

An Act

ENROLLED SENATE
BILL NO. 1432

By: Haste of the Senate

and

Miller of the House

An Act relating to the practice of dentistry; amending 59 O.S. 2021, Section 328.15, which relates to powers of the Board of Dentistry; modifying certain power; amending 59 O.S. 2021, Section 328.19, which relates to acts constituting practice of dentistry; creating exception; amending 59 O.S. 2021, Section 328.21, which relates to application for license; modifying examination requirements; requiring licensee or permit holder to provide and update certain contact information; stipulating certain notification procedures for Board; amending 59 O.S. 2021, Section 328.23a, which relates to special volunteer licenses; broadening qualifications for special volunteer license; amending 59 O.S. 2021, Section 328.29a, which relates to dental assistants; modifying certain notification procedure; amending 59 O.S. 2021, Section 328.32, which relates to grounds for penalties; modifying and adding certain grounds for penalties; amending 59 O.S. 2021, Section 328.41, which relates to renewal certificate; modifying and removing certain dates; modifying certain notification procedure; amending 59 O.S. 2021, Section 328.53, which relates to professional malpractice liability insurance; broadening certain exception; stating conditions of exception; updating statutory language; and providing an effective date.

SUBJECT: Dentistry

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 328.15, is amended to read as follows:

Section 328.15. A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Dentistry shall have the power to formulate, adopt, and promulgate rules as may be necessary to regulate the practice of dentistry in this state and to implement and enforce the provisions of the State Dental Act.

B. The Board is authorized and empowered to:

1. Examine and test the qualifications of applicants for a license or permit to be issued by the Board;

2. Affiliate by contract or cooperative agreement with another state or combination of states for the purpose of conducting simultaneous regional examinations of applicants for a license to practice dentistry, dental hygiene, or a dental specialty;

3. Maintain a list of the name, current mailing address and ~~principal-office~~ official address of all persons who hold a license or permit issued by the Board;

4. Account for all receipts and expenditures of the monies of the Board, including annually preparing and publishing a statement of receipts and expenditures of the Board for each fiscal year;

5. Within limits prescribed in the State Dental Act, set all fees and administrative penalties to be imposed and collected by the Board;

6. Employ an Executive Director, legal counsel and other advisors to the Board, including advisory committees;

7. Investigate and issue investigative and other subpoenas, pursuant to Article II of the Administrative Procedures Act;

8. Initiate individual proceedings and issue orders imposing administrative penalties, pursuant to Article II of the Administrative Procedures Act, against any dentist, dental

hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory who has violated the State Dental Act or the rules of the Board;

9. Conduct, in a uniform and reasonable manner, inspections of dental offices and dental laboratories and ~~their~~ business records of dental offices and dental laboratories;

10. Establish guidelines for courses of study necessary for dental assistants, oral maxillofacial surgery assistants and, when appropriate, issue permits authorizing dental assistants to perform expanded duties;

11. Establish continuing education requirements for dentists, dental hygienists, dental assistants and oral maxillofacial surgery assistants who hold permits issued by the Board;

12. Recognize the parameters and standards of care established and approved by the American Dental Association;

13. Formulate, adopt, and promulgate rules, pursuant to Article I of the Administrative Procedures Act, as may be necessary to implement and enforce the provisions of the Oklahoma Dental Mediation Act;

14. Seek and receive advice and assistance of the Office of the Attorney General of this state;

15. Promote the dental health and the education of dental health of the people of this state;

16. Inform, educate, and advise all persons who hold a license or permit issued by the Board, or who are otherwise regulated by the Board, regarding the State Dental Act and the rules of the Board;

17. Affiliate with the American Association of Dental Boards as an active member, pay regular dues, and send members of the Board as delegates to its meetings;

18. Enter into contracts;

19. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, hold, encumber, and dispose of personal property as is needed, maintain, use and operate or contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal or mixed or any interest therein unless otherwise provided by the State Dental Act; provided, all contracts for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

