

An Act

ENROLLED HOUSE
BILL NO. 2759

By: Osborn (Leslie), West
(Josh) and Ritze of the
House

and

Sykes of the Senate

An Act relating to dentistry; amending 59 O.S. 2011, Sections 328.3, as last amended by Section 1, Chapter 302, O.S.L. 2017, 328.7, as amended by Section 1, Chapter 270, O.S.L. 2012, 328.10, as amended by Section 3, Chapter 229, O.S.L. 2015, 328.22, as amended by Section 8, Chapter 229, O.S.L. 2015, 328.23, as last amended by Section 9, Chapter 229, O.S.L. 2015, 328.24, as amended by Section 12, Chapter 229, O.S.L. 2015, 328.25, as amended by Section 13, Chapter 229, O.S.L. 2015, 328.34, as last amended by Section 21, Chapter 229, O.S.L. 2015, 328.36, 328.41, as last amended by Section 6, Chapter 302, O.S.L. 2017, 328.43a, as last amended by Section 23, Chapter 229, O.S.L. 2015, Section 24, Chapter 229, O.S.L. 2015, 328.44b, 328.51a, as last amended by Section 7, Chapter 302, O.S.L. 2017, 328.53, as last amended by Section 18, Chapter 405, O.S.L. 2013 and Section 14, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2017, Sections 328.3, 328.7, 328.10, 328.22, 328.23, 328.24, 328.25, 328.34, 328.41, 328.43a, 328.43b, 328.51a, 328.53 and 328.55), which relate to the State Dental Act; modifying and deleting certain definitions; providing for eligibility of Board membership; clarifying statutory language; modifying provisions related to specialty licenses; permitting applicant to submit letter requesting emergency temporary license; requiring dental assistants to complete certain class; modifying provisions relating to oral maxillofacial surgery assistant permit; modifying provisions related to supervision of dental hygienists; providing for registration of mobile

dental clinic; modifying date on which renewal application of certain licensees is due; modifying provisions relating to continuing education requirements; permitting the addition of certain members if complaint is anesthesia-related; modifying certain fees; permitting dentist to petition to be exempted due to certain factors; modifying provision related to report of death of patient; providing for codification; and providing an effective date.

SUBJECT: State Dental Act

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 302, O.S.L. 2017 (59 O.S. Supp. 2017, Section 328.3), is amended to read as follows:

Section 328.3 As used in the State Dental Act, the following words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited dental college" means an institution whose dental educational program is accredited by the Commission on Dental Accreditation of the American Dental Association;
2. "Accredited dental hygiene program" means a dental hygiene educational program which is accredited by the Commission on Dental Accreditation of the American Dental Association;
3. "Accredited dental assisting program" means a dental assisting program which is accredited by the Commission on Dental Accreditation of the American Dental Association;
4. "Board" means the Board of Dentistry;
5. "Certified dental assistant" means a dental assistant who has earned and maintains current certified dental assistant certification from the Dental Assisting National Board (DANB);
6. "Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing a slow

speed hand piece with a rubber cup or brush and polishing agent and is not prophylaxis. To be considered prophylaxis, examination for calculus and scaling must be done by a hygienist or dentist;

7. "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilator function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained;

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

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

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

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

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

13. "Dental assistant or oral maxillofacial surgery assistant" means an individual working for a dentist, under the dentist's direct supervision or direct visual supervision, and performing duties in the dental office or a treatment facility, including the limited treatment of patients in accordance with the provisions of the State Dental Act. A dental assistant or oral maxillofacial surgery assistant may assist a dentist with the patient; provided, this shall be done only under the direct supervision or direct visual supervision and control of the dentist and only in accordance

with the educational requirements and rules promulgated by the Board;

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

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

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

17. "Dental specialty" means a specialized practice of a branch of dentistry, ~~recognized and defined by the American Dental Association and by~~ the Board ~~whose~~, where the dental college and specialty program ~~is~~ are accredited by the Commission on Dental Accreditation (CODA), or a dental specialty recognized by the Board, requiring a minimum number of hours of approved education and training and/or recognition by a nationally recognized association or accreditation board;

