

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1929

By: Kidd

AS INTRODUCED

An Act relating to the practice of dentistry; amending 59 O.S. 2021, Section 328.3, as amended by Section 1, Chapter 220, O.S.L. 2023 (59 O.S. Supp. 2023, Section 328.3), which relates to definitions used in the State Dental Act; modifying definition; amending 59 O.S. 2021, Section 328.15, as amended by Section 1, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023, Section 328.15), which relates to powers of the Board of Dentistry; broadening certain power; amending 59 O.S. 2021, Section 328.21, as last amended by Section 2, Chapter 220, O.S.L. 2023 (59 O.S. Supp. 2023, Section 328.21), which relates to application for license; granting automatic eligibility for specified advanced procedure to certain dental hygienists; amending 59 O.S. 2021, Section 328.23a, as amended by Section 4, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023, Section 328.23a), which relates to special volunteer licenses; authorizing licensure of active duty military personnel; providing certain exemption; amending 59 O.S. 2021, Section 328.31b, which relates to patient recordkeeping requirements; modifying minimum requirements of patient records; amending 59 O.S. 2021, Section 328.41, as amended by Section 7, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023, Section 328.41), which relates to continuing education requirements; providing exemption for active duty military personnel; amending 59 O.S. 2021, Section 328.44a, which relates to penalties and reviews; providing for withdrawal of certain orders under specified conditions; stipulating certain procedures and considerations; authorizing certain summary denial; directing certain vote and settlement agreement; amending 59 O.S. 2021, Section 328.44b, which relates to surrender of license, permit, or

1 certificate; modifying requirements for acceptance of
2 surrender; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 59 O.S. 2021, Section 328.3, as
6 amended by Section 1, Chapter 220, O.S.L. 2023 (59 O.S. Supp. 2023,
7 Section 328.3), is amended to read as follows:

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

11 1. "Accredited dental college" means an institution whose
12 dental educational program is accredited by the Commission on Dental
13 Accreditation of the American Dental Association;

14 2. "Accredited dental hygiene program" means a dental hygiene
15 educational program which is accredited by the Commission on Dental
16 Accreditation of the American Dental Association;

17 3. "Accredited dental assisting program or class" means a
18 dental assisting program which is accredited by the Commission on
19 Dental Accreditation of the American Dental Association or a class
20 approved by the Board of Dentistry;

21 4. "Advanced procedure" means a dental procedure for which a
22 dental hygienist has received special training in a course of study
23 approved by the Board;

24 5. "Board" means the Board of Dentistry;

1 6. "Certified dental assistant" means a dental assistant who
2 has earned and maintains current certified dental assistant
3 certification from the Dental Assisting National Board (DANB);

4 7. "Coronal polishing" means a procedure limited to the removal
5 of plaque and stain from exposed tooth surfaces, utilizing a slow
6 speed hand piece with a prophy/polishing cup or brush and polishing
7 agent and is not prophylaxis. To be considered prophylaxis,
8 examination for calculus and scaling must be done by a hygienist or
9 dentist;

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

17 9. "Dentistry" means the practice of dentistry in all of its
18 branches;

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

22 11. "Dental ambulatory surgical center (DASC)" means a facility
23 that operates exclusively for the purpose of furnishing outpatient
24 surgical services to patients. A DASC shall have the same
25

1 privileges and requirements as a dental office and additionally must
2 be an accredited facility by the appropriate entity;

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

7 13. "Dental hygiene" means the science and practice of the
8 promotion of oral health and prevention and treatment of oral
9 disease through the provision of educational, therapeutic, clinical,
10 and preventive services;

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

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

1 and only in accordance with the educational requirements and rules
2 promulgated by the Board;

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

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

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

16 19. "Dental specialty" means a specialized practice of a branch
17 of dentistry, recognized by the Board, where the dental college and
18 specialty program are accredited by the Commission on Dental
19 Accreditation (CODA), or a dental specialty recognized by the Board,
20 requiring a minimum number of hours of approved education and
21 training and/or recognition by a nationally recognized association
22 or accreditation board;

