

1 **SENATE FLOOR VERSION**

2 February 14, 2024

3 **AS AMENDED**

4 SENATE BILL NO. 1383

By: Bergstrom of the Senate

and

West (Josh) of the House

7
8 **[diagnostic x-ray systems - Board of Dentistry - fee**
9 **schedule - effective date]**
10

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

12 SECTION 1. AMENDATORY 59 O.S. 2021, Section 328.15, as
13 amended by Section 1, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023,
14 Section 328.15), is amended to read as follows:

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

20 B. The Board is authorized and empowered to:

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

23 2. Affiliate by contract or cooperative agreement with another
24 state or combination of states for the purpose of conducting

1 simultaneous regional examinations of applicants for a license to
2 practice dentistry, dental hygiene, or a dental specialty;

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

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

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

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

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

16 8. Initiate individual proceedings and issue orders imposing
17 administrative penalties, pursuant to Article II of the
18 Administrative Procedures Act, against any dentist, dental
19 hygienist, dental assistant, oral maxillofacial surgery assistant,
20 dental laboratory technician, or holder of a permit to operate a
21 dental laboratory who has violated the State Dental Act or the rules
22 of the Board;

1 9. Conduct, in a uniform and reasonable manner, inspections of
2 dental offices and dental laboratories and business records of
3 dental offices and dental laboratories;

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

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

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

13 13. Formulate, adopt, and promulgate rules, pursuant to Article
14 I of the Administrative Procedures Act, as may be necessary to
15 implement and enforce the provisions of the Oklahoma Dental
16 Mediation Act and to enforce all state and federal laws pertaining
17 to the use of diagnostic x-ray systems or other sources of radiation
18 used for treatment purposes that occur in a dental office including,
19 but not limited to, the Diagnostic X-Ray Facility Act;

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

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

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

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

7 18. Enter into contracts;

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

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

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

21 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1503, is
22 amended to read as follows:

23 Section 1-1503. A. The Except as provided by subsection C of
24 this section, the State Department of Health is hereby designated as

1 the official agency of the State of Oklahoma for all regulatory
2 activities pertaining to health and safety in the use of diagnostic
3 x-ray systems, and shall act as the coordinating agency for the
4 purpose of cooperating with other states, the United States Public
5 Health Service and other federal agencies in the administration of
6 programs relating to diagnostic x-ray systems, available to the
7 State of Oklahoma under federal laws; and it shall encourage,
8 participate in, and conduct studies, investigations, training,
9 research and demonstrations relating to constructive uses of
10 diagnostic x-ray systems and the prevention and control of its
11 associated harmful effects or unnecessary exposure, the effects to
12 health on exposure to x-rays, and related problems.

13 B. Nothing in the Diagnostic X-Ray Facility Act shall interfere
14 with the doctor-patient relationship of any licensed member of the
15 healing arts; nor shall anything in the Diagnostic X-Ray Facility
16 Act prohibit a licensed practitioner of the healing arts, or an
17 individual under the direction of such licensed practitioner, from
18 using x-rays or other sources of radiation and/or fluoroscopes for
19 diagnostic, research or treatment purposes, as authorized under the
20 Practitioner's Licensing Act, provided the radiation devices and the
21 related facilities of the practitioner shall comply with the rules
22 and regulations promulgated under the provisions of the Diagnostic
23 X-Ray Facility Act.

24

1 C. Beginning on the effective date of this act, the Board of
2 Dentistry shall have the power and duty to conduct all regulatory
3 activities pertaining to health and safety in the use of diagnostic
4 x-ray systems or other sources of radiation used for treatment
5 purposes that occur in a dental office. The Board shall gather and
6 submit data and statistics required by state and federal law to the
7 State Department of Health annually or as requested. The fee
8 schedule for inspections conducted by the Board under this
9 subsection shall not exceed the fee schedule set by the State
10 Commissioner of Health as of the effective date of this act for
11 inspections of diagnostic x-ray systems at diagnostic x-ray
12 facilities.

13 SECTION 3. This act shall become effective January 1, 2025.
14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 February 14, 2024 - DO PASS
16
17
18
19
20
21
22
23
24