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

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

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

21. "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired;

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

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

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

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

26. "Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal

command. Although cognitive function and coordination may be modestly impaired, ventilator and cardiovascular functions are unaffected;

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

28. "Mobile dental unit clinic" means a permitted motor vehicle or trailer utilized as a dental clinic, and/or that contains dental equipment and is used to provide dental services to patients on-site and shall not include a mobile dental anesthesia provider. A mobile dental clinic shall also mean and include a volunteer mobile dental facility that is directly affiliated with a church or religious organization as defined by Section 501(c)(3) or 501(d) of the United States Internal Revenue Code, the church or religious organization with which it is affiliated is clearly indicated on the exterior of the mobile dental facility, and such facility does not receive any form of payment either directly or indirectly for work provided to patients other than donations through the affiliated church or religious organization; provided, that the volunteer mobile dental facility shall be exempt from any registration fee required under the State Dental Act;

~~28.~~ 29. "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained;

~~29.~~ 30. "Prophylaxis" means the removal of any and all calcareous deposits, stains, accretions or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth including rotary or power-driven instruments. This procedure may only be performed by a dentist or dental hygienist;

~~30. "Out-of-state dental hygienist" means a graduate of an accredited dental hygienist program who holds a license to practice dental hygiene in another state but who is not licensed to practice dental hygiene in this state;~~

~~31. "Out of state dentist" means a graduate of an accredited dental college who holds a license to practice dentistry in another state but who is not licensed to practice dentistry in this state;~~

~~32.~~ "Patient" or "patient of record" means an individual who has given a medical history and has been examined and accepted by a dentist for dental care;

~~33.~~ 32. "Residencies" are programs designed for advanced clinical and didactic training in general dentistry or other specialties or other specialists at the post-doctoral level recognized by the American Dental Association or the Board;

~~34.~~ 33. "Supervision" means direct supervision, direct visual supervision, indirect supervision or general supervision; and

~~35.~~ 34. "Treatment facility" means:

- a. a federal, tribal, state or local public health facility,
- b. a federal qualified health care facility (FQHC),
- c. a private health facility,
- d. a group home or residential care facility serving the elderly, handicapped or juveniles,
- e. a hospital or dental ambulatory surgery center (DASC),
- f. a nursing home,
- g. a penal institution operated by or under contract with the federal or state government,
- h. a public or private school,
- i. a patient of record's private residence,
- j. a mobile dental ~~unit~~ clinic,
- k. a dental college, dental program, dental hygiene program or dental assisting program accredited by the Commission on Dental Accreditation, or

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.7, as amended by Section 1, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2017, Section 328.7), is amended to read as follows:

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

B. 1. The Board shall consist of eight dentist members, one dental hygienist member and two members who shall represent the public. One dentist member shall be elected by the dentists residing in each of the eight geographical districts established by subsection D of this section. The residence of the dentist members shall be determined by the primary location listed on the dentists' licenses. The dental hygienist member shall be elected at-large by the dental hygienists residing in this state who are legally licensed to practice dental hygiene therein. The two public representative members shall be appointed by the Governor, subject to confirmation by the Senate. No public representative member may be a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, or be related within the third degree of consanguinity or affinity to any such person.

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

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

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

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

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

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

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

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

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

District No. 2: Tulsa and Creek.

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

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

District No. 5: Oklahoma.

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

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

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

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

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

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

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

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

3. Nominations shall be made and special elections shall be conducted in the same manner as provided in subsection C of this section. If no one is nominated within forty-five (45) days from

date of vacancy, the vacancy shall be filled by appointment by the Board. A vacancy among the public representative members of the Board shall be filled by appointment by the Governor, subject to confirmation by the Senate.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.10, as amended by Section 3, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.10), is amended to read as follows:

Section 328.10 A. The Board of Dentistry shall organize annually at the last regularly scheduled meeting of the Board before the beginning of each fiscal year, by electing from among its members a president, a first vice-president, a second vice-president, and a secretary-treasurer. The duties of each officer shall be prescribed in the rules of the Board. The term of office of the persons elected president, vice-presidents and secretary-treasurer shall be for the following fiscal year and until their successors are elected and qualified.