23 20. "Direct supervision" means the supervisory dentist is in
24 the dental office or treatment facility and, during the appointment,

1 personally examines the patient, diagnoses any conditions to be
2 treated, and authorizes the procedures to be performed by a dental
3 hygienist, dental assistant, or oral maxillofacial surgery
4 assistant. The supervising dentist is continuously on-site and
5 physically present in the dental office or treatment facility while
6 the procedures are being performed and, before dismissal of the
7 patient, evaluates the results of the dental treatment;

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

12 22. "Expanded duty" means a dental procedure for which a dental
13 assistant has received special training in a course of study
14 approved by the Board;

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

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

1 25. "General supervision" means the supervisory dentist has
2 diagnosed any conditions to be treated within the past thirteen (13)
3 months, has personally authorized the procedures to be performed by
4 a dental hygienist, and will evaluate the results of the dental
5 treatment within a reasonable time as determined by the nature of
6 the procedures performed, the needs of the patient, and the
7 professional judgment of the supervisory dentist. General
8 supervision may only be used to supervise a hygienist and may not be
9 used to supervise an oral maxillofacial surgery assistant or dental
10 assistant except as provided by Section 7 of this act;

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

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

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

4 29. "Minimal sedation" means a minimally depressed level of
5 consciousness, produced by a pharmacological method, that retains
6 the patient's ability to independently and continuously maintain an
7 airway and respond normally to tactile stimulation and verbal
8 command. Although cognitive function and coordination may be
9 modestly impaired, ventilator and cardiovascular functions are
10 unaffected;

11 30. "Mobile dental anesthesia provider" means a licensed and
12 anesthesia-permitted dentist, physician or Certified Registered
13 Nurse Anesthetist (CRNA) that has a mobile dental unit and provides
14 anesthesia in dental offices and facilities in the state;

15 31. "Mobile dental clinic" means a permitted motor vehicle or
16 trailer utilized as a dental clinic, and/or that contains dental
17 equipment and is used to provide dental services to patients on-site
18 and shall not include a mobile dental anesthesia provider. A mobile
19 dental clinic shall also mean and include a volunteer mobile dental
20 facility that is directly affiliated with a church or religious
21 organization as defined by Section 501(c)(3) or 501(d) of the United
22 States Internal Revenue Code, the church or religious organization
23 with which it is affiliated is clearly indicated on the exterior of
24 the mobile dental facility, and such facility does not receive any

1 form of payment either directly or indirectly for work provided to
2 patients other than donations through the affiliated church or
3 religious organization; provided, that the volunteer mobile dental
4 facility shall be exempt from any registration fee required under
5 the State Dental Act;

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

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

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

21 35. "Residencies" are programs designed for advanced clinical
22 and didactic training in general dentistry or other specialties or
23 other specialists at the post-doctoral level recognized by the
24 Commission on Dental Accreditation (CODA) or the Board;

1 36. "Supervision" means direct supervision, direct visual
2 supervision, indirect supervision or general supervision;

3 37. "Teledentistry" means the remote delivery of dental patient
4 care via telecommunications and other technology for the exchange of
5 clinical information and images for dental consultation, preliminary
6 treatment planning and patient monitoring; and

7 38. "Treatment facility" means:

- 8 a. a federal, tribal, state or local public health
9 facility,
- 10 b. a Federally Qualified Health Center (FQHC),
- 11 c. a private health facility,
- 12 d. a group home or residential care facility serving the
13 elderly, handicapped or juveniles,
- 14 e. a hospital or dental ambulatory surgery center (DASC),
- 15 f. a nursing home,
- 16 g. a penal institution operated by or under contract with
17 the federal or state government,
- 18 h. a public or private school,
- 19 i. a patient of record's private residence,
- 20 j. a mobile dental clinic,
- 21 k. a dental college, dental program, dental hygiene
22 program or dental assisting program accredited by the
23 Commission on Dental Accreditation, or
- 24 l. such other places as are authorized by the Board.

