

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1432

By: Haste of the Senate

and

Miller of the House

6
7
8
9 An Act relating to the practice of dentistry;
10 amending 59 O.S. 2021, Section 328.15, which relates
11 to powers of the Board of Dentistry; modifying
12 certain power; amending 59 O.S. 2021, Section 328.19,
13 which relates to acts constituting practice of
14 dentistry; creating exception; amending 59 O.S. 2021,
15 Section 328.21, which relates to application for
16 license; modifying examination requirements;
17 requiring licensee or permit holder to provide and
18 update certain contact information; stipulating
19 certain notification procedures for Board; amending
20 59 O.S. 2021, Section 328.23a, which relates to
21 special volunteer licenses; broadening qualifications
22 for special volunteer license; amending 59 O.S. 2021,
23 Section 328.29a, which relates to dental assistants;
24 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.

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

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

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

8 B. The Board is authorized and empowered to:

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

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

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

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

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

24

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

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

5 8. Initiate individual proceedings and issue orders imposing
6 administrative penalties, pursuant to Article II of the
7 Administrative Procedures Act, against any dentist, dental
8 hygienist, dental assistant, oral maxillofacial surgery assistant,
9 dental laboratory technician, or holder of a permit to operate a
10 dental laboratory who has violated the State Dental Act or the rules
11 of the Board;

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

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

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

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

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

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

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

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

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

15 18. Enter into contracts;

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

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

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

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

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

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

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

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

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

21 5. Removing human teeth;

22 6. Repairing or filling cavities in human teeth;

23 7. Correcting or attempting to correct malposed teeth;

24 8. Administering anesthetics, general or local;

1 9. Treating deformities of the jaws and adjacent structures;

2 10. Using x-ray and interpreting dental x-ray film;

3 11. Offering, undertaking or assisting, by any means or
4 methods, to remove stains, discolorations, or concretions from the
5 teeth; provided, that this paragraph shall not preclude or prohibit
6 the sale of any teeth whitening kit designed for self-administration
7 as approved by the United States Food and Drug Administration;

8 12. Operating or prescribing for any disease, pain, injury,
9 deficiency, deformity, or any physical condition connected with the
10 human mouth;

11 13. Taking impressions of the teeth and jaws;

12 14. Furnishing, supplying, constructing, reproducing, or
13 repairing, or offering to furnish, supply, construct, reproduce, or
14 repair, prosthetic dentures, sometimes known as plates, bridges, or
15 other substitutes for natural teeth for the user or prospective user
16 thereof;

17 15. Adjusting or attempting to adjust any prosthetic denture,
18 bridge, appliance, or any other structure to be worn in the human
19 mouth;

20 16. Diagnosing, making, and adjusting appliances to artificial
21 casts of malposed teeth for treatment of the malposed teeth in the
22 human mouth, without instructions;

1 17. Writing a laboratory prescription to a dental laboratory or
2 dental laboratory technician for the construction, reproduction or
3 repair of any appliance or structure to be worn in the human mouth;

4 18. Owning, maintaining, or operating an office or offices by
5 holding a financial interest in same for the practice of dentistry;
6 or

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

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

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

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

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

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

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

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

16 7. The fabrication of dental appliances pursuant to a
17 laboratory prescription of a dentist, by a dental laboratory
18 technician in a dental laboratory using inert materials and
19 mechanical devices for the fabrication of any restoration, appliance
20 or thing to be worn in the human mouth.

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

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

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

7 1. Is of good moral character;

8 2. Is twenty-one (21) years of age, or over, at the time of
9 making application to practice dentistry or eighteen (18) years of
10 age, or over, if the applicant is to practice dental hygiene;

11 3. Has passed a written theoretical examination and a clinical
12 examination approved by the Board; and

13 4. Has passed a written jurisprudence examination over the
14 rules and laws affecting dentistry in this state.

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

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

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

23 3. Has passed all portions of the National Board Dental
24 Examination or the National Board Dental Hygiene Examination.

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

6 1. For dental licensing the following components:

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

20 2. For dental hygienists licensing the following components:

- 21 a. clinical patient treatments with an evaluation of
22 specific clinical skills, and
- 23 b. evaluation of the candidate's compliance with
24 professional standards during the treatment as

1 approved by the Board in Section 328.15 of this title
2 and shall include:

- 3 (1) extra/intra oral assessment,
- 4 (2) periodontal probing, and
- 5 (3) scaling/subgingival calculus removal and
6 supragingival deposit removal.