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

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

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

E. Members of the Board, committee members, anesthesia inspectors and investigative panel members appointed by the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act. ~~Committee members and anesthesia inspectors appointed by the Board may be reimbursed for travel expenses in accordance with the State Travel Reimbursement Act.~~

SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.22, as amended by Section 8, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.22), is amended to read as follows:

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

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

- a. has successfully completed an advanced dental specialty educational program ~~defined by the American Dental Association and~~ recognized by the Board and accredited by the Commission on Dental Accreditation, and or a dental specialty recognized by the Board, requiring a minimum number of hours of approved education and training and/or recognition by a nationally recognized dental specialty accreditation board,
- b. has met the requirements for a general dental license set forth by Section 328.21 of this title, ~~and~~
- c. has passed the jurisprudence examination covering the State Dental Act, rules and state laws, and
- d. has completed any additional requirements set forth in state law or rules and has been issued a dental specialty license by the Board.

3. Specialties recognized by the Board shall include:

- a. dental public health,
- b. endodontics,
- c. oral and maxillofacial surgery,
- d. oral and maxillofacial radiology,
- e. orthodontics and dentofacial orthopedics,

- f. pediatric dentistry,
- g. periodontics,
- h. prosthodontics, and
- i. oral pathology.

B. 1. At the time of application, if the dentist has ever been licensed in any other state, he or she shall provide a letter of good standing from such state before the Board may issue a specialty license.

2. In conducting an investigation of an applicant who has applied for a dental specialty license pursuant to this subsection, the Board shall require of the applicant disclosure of the same background information as is required of an applicant for a license to practice dentistry in this state.

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

D. The Board ~~shall~~ may use the American Dental Association guidelines or the guidelines of another nationally recognized dental association or board for the purpose of defining a specialty practice area not otherwise defined herein.

~~E. Anyone applying for a specialty license by credentials before January 1, 2016, may make application to the Board President to have the specialty practice committee individually review the credentials of the individual and may require that the individual pass a specialty exam in lieu of the requirements of this section.~~

SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.23, as last amended by Section 9, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.23), is amended to read as follows:

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

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

C. Any applicant requesting an emergency temporary license shall submit a letter explaining the exigent circumstances along with all application materials. The determination of whether or not to grant the emergency temporary license based upon the exigent circumstances shall be at the sole discretion of the President or acting President of the Board.

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

~~D.~~ E. The President of the Board may authorize patient treatment and care to individuals taking the Western Regional Examining Board Exam, or other regional exams as approved by the Board, to complete criteria related to Board examinations and may authorize specialty examinations to be given throughout the year as needed.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.24, as amended by Section 12, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.24), is amended to read as follows:

Section 328.24 A. No person shall practice as a dental assistant or oral maxillofacial surgery assistant for more than one (1) day in a calendar year without having applied for a permit as a dental assistant or oral maxillofacial surgery assistant from the Board of Dentistry within thirty (30) days of beginning employment. During this time period, the dental assistant shall work under the direct visual supervision of a dentist at all times.

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

1. Is of good moral character; and

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

C. Beginning January 1, 2019, every dental assistant receiving a permit shall complete a class on infection control as approved by the Board within one (1) year from the date of receipt of the permit. Any person holding a valid dental assistant permit prior to January 1, 2019, shall complete an infection-control class as approved by the Board before December 31, 2019. Failure to complete the class shall be grounds for discipline pursuant to Section 328.29a of this title.

D. There shall be five types of expanded duty permits available for dental assistants upon completion of a program approved by the Commission on Dental Accreditation (CODA) or a course ~~by the Dental Assisting National Board (DANB) that meets the requirements of the board or a course~~ that has been approved by the Board:

1. Radiation safety;
2. Coronal polishing and topical fluoride;
3. Sealants;
4. Assisting in the administration of nitrous oxide; or

5. Assisting a dentist who holds a parenteral or pediatric anesthesia permit; provided, only the dentist may administer anesthesia and assess the patient's level of sedation.