1 SECTION 2. AMENDATORY 59 O.S. 2021, Section 328.15, as
2 amended by Section 1, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023,
3 Section 328.15), is amended to read as follows:

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

9 B. The Board is authorized and empowered to:

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

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

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

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

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

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 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 or another
24 nationally recognized medical or dental association that establishes

1 guidelines for health care as it relates to dentistry. The Board
2 shall have the sole authority to determine scope of practice of
3 licensees considering these standards and guidelines;

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

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

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

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

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

18 18. Enter into contracts;

19 19. Acquire by purchase, lease, gift, solicitation of gift or
20 by any other manner, hold, encumber, and dispose of personal
21 property as is needed, maintain, use and operate or contract for the
22 maintenance, use and operation of or lease of any and all property
23 of any kind, real, personal or mixed or any interest therein unless
24 otherwise provided by the State Dental Act; provided, all contracts

1 for real property shall be subject to the provisions of Section 63
2 of Title 74 of the Oklahoma Statutes;

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

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

8 SECTION 3. AMENDATORY 59 O.S. 2021, Section 328.21, as
9 last amended by Section 2, Chapter 220, O.S.L. 2023 (59 O.S. Supp.
10 2023, Section 328.21), is amended to read as follows:

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

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

17 1. Is of good moral character;

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

21 3. Has passed a written theoretical examination and a clinical
22 examination approved by the Board within the previous five (5)
23 years; and
24

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

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

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

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

11 3. Has passed all portions of the National Board Dental
12 Examination or the National Board Dental Hygiene Examination.

13 D. Pursuant to Section 328.15 of this title, the Board may
14 affiliate as a member state, and accept regional exams from the
15 Commission on Dental Competency Assessments (CDCA-WREB-CITA) if the
16 following requirements are included:

17 1. For dental licensing the following components on a live
18 patient or manikin:

- 19 a. a fixed prosthetic component of the preparation of an
20 anterior all porcelain crown and the preparation of a
21 three-unit posterior bridge,
22 b. a periodontal component,
23 c. an endodontic component,

- d. an anterior class III and posterior class II restorative component,
- 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 on a live patient or manikin:

- 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 the

1 student's last semester of a dental or dental hygiene program,
2 having met all other requirements, may make application and take the
3 jurisprudence examination with a letter from the dean of the dental
4 school or director of the hygiene program stating that the applicant
5 is a candidate for graduation within the next six (6) months.

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

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

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

19 1. A dentist holding a general dentist license in good standing
20 and having practiced for at least five hundred (500) hours within
21 the previous five (5) years immediately prior to application and
22 having passed a regional examination substantially equivalent to the
23 requirements for this state may apply for licensure by credentials;
24

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

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

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

15 I. 1. There shall be six types of advanced procedures
16 available for dental hygienists upon completion of a Commission on
17 Dental Accreditation (CODA) approved program, course, or
18 certification program that has been approved by the Board:

- 19 a. administration of nitrous oxide,
 - 20 b. administration of local anesthesia,
 - 21 c. neuromodulator administration,
 - 22 d. therapeutic use of lasers,
 - 23 e. phlebotomy and venipuncture, and
- 24
25

1 f. elder care and public health pursuant to Section 7 of
2 this act.

3 2. A dental hygienist holding an advanced procedure permit or
4 credential in any other state for two (2) years shall be eligible
5 for the advanced procedure permit by credentials; provided, that
6 application for the advanced procedure permit by credentials for
7 administration of local anesthesia shall additionally require proof
8 of passage of such advanced procedure in a CDCA-WREB-CITA exam.

9 3. For all advanced procedures other than administration of
10 local anesthesia, a dental hygienist may apply by filling out an
11 application with required documentation of training as required by
12 state law and rules of the Board. A dental hygienist licensed by
13 the Board prior to January 30, 2024, shall be automatically eligible
14 for the advanced procedure of therapeutic use of lasers.

15 4. All advanced procedures shall be added to the dental hygiene
16 license upon approval.

