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February 27, 2017

SENATE BILL NO. 787

By: Sykes of the Senate

and

Roberts (Dustin) of the  
House

An Act relating to the State Dental Act; amending 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), which relates to retired volunteer licenses; removing certain limitations; amending 59 O.S. 2011, Section 328.26, as last amended by Section 14, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2016, Section 328.26), which relates to dental intern permits; removing certain requirement; permitting dental student interns to perform certain functions under certain circumstances; amending 59 O.S. 2011, Section 328.27, as last amended by Section 15, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2016, Section 328.27), which relates to faculty licenses; specifying duration of certain license; providing renewal procedures; permitting certain courses to be taught in certain formats; requiring certain personnel in coursework; requiring certain 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:

1       SECTION 1.       AMENDATORY       Section 11, Chapter 229, O.S.L.

2       2015, as amended by Section 1, Chapter 113, O.S.L. 2016 (59 O.S.

3       Supp. 2016, Section 328.23b), is amended to read as follows:

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

14      SECTION 2.       AMENDATORY       59 O.S. 2011, Section 328.26, as  
15      last amended by Section 14, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
16      2016, Section 328.26), is amended to read as follows:

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

1 institution for the graduate to serve as a dental intern, resident  
2 or fellow in the institution, with limited duties as defined in the  
3 permit. A fellowship permit may only be given to a person currently  
4 participating in a fellowship program affiliated with an accredited  
5 dental school.

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

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

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

20 1. The dental student intern shall notify the Board of the  
21 supervising dentist;

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

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

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

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

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

16        ~~G.~~ H. Students currently enrolled at the University Of Oklahoma  
17 College Of Dentistry or an accredited dental hygiene or dental  
18 assisting program shall be exempted from Sections 328.19 and 328.21  
19 of this title while participating in an educational program located  
20 at the University Of Oklahoma College Of Dentistry or the clinic of  
21 an accredited dental hygiene or dental assisting program. A  
22 licensed dentist, hygienist or faculty license holder shall be  
23 physically present in the facility whenever students of dentistry,  
24

1 dental hygiene or dental assisting are performing a clinical dental  
2 procedure on patients.

3 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.27, as  
4 last amended by Section 15, Chapter 229, O.S.L. 2015 (59 O.S. Supp.  
5 2016, Section 328.27), is amended to read as follows:

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

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

1        2. A faculty license or faculty specialty license shall be  
2 issued only upon the request and certification of the dean of an  
3 accredited dental college or the program director of an accredited  
4 dental hygiene program located in this state that the applicant is a  
5 full-time member of the teaching staff of that college or program.

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

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

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

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

1 shall be limited to practicing in the specialty area as designate on  
2 the license. Such services and procedures shall be performed only  
3 within the facilities of an accredited dental college or accredited  
4 dental hygiene program or within the facilities designated by the  
5 accredited dental college and teaching hospitals approved by the  
6 Board.

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

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

1 and hygienists for continuing education credits and students  
2 enrolled in the University of Oklahoma College of Dentistry. A  
3 temporary permit issued for this purpose shall not exceed seven (7)  
4 days and may not be issued to the same person more than four (4)  
5 times in a calendar year.

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

16 E. Courses for Advanced Procedures for Dental Assistants  
17 pursuant to the administrative rules of the Board may be taught in  
18 an online, interactive online, in-classroom, lab or blended format.  
19 All expanded duty courses shall include a dentist or dental  
20 hygienist that is employed full- or part-time by an educational  
21 program approved by the Commission on Dental Accreditation and  
22 currently on file with the Board. Courses offered pursuant to this  
23 subsection shall meet all criteria in administrative rules approved  
24 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 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
7 February 27, 2017 - DO PASS  
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