operates exclusively for the purpose of furnishing outpatient  
10 surgical services to patients. A DASC shall have the same  
11 privileges and requirements as a dental office and additionally must  
12 be an accredited facility by the appropriate entity;

13 11. "Dental office" means an establishment owned and operated  
14 by a dentist for the practice of dentistry, which may be composed of  
15 reception rooms, business offices, private offices, laboratories,  
16 and dental operating rooms where dental operations are performed;

17 12. "Dental hygienist" means an individual who has fulfilled  
18 the educational requirements and is a graduate of an accredited  
19 dental hygiene program and who has passed an examination and has  
20 been issued a license by the Board and who is authorized to practice  
21 dental hygiene as hereinafter defined;

22 13. "Dental assistant or oral maxillofacial surgery assistant"  
23 means an individual working for a dentist, under the dentist's  
24 direct supervision or direct visual supervision, and performing

1 duties in the dental office or a treatment facility, including the  
2 limited treatment of patients in accordance with the provisions of  
3 the State Dental Act. A dental assistant or oral maxillofacial  
4 surgery assistant may assist a dentist with the patient; provided,  
5 this shall be done only under the direct supervision or direct  
6 visual supervision and control of the dentist and only in accordance  
7 with the educational requirements and rules promulgated by the  
8 Board;

9 14. "Dental laboratory" means a location, whether in a dental  
10 office or not, where a dentist or a dental laboratory technician  
11 performs dental laboratory technology;

12 15. "Dental laboratory technician" means an individual whose  
13 name is duly filed in the official records of the Board, which  
14 authorizes the technician, upon the laboratory prescription of a  
15 dentist, to perform dental laboratory technology, which services  
16 must be rendered only to the prescribing dentist and not to the  
17 public;

18 16. "Dental laboratory technology" means using materials and  
19 mechanical devices for the construction, reproduction or repair of  
20 dental restorations, appliances or other devices to be worn in a  
21 human mouth;

22 17. "Dental specialty" means a specialized practice of a branch  
23 of dentistry, recognized by the Board, where the dental college and  
24 specialty program are accredited by the Commission on Dental

1 Accreditation (CODA), or a dental specialty recognized by the Board,  
2 requiring a minimum number of hours of approved education and  
3 training and/or recognition by a nationally recognized association  
4 or accreditation board;

5 18. "Direct supervision" means the supervisory dentist is in  
6 the dental office or treatment facility and, during the appointment,  
7 personally examines the patient, diagnoses any conditions to be  
8 treated, and authorizes the procedures to be performed by a dental  
9 hygienist, dental assistant, or oral maxillofacial surgery  
10 assistant. The supervising dentist is continuously on-site and  
11 physically present in the dental office or treatment facility while  
12 the procedures are being performed and, before dismissal of the  
13 patient, evaluates the results of the dental treatment;

14 19. "Direct visual supervision" means the supervisory dentist  
15 has direct ongoing visual oversight which shall be maintained at all  
16 times during any procedure authorized to be performed by a dental  
17 assistant or an oral maxillofacial surgery assistant;

18 20. "Fellowship" means a program designed for post-residency  
19 graduates to gain knowledge and experience in a specialized field;

20 21. "General anesthesia" means a drug-induced loss of  
21 consciousness during which patients are not arousable, even by  
22 painful stimulation. The ability to independently maintain  
23 ventilator function is often impaired. Patients often require  
24 assistance in maintaining a patent airway, and positive pressure

1 ventilation may be required because of depressed spontaneous  
2 ventilation or drug-induced depression of neuromuscular function.  
3 Cardiovascular function may be impaired;

4 22. "General supervision" means the supervisory dentist has  
5 diagnosed any conditions to be treated within the past thirteen (13)  
6 months, has personally authorized the procedures to be performed by  
7 a dental hygienist, and will evaluate the results of the dental  
8 treatment within a reasonable time as determined by the nature of  
9 the procedures performed, the needs of the patient, and the  
10 professional judgment of the supervisory dentist. General  
11 supervision may only be used to supervise a hygienist and may not be  
12 used to supervise an oral maxillofacial surgery assistant or dental  
13 assistant;

14 23. "Indirect supervision" means the supervisory dentist is in  
15 the dental office or treatment facility and has personally diagnosed  
16 any conditions to be treated, authorizes the procedures to be  
17 performed by a dental hygienist, remains in the dental office or  
18 treatment facility while the procedures are being performed, and  
19 will evaluate the results of the dental treatment within a  
20 reasonable time as determined by the nature of the procedures  
21 performed, the needs of the patient, and the professional judgment  
22 of the supervisory dentist. Indirect supervision may not be used  
23 for an oral maxillofacial surgery assistant or a dental assistant;

24

1       24. "Investigations" means an investigation proceeding,  
2 authorized under Sections 328.15A and 328.43a of this title, to  
3 investigate alleged violations of the State Dental Act or the rules  
4 of the Board;

5       25. "Laboratory prescription" means a written description,  
6 dated and signed by a dentist, of dental laboratory technology to be  
7 performed by a dental laboratory technician;

8       26. "Minimal sedation" means a minimally depressed level of  
9 consciousness, produced by a pharmacological method, that retains  
10 the patient's ability to independently and continuously maintain an  
11 airway and respond normally to tactile stimulation and verbal  
12 command. Although cognitive function and coordination may be  
13 modestly impaired, ventilator and cardiovascular functions are  
14 unaffected;

15       27. "Mobile dental anesthesia provider" means a licensed and  
16 anesthesia-permitted dentist, physician or certified registered  
17 nurse anesthetist (CRNA) that has a mobile dental unit and provides  
18 anesthesia in dental offices and facilities in the state;

19       28. "Mobile dental clinic" means a permitted motor vehicle or  
20 trailer utilized as a dental clinic, and/or that contains dental  
21 equipment and is used to provide dental services to patients on-site  
22 and shall not include a mobile dental anesthesia provider. A mobile  
23 dental clinic shall also mean and include a volunteer mobile dental  
24 facility that is directly affiliated with a church or religious



1 organization as defined by Section 501(c)(3) or 501(d) of the United  
2 States Internal Revenue Code, the church or religious organization  
3 with which it is affiliated is clearly indicated on the exterior of  
4 the mobile dental facility, and such facility does not receive any  
5 form of payment either directly or indirectly for work provided to  
6 patients other than donations through the affiliated church or  
7 religious organization; provided, that the volunteer mobile dental  
8 facility shall be exempt from any registration fee required under  
9 the State Dental Act;

