

1 ENGROSSED SENATE
2 BILL NO. 787

By: Sykes of the Senate

3 and

4 Roberts (Dustin) of the
5 House

6 An Act relating to the State Dental Act; amending
7 Section 11, Chapter 229, O.S.L. 2015, as amended by
8 Section 1, Chapter 113, O.S.L. 2016 (59 O.S. Supp.
9 2016, Section 328.23b), which relates to retired
10 volunteer licenses; removing certain limitations;
11 amending 59 O.S. 2011, Section 328.26, as last
12 amended by Section 14, Chapter 229, O.S.L. 2015 (59
13 O.S. Supp. 2016, Section 328.26), which relates to
14 dental intern permits; removing certain requirement;
15 permitting dental student interns to perform certain
16 functions under certain circumstances; amending 59
17 O.S. 2011, Section 328.27, as last amended by Section
18 15, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2016,
19 Section 328.27), which relates to faculty licenses;
20 specifying duration of certain license; providing
21 renewal procedures; permitting certain courses to be
22 taught in certain formats; requiring certain
23 personnel in coursework; requiring certain
24 compliance; amending 59 O.S. 2011, Section 328.41, as
last amended by Section 22, Chapter 229, O.S.L. 2015
(59 O.S. Supp. 2016, Section 328.41), which relates
to renewal certificates; stipulating valid dates for
certain permits; clarifying language; and providing
an effective date.

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

SECTION 1. AMENDATORY Section 11, Chapter 229, O.S.L.
2015, as amended by Section 1, Chapter 113, O.S.L. 2016 (59 O.S.
Supp. 2016, Section 328.23b), is amended to read as follows:

1 Section 328.23b. A dentist, dental hygienist or dental
2 assistant who has been licensed or permitted in good standing with
3 the Board in excess of twenty (20) years ~~who has reached the age of~~
4 ~~sixty-five (65) years or who has practiced for thirty (30) years~~ on
5 a consecutive basis may apply for a retired volunteer dentist,
6 dental hygienist or dental assistant license or permit on a yearly
7 basis to provide volunteer services. There shall be no continuing
8 education requirements. A retired dentist, dental hygienist or
9 dental assistant with a retired volunteer license or permit shall
10 not receive payment either directly or indirectly for work provided.

11 SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.26, as
12 last amended by Section 14, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
13 2016, Section 328.26), is amended to read as follows:

14 Section 328.26. A. The Board of Dentistry may, without
15 examination, issue a dental student intern, resident or fellowship
16 permit to a student or graduate of an approved dental school or
17 college, or a residency program approved by the Commission on Dental
18 Accreditation (CODA). All persons requesting a residency permit
19 shall ~~provide proof of having passed a regional exam as provided by~~
20 ~~Section 328.21 of this title, and is~~ be otherwise qualified, upon
21 request of the dean or the governing body of any public or private
22 institution for the graduate to serve as a dental intern, resident
23 or fellow in the institution, with limited duties as defined in the
24 permit. A fellowship permit may only be given to a person currently

1 participating in a fellowship program affiliated with an accredited
2 dental school.

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

7 C. A dental student intern, resident or fellowship permit shall
8 not authorize the holder to open an office for the private practice
9 of dentistry, or to receive compensation for the practice of
10 dentistry, except a salary paid by the federal government or this
11 state, or their subdivisions, or the public or private institution
12 where the holder of the dental intern, resident or fellowship permit
13 will be employed.

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

17 1. The dental student intern shall notify the Board of the
18 supervising dentist;

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

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

1 E. A dental student intern, resident or fellowship permit shall
2 automatically expire when the permit holder is no longer
3 participating in the program offered by the college of dentistry,
4 the accredited dental college or the institution.

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

9 ~~F.~~ G. Dental student intern or resident or fellowship permits
10 may be renewed annually at the request of the Dean of the college or
11 program director of the program approved by CODA and at the
12 discretion of the Board.

13 ~~G.~~ H. Students currently enrolled at the University Of Oklahoma
14 College Of Dentistry or an accredited dental hygiene or dental
15 assisting program shall be exempted from Sections 328.19 and 328.21
16 of this title while participating in an educational program located
17 at the University Of Oklahoma College Of Dentistry or the clinic of
18 an accredited dental hygiene or dental assisting program. A
19 licensed dentist, hygienist or faculty license holder shall be
20 physically present in the facility whenever students of dentistry,
21 dental hygiene or dental assisting are performing a clinical dental
22 procedure on patients.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.27, as
2 last amended by Section 15, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
3 2016, Section 328.27), is amended to read as follows:

4 Section 328.27. A. 1. The Board of Dentistry may, without a
5 clinical examination, upon presentation of satisfactory credentials,
6 including completion of all portions of the National Board Dental
7 Examination, the dental hygiene National Boards and both Part I and
8 Part II of the National Board examination for dentists, and under
9 such rules as the Board may promulgate, issue a faculty license or
10 faculty specialty license to an applicant who:

- 11 a. is a graduate of a school of dentistry approved by the
12 Board and is licensed to practice dentistry in another
13 state or country,
- 14 b. has graduated from an accredited dental program, or
- 15 c. successfully completes advanced training in a
16 specialty dental program approved by the Commission on
17 Dental Accreditation of the American Dental
18 Association, or
- 19 d. if applying for a hygiene faculty license, is a
20 graduate of an accredited dental hygiene program and
21 is licensed to practice dental hygiene in another
22 state.