~~D.~~ E. The training requirements for all five expanded duty permits shall be set forth by the Board. A program that is not CODA-certified must meet the standards set forth and be approved by the ~~board~~ Board.

~~E.~~ F. An applicant for a dental assistant permit who has graduated from a dental assisting program accredited by CODA and has passed the jurisprudence test shall receive all five expanded duty permits provided for in subsection ~~E~~ D of this section if the course materials approved by the Board are covered in the program.

~~F.~~ A dental assistant that has met the educational prerequisites and passed the Certified Dental Assistant examination including radiation health and safety, infection control and general chairside component established by DANB, shall have a designation of

~~"CDA" on their Dental Assistant Permit. A dental assistant meeting the qualifications of a CDA set forth by DANB, shall also receive an expanded duty permit for radiation safety. Each certified dental assistant shall provide proof to the Board that they are in current compliance with the requirements set forth by DANB to maintain their CDA upon each yearly renewal of their permit.~~

SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.25, as amended by Section 13, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.25), is amended to read as follows:

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

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

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

1. Is of good moral character;
2. Passes a background check with criteria established by the Board; and
3. Has completed all of the training requirements for the oral maxillofacial surgery assistant permit as established by the Board.

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

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

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

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

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

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

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

2. A valid BLS certification;

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

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

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

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

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

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

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

1. Under direct supervision:

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

2. Under direct visual supervision:

- a. follow instructions of the oral surgeon while acting as an accessory hand on behalf of the oral surgeon that is administering the medication and actively treating the patient. For the purposes of this section, "administer" means to have the sole responsibility for anesthesia care, including determining medicines to be used and the dosage, timing, route of delivery and administration of medication and the assessment of the level of anesthesia and monitoring the physiological results of such care; provided, only an oral surgeon or dentist possessing a current general anesthesia permit may administer or assess the level of sedation or general anesthesia and monitor the results of such care,

- b. follow instructions of the oral surgeon to adjust the rate of intravenous fluids to maintain or keep the line patent or open and adjust an electronic device to provide medications such as an infusion pump, and
- c. assist the oral surgeon by reading, recording vital signs of a patient receiving deep sedation or general anesthesia; provided, only an oral surgeon may assess the level of sedation; and

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

4. Nothing in this act shall be construed as to allow an oral surgery assistant or dental assistant to administer anesthesia care to a patient.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.34, as last amended by Section 21, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.34), is amended to read as follows:

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

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

- a. the duties and expanded duties authorized for dental assistants by the State Dental Act or the rules of the Board of Dentistry,
- b. health history assessment pertaining to dental hygiene,
- c. dental hygiene examination and the charting of intra-oral and extra-oral conditions, which include

periodontal charting, dental charting and classifying occlusion,

- d. dental hygiene assessment and treatment planning for procedures authorized by the supervisory dentist,
- e. prophylaxis, which means the removal of any and all calcareous deposits, stains, accretions, or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth, including rotary or power-driven instruments. This paragraph shall not be construed to prohibit the use of a rubber cap or brush on the crowns of human teeth by a dental assistant who holds a current expanded duty permit for Coronal Polishing/Topical Fluoride issued by the Board,
- f. periodontal scaling and root planing,
- g. dental hygiene nutritional and dietary evaluation,
- h. placement of subgingival prescription drugs for prevention and treatment of periodontal disease,
- i. soft tissue curettage,
- j. placement of temporary fillings,
- k. removal of overhanging margins,
- l. dental implant maintenance,
- m. removal of periodontal packs,
- n. polishing of amalgam restorations, and
- o. other procedures authorized by the Board.