10 29. "Moderate sedation" means a drug-induced depression of  
11 consciousness during which patients respond purposefully to verbal  
12 commands, either alone or accompanied by light tactile stimulation.  
13 No interventions are required to maintain a patent airway, and  
14 spontaneous ventilation is adequate. Cardiovascular function is  
15 usually maintained;

16 30. "Prophylaxis" means the removal of any and all calcareous  
17 deposits, stains, accretions or concretions from the supragingival  
18 and subgingival surfaces of human teeth, utilizing instrumentation  
19 by scaler or periodontal curette on the crown and root surfaces of  
20 human teeth including rotary or power-driven instruments. This  
21 procedure may only be performed by a dentist or dental hygienist;

22 31. "Patient" or "patient of record" means an individual who  
23 has given a medical history and has been examined and accepted by a  
24 dentist for dental care;

1 32. "Residencies" are programs designed for advanced clinical  
2 and didactic training in general dentistry or other specialties or  
3 other specialists at the post-doctoral level recognized by the  
4 Commission on Dental Accreditation (CODA) or the Board;

5 33. "Supervision" means direct supervision, direct visual  
6 supervision, indirect supervision or general supervision; ~~and~~

7 34. "Teledentistry" means the remote delivery of dental patient  
8 care via telecommunications and other technology for the exchange of  
9 clinical information and images for dental consultation, preliminary  
10 treatment planning and patient monitoring; and

11 35. "Treatment facility" means:

- 12 a. a federal, tribal, state or local public health  
13 facility,
- 14 b. a ~~federal qualified health care facility~~ Federally  
15 Qualified Health Center (FQHC),
- 16 c. a private health facility,
- 17 d. a group home or residential care facility serving the  
18 elderly, handicapped or juveniles,
- 19 e. a hospital or dental ambulatory surgery center (DASC),
- 20 f. a nursing home,
- 21 g. a penal institution operated by or under contract with  
22 the federal or state government,
- 23 h. a public or private school,
- 24 i. a patient of record's private residence,

- 1           j.    a mobile dental clinic,
- 2           k.    a dental college, dental program, dental hygiene
- 3                program or dental assisting program accredited by the
- 4                Commission on Dental Accreditation, or
- 5           l.    such other places as are authorized by the Board.

6           SECTION 2.        AMENDATORY        59 O.S. 2011, Section 328.21, as  
7 last amended by Section 3, Chapter 397, O.S.L. 2019 (59 O.S. Supp.  
8 2020, Section 328.21), is amended to read as follows:

9           Section 328.21 A. No person shall practice dentistry or dental  
10 hygiene without first applying for and obtaining a license from the  
11 Board of Dentistry.

12           B. Application shall be made to the Board in writing and shall  
13 be accompanied by the fee established by the rules of the Board,  
14 together with satisfactory proof that the applicant:

- 15           1. Is of good moral character;
- 16           2. Is twenty-one (21) years of age, or over, at the time of
- 17 making application to practice dentistry or eighteen (18) years of
- 18 age, or over, if the applicant is to practice dental hygiene;
- 19           3. Has passed a written theoretical examination and a clinical
- 20 examination approved by the Board; and
- 21           4. Has passed a written jurisprudence examination over the
- 22 rules and laws affecting dentistry in this state.

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

1 this state shall be accompanied by satisfactory proof that the  
2 applicant:

3 1. Is a graduate of an accredited dental college, if the  
4 applicant is to practice dentistry;

5 2. Is a graduate of an accredited dental hygiene program, if  
6 the applicant is to practice dental hygiene; and

7 3. Has passed all portions of the National Board Dental  
8 Examination or the National Board Dental Hygiene Examination.

9 D. Pursuant to Section 328.15 of this title, the Board may  
10 affiliate as a member state, and accept regional exams ~~including,~~  
11 ~~but not limited to~~ from the Commission on Dental Competency  
12 Assessments (CDCA), the Western Regional Examination Examining Board  
13 (WREB), or the Central Regional Dental Testing Service (CRDTS) or  
14 ~~another regional exam that includes~~ if the following requirements  
15 are included:

16 a. ~~for~~

17 1. For dental licensing the following components:

18 ~~(1)~~

19 a. a fixed prosthetic component of the preparation of an  
20 anterior all porcelain crown and the preparation of a  
21 three-unit posterior bridge,

22 ~~(2)~~

23 b. a periodontal component on a live patient,

24 ~~(3)~~

1           c.    an endodontic component,

2           ~~(4)~~

3           d.    an anterior class III and posterior class II  
4           restorative component on a live patient,

5           ~~(5)~~

6           e.    a diagnosis and treatment planning section as approved  
7           by the Board, as specified in Section 328.15 of this  
8           title, and

9           ~~(6)~~

10          f.    the Board may determine equivalencies based on  
11          components of other exams for the purpose of  
12          credentialingti or

13          ~~b. for~~

14          2. For dental hygienists licensing the following components:

15                 ~~(1)~~

16                 a.    clinical patient treatments with an evaluation of  
17                 specific clinical skills ~~as well as,~~ and

18                 b.    evaluation of the candidate's compliance with  
19                 professional standards during the treatment as  
20                 approved by the Board in Section ~~325.15~~ 328.15 of this  
21                 title and shall include:

22                         ~~(a)~~

23                         (1) extra/intra oral assessment,

24                         ~~(b)~~

1           (2) periodontal probing, and

2           ~~(e)~~

3           (3) scaling/subgingival calculus removal and  
4           supragingival deposit removal.

5           E. When the applicant and the accompanying proof are found  
6 satisfactory, the Board shall notify the applicant to appear for the  
7 jurisprudence examination at the time and place to be fixed by the  
8 Board. A dental student or a dental hygiene student in their last  
9 semester of a dental or dental hygiene program, having met all other  
10 requirements, may make application and take the jurisprudence  
11 examination with a letter from the dean of the dental school or  
12 director of the hygiene program stating that the applicant is a  
13 candidate for graduation within the next six (6) months.

14           F. The Board shall require every applicant for a license to  
15 practice dentistry or dental hygiene to submit, for the files of the  
16 Board, a copy of a dental degree or dental hygiene degree, an  
17 official transcript, a recent photograph duly identified and  
18 attested, and any other information as required by the Board.

19           G. Any applicant who fails to pass the jurisprudence  
20 examination may apply for a second examination, in which case the  
21 applicant shall pay a reexamination fee as established by the  
22 statutes or rules of the State Dental Act.