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

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

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

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

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

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

17 a. a letter of good standing from all states in which the
18 applicant has ever been licensed, and

19 b. any other requirements as set forth by the rules;

20 3. An applicant applying for a dental or dental hygiene license
21 by credentials shall only be required to pass the jurisprudence
22 portion of the examination requirements as set forth in paragraph 4
23 of subsection B of this section; or
24

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

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

8 1. Administration of nitrous oxide; and

9 2. Administration of local anesthesia.

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

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

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

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

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

15 Section 328.23a. A. There is established a special volunteer
16 license for dentists and a special volunteer license for dental
17 hygienists who are retired from active practice or out-of-state
18 licensees in active practice who are in the Oklahoma Medical Reserve
19 Corps or assisting with emergency management, emergency operations
20 or hazard mitigation in response to any emergency, man-made disaster
21 or natural disaster, or participating in public health initiatives,
22 disaster drills and community service events that are endorsed by a
23 city or county health department or the State Department of Health
24 and wish to donate their expertise for the dental care and treatment

1 of indigent and needy persons of the state. A special volunteer
2 license may also be issued for any live patient training approved by
3 the Board. The special volunteer license shall be:

4 1. Issued by the Board of Dentistry to eligible persons;

5 2. Issued without the payment of an application fee, license
6 fee or renewal fee;

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

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

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

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

15 2. Documentation that the dentist or dental hygienist has been
16 previously issued a full and unrestricted license to practice
17 dentistry or dental hygiene in this state or in another state of the
18 United States and that he or she has never been the subject of any
19 reportable medical or dental disciplinary action in any
20 jurisdiction. If the dentist or dental hygienist is licensed in
21 more than one state and any license of the licensee is suspended,
22 revoked, or subject to any agency order limiting or restricting
23 practice privileges, or has been voluntarily terminated under threat
24

1 of sanction, the dentist or dental hygienist shall be ineligible to
2 receive a special volunteer license;

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

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

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

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

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

1 participate in the volunteer initiative including authorization of
2 the timetable requested by the host entity for granting licensure
3 exemption. Any person working under a volunteer dental assistant
4 permit shall not receive payment or compensation for any services
5 rendered under the volunteer dental assistant permit. Volunteer
6 dental assistant permits shall be limited to specific dates and
7 locations of services to be provided.

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

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

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

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

20 I. A special volunteer license shall be restricted to services
21 provided at the locations listed on the application or for a
22 specific not-for-profit treatment provider group as approved by the
23 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~~

1 ~~the Board~~ Notification of the licensee or permit holder shall occur
2 pursuant to Section 328.21 of this title.

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

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

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

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

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

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

22 5. Performing any function prohibited by Chapter 15 of the
23 Oklahoma Administrative Code or any violation that would be a
24 violation for a dentist or hygienist under Section 328.32 or 328.33

1 of this title, or any other duty not assignable to a dental
2 assistant; or

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

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

13 F. As used in this section:

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

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

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

24

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

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

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

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

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

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

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

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

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

6 9. Failing to complete continuing education requirements;

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

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

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

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

20 14. Being shown to be mentally unsound;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 34. Failing to retain all patient records for at least seven
4 (7) years from the date of the last treatment as provided by Section
5 328.31b of this title, except that the failure to retain records
6 shall not be a violation of the State Dental Act if the dentist
7 shows that the records were lost, destroyed, or removed by another,
8 without the consent of the dentist;

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

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

24 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

1 license or a violation of a law related to controlled dangerous
2 substances including prescribing laws pursuant to Section 2-309D of
3 Title 63 of the Oklahoma Statutes;

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

9 44. Failing to provide patient records as provided by Sections
10 19 and 20 of Title 76 of the Oklahoma Statutes.

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

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

21 Section 328.41. A. 1. On or before the last day of December
22 of each year, every dentist, dental hygienist, dental assistant,
23 oral maxillofacial surgery assistant and other licensee or permit
24 holders previously licensed or permitted by the Board to practice in

1 this state, with the exception of those listed in paragraph 2 of
2 this subsection, shall submit a completed renewal application with
3 information as may be required by the Board, together with an annual
4 renewal fee established by the rules of the Board. Upon receipt of
5 the annual renewal fee, the Board shall issue a renewal certificate
6 authorizing the dentist, dental hygienist, dental assistant or oral
7 maxillofacial surgery assistant to continue the practice of
8 dentistry or dental hygiene, respectively, in this state for a
9 period of one (1) year. Every license or permit issued by the Board
10 shall begin on January 1 and expire on December 31 of each year.