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

3. Except as provided in subsections C and D of this section, the procedures specified in paragraph 1 of this subsection may be

performed by a dental hygienist only on a patient of record and only under the supervision of a dentist. The level of supervision, whether direct, indirect or general, shall be at the discretion of the supervisory dentist. Authorization for general supervision shall be limited to a maximum of thirteen (13) months following an examination by the supervisory dentist of a patient of record. For the purposes of this paragraph, "patient of record" means an individual who has given a medical history and has been examined and accepted by a dentist for dental care.

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

- a. the dental hygienist has at least two (2) years experience in the practice of dental hygiene,
- b. the authorization to perform the procedures is in writing and signed by the dentist, and
- c. the procedures are performed during an initial visit to a person in a treatment facility.

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

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

4. The treatment facility in which any procedure is performed by a dental hygienist pursuant to this subsection shall note each such procedure in the medical records of the person upon whom the procedure was performed and list the dentist that authorized the hygienist to perform the procedures signed by the hygienist.

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

E. The Board is authorized to:

1. Prescribe, by rule, advanced procedures that may be performed by a dental hygienist who has satisfactorily completed a

course of study regarding the performance of such procedures. The advance procedures shall include the administration of local anesthesia and the administration of nitrous oxide analgesia;

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

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

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

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

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

H. Nothing in the State Dental Act shall be construed to allow a dental assistant to work under the supervision of a dental hygienist while acting under direct, indirect or general supervision.

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

Section 328.36 A. 1. Any person, firm, corporation, partnership or other legal entity who desires to operate a dental laboratory in this state shall file with the Board of Dentistry, on a form prescribed by the Board, an application for a permit to operate a dental laboratory and pay the fee established by the rules of the Board. The application shall include the name and address of each person, firm, corporation, partnership or other legal entity who owns an interest in or will operate the dental laboratory. Upon receipt of the application and fee, the Board shall determine the qualifications of the applicant and may grant a permit to the applicant to operate a dental laboratory.

2. Except as provided in subsection C of this section, no person, firm, corporation, partnership or other legal entity shall operate a dental laboratory in this state without having obtained a permit from the Board. The Board may inspect any dental laboratory prior to the issuance of any permit.

B. Any change in ownership, operation or location of a dental laboratory shall immediately be communicated to the Board, which shall endorse upon the permit, without further fee, the change in ownership, operation or location.

C. Nothing in the State Dental Act shall be construed to:

1. Prohibit a dentist from owning or operating a private, noncommercial dental laboratory in a dental office for the dentist's use in the practice of dentistry;

2. Require a dentist to obtain a permit from the Board for the operation of a dental laboratory in the office of the dentist unless dental laboratory technology is provided to persons other than the dentist at that location; or

3. Require a dentist to issue a laboratory prescription for dental laboratory technology to be performed by an employee of, in the office of, and for a patient of, the dentist.

D. The dental laboratory shall make available to the prescribing dentist, Board, or agent or employee of the Board:

1. A list of all materials in the composition of the final appliance;

2. The location where the appliance was fabricated, including the name, address, telephone number and Food and Drug Administration registration number, if applicable, of the person or entity performing the work; and

3. A description of all disinfection methods used in the fabrication of the appliance.

E. No permit shall be required for a licensed dentist in the State of Oklahoma, the licensed dentist's dental practice on-site dental lab, the licensed dentist's physical practice, or the licensed dentist's CAD ~~or~~, CAM, 3-D or other technology used for fabricating dental prostheses including crowns, bridges and other dental restorations. If the licensed dentist provides dental prostheses for other licensed dentists in the State of Oklahoma, then the dental laboratory portion of the practice shall be required to have a permit as it is functioning as a commercial dental laboratory.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.40a of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A mobile dental clinic providing dental treatment shall register with the Board of Dentistry and provide the following information:

1. The dentist or dentists that will be providing and/or supervising dental treatment to patients;

2. If the mobile dental clinic provides treatment to treatment facilities and/or the general public;

3. Types of treatment available and adequate infection control, as required by the Centers for Disease Control and Prevention and the Occupational Health and Safety Commission, and equipment and procedures; and

4. Other information deemed necessary by the Board to ensure the protection of the public.

B. Every permitted mobile dental clinic shall display in plain view a permit or designation of registration as required by the Board.