23           H. ~~Any applicant who fails to pass the clinical examination as~~  
24 ~~described in paragraph 4 of subsection C of this section may be~~

1 ~~given credit for such subjects as the Board may allow, but such~~  
2 ~~credits shall be extended only to the succeeding examinations. If~~  
3 ~~the applicant fails to pass a second examination, before further re-~~  
4 ~~examination, the Board may require evidence of additional education,~~  
5 ~~as specified by the Board. After a third examination, the Board may~~  
6 ~~deny the applicant another examination.~~

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

11       1. A dentist holding a general dentist license in good standing  
12 and having practiced for at least five hundred (500) hours within  
13 the previous five (5) years immediately prior to application and  
14 having passed a regional examination substantially equivalent to the  
15 requirements for this state may apply for licensure by credentials;

16       2. A dental hygienist holding a dental hygiene license in good  
17 standing and having practiced for at least four hundred twenty (420)  
18 hours within the previous five (5) years immediately prior to  
19 application and having passed a regional examination substantially  
20 equivalent to the requirements for Oklahoma may apply for licensure  
21 by credentials. Applicants for credentialing must include:

- 22           a. a letter of good standing from all states in which the  
23           applicant has ever been licensed, and  
24           b. any other requirements as set forth by the rules;

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

5 4. A dental hygienist applying for credentialing for advanced  
6 procedures by providing proof of passage of the advanced procedure  
7 in a CDCA, WREB or CRDTS exam.

8 ~~J.~~ I. There shall be two types of advanced procedure available  
9 for dental hygienists upon completion of a Commission on Dental  
10 Accreditation (CODA) approved program or course that has been  
11 approved by the Board:

12 1. Administration of nitrous oxide; and

13 2. Administration of local anesthesia.

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

17 K. The Board shall have the authority to temporarily change  
18 requirements of an examination due to availability or changes in the  
19 examination format, not to exceed one (1) year.

20 L. During a year in which governmental officials have declared  
21 a health pandemic, a state or federal disaster, or other natural or  
22 man-made disaster, the Board shall have the authority through a  
23 resolution to change or make allowances in requirements of all  
24 candidates for licensure and issue temporary licenses for extended



1 periods of time or as needed until the event passes. The resolution  
2 shall have a beginning and an end date and shall automatically  
3 expire no less than thirty (30) days after the end of the disaster  
4 is declared by governmental officials.

5 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.23, as  
6 last amended by Section 5, Chapter 397, O.S.L. 2019 (59 O.S. Supp.  
7 2020, Section 328.23), is amended to read as follows:

8 Section 328.23 A. The President of the Board, upon  
9 verification that a person meets the requirements provided for in  
10 this section and any other requirements provided for in the State  
11 Dental Act, may issue an emergency temporary license to practice  
12 dentistry for thirty (30) days. A temporary license may be extended  
13 but shall not exceed ninety (90) days or the next available  
14 regularly scheduled Board meeting.

15 B. The President of the Board, upon verification that a person  
16 meets the requirements provided for in the State Dental Act, may  
17 issue an emergency temporary license to practice dental hygiene,  
18 which shall expire as of the date of the next dental hygiene  
19 clinical examination in Oklahoma, as required by the Board.

20 C. An active duty military spouse residing with the active duty  
21 member having met the requirements for licensure shall be eligible  
22 for a temporary license.

23 D. Any applicant requesting an emergency temporary license  
24 shall submit a letter explaining the exigent circumstances along

1 with all application materials. The determination of whether or not  
2 to grant the emergency temporary license based upon the exigent  
3 circumstances shall be at the sole discretion of the President or  
4 acting President of the Board.

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

10 F. The President of the Board may authorize patient treatment  
11 and care ~~to~~ by individuals taking the Commission on Dental  
12 Competency Assessments (CDCA) or the Western Regional Examining  
13 Board Exam exam, or other regional exams as approved by the Board,  
14 in order for such individuals to complete criteria related to Board  
15 examinations ~~and~~. The Board may authorize specialty examinations to  
16 be given throughout the year as needed.

17 SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.23a, as  
18 amended by Section 10, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020,  
19 Section 328.23a), is amended to read as follows:

20 Section 328.23a A. There is established a special volunteer  
21 license for dentists and a special volunteer license for dental  
22 hygienists who are retired from active practice or out-of-state  
23 licensees in active practice who are in the Oklahoma Medical Reserve  
24 Corps or assisting with emergency management, emergency operations,

1 or hazard mitigation in response to any emergency, man-made  
2 disaster, or natural disaster, or participating in public health  
3 initiatives, disaster drills, and community service events that are  
4 endorsed by a city, or county, ~~or state~~ health department ~~in the~~  
5 ~~state~~ or the State Department of Health and wish to donate their  
6 expertise for the dental care and treatment of indigent and needy  
7 persons of the state. The special volunteer license shall be:

- 8 1. Issued by the Board of Dentistry to eligible persons;
- 9 2. Issued without the payment of an application fee, license  
10 fee or renewal fee;

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

- 13 4. Issued for one (1) calendar year or part thereof.

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

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

- 19 2. Documentation that the dentist or dental hygienist has been  
20 previously issued a full and unrestricted license to practice  
21 dentistry or dental hygiene in ~~Oklahoma~~ this state or in another  
22 state of the United States and that he or she has never been the  
23 subject of any reportable medical or dental disciplinary action in  
24 any jurisdiction. If the dentist or dental hygienist is licensed in

1 more than one state and any license of the licensee is suspended,  
2 revoked, or subject to any agency order limiting or restricting  
3 practice privileges, or has been voluntarily terminated under threat  
4 of sanction, the dentist or dental hygienist shall be ineligible to  
5 receive a special volunteer license;

6 3. Acknowledgement and documentation that the dentist's or  
7 dental hygienist's practice under the special volunteer license will  
8 be exclusively and totally devoted to providing dental care to needy  
9 and indigent persons in ~~Oklahoma~~ this state;

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

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

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

21 D. Dental assistants may be issued a volunteer permit at the  
22 request of an entity that provides dental services to the needy.  
23 Volunteers in a volunteer initiative who are not dentists or dental  
24 hygienists shall be named and provided on a list to the Board by the

1 entity hosting the volunteer initiative with any other requirements  
2 as set forth by the Board. The Board shall provide written  
3 documentation to the host entity designating all persons who may  
4 participate in the volunteer initiative, including authorization of  
5 the timetable requested by the host entity for granting licensure  
6 exemption. Any person working under a volunteer dental assistant  
7 permit shall not receive payment or compensation for any services  
8 rendered under the volunteer dental assistant permit. Volunteer  
9 dental assistant permits shall be limited to specific dates and  
10 locations of services to be provided.