20. Receive or accept the surrender of a license, permit, or certificate granted to any person by the Board as provided in Section 328.44b of this title; and

21. Take all other actions necessary to implement and enforce the State Dental Act.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 328.19, is amended to read as follows:

Section 328.19. A. The following acts by any person shall be regarded as practicing dentistry within the meaning of the State Dental Act:

1. Representing oneself to the public as being a dentist or as one authorized to practice dentistry;

2. Representing oneself to the public as being able to diagnose or examine clinical material or contract for the treating thereof;

3. Representing oneself as treating or professing to treat by professional instructions or by advertised use of professional equipment or products;

4. Representing oneself to the public as treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures;

5. Removing human teeth;

6. Repairing or filling cavities in human teeth;

7. Correcting or attempting to correct malposed teeth;

8. Administering anesthetics, general or local;
9. Treating deformities of the jaws and adjacent structures;
10. Using x-ray and interpreting dental x-ray film;
11. Offering, undertaking or assisting, by any means or methods, to remove stains, discolorations, or concretions from the teeth; provided, that this paragraph shall not preclude or prohibit the sale of any teeth whitening kit designed for self-administration as approved by the United States Food and Drug Administration;
12. Operating or prescribing for any disease, pain, injury, deficiency, deformity, or any physical condition connected with the human mouth;
13. Taking impressions of the teeth and jaws;
14. Furnishing, supplying, constructing, reproducing, or repairing, or offering to furnish, supply, construct, reproduce, or repair, prosthetic dentures, sometimes known as plates, bridges, or other substitutes for natural teeth for the user or prospective user thereof;
15. Adjusting or attempting to adjust any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth;
16. Diagnosing, making, and adjusting appliances to artificial casts of malposed teeth for treatment of the malposed teeth in the human mouth, without instructions;
17. Writing a laboratory prescription to a dental laboratory or dental laboratory technician for the construction, reproduction or repair of any appliance or structure to be worn in the human mouth;
18. Owning, maintaining, or operating an office or offices by holding a financial interest in same for the practice of dentistry; or

19. Any other procedure otherwise defined in the State Dental Act requiring a valid license or permit to perform while the person does not hold such valid license or permit issued by the Board.

B. The fact that a person uses any dental degree, or designation, or any card, device, directory, poster, sign or other media representing oneself to be a dentist shall be prima facie evidence that the person is engaged in the practice of dentistry; provided that nothing in this section shall be so construed as to prevent the following:

1. Physicians or surgeons, who are licensed under the laws of this state, from administering any kind of treatment coming within the province of medicine or surgery;

2. The practice of dentistry in the discharge of ~~their~~ the person's official duties by dentists in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, the United States Public Health Service, or the United States Veterans Administration;

3. Dental schools or colleges, as now conducted and approved, or as may be approved, and the practice of dentistry by students in dental schools, colleges or hospitals, approved by the Board, when acting under the direction and supervision of licensed dentists or dentists holding properly issued permits acting as instructors;

4. Acts of a dental clinician or other participant at a dental educational meeting or at an accredited dental college, when no fee is charged to or paid by a patient;

5. The practice of dental hygiene, as defined herein, by a person granted a license by the Board;

6. The performing of acts by a dental assistant or oral maxillofacial surgery assistant who performs the acts under the direct supervision or direct visual supervision of a dentist and in accordance with the provisions of the State Dental Act and the rules promulgated by the Board; or

7. The fabrication of dental appliances pursuant to a laboratory prescription of a dentist, by a dental laboratory

technician in a dental laboratory using inert materials and mechanical devices for the fabrication of any restoration, appliance or thing to be worn in the human mouth.

SECTION 3. AMENDATORY 59 O.S. 2021, Section 328.21, is amended to read as follows:

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

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

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

C. An application from a candidate who desires to secure a license from the Board to practice dentistry or dental hygiene in this state shall be accompanied by satisfactory proof that the applicant:

1. Is a graduate of an accredited dental college, if the applicant is to practice dentistry;
2. Is a graduate of an accredited dental hygiene program, if the applicant is to practice dental hygiene; and
3. Has passed all portions of the National Board Dental Examination or the National Board Dental Hygiene Examination.

D. Pursuant to Section 328.15 of this title, the Board may affiliate as a member state, and accept regional exams from the Commission on Dental Competency Assessments (CDCA), or the Western Regional Examining Board (WREB), ~~or the Central Regional Dental Testing Service (CRDTS)~~ if the following requirements are included:

1. For dental licensing the following components:

- a. a fixed prosthetic component of the preparation of an anterior all porcelain crown and the preparation of a three-unit posterior bridge,
- b. a periodontal component on a live patient or manikin,
- c. an endodontic component,
- d. an anterior class III and posterior class II restorative component on a live patient or manikin,
- e. a diagnosis and treatment planning section as approved by the Board, as specified in Section 328.15 of this title, and
- f. the Board may determine equivalencies based on components of other exams for the purpose of credentialing; or

2. For dental hygienists licensing the following components:

- a. clinical patient treatments with an evaluation of specific clinical skills, and
- b. evaluation of the candidate's compliance with professional standards during the treatment as approved by the Board in Section 328.15 of this title and shall include:
 - (1) extra/intra oral assessment,
 - (2) periodontal probing, and

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

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

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

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

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

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

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

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

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

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

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

1. Administration of nitrous oxide; and
2. Administration of local anesthesia.

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

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

L. During a year in which governmental officials have declared a health pandemic, a state or federal disaster, or other natural or man-made disaster, the Board shall have the authority through a resolution to change or make allowances in requirements of all candidates for licensure and issue temporary licenses for extended periods of time or as needed until the event passes. The resolution shall have a beginning and an end date and shall automatically expire no less than thirty (30) days after the end of the disaster is declared by governmental officials.

M. Every licensee or permit holder shall have an official address and email address listed with the Board. Every licensee or permit holder shall update the address within thirty (30) calendar days of moving. Official notification of any action of the Board adverse to a licensee or permit holder including but not limited to notification of license or permit cancellation due to nonrenewal, notice of a formal complaint, or a decision of the hearing panel or board, shall be served to the licensee or permit holder by registered mail at the official address, in person, to the licensee's or permit holder's attorney, by agreement of the individual, by a process server, or by an Investigator of the Board pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

SECTION 4. AMENDATORY 59 O.S. 2021, Section 328.23a, is amended to read as follows:

Section 328.23a. A. There is established a special volunteer license for dentists and a special volunteer license for dental hygienists who are retired from active practice or out-of-state licensees in active practice who are in the Oklahoma Medical Reserve Corps or assisting with emergency management, emergency operations or hazard mitigation in response to any emergency, man-made disaster or natural disaster, or participating in public health initiatives, disaster drills and community service events that are endorsed by a city or county health department or the State Department of Health and wish to donate their expertise for the dental care and treatment of indigent and needy persons of the state. A special volunteer license may also be issued for any live patient training approved by the Board. The special volunteer license shall be:

1. Issued by the Board of Dentistry to eligible persons;
2. Issued without the payment of an application fee, license fee or renewal fee;
3. Issued or renewed without any continuing education requirements for a period less than one (1) calendar year; and
4. Issued for one (1) calendar year or part thereof.

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

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

2. Documentation that the dentist or dental hygienist has been previously issued a full and unrestricted license to practice dentistry or dental hygiene in this state or in another state of the United States and that he or she has never been the subject of any reportable medical or dental disciplinary action in any jurisdiction. If the dentist or dental hygienist is licensed in more than one state and any license of the licensee is suspended, revoked, or subject to any agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction, the dentist or dental hygienist shall be ineligible to receive a special volunteer license;

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

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

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

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

D. Dental assistants may be issued a volunteer permit at the request of an entity that provides dental services to the needy. Volunteers in a volunteer initiative who are not dentists or dental hygienists shall be named and provided on a list to the Board by the entity hosting the volunteer initiative with any other requirements as set forth by the Board. The Board shall provide written

documentation to the host entity designating all persons who may participate in the volunteer initiative including authorization of the timetable requested by the host entity for granting licensure exemption. Any person working under a volunteer dental assistant permit shall not receive payment or compensation for any services rendered under the volunteer dental assistant permit. Volunteer dental assistant permits shall be limited to specific dates and locations of services to be provided.

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

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

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

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

I. A special volunteer license shall be restricted to services provided at the locations listed on the application or for a specific not-for-profit treatment provider group as approved by the Board.

SECTION 5. AMENDATORY 59 O.S. 2021, Section 328.29a, is amended to read as follows:

Section 328.29a. A. The following acts or occurrences by a dental assistant or oral maxillofacial surgery assistant shall constitute grounds for which the penalties specified in Section 328.44a of this title may be imposed by the Board of Dentistry or be the basis for denying a new applicant any license or permit issued by the Board:

1. Any of the causes now existing in the laws of ~~the State of Oklahoma~~ this state;

2. A violation of the provisions of the State Dental Act; or

3. A violation of the rules of the Board promulgated pursuant to the State Dental Act.

B. The Board shall also have the power to act upon a petition by a dental assistant or oral maxillofacial surgery assistant for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a permit, censure or probation of a dental assistant or oral maxillofacial surgery assistant. The Board shall make findings of fact and a decision thereon. ~~The Board shall immediately forward a certified copy of the decision to the dental assistant or oral maxillofacial surgery assistant involved by registered mail to the last-known official address as recorded by the Board~~ Notification of the licensee or permit holder shall occur pursuant to Section 328.21 of this title.

C. The decision shall be final unless the dental assistant or oral maxillofacial surgery assistant appeals the decision as provided by the State Dental Act.

D. The Board shall have power to revoke or suspend the permit, censure, or place on probation a dental assistant or oral maxillofacial surgery assistant for a violation of one or more of the following:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony crime that substantially relates to the occupation of a dental assistant or oral maxillofacial surgery assistant and poses a reasonable threat to public safety, or a violation of federal or state controlled dangerous substances laws;

2. Presenting to the Board a false application or documentation for a permit;

3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue to function as a dental assistant or oral maxillofacial surgery assistant;

4. Functioning outside the direct or direct visual supervision of a dentist;

5. Performing any function prohibited by Chapter 15 of the Oklahoma Administrative Code or any violation that would be a violation for a dentist or hygienist under Section 328.32 or 328.33 of this title, or any other duty not assignable to a dental assistant; or

6. Failure to secure an annual registration as specified in Section 328.41 of this title.

E. The Board's review panel, as set forth in Section 328.43a of this title, upon concurrence with the president of the Board, may determine that an emergency exists to temporarily suspend the permit of a dental assistant or oral maxillofacial surgery assistant if the panel finds that public health, safety or welfare imperatively requires emergency action. The panel may conduct a hearing pursuant to Section 314 of Title 75 of the Oklahoma Statutes for the temporary suspension.

F. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

SECTION 6. AMENDATORY 59 O.S. 2021, Section 328.32, is amended to read as follows:

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

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, any crime in which an individual would be required to be a registered sex offender under ~~Oklahoma~~ Oklahoma state law, any violent crime, Medicaid fraud, insurance fraud, identity theft, embezzlement or a violation of federal or state controlled dangerous substances laws;

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

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

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

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

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

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

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

9. Failing to complete continuing education requirements;

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

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

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

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

14. Being shown to be mentally unsound;

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

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

17. Committing gross negligence in the practice of dentistry;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33. Being dishonest in a material way with a patient or during the practice of dentistry;

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

35. Failing to retain the dentist's copy of any laboratory prescription for at least seven (7) years, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

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

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

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

38. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, a state or federal statute or rule relating to scheduled drugs, fraud, a violent crime or any crime for which the penalty includes the requirement of

registration as a sex offender in ~~Oklahoma~~ this state as a principal, accessory or accomplice;

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

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

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

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

43. Falling below the basic standard of care of a licensed dentist or dentist practicing in his or her specialty, a hygienist, dental assistant, or other licensee or permit holder pursuant to the State Dental Act and Section 20.1 of Title 76 of the Oklahoma Statutes; or

44. Failing to provide patient records as provided by Sections 19 and 20 of Title 76 of the Oklahoma Statutes.

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

SECTION 7. AMENDATORY 59 O.S. 2021, Section 328.41, is amended to read as follows:

Section 328.41. A. 1. On or before the last day of 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~~ 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. ~~Beginning July 1, 2019~~ July 1, 2021, continuing education requirements shall be due at the end of each two-year period.

C. 1. Continuing education requirements for a dentist or dental hygienist shall consist of:

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

b. an ethics class approved by the Board,

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

d. any combination of the following:

(1) completion of classes at a university, college or technology center school accredited by the Commission on Dental Accreditation (CODA) or college courses related to dentistry, which shall count equal to credit hours received on a transcript,

- (2) teaching one or more classes at a school or program accredited by CODA, for which the dentist or dental hygienist shall receive credit for the semester credit hours and one (1) hour of credit per eighteen (18) hours of clinical instruction,
- (3) publishing papers, presenting clinics and lecturing, for which the dentist or dental hygienist shall receive six (6) credit hours for each hour of the original presentation and hour-for-hour credit for a subsequent presentation of the same material. No more than fifty percent (50%) of total required continuing education hours may be fulfilled by activities described in this division,
- (4) a scientific-based medical treatment and patient care class approved by the Board,
- (5) any health-related program sponsored by the Veterans Administration or Armed Forces provided at a government facility,
- (6) formal meetings by national or state professional organizations for dental providers, or university-sponsored professional alumni clinical meetings approved by the Board,
- (7) organized study clubs,
- (8) uncompensated volunteer work at an event approved by the Board not to exceed seven (7) hours for a dentist or four (4) hours for a dental hygienist, or
- (9) practice-management-related courses not to exceed four (4) hours for a dentist or two (2) hours for a dental hygienist.

2. Full-time graduate study, internships, residencies and dentists and dental hygienists engaged in a full-time program

accredited by CODA shall be exempt from continuing education for a continuing education year per academic year completed.

3. New graduates of dental and hygiene programs shall not be required to complete continuing education for the first year after graduation. Continuing education requirements for dentists and dental hygienists who are new graduates shall begin July 1 of the calendar year following the year of graduation. Hours shall be prorated by year of new licensure.

D. 1. Dentists shall complete forty (40) hours of continuing education with no more than twenty (20) hours to be completed online. Hygienists shall complete twenty (20) hours of continuing education with no more than ten (10) hours to be completed online. Interactive classes or webinar classes may, at the discretion of the Board, count as in-person.

2. Oral maxillofacial surgery assistants shall complete eight (8) hours of continuing education including one (1) hour of infection control.

3. Dental assistants shall complete two (2) hours of infection control.

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

E. 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 of each year, 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,~~ or other permit holder that the license or permit will be officially cancelled as of April 1 pursuant to subsection M of Section 328.21 of this title. A list of cancelled licenses or permits not otherwise renewed shall be published at the following meeting of the Board.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

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

SECTION 8. AMENDATORY 59 O.S. 2021, 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;
6. Practicing or residing in another state or country, who will not practice within ~~the State of Oklahoma~~ this state during the license renewal year. A dentist that is residing but not practicing in this state but wishes to maintain an active license may sign an affidavit stating that the dentist is not practicing dentistry, listing the specific dates during which the dentist will not practice. The dentist must notify the Board in writing and provide proof of malpractice insurance no less than ten (10) days prior to resuming practice; 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 9. This act shall become effective November 1, 2022.

Passed the Senate the 21st day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

Presiding Officer of the House
of Representatives

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: _____