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

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

23 L. During a year in which governmental officials have declared
24 a health pandemic, a state or federal disaster, or other natural or

1 man-made disaster, the Board shall have the authority through a
2 resolution to change or make allowances in requirements of all
3 candidates for licensure and issue temporary licenses for extended
4 periods of time or as needed until the event passes. The resolution
5 shall have a beginning and an end date and shall automatically
6 expire no less than thirty (30) days after the end of the disaster
7 is declared by governmental officials.

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

20 SECTION 4. AMENDATORY 59 O.S. 2021, Section 328.23a, as
21 amended by Section 4, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023,
22 Section 328.23a), is amended to read as follows:

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

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

13 2. Issued without the payment of an application fee, license
14 fee or renewal fee;

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

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

18 B. A special volunteer license may be issued for a dentist or
19 dental hygienist who is on active duty military service. This
20 license shall not be subject to paragraph 4 of subsection A of this
21 section and may be issued for the time period of the tour of duty.

22 C. A dentist or dental hygienist must meet the following
23 requirements to be eligible for a special volunteer license:
24

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

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

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

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

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

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

6 ~~D.~~ E. Dental assistants may be issued a volunteer permit at the
7 request of an entity that provides dental services to the needy.
8 Volunteers in a volunteer initiative who are not dentists or dental
9 hygienists shall be named and provided on a list to the Board by the
10 entity hosting the volunteer initiative with any other requirements
11 as set forth by the Board. The Board shall provide written
12 documentation to the host entity designating all persons who may
13 participate in the volunteer initiative including authorization of
14 the timetable requested by the host entity for granting licensure
15 exemption. Any person working under a volunteer dental assistant
16 permit shall not receive payment or compensation for any services
17 rendered under the volunteer dental assistant permit. Volunteer
18 dental assistant permits shall be limited to specific dates and
19 locations of services to be provided.

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

1 ~~F.~~ G. Volunteers shall not use sedation or general anesthesia
2 during volunteer procedures.

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

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

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

13 SECTION 5. AMENDATORY 59 O.S. 2021, Section 328.31b, is
14 amended to read as follows:

15 Section 328.31b. A. Every dental office or treatment facility,
16 whether individual, group or multi-doctor practice operating under a
17 name, trade name or other professional entity shall maintain written
18 records on each patient treated at the facility and shall make these
19 records available to the Board and other regulatory entities or be
20 subject to the penalties as set forth in Section 328.44a of this
21 title.

22 B. Each licensed dentist shall maintain written records on each
23 patient that shall contain, at a minimum, the following information
24 about the patient:

1 1. A current health history listing known illnesses, other
2 treating physicians and current medications prescribed;

3 2. Results of a clinical examination and, including a physical
4 intraoral examination and head and neck examination, tests
5 conducted, and any lab results including the identification, or lack
6 thereof, of any oral pathology or diseases;

7 3. Treatment plan proposed by the dentist; and

8 4. Treatment rendered to the patient. The patient record shall
9 clearly identify the dentist and the dental hygienist providing the
10 treatment with the dentist, specialty or dental hygienist license
11 number. The patient record shall include documentation of any
12 medications prescribed, administered or dispensed to the patient.

13 C. Whenever patient records are released or transferred, the
14 dentist releasing or transferring the records shall maintain either
15 the original records or copies thereof and a notation shall be made
16 in the retained records indicating to whom the records were released
17 or transferred.

18 D. All claims being submitted for insurance must be signed,
19 stamped or have an electronic signature by the treating dentist.

20 E. Patient records may be kept in an electronic data format,
21 provided that the dentist maintains a backup copy of information
22 stored in the data processing system using disk, tape or other
23 electronic back-up system and that backup is updated on a regular
24 basis, at least weekly, to assure that data is not lost due to

1 system failure. Any electronic data system shall be capable of
2 producing a hard copy on demand.

3 F. All patient records shall be maintained for seven (7) years
4 from the date of treatment.

5 G. Each licensed dentist shall retain a copy of each entry in
6 his or her patient appointment book or such other log, calendar,
7 book, file or computer data used in lieu of an appointment book for
8 a period of no less than seven (7) years from the date of each entry
9 thereon.