11 E. All persons providing care shall do so under the provisions  
12 specified in Section 328.1 et seq. of this title or rules  
13 promulgated by the Board. Only those functions authorized by law or  
14 administrative rule shall be performed by the named person approved  
15 by the Board.

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

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

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

23 I. A special volunteer license shall be restricted to services  
24 provided at the locations listed on the application or for a

1 specific not-for-profit treatment provider group as approved by the  
2 Board.

3 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.25, as  
4 last amended by Section 11, Chapter 363, O.S.L. 2019 (59 O.S. Supp.  
5 2020, Section 328.25), is amended to read as follows:

6 Section 328.25 A. No person shall practice as an oral  
7 maxillofacial surgery assistant without having obtained a permit as  
8 an oral maxillofacial surgery assistant from the Board of Dentistry.

9 B. Any person seeking to obtain an oral maxillofacial surgery  
10 assistant permit must have a supervising oral maxillofacial surgeon  
11 with a current Oklahoma license and complete the requirements set  
12 forth by the Board.

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

16 1. Passes a background check with criteria established by the  
17 Board; and

18 2. Has completed all of the training requirements for the oral  
19 maxillofacial surgery assistant permit as established by the Board.

20 D. An oral maxillofacial surgery assistant permit shall be  
21 considered a temporary training permit until all of the training  
22 requirements, as established by the Board for each oral  
23 maxillofacial surgery assistant, have been completed and approved by  
24 the Board.

1 E. A temporary training permit for each oral maxillofacial  
2 surgery assistant shall not be extended beyond two (2) years.

3 F. All oral maxillofacial surgery assistants are required to be  
4 under direct supervision or direct visual supervision at all times  
5 by a licensed oral maxillofacial surgeon.

6 G. If an oral maxillofacial surgery assistant is not currently  
7 employed by an oral maxillofacial surgeon, the oral maxillofacial  
8 surgery assistant permit shall automatically revert to a dental  
9 assistant permit as set forth in Section 328.24 of this title and  
10 may be eligible for an expanded function assisting a dentist who  
11 holds a parenteral or pediatric anesthesia permit; provided, only  
12 the dentist may administer anesthesia and assess the patient's level  
13 of sedation. The oral maxillofacial surgery assistant permit may be  
14 reinstated upon employment under a licensed oral maxillofacial  
15 surgeon.

16 H. Any oral maxillofacial surgeon shall notify the Board within  
17 thirty (30) days of an oral maxillofacial surgery assistant no  
18 longer under his or her supervision.

19 I. An applicant for an oral maxillofacial surgery assistant  
20 permit shall provide satisfactory proof of:

21 1. Successful completion of the Dental Anesthesia Assistant  
22 National Certification Examination (DAANCE) provided by the American  
23 Association of Oral Maxillofacial Surgeons (AAOMS) or another  
24 program or examination as approved by the Board;

1           2. A valid BLS certification;

2           3. Employment and completion of a minimum of six (6) months of  
3 training under the direct supervision of a licensed oral  
4 maxillofacial surgeon prior to starting DAANCE or another program or  
5 examination as approved by the Board;

6           4. A Completion of a standardized course approved by the Board  
7 including a minimum of four (4) hours of didactic training that must  
8 include anatomy, intravenous access or phlebotomy, technique, risks  
9 and complications, and hands-on experience starting and maintaining  
10 intravenous lines on a human or simulator/manikin, and pharmacology;

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

13           J. An oral maxillofacial surgery assistant who has completed  
14 all the requirements shall receive a permit to practice as an oral  
15 maxillofacial surgery assistant within a dental office, surgery  
16 center, dental ambulatory surgery center or hospital.

17           K. Oral maxillofacial surgery assistants shall be required to  
18 complete ~~twelve (12)~~ eight (8) hours of continuing education every  
19 ~~three (3)~~ two (2) years in classes approved by AAOMS that are  
20 certified by the American Dental Association CERP program or another  
21 program approved by the Board. The continuing education requirement  
22 shall include at least one (1) hour on infection control.

23           L. The Anesthesia Committee provided pursuant to Section 328.17  
24 of this title may make a recommendation to the Board for an oral



1 maxillofacial surgery assistant holding a temporary training permit  
2 to substitute training received from another state university,  
3 dental school or technical training institute or training acquired  
4 in a surgery center or hospital while working under the authority of  
5 a licensed physician, to qualify as a partial substitute for the  
6 requirements to attain an oral maxillofacial surgery assistant  
7 permit.

8 M. An oral maxillofacial surgery assistant may only accept  
9 delegation from an oral and maxillofacial surgeon:

10 1. Under direct supervision:

- 11 a. initiate and discontinue an intravenous line for a  
12 patient being prepared to receive intravenous  
13 medications, sedation or general anesthesia, or  
14 b. draw up and prepare medications; and

15 2. Under direct visual supervision:

- 16 a. follow instructions of the oral surgeon while acting  
17 as an accessory hand on behalf of the oral surgeon  
18 that is administering the medication and actively  
19 treating the patient. For the purposes of this  
20 section, "administer" means to have the sole  
21 responsibility for anesthesia care, including  
22 determining medicines to be used and the dosage,  
23 timing, route of delivery and administration of  
24 medication and the assessment of the level of

1 anesthesia and monitoring the physiological results of  
2 such care; provided, only an oral surgeon or dentist  
3 possessing a current general anesthesia permit may  
4 administer or assess the level of sedation or general  
5 anesthesia and monitor the results of such care,

6 b. follow instructions of the oral surgeon to adjust the  
7 rate of intravenous fluids to maintain or keep the  
8 line patent or open and adjust an electronic device to  
9 provide medications such as an infusion pump, and

10 c. assist the oral surgeon by reading, recording vital  
11 signs of a patient receiving deep sedation or general  
12 anesthesia; provided, only an oral surgeon may assess  
13 the level of sedation. ~~;~~ and

14 ~~3.~~ N. Only an oral surgeon shall be responsible to diagnose,  
15 treat, monitor, determine and administer the selection of the drug,  
16 dosage, and timing of all anesthetic medications, and care of the  
17 patient through the perioperative period shall rest solely with the  
18 supervising oral and maxillofacial surgeon.

19 ~~4.~~ O. Nothing in ~~this act~~ the State Dental Act shall be  
20 construed as to allow an oral surgery assistant or dental assistant  
21 to administer anesthesia care to a patient.