C. Failure to register as a mobile clinic shall subject each licensee or permit holder in control or providing treatment to the penalties set forth in Section 328.44a of Title 59 of the Oklahoma Statutes.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.41, as last amended by Section 6, Chapter 302, O.S.L. 2017 (59 O.S. Supp. 2017, Section 328.41), is amended to read as follows:

Section 328.41 A. 1. On or before the ~~first~~ last day of ~~January~~ December of each year, every dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant and other licensee or permit holders previously licensed or permitted by the Board to practice in this state, with the exception of those listed in paragraph 2 of this subsection, shall submit a completed 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 begin on January 1 and expire on December 31 of each year.

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

B. Continuing education requirements shall be due at the end of each three-year period ending in 2019 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~~ Beginning in 2020, continuing education requirements shall be due at the end of each two-year period as follows:

a. dentists shall complete forty (40) hours,

b. hygienists shall complete twenty (20) hours,

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

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

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

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

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

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

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

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

SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.43a, as last amended by Section 23, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.43a), is amended to read as follows:

Section 328.43a A. 1. Upon the receipt of a complaint to the Board alleging a violation of the State Dental Act or other state or federal law by a licensee, permit holder or other individual under the authority of the Board, the Board President shall assign up to three Board members as the review and investigative panel. The remaining Board members shall constitute the Board member jury panel. In the event the complaint is anesthesia-related, the Board President or acting president may, at his or her discretion, add one or more members of the anesthesia committee to the investigative and review panel.

2. The review and investigative panel, in its discretion, may notify the respondent of the complaint at any time prior to its dismissal of the complaint or making a recommendation to the Board.

B. The review and investigative panel shall confer and shall conduct or cause to be conducted any investigation of the allegations in the complaint as it reasonably determines may be needed to establish, based on the evidence available to the panel, whether it is more likely than not that:

1. A violation of the provisions of the State Dental Act or the rules of the Board has occurred; and

2. The person named in the complaint has committed the violation.

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

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

3. No Board member that is a dentist living in the same district as a dentist that is the subject of a complaint shall serve on a review and investigative panel or on the Board member jury panel.

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

D. The Board President or other member of the Board shall act as the presiding administrative judge during any proceeding. The presiding administrative judge shall be allowed to seek advice from judicial counsel or other legal counsel appointed by the Board.

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

1. Dismiss the complaint as unfounded;

2. Refer the case to mediation pursuant to the Oklahoma Dental Mediation Act. The mediation panel shall report to the review and investigative panel that a mediation was successful or refer the matter back to the review and investigative panel at which time they will reassume jurisdiction or dismiss the complaint;

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

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

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

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

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

G. Any action as set forth in paragraphs 1 through 3 of subsection E of this section shall remain part of the investigation file, and may be disclosed or used against the respondent only if the respondent violates the settlement agreement or if ordered by a court of competent jurisdiction.

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

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

- a. any review or investigation made to determine whether to allow an applicant to take an examination, or
- b. whether the Board shall grant a license, certificate, or permit;

2. In the course of conducting an investigation;

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

4. Receiving and reviewing examination and test scores.

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

J. The investigative review panel may make a recommendation for an agreed settlement order to be approved by the Board. The agreed settlement order may include any recommendation agreed upon between the license holder including, but not limited to, any penalty available to the Board pursuant to Section 328.44a of this title.

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

L. Any information obtained and all contents of any investigation file shall be exempt from the provisions of the Oklahoma Open Records Act.

SECTION 13. AMENDATORY Section 24, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2017, Section 328.43b), is amended to read as follows:

Section 328.43b A. In any matter involving a fatality or near fatality of a dental patient within forty-eight (48) hours of receiving anesthesia or that is required to be reported to the Board pursuant to Section 328.55 of ~~Title 59 of the Oklahoma Statutes~~ this title, such matter shall be investigated by the Adverse Outcomes Review and Investigation Panel.

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

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

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

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

F. The Board may promulgate rules to implement the provisions of this section.

SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.44b, is amended to read as follows:

Section 328.44b A. A holder of a license, a permit, or certificate granted by the Board shall have the right to surrender the license, permit, or certificate, in writing, notarized, to the Board if the holder is in good standing with the Board as determined, in its discretion, by the Board. The Board shall accept such surrender in writing after approval at a regular or special

Board meeting with the statement that the holder is in good standing with the Board. Any holder who has surrendered a license, permit, or certificate issued by the Board and who shall apply for a license, permit, or certificate after surrender shall be subject to all statutes and rules of the Board applicable at the time of the new application.

B. A holder of a license, permit, or certificate shall not be considered to be in good standing if an investigation of a complaint is pending against the holder. The Board shall not accept a surrender until a complaint is dismissed by the review panel, a settlement agreement is entered or the Board determines that an individual proceeding shall be initiated pursuant to Section 328.43a of ~~Title 59 of the Oklahoma Statutes~~ this title.

C. If a holder of a license, permit, or certificate wishes to surrender the license, permit, or certificate during the pendency of an initial proceeding, the Board may accept or reject the surrender, in its discretion. The acceptance must be in writing after approval by the Board at a regular or special Board meeting. Any acceptance shall contain the statement that the acceptance is pending disciplinary action. No person who surrenders a license, permit, or certificate to the Board during a pending disciplinary action shall be eligible for reinstatement for a period of five (5) years from the date the surrender is accepted by the Board.

D. The Board shall retain jurisdiction over the holder of any license, permit, or certificate for all disciplinary matters pending at the time surrender is sought by the holder or over any person that does not renew his or her license while an investigation is pending.

E. All surrenders of licenses, permits, or certificates, whether the holder is or is not in good standing, shall be reported to the national practitioner data bank with the notation in good standing or pending disciplinary action.

SECTION 15. AMENDATORY 59 O.S. 2011, Section 328.51a, as last amended by Section 7, Chapter 302, O.S.L. 2017 (59 O.S. Supp. 2017, Section 328.51a), is amended to read as follows:

Section 328.51a A. The Board of Dentistry is authorized to ~~establish, by rule, fees to be charged~~ charge the following fees for the purpose of implementing and enforcing the State Dental Act. The penalty and late fee shall be twice the amount of the original fee

for license renewals. Notwithstanding any other provisions of the State Dental Act, the fees established by the Board shall be not less nor more than the range created by the following schedule:

1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License by Examination		
Dentist	\$200.00	\$400.00
Dental Hygienist	\$100.00	\$200.00
b. License by Credentialing		
Dentist	\$500.00	\$1,000.00
Dental Hygienist	\$100.00	\$200.00
c. Dental Specialty License by Examination	\$300.00	\$600.00
d. Dental Specialty License by Credentialing	\$500.00	\$1,000.00
e. Faculty Permit		
Dentist	\$100.00	\$200.00
Dental Hygienist	\$50.00	\$100.00
f. Dental Student Intern Permit	\$50.00	\$200.00
g. Temporary License to Practice Dental Hygiene	\$50.00	\$100.00
h. Dental Assistant or Oral Maxillofacial Surgery Assistant Permit	\$50.00	\$100.00
i. Temporary License to Practice Dentistry	\$75.00	\$150.00

j.	Permit to Operate a Dental Laboratory - current Oklahoma licensed dentist	\$20.00	\$60.00
k.	General Anesthesia Permit		
	Dentist	\$100.00	\$200.00
l.	Conscious Sedation Permit		
	Dentist	\$100.00	\$200.00
m.	Permit to Operate a Dental Laboratory - non-dentist <u>owner commercial</u>	\$300.00	\$500.00
		<u>\$200.00</u>	

2. RE-EXAMINATION FEES:

a.	License by Examination		
	Dentist	\$200.00	\$400.00
	Dental Hygienist	\$100.00	\$200.00
b.	Dental Specialty License by Examination	\$300.00	\$600.00
c.	Jurisprudence Only Re-Examination		
	Dentist	\$10.00	\$20.00
	Dental Hygienist	\$10.00	\$20.00

3. ANNUAL RENEWAL FEES:

a.	Dentist	\$200.00	\$400.00
b.	Dental Hygienist	\$100.00	\$200.00
c.	Dental Specialty License	\$100.00	\$200.00
d.	Faculty Permit		

	Dentist	\$50.00	\$100.00
	Dental Hygienist	\$50.00	\$100.00
e.	Dental Resident, Dental Fellowship	\$100.00	\$200.00
f.	Dental Assistant, Oral Maxillofacial Surgery Assistant, or Dental Student Intern Permit	\$50.00	\$100.00
g.	Permit to Operate a Dental Laboratory, current Oklahoma Licensed dentist	\$20.00	\$60.00
h.	General Anesthesia Permit		
	Dentist	\$100.00	\$200.00
i.	Conscious Sedation Permit		
	Dentist	\$100.00	\$200.00
j.	Permit to Operate a Dental Laboratory, non-dentist owner	\$300.00	\$500.00
4.	OTHER FEES:		
a.	Duplicate License		
	Dentist or Dental Hygienist	\$30.00	\$40.00
b.	Duplicate Permit or Registration	\$5.00	\$15.00
c.	Certificate of Good Standing	\$5.00	\$15.00
d.	Professional Entity Certification Letter	\$5.00	\$20.00
e.	Professional Entity Registration or Update	\$5.00	\$20.00

f.	Laboratory Prescription Books	\$10.00	\$25.00
	<u>Mobile Dental Clinic</u>	<u>\$200.00</u>	<u>\$400.00</u>
g.	List of the Name and Current Mailing Address of all Persons who hold a License or Permit issued by the Board. (A request for a list shall be submitted to the Board in writing noting the specific proposed use of the list.)	\$25.00	\$75.00
h.	Official State Dental License Identification Card with Picture	\$25.00	\$35.00
i.	Returned checks	\$25.00	\$30.00

B. A person who holds a license to practice dentistry in this state, and who also holds a dental specialty license, shall not be required to pay an annual renewal fee for the dental specialty license if the licensee has paid the annual renewal fee for the license to practice dentistry.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 328.53, as last amended by Section 18, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2017, Section 328.53), is amended to read as follows:

Section 328.53 A. All dentists in active practice licensed by the Board of Dentistry shall maintain a policy for professional malpractice liability insurance; provided, however, that such requirement shall not apply to dentists:

1. Covered by a group or hospital malpractice insurance policy;

2. Practicing in a state facility subject to The Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;

3. Practicing in a federal facility subject to the Federal Tort Claims Act;

4. Providing care as a volunteer under a special volunteer license pursuant to Section 328.23a of this title;

5. Providing care as a retired dentist with a valid license in a volunteer, nonpaid capacity; ~~or~~

6. Practicing in another state or country, who will not practice within the State of Oklahoma during the license renewal year; or

7. A dentist may petition the Board to be temporarily exempted due to health, injury or other personal exigent circumstance during the year. A signed and sworn affidavit and other documentation may be required by the Board. The Board at its discretion may exempt a dentist for a specific stated period of time.

B. The Board of Dentistry may promulgate rules as necessary to carry out the provisions of this section, including, but not limited to, minimum requirements for professional malpractice liability insurance policies and penalties for noncompliance.

SECTION 17. AMENDATORY Section 14, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2017, Section 328.55), is amended to read as follows:

Section 328.55 All licensees engaged in the practice of dentistry in this state shall notify the Board within twenty-four (24) hours of the discovery of a death of a patient or an emergency hospital visit causally pursuant to treatment in a dental office and potentially related to the practice of dentistry by the licensee. A licensee shall submit a complete report to the Board of any fatality or serious injury occurring during the practice of dentistry or the discovery of the death of a patient whose death is causally related to the practice of dentistry by the licensee within thirty (30) days of such occurrence.

SECTION 18. This act shall become effective November 1, 2018.

Passed the House of Representatives the 7th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____