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

15 B. ~~Beginning July 1, 2019~~ July 1, 2021, continuing education
16 requirements shall be due at the end of each two-year period.

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

- 19 a. a live, in-person cardiopulmonary resuscitation class
- 20 approved by the Board,
- 21 b. an ethics class approved by the Board,
- 22 c. for a dentist, two (2) hours of opioid and scheduled
- 23 drug prescribing classes, and
- 24 d. any combination of the following:

- 1 (1) completion of classes at a university, college or
2 technology center school accredited by the
3 Commission on Dental Accreditation (CODA) or
4 college courses related to dentistry, which shall
5 count equal to credit hours received on a
6 transcript,
- 7 (2) teaching one or more classes at a school or
8 program accredited by CODA, for which the dentist
9 or dental hygienist shall receive credit for the
10 semester credit hours and one (1) hour of credit
11 per eighteen (18) hours of clinical instruction,
- 12 (3) publishing papers, presenting clinics and
13 lecturing, for which the dentist or dental
14 hygienist shall receive six (6) credit hours for
15 each hour of the original presentation and hour-
16 for-hour credit for a subsequent presentation of
17 the same material. No more than fifty percent
18 (50%) of total required continuing education
19 hours may be fulfilled by activities described in
20 this division,
- 21 (4) a scientific-based medical treatment and patient
22 care class approved by the Board,
- 23
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- 1 (5) any health-related program sponsored by the
2 Veterans Administration or Armed Forces provided
3 at a government facility,
4 (6) formal meetings by national or state professional
5 organizations for dental providers, or
6 university-sponsored professional alumni clinical
7 meetings approved by the Board,
8 (7) organized study clubs,
9 (8) uncompensated volunteer work at an event approved
10 by the Board not to exceed seven (7) hours for a
11 dentist or four (4) hours for a dental hygienist,
12 or
13 (9) practice-management-related courses not to exceed
14 four (4) hours for a dentist or two (2) hours for
15 a dental hygienist.

16 2. Full-time graduate study, internships, residencies and
17 dentists and dental hygienists engaged in a full-time program
18 accredited by CODA shall be exempt from continuing education for a
19 continuing education year per academic year completed.

20 3. New graduates of dental and hygiene programs shall not be
21 required to complete continuing education for the first year after
22 graduation. Continuing education requirements for dentists and
23 dental hygienists who are new graduates shall begin July 1 of the
24

1 calendar year following the year of graduation. Hours shall be
2 prorated by year of new licensure.

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

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

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

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

17 E. Upon failure of a dentist, dental hygienist, dental
18 assistant or oral maxillofacial surgery assistant to pay the annual
19 renewal fee within two (2) months after January 1 of each year, the
20 Board shall notify the dentist, dental hygienist, dental assistant
21 ~~or, oral maxillofacial surgery assistant in writing by certified~~
22 ~~mail to the last known mailing address of the dentist, dental~~
23 ~~hygienist, dental assistant or oral maxillofacial surgery assistant~~
24 ~~as reflected in the records of the Board, or other permit holder~~

1 that the license or permit will be officially cancelled as of April
2 1 pursuant to subsection M of Section 328.21 of this title. A list
3 of cancelled licenses or permits not otherwise renewed shall be
4 published at the following meeting of the Board.

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

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

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

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

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

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

18 SECTION 8. AMENDATORY 59 O.S. 2021, Section 328.53, is
19 amended to read as follows:

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

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

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

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

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

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

10 6. Practicing or residing in another state or country, who will
11 not practice within ~~the State of Oklahoma~~ this state during the
12 license renewal year. A dentist that is residing but not practicing
13 in this state but wishes to maintain an active license may sign an
14 affidavit stating that the dentist is not practicing dentistry,
15 listing the specific dates during which the dentist will not
16 practice. The dentist must notify the Board in writing and provide
17 proof of malpractice insurance no less than ten (10) days prior to
18 resuming practice; or

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

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

5 SECTION 9. This act shall become effective November 1, 2022.

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7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/13/2022 -
8 DO PASS.

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