22 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.26, as  
23 last amended by Section 4, Chapter 302, O.S.L. 2017 (59 O.S. Supp.  
24 2020, Section 328.26), is amended to read as follows:

1           Section 328.26 A. The Board of Dentistry may, without  
2 examination, issue a dental student intern, resident or fellowship  
3 permit to a student or graduate of an approved dental school or  
4 college, or a residency program approved by the Commission on Dental  
5 Accreditation (CODA). Upon meeting the qualifications and upon  
6 approval of the dean or the governing body of any public or private  
7 institution any person may request a dental student intern, resident  
8 or fellow permit to be issued from the Board, with limited duties as  
9 defined in the permit. A fellowship permit may only be given to a  
10 person currently participating in a fellowship program affiliated  
11 with an accredited dental school.

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

16           C. A dental student intern, resident or fellowship permit shall  
17 not authorize the holder to open an office for the private practice  
18 of dentistry, or to receive compensation for the practice of  
19 dentistry, except a salary paid by the federal government or this  
20 state, or their subdivisions, or the public or private institution  
21 where the holder of the dental student intern, resident or  
22 fellowship permit will be employed.

23  
24

1 D. A dental student intern with a valid dental student intern  
2 permit may work under the direct supervision of a licensed dentist  
3 for compensation upon meeting the following criteria:

4 1. The dental student intern shall notify the Board of the  
5 supervising dentist;

6 2. A dental student intern, having finished the first year of  
7 dental school, may assist in all duties of a dental assistant  
8 pursuant to the administrative rules of the Board; and

9 3. A dental student intern, having finished the second year of  
10 dental school, may assist in all duties permitted in paragraph 2 of  
11 this subsection, radiation safety, coronal polishing and sealants.

12 E. A dental student intern, resident or fellowship permit shall  
13 automatically expire when the permit holder is no longer  
14 participating in the program offered by the college of dentistry,  
15 the accredited dental college or the institution.

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

20 G. Dental student intern or resident or fellowship permits may  
21 be renewed annually at the request of the dean of the college or  
22 program director of the program approved by CODA and at the  
23 discretion of the Board.

24

1 H. Residents and Fellows with a valid permit may supervise  
2 student dental clinics under the authority of the Dean or Associate  
3 Dean of the University of Oklahoma College of Dentistry.

4 I. Students currently enrolled at the University of Oklahoma  
5 College of Dentistry or an accredited dental hygiene or dental  
6 assisting program shall be exempted from Sections 328.19 and 328.21  
7 of this title while participating in an educational program located  
8 at the University of Oklahoma College of Dentistry or the clinic of  
9 an accredited dental hygiene or dental assisting program. A  
10 licensed dentist, hygienist or faculty license holder shall be  
11 physically present in the facility whenever students of dentistry,  
12 dental hygiene or dental assisting are performing a clinical dental  
13 procedure on patients.

14 SECTION 7. AMENDATORY Section 19, Chapter 229, O.S.L.  
15 2015 (59 O.S. Supp. 2020, Section 328.31b), is amended to read as  
16 follows:

17 Section 328.31b A. Every dental office or treatment facility,  
18 whether individual, group or multi-doctor practice operating under a  
19 name, trade name or other professional entity shall maintain written  
20 records on each patient treated at the facility and shall make these  
21 records available to the Board and other regulatory entities or be  
22 subject to the penalties as set forth in Section ~~328.44~~ 328.44a of  
23 this title.

1 B. Each licensed dentist shall maintain written records on each  
2 patient that shall contain, at a minimum, the following information  
3 about the patient:

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

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

9 3. Treatment plan proposed by the dentist; and

10 4. Treatment rendered to the patient. The patient record shall  
11 clearly identify the dentist and the dental hygienist providing the  
12 treatment with the dentist, specialty or dental hygienist license  
13 number. The patient record shall include documentation of any  
14 medications prescribed, administered or dispensed to the patient.

15 ~~5. C.~~ Whenever patient records are released or transferred, the  
16 dentist releasing or transferring the records shall maintain either  
17 the original records or copies thereof and a notation shall be made  
18 in the retained records indicating to whom the records were released  
19 or transferred. ~~and~~

20 ~~6. D.~~ All claims being submitted for insurance must be signed,  
21 stamped or have an electronic signature by the treating dentist.

22 ~~7. E.~~ Patient records may be kept in an electronic data format,  
23 provided that the dentist maintains a backup copy of information  
24 stored in the data processing system using disk, tape or other

1 electronic back-up system and that backup is updated on a regular  
2 basis, at least weekly, to assure that data is not lost due to  
3 system failure. Any electronic data system shall be capable of  
4 producing a hard copy on demand.

5 ~~D.~~ F. All patient records shall be maintained for seven (7)  
6 years from the date of treatment.

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

12 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.32, as  
13 last amended by Section 34, Chapter 161, O.S.L. 2020 (59 O.S. Supp.  
14 2020, Section 328.32), is amended to read as follows:

15 Section 328.32 A. The following acts or occurrences by a  
16 dentist shall constitute grounds for which the penalties specified  
17 in Section 328.44a of this title may be imposed by order of the  
18 Board of Dentistry or be the basis for denying a new applicant any  
19 license or permit issued by the Board:

20 1. Pleading guilty or nolo contendere to, or being convicted  
21 of, a felony, a misdemeanor involving moral turpitude, any crime in  
22 which an individual would be required to be a registered sex  
23 offender under Oklahoma law, any violent crime, Medicaid fraud,  
24

1 insurance fraud, identity theft, embezzlement or a violation of  
2 federal or state controlled dangerous substances laws;

3 2. Presenting to the Board a false diploma, license, or  
4 certificate, or one obtained by fraud or illegal means, or providing  
5 other false information on an application or renewal;

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

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

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

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

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

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

21 9. Failing to complete continuing education requirements;

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



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

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

7 13. Practicing dentistry in an unsafe or unsanitary manner or  
8 place, including but not limited to repeated failures to follow  
9 Centers for Disease Control and Prevention (CDC) or Occupational  
10 Safety and Health Administration (OSHA) guidelines;

11 14. Being shown to be mentally unsound;

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

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

16 17. Committing gross negligence in the practice of dentistry;

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

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

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

24

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

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

10       23. Having more than the equivalent of three full-time dental  
11 hygienists for each dentist actively practicing in the same dental  
12 office;

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

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

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

23       27. Willfully disclosing information protected by the Health  
24 Information Portability and Accountability Act, P.L. 104-191;

1       28. Writing a false, unnecessary, or excessive prescription for  
2 any drug or narcotic which is a controlled dangerous substance under  
3 either federal or state law, or prescribing, dispensing or  
4 administering opioid drugs in excess of the maximum limits  
5 authorized in Section 2-309I of Title 63 of the Oklahoma Statutes;