10 SECTION 6. AMENDATORY 59 O.S. 2021, Section 328.41, as
11 amended by Section 7, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023,
12 Section 328.41), is amended to read as follows:

13 Section 328.41. A. 1. On or before the last day of December
14 of each year, every dentist, dental hygienist, dental assistant,
15 oral maxillofacial surgery assistant and other licensee or permit
16 holders previously licensed or permitted by the Board to practice in
17 this state, with the exception of those listed in paragraph 2 of
18 this subsection, shall submit a completed renewal application with
19 information as may be required by the Board, together with an annual
20 renewal fee established by the rules of the Board. Upon receipt of
21 the annual renewal fee, the Board shall issue a renewal certificate
22 authorizing the dentist, dental hygienist, dental assistant or oral
23 maxillofacial surgery assistant to continue the practice of
24 dentistry or dental hygiene, respectively, in this state for a

1 period of one (1) year. Every license or permit issued by the Board
2 shall begin on January 1 and expire on December 31 of each year.

3 2. Resident and fellowship permits shall be valid from July 1
4 through June 30 of each year and dental student intern permits shall
5 be valid from August 1 through July 31 of each year.

6 B. Beginning July 1, 2021, continuing education requirements
7 shall be due at the end of each two-year period.

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

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

12 b. an ethics class approved by the Board,

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

15 d. any combination of the following:

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

22 (2) teaching one or more classes at a school or
23 program accredited by CODA, for which the dentist
24 or dental hygienist shall receive credit for the
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- 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.

4. A dentist or hygienist on active duty military service shall
be exempt from continuing education if he or she is:

a. currently on full-time active duty service as a
dentist or hygienist for a minimum of eighteen (18)
months in a two-year continuing education cycle, or

b. a licensed dentist or hygienist serving in the
Reserves or the National Guard that is actively
deployed outside of the United States for a minimum of

eighteen (18) months in a two-year continuing
education cycle.

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, oral maxillofacial surgery assistant, or other permit holder that the license or permit will be officially canceled as of April 1 pursuant to subsection M of Section 328.21 of this title. A list of

1 canceled licenses or permits not otherwise renewed shall be
2 published at the following meeting of the Board.

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

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

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

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

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

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

16 SECTION 7. AMENDATORY 59 O.S. 2021, Section 328.44a, is
17 amended to read as follows:

18 Section 328.44a. A. The Board of Dentistry is authorized,
19 after notice and opportunity for a hearing pursuant to Article II of
20 the Administrative Procedures Act, to issue an order imposing one or
21 more of the following penalties whenever the Board finds, by clear
22 and convincing evidence, that a dentist, dental hygienist, dental
23 assistant, oral maxillofacial surgery assistant, dental laboratory
24 technician, holder of a permit to operate a dental laboratory, or an

1 entity operating pursuant to the provisions of the Professional
2 Entity Act or the State Dental Act has committed any of the acts or
3 occurrences ~~set forth in Sections 328.29, 328.29a, 328.32, 328.33,~~
4 ~~328.39 and 328.39a of this title~~ prohibited by the State Dental Act
5 or rules of the Board:

6 1. Refusal to issue a license or permit, or a renewal thereof,
7 provided for in the State Dental Act;

8 2. Suspension of a license or permit issued by the Board for a
9 period of time deemed appropriate by the Board;

10 3. Revocation of a license or permit issued by the Board;

11 4. Imposition of an administrative penalty not to exceed One
12 Thousand Five Hundred Dollars (\$1,500.00) per violation;

13 5. Issuance of a censure;

14 6. Placement on probation for a period of time and under such
15 terms and conditions as deemed appropriate by the Board;

16 7. Probation monitoring fees, which shall be the responsibility
17 of the licensee on all probations; or

18 8. Restriction of the services that can be provided by a
19 dentist or dental hygienist, under such terms and conditions as
20 deemed appropriate by the Board.