23 2. A faculty license or faculty specialty license shall be
24 issued only upon the request and certification of the dean of an

1 accredited dental college or the program director of an accredited
2 dental hygiene program located in this state that the applicant is a
3 full-time member of the teaching staff of that college or program.

4 3. Within the first ~~year~~ two (2) years of employment, the
5 faculty license or faculty specialty license holder shall show proof
6 of passing an appropriate clinical board examination, as provided in
7 Section 328.21 of this title, recognized by the Board of Dentistry.

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

12 5. A faculty license or faculty specialty license shall
13 automatically expire when the license holder is no longer employed
14 as a faculty member at the institution that requested the license.

15 6. The holder of a faculty license or faculty specialty license
16 shall be entitled to perform services and procedures in the same
17 manner as a person holding a license to practice dentistry or dental
18 hygiene in this state, but all services and procedures performed by
19 the faculty license or faculty specialty license holder shall be
20 without compensation other than that received in salary from a
21 faculty position or through faculty practice as authorized by the
22 Board. The holder of a faculty license or faculty specialty license
23 shall be limited to practicing in the specialty area as designate on
24 the license. Such services and procedures shall be performed only

1 within the facilities of an accredited dental college or accredited
2 dental hygiene program or within the facilities designated by the
3 accredited dental college and teaching hospitals approved by the
4 Board.

5 B. The Dean of an accredited dental or hygiene program may
6 petition the Board to allow a ~~visiting~~ faculty member to have a
7 ~~visiting~~ limited faculty permit ~~not to exceed one (1) year~~, based on
8 a showing of criteria that the individual possesses specialty
9 knowledge in a specific area that would benefit the college or
10 program. The holder of a ~~visiting~~ limited faculty permit shall not
11 have privileges to perform procedures in the faculty practice at the
12 University Of Oklahoma College of Dentistry, but may oversee the
13 student clinic. A limited faculty permit shall be valid for one (1)
14 year and may be renewed by the Board at the written request of the
15 dean of an accredited dental program or the director of an
16 accredited dental hygiene program.

17 C. Upon request of the Dean, the Board President may issue a
18 dentist or hygienist licensed in another state or country a
19 temporary license pursuant to Section 328.23 of this title for the
20 purpose of attending, presenting or participating in a seminar or
21 live training in dental techniques or dental anesthesia, given at
22 the University of Oklahoma College of Dentistry to licensed dentists
23 and hygienists for continuing education credits and students
24 enrolled in the University of Oklahoma College of Dentistry. A

1 temporary permit issued for this purpose shall not exceed seven (7)
2 days and may not be issued to the same person more than four (4)
3 times in a calendar year.

4 D. Upon the request of the Oklahoma Dental Association
5 President or the Oklahoma Dental Hygienist Association President,
6 the Board President may issue a dentist or a hygienist licensed in
7 another state a temporary license pursuant to Section 328.23 of this
8 title for the purpose of presenting or participating in live patient
9 demonstrations presented by the Oklahoma Dental Association or
10 Oklahoma Dental Hygienist Association or other professional
11 organizations approved by the Board at its annual meeting. A
12 temporary permit issued for this purpose shall not exceed four (4)
13 days per calendar year.

14 E. Courses for Advanced Procedures for Dental Assistants
15 pursuant to the administrative rules of the Board may be taught in
16 an online, interactive online, in-classroom, lab or blended format.
17 All expanded duty courses shall include a dentist or dental
18 hygienist that is employed full- or part-time by an educational
19 program approved by the Commission on Dental Accreditation and
20 currently on file with the Board. Courses offered pursuant to this
21 subsection shall meet all criteria in administrative rules approved
22 by the Board.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.41, as last amended by Section 22, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2016, Section 328.41), is amended to read as follows:

Section 328.41. A. 1. On or before the first day of January of each year, every dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant and other licensee or permit holders, with the exception of those listed in paragraph 2 of this subsection, 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 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.

2. Beginning July 1, 2017, Resident and Fellowship permits shall be valid from July 1st through June 30th of each year and Dental Student Intern permits shall be valid from August 1st through July 31st of each year.

B. Continuing education requirements shall be due at the end of each three-year period as follows:

1. Dentists shall complete sixty (60) hours;

2. Hygienists shall complete thirty (30) hours;

3. Oral maxillofacial surgery assistants shall complete twelve (12) hours; and

4. Certified dental assistants shall complete twelve (12) hours as required by DANB,

C. Upon failure of a dentist, dental hygienist, dental assistant, or oral maxillofacial surgery 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 in writing by certified mail to the last-known mailing address of the dentist, dental hygienist, dental assistant, or oral maxillofacial surgery assistant as reflected in the records of the Board.

D. Any dentist, dental hygienist, dental assistant, or oral maxillofacial surgery 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 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

1 maxillofacial surgery assistant shall be required to file an
2 application for and take the examination or other requirements
3 provided for in the State Dental Act or the rules promulgated by the
4 Board before again commencing practice.

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

9 F. In case of a lost or destroyed license or renewal
10 certificate and upon satisfactory proof of the loss or destruction
11 thereof, the Board may issue a duplicate, charging therefor a fee
12 established by the rules of the Board.

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

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

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

3 SECTION 5. This act shall become effective in accordance with
4 the provisions of Section 58 of Article V of the Oklahoma
5 Constitution.

6 Passed the Senate the 9th day of March, 2017.

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9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2017.

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14 Presiding Officer of the House
15 of Representatives
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