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

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

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

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

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

17       34. Failing to retain all patient records for at least seven  
18 (7) years from the date of the last treatment as provided by Section  
19 328.31b of this title, except that the failure to retain records  
20 shall not be a violation of the State Dental Act if the dentist  
21 shows that the records were lost, destroyed, or removed by another,  
22 without the consent of the dentist;

23       35. Failing to retain the dentist's copy of any laboratory  
24 prescription for at least ~~three (3)~~ seven (7) years, except that the

1 failure to retain records shall not be a violation of the State  
2 Dental Act if the dentist shows that the records were lost,  
3 destroyed, or removed by another, without the consent of the  
4 dentist;

5 36. Allowing any corporation, organization, group, person, or  
6 other legal entity, except another dentist or a professional entity  
7 that is in compliance with the registration requirements of  
8 subsection B of Section 328.31 of this title, to direct, control, or  
9 interfere with the dentist's clinical judgment. Clinical judgment  
10 shall include, but not be limited to, such matters as selection of a  
11 course of treatment, control of patient records, policies and  
12 decisions relating to pricing, credit, refunds, warranties and  
13 advertising, and decisions relating to office personnel and hours of  
14 practice. Nothing in this paragraph shall be construed to:

- 15 a. limit a patient's right of informed consent, or
- 16 b. prohibit insurers, preferred provider organizations  
17 and managed care plans from operating pursuant to the  
18 applicable provisions of the Oklahoma Insurance Code  
19 and the Public Health Code;

20 37. Violating the state dental act of another state resulting  
21 in a plea of guilty or nolo contendere, conviction or suspension or  
22 revocation or other sanction by another state board, of the license  
23 of the dentist under the laws of that state;

24

1 38. Violating or attempting to violate the provisions of the  
2 State Dental Act or the rules of the Board, a state or federal  
3 statute or rule relating to scheduled drugs, fraud, a violent crime  
4 or any crime for which the penalty includes the requirement of  
5 registration as a sex offender in Oklahoma as a principal, accessory  
6 or accomplice;

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

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

13 41. Having multiple administrative or civil actions reported to  
14 the National Practitioner Databank; or

15 42. Failing to complete an approved two-hour course on opioid  
16 and scheduled drug prescribing within one (1) year of obtaining a  
17 license or a violation of a law related to controlled dangerous  
18 substances including prescribing laws pursuant to Section 2-309D of  
19 Title 63 of the Oklahoma Statutes.

20 B. The provisions of the State Dental Act shall not be  
21 construed to prohibit any dentist from displaying or otherwise  
22 advertising that the dentist is also currently licensed, registered,  
23 certified, or otherwise credentialed pursuant to the laws of this  
24 state or a nationally recognized credentialing board, if authorized

1 by the laws of the state or credentialing board to display or  
2 otherwise advertise as a licensed, registered, certified, or  
3 credentialed dentist.

4 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.33, as  
5 last amended by Section 5, Chapter 113, O.S.L. 2016 (59 O.S. Supp.  
6 2020, Section 328.33), is amended to read as follows:

7 Section 328.33 A. The following acts or occurrences by a  
8 dental hygienist shall constitute grounds for which the penalties  
9 specified in Section 328.44a of this title may be imposed by order  
10 of the Board of Dentistry or be the basis for denying a new  
11 applicant any license or permit issued by the Board:

- 12 1. Any of the causes now existing in the laws of ~~the State of~~  
13 ~~Oklahoma~~ this state;
- 14 2. A violation of the provisions of the State Dental Act; or
- 15 3. A violation of the rules of the Board promulgated pursuant  
16 to the State Dental Act.

17 B. The Board shall also have the power to act upon a petition  
18 by a dental hygienist for reinstatement to good standing. The Board  
19 shall keep a record of the evidence and proceedings in all matters  
20 involving the revocation or suspension of a license or reprimand or  
21 probation of a dental hygienist. The Board shall make findings of  
22 fact and a decision thereon. The Board shall immediately forward a  
23 certified copy of the decision to the dental hygienist involved by  
24

1 registered mail to the last-known business address of the dental  
2 hygienist.

3 C. 1. The decision shall be final unless the dental hygienist  
4 appeals the decision as provided by the State Dental Act.

5 2. If an appeal is not timely taken, the decision shall be  
6 carried out by striking the name of the dental hygienist from the  
7 rolls, or suspending the dental hygienist for the period mentioned  
8 in issuing a reprimand, or otherwise acting as required by the  
9 decision.

10 D. The Board shall have power to revoke or suspend the license,  
11 reprimand, or place on probation a dental hygienist for a violation  
12 of one or more of the following:

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

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

18 3. Being, by reason of persistent inebriety or addiction to  
19 drugs, incompetent to continue the practice of dental hygiene;

20 4. Has been guilty of dishonorable or unprofessional conduct;

21 5. Failure to pay registration fees as provided by the State  
22 Dental Act;

23 6. Is a menace to the public health by reason of communicable  
24 disease;

- 1           7. Being shown to be mentally incapacitated or has been  
2 admitted to a mental institution, either public or private, and  
3 until the dental hygienist has been proven to be mentally competent;
- 4           8. Being shown to be grossly immoral;
- 5           9. Being incompetent in the practice of dental hygiene;
- 6           10. Committing willful negligence in the practice of dental  
7 hygiene;
- 8           11. Being involuntarily committed for treatment for drug  
9 addiction to a facility, either public or private, and until the  
10 dental hygienist has been proven cured;
- 11           12. Practicing or attempting to practice dental hygiene in any  
12 place or in any manner other than as authorized by Section 328.34 of  
13 this title;
- 14           13. Claiming the use of any secret or patented methods or  
15 treatments with materials not approved by the Food and Drug  
16 Administration;
- 17           14. Making statements or advertising as having the ability to  
18 diagnose or prescribe for any treatment;
- 19           15. Performing any services in the mouth other than those  
20 authorized by the Board of Dentistry pursuant to authority conferred  
21 by the State Dental Act;
- 22           16. Attempting to conduct a practice of dental hygiene in any  
23 place or in any manner other than as authorized by Section 328.34 of  
24 this title;



1        17. Attempting to use in any manner whatsoever any oral  
2 prophylaxis list, call list, records, reprints or copies of same or  
3 information gathered therefrom, or the names of patients whom he or  
4 she has formerly treated when serving as an employee in the office  
5 of a dentist for whom he or she was formerly employed;

6        18. Failing to keep prominently displayed in the office of the  
7 dentist for whom he or she is employed his or her current valid  
8 license renewal certificate;