21 B. A dentist, dental hygienist, dental assistant, oral
22 maxillofacial surgery assistant, dental laboratory technician, or
23 holder of a permit to operate a dental laboratory, against whom a
24 penalty is imposed by an order of the Board pursuant to the

1 provisions of this section, shall have the right to seek a judicial
2 review of such order pursuant to Article II of the Administrative
3 Procedures Act.

4 C. The Board may issue a summary suspension on a licensee or
5 permit holder who is found guilty of a felony charge and is
6 sentenced to incarceration in a state or federal facility.

7 D. 1. A licensee or permit holder may petition the Board to
8 reopen and withdraw an order after the expiration of seven (7) years
9 from the date of issue if:

10 a. the order does not include allegations or a finding of
11 direct patient harm,

12 b. the licensee has maintained an active full-time
13 practice in good standing and has not received an
14 additional order or private reprimand since the issue
15 of the order,

16 c. the licensee has not been the subject of any
17 settlement reports in the National Practitioner Data
18 Bank within the previous seven (7) years, and

19 d. the order concerns an administrative violation and
20 does not include a direct action against the license
21 including, but not limited to, probation or suspension
22 of the license.

23 2. Upon receipt of a motion to reopen and withdraw an order,
24 the president of the Board shall assign a panel for review and

1 investigation to be brought to the Board. The Board shall take into
2 consideration the issues causing the order; any changes to laws
3 relevant to the order since its issue that may have resulted in a
4 different outcome if such laws had been in place at the time of the
5 complaint; any actions by the licensee to better his or her
6 abilities as a practicing licensee; current patient outcomes;
7 service to his or her community or state; and any other issues,
8 testimony, or other information relating to the licensee found
9 during an investigation or submitted to the Board.

10 3. The panel and the president may make a determination that
11 the case is not appropriate to bring before the Board and shall have
12 the authority to summarily deny the order and, if appropriate, to
13 advise the licensee of requirements to complete for future
14 consideration. The panel may choose to keep the matter pending
15 while the licensee completes the requirements advised.

16 4. Upon a case brought before the Board, the Board shall vote
17 to withdraw or stay the order. If the order is withdrawn, it shall
18 revert to a private settlement agreement pursuant to Section 328.43a
19 of this title.

20 SECTION 8. AMENDATORY 59 O.S. 2021, Section 328.44b, is
21 amended to read as follows:

22 Section 328.44b. A. A holder of a license, a permit, or
23 certificate granted by the Board shall have the right to surrender
24 the license, permit, or certificate, in writing, notarized, to the
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1 Board if the holder is in good standing with the Board as
2 determined, in its discretion, by the Board. The Board shall accept
3 such surrender in writing after approval at a regular or special
4 Board meeting with the statement that the holder is in good standing
5 with the Board. Any holder who has surrendered a license, permit,
6 or certificate issued by the Board and who shall apply for a
7 license, permit, or certificate after surrender shall be subject to
8 all statutes and rules of the Board applicable at the time of the
9 new application.

10 B. A holder of a license, permit, or certificate shall not be
11 considered to be in good standing if an investigation of a complaint
12 is pending against the holder. The Board shall not accept a
13 surrender until a complaint is dismissed by the review panel, a
14 ~~settlement agreement~~ an agreed order or agreed order of surrender is
15 entered, or the Board determines that an individual proceeding shall
16 be initiated pursuant to Section 328.43a of this title.

17 C. If a holder of a license, permit, or certificate wishes to
18 surrender the license, permit, or certificate during the pendency of
19 an initial proceeding, the Board may accept or reject the surrender,
20 in its discretion. The acceptance must be in writing after approval
21 by the Board at a regular or special Board meeting. Any acceptance
22 shall contain the statement that the acceptance is pending
23 disciplinary action. No person who surrenders a license, permit, or
24 certificate to the Board during a pending disciplinary action shall

1 be eligible for reinstatement for a period of five (5) years from
2 the date the surrender is accepted by the Board.

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

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

12 SECTION 9. This act shall become effective November 1, 2024.

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