9        19. Using or attempting to use in any manner whatsoever any  
10 oral prophylaxis list, call list, records, reprints or copies of  
11 same, or information gathered therefrom, of the names of patients  
12 whom such dental hygienist might have served in the office of a  
13 prior employer, unless such names appear upon the bona fide call or  
14 oral prophylaxis list of the present employer of the dental  
15 hygienist and were caused to so appear through the legitimate  
16 practice of dentistry, as provided for in the State Dental Act;

17        ~~14.~~ 20. Violating the state dental act of another state  
18 resulting in a plea of guilty or nolo contendere, conviction, or  
19 suspension or revocation of the license of the dental hygienist  
20 under the laws of that state;

21        ~~15.~~ 21. Violating or attempting to violate the provisions of  
22 the State Dental Act or the rules of the Board, as a principal,  
23 accessory or accomplice;

24

1       ~~16.~~ 22. Failing to comply with the terms and conditions of an  
2 order imposing suspension of a license or placement on probation  
3 issued pursuant to Section 328.44a of this title; or

4       ~~17.~~ 23. Any violation that would otherwise be a violation for a  
5 dentist under Section 328.32 of this title.

6       E. A dental hygienist may advertise that he or she is  
7 practicing in the office of the supervising dentist in which he or  
8 she is employed.

9       SECTION 10.        AMENDATORY        59 O.S. 2011, Section 328.36a, is  
10 amended to read as follows:

11       Section 328.36a A. A dentist may utilize a dental laboratory  
12 technician and a dental laboratory to perform or provide dental  
13 laboratory technology. Except as provided in subsection C of  
14 Section 328.36 of this title, a dentist who utilizes the services of  
15 a dental laboratory technician or dental laboratory shall furnish a  
16 laboratory prescription for each patient for whom a work product is  
17 prescribed.

18       B. Laboratory prescriptions issued by a dentist shall be on  
19 forms containing the minimum information required by subsection D of  
20 this section and shall be produced or printed by each dentist. Such  
21 forms shall be provided by the Board of Dentistry or downloaded from  
22 the Board's website. All forms shall be completed in full and  
23 signed by the prescribing dentist. The owner of a dental laboratory  
24 shall retain each original laboratory prescription received from a

1 prescribing dentist and produce the document for inspection and  
2 copying by a member of the Board or by an agent or employee of the  
3 Board, for a period of ~~three (3)~~ seven (7) years from the date of  
4 the laboratory prescription. The prescribing dentist shall retain  
5 the duplicate copy of each laboratory prescription and produce the  
6 document for inspection and copying by a member of the Board or by  
7 an agent or employee of the Board, for a period of ~~three (3)~~ seven  
8 (7) years from the date of the laboratory prescription.

9 C. The patient's name or the identification number of the  
10 laboratory prescription shall appear on all dental models and  
11 correspond to all dental restorations, appliances or other devices  
12 being constructed, reproduced or repaired. Any dental model,  
13 restoration, appliance or other device in the possession of a dental  
14 laboratory technician or dental laboratory without a laboratory  
15 prescription and corresponding number on the model, restoration,  
16 appliance or device shall be prima facie evidence of a violation of  
17 the State Dental Act. After completion, the prescribed work product  
18 shall be returned by the dental laboratory technician or dental  
19 laboratory to the prescribing dentist or the dental office of the  
20 dentist with the name or number of the laboratory prescription  
21 accompanying the invoice.

22 D. At a minimum, prescriptions shall contain the following  
23 information:

24 1. The name and address of the dental laboratory;

1           2. The patient's name and/or identifying number. In the event  
2 such identifying number is used, the name of the patient shall be  
3 written on a copy of the prescription retained by the dentist;

4           3. A description of the work to be completed with diagrams, if  
5 applicable;

6           4. A description of the type of materials to be used;

7           5. The actual date on which the authorization or prescription  
8 was written or completed;

9           6. The signature in ink or by electronic method of the dentist  
10 issuing the prescription and the state license number and address of  
11 such dentist; and

12           7. A section to be completed by the dental laboratory and  
13 returned to the issuing dentist that shall disclose all information  
14 and certify that the information is accurate by including the  
15 signature of a reasonable part of the primary contractor.

16           E. The Board shall make readily available a sample form on the  
17 Board's website for use by any licensee at no cost.

18           F. A dentist may produce, transfer and retain copies of the  
19 form electronically.

20           G. A dentist may refer a patient to a dental laboratory for the  
21 purpose of selecting the shading or matching shades of a prosthetic  
22 device being prepared for the dentist to deliver to the patient.  
23 The dentist must maintain a copy of the prescription written for the  
24 laboratory.

1 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.41, as  
2 last amended by Section 9, Chapter 397, O.S.L. 2019 (59 O.S. Supp.  
3 2020, Section 328.41), is amended to read as follows:

4 Section 328.41 A. 1. On or before the last day of December of  
5 each year, every dentist, dental hygienist, dental assistant, oral  
6 maxillofacial surgery assistant and other licensee or permit holders  
7 previously licensed or permitted by the Board to practice in this  
8 state, with the exception of those listed in paragraph 2 of this  
9 subsection, shall submit a completed renewal application with  
10 information as may be required by the Board, together with an annual  
11 renewal fee established by the rules of the Board. Upon receipt of  
12 the annual renewal fee, the Board shall issue a renewal certificate  
13 authorizing the dentist, dental hygienist, dental assistant, or oral  
14 maxillofacial surgery assistant to continue the practice of  
15 dentistry or dental hygiene, respectively, in this state for a  
16 period of one (1) year. Every license or permit issued by the Board  
17 shall begin on January 1 and expire on December 31 of each year.

18 2. Beginning July 1, 2017, resident and fellowship permits  
19 shall be valid from July 1 through June 30 of each year and dental  
20 student intern permits shall be valid from August 1 through July 31  
21 of each year.

22 B. ~~Continuing education requirements shall be due at the end of~~  
23 ~~each three-year period ending in 2019 as follows:~~

24

1 1. Beginning July 1, 2019, ~~through June 30, 2021~~, continuing  
2 education requirements shall be due at the end of each two-year  
3 period ~~as follows:~~

4 a. ~~dentists.~~

5 2. Continuing education requirements for a dentist or dental  
6 hygienist shall consist of:

7 a. a live, in-person cardiopulmonary resuscitation class  
8 approved by the Board,

9 b. an ethics class approved by the Board,

10 c. for a dentist, two (2) hours of opioid and scheduled  
11 drug prescribing classes, and

12 d. any combination of the following:

13 (1) classes at a university, college or technology  
14 center school accredited by the Commission on  
15 Dental Accreditation (CODA). A dentist or dental  
16 hygienist who teaches one or more classes shall  
17 receive one (1) credit hour of continuing  
18 education per eighteen (18) hours taught,

19 (2) a scientific-based medical treatment and patient  
20 care class approved by the Board,

21 (3) any health-related program sponsored by the  
22 Veterans Administration or Armed Forces provided  
23 at a government facility,

- 1           (4) formal meetings by national or state professional  
2           organizations for dental providers, or  
3           university-sponsored professional alumni clinical  
4           meetings approved by the Board,  
5           (5) organized study clubs,  
6           (6) uncompensated volunteer work at an event approved  
7           by the Board not to exceed seven (7) hours for a  
8           dentist or four (4) hours for a dental hygienist,  
9           or  
10          (7) practice-management-related courses not to exceed  
11          four (4) hours for a dentist or two (2) hours for  
12          a dental hygienist.

13          3. Dentists shall complete forty (40) hours, ~~including a one-~~  
14 ~~time two-hour opioid and scheduled drug prescribing class,~~

15           ~~b. hygienists~~ with no more than twenty (20) hours to be  
16           completed online. Hygienists shall complete twenty  
17           (20) hours,

18           ~~c. oral~~ with no more than ten (10) hours to be completed  
19           online. Interactive classes or webinar classes may,  
20           at the discretion of the Board, count as in-person.

21          4. Oral maxillofacial surgery assistants shall complete eight  
22 (8) hours, including one (1) hour of infection control.

23           ~~d. dental~~

1        5. Dental assistants shall ~~have~~ complete two (2) hours of  
2 infection control, ~~and~~

3            ~~e. any.~~

4        6. Any newly licensed dentist shall complete a two-hour opioid  
5 and scheduled drug prescribing class within one (1) year of  
6 obtaining licensure, ~~and~~

7            ~~2. Any newly licensed dentist shall complete a two-hour opioid~~  
8 ~~and scheduled drug prescribing class within one (1) year of~~  
9 ~~obtaining licensure, and~~

10          ~~3. Beginning in 2020, continuing education requirements shall~~  
11 ~~be due at the end of each two-year period as follows:~~

12            ~~a. dentists shall complete forty (40) hours, including a~~  
13            ~~one-time, two-hour opioid and scheduled drug~~  
14            ~~prescribing class,~~

15            ~~b. hygienists shall complete twenty (20) hours,~~

16            ~~c. OMS assistants shall complete eight (8) hours, and~~

17            ~~d. dental assistants shall have two (2) hours of~~  
18            ~~infection control.~~

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



1 assistant, or oral maxillofacial surgery assistant as reflected in  
2 the records of the Board.

3 D. Any dentist, dental hygienist, dental assistant, or oral  
4 maxillofacial surgery assistant whose license or permit is  
5 automatically canceled by reason of failure, neglect or refusal to  
6 secure the renewal certificate may be reinstated by the Board at any  
7 time within one (1) year from the date of the expiration of the  
8 license, upon payment of the annual renewal fee and a penalty fee  
9 established by the rules of the Board. If the dentist, dental  
10 hygienist, dental assistant, or oral maxillofacial surgery assistant  
11 does not apply for renewal of the license or permit and pay the  
12 required fees within one (1) year after the license has expired,  
13 then the dentist, dental hygienist, dental assistant, or oral  
14 maxillofacial surgery assistant shall be required to file an  
15 application for and take the examination or other requirements  
16 provided for in the State Dental Act or the rules promulgated by the  
17 Board before again commencing practice.

18 E. The Board, by rule, shall provide for the remittance of fees  
19 otherwise required by the State Dental Act while a dentist or dental  
20 hygienist is on active duty with any of the Armed Forces of the  
21 United States.

22 F. In case of a lost or destroyed license or renewal  
23 certificate and upon satisfactory proof of the loss or destruction  
24

1 thereof, the Board may issue a duplicate, charging therefor a fee  
2 established by the rules of the Board.

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

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

14 I. Any application for a license or permit that has remained  
15 inactive for more than one (1) year shall be closed.

16 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.48, is  
17 amended to read as follows:

18 Section 328.48 It shall be the duty of the Board of Dentistry,  
19 annually, to have prepared a statement showing the total amount of  
20 receipts and expenditures of the Board for the preceding twelve (12)  
21 months. The statement shall be properly certified under oath by the  
22 president and ~~secretary-treasurer~~ Executive Director of the Board to  
23 the Governor ~~of this state~~ and may be sent electronically.

24

1 SECTION 13. AMENDATORY Section 13, Chapter 270, O.S.L.  
2 2012 (59 O.S. Supp. 2020, Section 328.54), is amended to read as  
3 follows:

4 Section 328.54 A. Any person conducting a diagnosis for the  
5 purpose of prescribing medication or treatment or any other action  
6 determined to be a dental practice as defined by the State Dental  
7 Act, via the Internet or other telecommunications device on any  
8 patient that is physically located in this state shall hold a valid  
9 Oklahoma state dental license.

10 B. A dentist holding a valid dental license in Oklahoma may  
11 consult, diagnose and treat a patient of record via synchronous or  
12 asynchronous telecommunication between the patient and dentist. The  
13 dentist must record all activities relating to teledentistry in the  
14 patient record and must have an office location in Oklahoma  
15 available for follow-up treatment and maintenance of records.

16 SECTION 14. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 328.57 of Title 59, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Upon the declaration by governmental officials of a health  
20 pandemic or a state or federal disaster or emergency, dentists and  
21 dental hygienists and dental assistants working under the  
22 supervision of a dentist or physician, acting in good faith, shall  
23 be considered to be acting within the scope of their profession when  
24 providing all needed care during such a declared local, state or

1 national emergency, and shall be allowed to perform services  
2 requested of them.

3 B. Dentists are authorized to administer vaccinations. All  
4 dentists shall comply with Centers for Disease Control and  
5 Prevention or State Department of Health documentation if required.

6 C. Dental hygienists are authorized to administer vaccinations  
7 while working under the general supervision of a physician as  
8 defined by subsection C of Section 725.2 of Title 59 of the Oklahoma  
9 Statutes.

10 SECTION 15. REPEALER 59 O.S. 2011, Section 328.29, is  
11 hereby repealed.

12 SECTION 16. REPEALER 59 O.S. 2011, Section 328.41, as  
13 last amended by Section 4, Chapter 428, O.S.L. 2019 (59 O.S. Supp.  
14 2020, Section 328.41), is hereby repealed.

15 SECTION 17. This act shall become effective November 1, 2021."  
16  
17  
18  
19  
20  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Passed the House of Representatives the 22nd day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate