

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 754

By: Paxton

AS INTRODUCED

An Act relating to the practice of dentistry; amending 59 O.S. 2021, Section 328.3, which relates to definitions used in the State Dental Act; modifying and adding definitions; amending 59 O.S. 2021, Section 328.21, as amended by Section 3, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2022, Section 328.21), which relates to application for license; modifying allowed time period, type, and criteria of examinations; adding available advanced procedures for dental hygienist; specifying qualifications and procedures for obtainment of advanced procedure permit by credentials; amending 59 O.S. 2021, Section 328.22, which relates to specialty license; modifying certain terminology and qualifications related to specialty license; requiring dentist placing implants to meet certain conditions; providing exemptions; allowing Board of Dentistry to add certain designation; amending 59 O.S. 2021, Section 328.24, which relates to dental assistant permits; adding expanded duty permits available to dental assistants; broadening permitting provisions to apply to oral maxillofacial surgery assistants; providing for addition of expanded duties to licenses; amending 59 O.S. 2021, Section 328.32, as amended by Section 6, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2022, Section 328.32), which relates to grounds for penalties; modifying grounds for penalties; amending 59 O.S. 2021, Section 328.34, which relates to practice of dental hygiene under supervision of dentist; requiring certain supervision for advanced procedures; removing certain definition; adding references; modifying rulemaking authority of Board for advanced procedures; authorizing licensed dentist to allow teledentistry treatment by certain dental hygienists for patients in certain long-term care

1 settings; providing for application for elder care  
2 and public health advanced procedure permit; allowing  
3 treatment of patients by dental hygienist upon  
4 receipt of permit; requiring certain documentation,  
5 recording, and maintenance of recording by dental  
6 hygienist; requiring completion of certain  
7 assessment; requiring supervising dentist to maintain  
8 certain records; allowing certain dental assistants  
9 to apply for public health and elder care expanded  
10 duty permit; authorizing dental assistant with permit  
11 to assist hygienist with treatment in certain  
12 facilities; requiring patient records to list dental  
13 assistant; providing for codification; providing an  
14 effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 328.3, is amended to read as follows:

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

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

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

3. "Accredited dental assisting program" means a dental assisting program which is accredited by the Commission on Dental Accreditation of the American Dental Association;

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

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

5       ~~5.~~ 6. "Certified dental assistant" means a dental assistant who  
6 has earned and maintains current certified dental assistant  
7 certification from the Dental Assisting National Board (DANB);

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

14       ~~7.~~ 8. "Deep sedation" means a drug-induced depression of  
15 consciousness during which patients cannot be easily aroused but  
16 respond purposefully following repeated or painful stimulation. The  
17 ability to independently maintain ventilator function may be  
18 impaired. Patients may require assistance in maintaining a patent  
19 airway, and spontaneous ventilation may be inadequate.  
20 Cardiovascular function is usually maintained;

21       ~~8.~~ 9. "Dentistry" means the practice of dentistry in all of its  
22 branches;

1       ~~9.~~ 10. "Dentist" means a graduate of an accredited dental  
2 college who has been issued a license by the Board to practice  
3 dentistry as defined in Section 328.19 of this title;

4       ~~10.~~ 11. "Dental ambulatory surgical center (DASC)" means a  
5 facility that operates exclusively for the purpose of furnishing  
6 outpatient surgical services to patients. A DASC shall have the  
7 same privileges and requirements as a dental office and additionally  
8 must be an accredited facility by the appropriate entity;

9       ~~11.~~ 12. "Dental office" means an establishment owned and  
10 operated by a dentist for the practice of dentistry, which may be  
11 composed of reception rooms, business offices, private offices,  
12 laboratories, and dental operating rooms where dental operations are  
13 performed;

14       ~~12.~~ 13. "Dental hygiene" means the science and practice of the  
15 promotion of oral health and prevention and treatment of oral  
16 disease through the provision of educational, therapeutic, clinical,  
17 and preventive services;

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

23       ~~13.~~ 15. "Dental assistant or oral maxillofacial surgery  
24 assistant" means an individual working for a dentist, under the

1 dentist's direct supervision or direct visual supervision, and  
2 performing duties in the dental office or a treatment facility  
3 including the limited treatment of patients in accordance with the  
4 provisions of the State Dental Act. A dental assistant or oral  
5 maxillofacial surgery assistant may assist a dentist with the  
6 patient; provided, this shall be done only under the direct  
7 supervision or direct visual supervision and control of the dentist  
8 and only in accordance with the educational requirements and rules  
9 promulgated by the Board;

10 ~~14.~~ 16. "Dental laboratory" means a location, whether in a  
11 dental office or not, where a dentist or a dental laboratory  
12 technician performs dental laboratory technology;

13 ~~15.~~ 17. "Dental laboratory technician" means an individual  
14 whose name is duly filed in the official records of the Board, which  
15 authorizes the technician, upon the laboratory prescription of a  
16 dentist, to perform dental laboratory technology, which services  
17 must be rendered only to the prescribing dentist and not to the  
18 public;

19 ~~16.~~ 18. "Dental laboratory technology" means using materials  
20 and mechanical devices for the construction, reproduction or repair  
21 of dental restorations, appliances or other devices to be worn in a  
22 human mouth;

23 ~~17.~~ 19. "Dental specialty" means a specialized practice of a  
24 branch of dentistry, recognized by the Board, where the dental

1 college and specialty program are accredited by the Commission on  
2 Dental Accreditation (CODA), or a dental specialty recognized by the  
3 Board, requiring a minimum number of hours of approved education and  
4 training and/or recognition by a nationally recognized association  
5 or accreditation board;

6 ~~18.~~ 20. "Direct supervision" means the supervisory dentist is  
7 in the dental office or treatment facility and, during the  
8 appointment, personally examines the patient, diagnoses any  
9 conditions to be treated, and authorizes the procedures to be  
10 performed by a dental hygienist, dental assistant, or oral  
11 maxillofacial surgery assistant. The supervising dentist is  
12 continuously on-site and physically present in the dental office or  
13 treatment facility while the procedures are being performed and,  
14 before dismissal of the patient, evaluates the results of the dental  
15 treatment;

16 ~~19.~~ 21. "Direct visual supervision" means the supervisory  
17 dentist has direct ongoing visual oversight which shall be  
18 maintained at all times during any procedure authorized to be  
19 performed by a dental assistant or an oral maxillofacial surgery  
20 assistant;

21 ~~20.~~ 22. "Expanded duty" means a dental procedure for which a  
22 dental assistant has received special training in a course of study  
23 approved by the Board;  
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1        23. "Fellowship" means a program designed for post-residency  
2 graduates to gain knowledge and experience in a specialized field;

3        ~~21.~~ 24. "General anesthesia" means a drug-induced loss of  
4 consciousness during which patients are not arousable, even by  
5 painful stimulation. The ability to independently maintain  
6 ventilator function is often impaired. Patients often require  
7 assistance in maintaining a patent airway, and positive pressure  
8 ventilation may be required because of depressed spontaneous  
9 ventilation or drug-induced depression of neuromuscular function.  
10 Cardiovascular function may be impaired;

11        ~~22.~~ 25. "General supervision" means the supervisory dentist has  
12 diagnosed any conditions to be treated within the past thirteen (13)  
13 months, has personally authorized the procedures to be performed by  
14 a dental hygienist, and will evaluate the results of the dental  
15 treatment within a reasonable time as determined by the nature of  
16 the procedures performed, the needs of the patient, and the  
17 professional judgment of the supervisory dentist. General  
18 supervision may only be used to supervise a hygienist and may not be  
19 used to supervise an oral maxillofacial surgery assistant or dental  
20 assistant except as provided by Section 7 of this act;

21        ~~23.~~ 26. "Indirect supervision" means the supervisory dentist is  
22 in the dental office or treatment facility and has personally  
23 diagnosed any conditions to be treated, authorizes the procedures to  
24 be performed by a dental hygienist, remains in the dental office or  
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1 treatment facility while the procedures are being performed, and  
2 will evaluate the results of the dental treatment within a  
3 reasonable time as determined by the nature of the procedures  
4 performed, the needs of the patient, and the professional judgment  
5 of the supervisory dentist. Indirect supervision may not be used  
6 for an oral maxillofacial surgery assistant or a dental assistant;

7 ~~24.~~ 27. "Investigations" means an investigation proceeding,  
8 authorized under Sections 328.15A and 328.43a of this title, to  
9 investigate alleged violations of the State Dental Act or the rules  
10 of the Board;

11 ~~25.~~ 28. "Laboratory prescription" means a written description,  
12 dated and signed by a dentist, of dental laboratory technology to be  
13 performed by a dental laboratory technician;

14 ~~26.~~ 29. "Minimal sedation" means a minimally depressed level of  
15 consciousness, produced by a pharmacological method, that retains  
16 the patient's ability to independently and continuously maintain an  
17 airway and respond normally to tactile stimulation and verbal  
18 command . Although cognitive function and coordination may be  
19 modestly impaired, ventilator and cardiovascular functions are  
20 unaffected;

21 ~~27.~~ 30. "Mobile dental anesthesia provider" means a licensed  
22 and anesthesia-permitted dentist, physician or certified registered  
23 nurse anesthetist (CRNA) that has a mobile dental unit and provides  
24 anesthesia in dental offices and facilities in the state;



1       ~~28.~~ 31. "Mobile dental clinic" means a permitted motor vehicle  
2 or trailer utilized as a dental clinic, and/or that contains dental  
3 equipment and is used to provide dental services to patients on-site  
4 and shall not include a mobile dental anesthesia provider. A mobile  
5 dental clinic shall also mean and include a volunteer mobile dental  
6 facility that is directly affiliated with a church or religious  
7 organization as defined by Section 501(c)(3) or 501(d) of the United  
8 States Internal Revenue Code, the church or religious organization  
9 with which it is affiliated is clearly indicated on the exterior of  
10 the mobile dental facility, and such facility does not receive any  
11 form of payment either directly or indirectly for work provided to  
12 patients other than donations through the affiliated church or  
13 religious organization; provided, that the volunteer mobile dental  
14 facility shall be exempt from any registration fee required under  
15 the State Dental Act;

16       ~~29.~~ 32. "Moderate sedation" means a drug-induced depression of  
17 consciousness during which patients respond purposefully to verbal  
18 commands, either alone or accompanied by light tactile stimulation.  
19 No interventions are required to maintain a patent airway, and  
20 spontaneous ventilation is adequate. Cardiovascular function is  
21 usually maintained;

22       ~~30.~~ 33. "Prophylaxis" means the removal of any and all  
23 calcareous deposits, stains, accretions or concretions from the  
24 supragingival and subgingival surfaces of human teeth, utilizing  
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1 instrumentation by scaler or periodontal curette on the crown and  
2 root surfaces of human teeth including rotary or power-driven  
3 instruments. This procedure may only be performed by a dentist or  
4 dental hygienist;

5 ~~31.~~ 34. "Patient" or "patient of record" means an individual  
6 who has given a medical history and has been examined and accepted  
7 by a dentist for dental care;

8 ~~32.~~ 35. "Residencies" are programs designed for advanced  
9 clinical and didactic training in general dentistry or other  
10 specialties or other specialists at the post-doctoral level  
11 recognized by the Commission on Dental Accreditation (CODA) or the  
12 Board;

13 ~~33.~~ 36. "Supervision" means direct supervision, direct visual  
14 supervision, indirect supervision or general supervision;

15 ~~34.~~ 37. "Teledentistry" means the remote delivery of dental  
16 patient care via telecommunications and other technology for the  
17 exchange of clinical information and images for dental consultation,  
18 preliminary treatment planning and patient monitoring; and

19 ~~35.~~ 38. "Treatment facility" means:

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

SECTION 2. AMENDATORY 59 O.S. 2021, Section 328.21, as amended by Section 3, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2022, Section 328.21), is amended to read as follows:

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

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

1. Is of good moral character;

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

4        3. Has passed a written theoretical examination and a clinical  
5 examination approved by the Board within the previous five (5)  
6 years; and

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

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

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

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

17        3. Has passed all portions of the National Board Dental  
18 Examination or the National Board Dental Hygiene Examination.

19        D. Pursuant to Section 328.15 of this title, the Board may  
20 affiliate as a member state, and accept regional exams from the  
21 Commission on Dental Competency Assessments (CDCA) ~~or the Western~~  
22 ~~Regional Examining Board (WREB)~~ (CDCA-WREB-CITA) if the following  
23 requirements are included:  
24  
25

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

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

16        2. For dental hygienists licensing the following components on  
17 a live patient or manikin:

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

- 1 (2) periodontal probing, and  
2 (3) scaling/subgingival calculus removal and  
3 supragingival deposit removal.

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

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

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

22 H. A dentist or dental hygienist currently licensed in another  
23 state having met the qualifications in paragraphs 1 through 3 of  
24

1 subsections B and C of this section may apply for a license by  
2 credentials upon meeting the following:

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

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

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

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

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

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

1 I. 1. There shall be ~~two~~ six types of advanced ~~procedure~~  
2 procedures available for dental hygienists upon completion of a  
3 Commission on Dental Accreditation (CODA) approved program ~~or,~~  
4 course, or certification program that has been approved by the  
5 Board:

6 ~~1. Administration~~

7 a. administration of nitrous oxide, and,

8 ~~2. Administration~~

9 b. administration of local anesthesia,

10 c. neuromodulator administration,

11 d. therapeutic use of lasers,

12 e. phlebotomy and venipuncture, and

13 f. elder care and public health pursuant to Section 7 of  
14 this act.

15 2. A dental hygienist holding an advanced procedure permit or  
16 credential in any other state for two (2) years shall be eligible  
17 for the advanced procedure permit by credentials; provided, that  
18 application for the advanced procedure permit by credentials for  
19 administration of local anesthesia shall additionally require proof  
20 of passage of such advanced procedure in a CDCA-WREB-CITA exam.

21 3. For all advanced procedures other than administration of  
22 local anesthesia, a dental hygienist may apply by filling out an  
23 application with required documentation of training as required by  
24 state law and rules of the Board.



1       4. All advanced procedures shall be added to the dental hygiene  
2       license upon approval.

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

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

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

18      M. Every licensee or permit holder shall have an official  
19      address and email address listed with the Board. Every licensee or  
20      permit holder shall update the address within thirty (30) calendar  
21      days of moving. Official notification of any action of the Board  
22      adverse to a licensee or permit holder including but not limited to  
23      notification of license or permit cancellation due to nonrenewal,  
24      notice of a formal complaint, or a decision of the hearing panel or

1 board, shall be served to the licensee or permit holder by  
2 registered mail at the official address, in person, to the  
3 licensee's or permit holder's attorney, by agreement of the  
4 individual, by a process server, or by an Investigator of the Board  
5 pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

6 SECTION 3. AMENDATORY 59 O.S. 2021, Section 328.22, is  
7 amended to read as follows:

8 Section 328.22. A. 1. The Board of Dentistry may issue a  
9 dental specialty license authorizing a dentist to represent himself  
10 or herself to the public as a specialist, and to practice as a  
11 specialist, in a dental specialty.

12 2. No dentist shall represent himself or herself to the public  
13 as a specialist or practice as a specialist as listed in this  
14 paragraph, unless the individual:

15 a. has successfully completed an advanced dental  
16 specialty educational program accredited by the  
17 Commission on Dental Accreditation, or has met the  
18 ~~Board Certification~~ board certification requirements  
19 and is recognized as a current board certified member  
20 of a dental specialty organization or association  
21 recognized by the National Commission on Recognition  
22 of Dental Specialties and Certifying Boards,

23 b. has passed the jurisprudence examination covering the  
24 State Dental Act, rules and state laws, and

1           c.    has completed any additional requirements set forth in  
2                   state law or rules and has been issued a dental  
3                   specialty license by the Board.

4       3.   Specialty licenses recognized by the Board shall include:

- 5           a.    dental public health,  
6           b.    endodontics,  
7           c.    oral and maxillofacial surgery,  
8           d.    oral and maxillofacial radiology,  
9           e.    orthodontics and dentofacial orthopedics,  
10          f.    pediatric dentistry,  
11          g.    periodontics,  
12          h.    prosthodontics,  
13          i.    oral and maxillofacial pathology,  
14          j.    dental anesthesiology,  
15          k.    oral medicine, and  
16          l.    orofacial pain.

17       B.   1.   At the time of application, if the dentist has ever been  
18   licensed in any other state, he or she shall provide a letter of  
19   good standing from such state before the Board may issue a specialty  
20   license.

21       2.   In conducting an investigation of an applicant who has  
22   applied for a dental specialty license pursuant to this subsection,  
23   the Board shall require of the applicant disclosure of the same  
24  
25

1 background information as is required of an applicant for a license  
2 to practice dentistry in this state.

3 C. Any person holding an Oklahoma specialty license that does  
4 not have an Oklahoma general dentistry license shall be limited to  
5 practicing that specialty for which they hold a license.

6 D. The Board may use the American Dental Association National  
7 Commission on Recognition of Dental Specialties and Certifying  
8 Boards guidelines or the guidelines of another nationally recognized  
9 dental association or board for the purpose of defining a specialty  
10 practice area not otherwise defined herein.

11 E. 1. Beginning May 1, 2025, a dentist placing implants must  
12 have an implant designation included on his or her license. Between  
13 the effective date of this act and May 1, 2025, every dentist shall  
14 provide proof of a minimum of eighty (80) hours of continuing  
15 education or a certification program specific to implants.

16 2. Specialists licensed in oral and maxillofacial surgery,  
17 periodontics, prosthodontics, and endodontics are exempted from the  
18 requirement in paragraph 1 of this subsection.

19 3. Current certification as an associate fellow, fellow or  
20 diplomate of the American Academy of Implant Dentistry (AAID) or the  
21 American Board of Oral Implantology (ABOI) shall be automatically  
22 granted an implant designation.

1       4. The Board may begin adding a designation to a dentist that  
2 meets the educational requirements as of the effective date of this  
3 act.

4       SECTION 4.       AMENDATORY       59 O.S. 2021, Section 328.24, is  
5 amended to read as follows:

6       Section 328.24. A. No person shall practice as a dental  
7 assistant or oral maxillofacial surgery assistant for more than one  
8 (1) day in a calendar year without having applied for a permit as a  
9 dental assistant or oral maxillofacial surgery assistant from the  
10 Board of Dentistry within thirty (30) days of beginning employment.  
11 During this time period, the dental assistant shall work under the  
12 direct visual supervision of a dentist at all times.

13       B. The application shall be made to the Board in writing and  
14 shall be accompanied by the fee established by the Board, together  
15 with satisfactory proof that the applicant passes a background check  
16 with criteria established by the Board.

17       C. Beginning January 1, 2020, every dental assistant receiving  
18 a permit shall complete a class on infection control as approved by  
19 the Board within one (1) year from the date of receipt of the  
20 permit. Any person holding a valid dental assistant permit prior to  
21 January 1, 2020, shall complete an infection-control class as  
22 approved by the Board before December 31, 2020. Failure to complete  
23 the class shall be grounds for discipline pursuant to Section  
24 328.29a of this title.

1 D. There shall be ~~five~~ seven types of expanded duty permits  
2 available for dental assistants or oral maxillofacial surgery  
3 assistants upon completion of a program approved by the Commission  
4 on Dental Accreditation (CODA) or a course that has been approved by  
5 the Board:

6 1. Radiation safety;

7 2. Coronal polishing and topical fluoride;

8 3. Sealants;

9 4. Assisting in the administration of nitrous oxide; ~~or~~

10 5. Phlebotomy and venipuncture;

11 6. Elder care and public health; or

12 7. Assisting a dentist who holds a parenteral or pediatric  
13 anesthesia permit; provided, only the dentist may administer  
14 anesthesia and assess the patient's level of sedation.

15 All expanded duties shall be added to the dental assistant  
16 license or oral maxillofacial surgery assistant license upon  
17 approval.

18 E. The training requirements for all ~~five~~ expanded duty permits  
19 shall be set forth by the Board. A program that is not CODA-  
20 certified must meet the standards set forth and be approved by the  
21 Board.

22 F. An applicant for a dental assistant permit who has graduated  
23 from a dental assisting program accredited by CODA and has passed  
24 the jurisprudence test shall receive all ~~five~~ expanded duty permits

1 provided for in subsection D of this section if the course materials  
2 approved by the Board are covered in the program.

3 G. A dental assistant who holds an out-of-state dental  
4 assistant permit with expanded duties may apply for credentialing  
5 and reciprocity for a dental assistant permit including any expanded  
6 duty by demonstrating the following:

7 1. The dental assistant has had a valid dental assistant permit  
8 in another state for a minimum of two (2) years and is in good  
9 standing;

10 2. The dental assistant has had a valid expanded duty in  
11 another state for a minimum of one (1) year; and

12 3. The dental assistant provides a certificate or proof of  
13 completion of an educational class for the expanded duty and that  
14 the dental assistant has been providing this treatment to dental  
15 patients while working as a dental assistant in a dental office for  
16 one (1) year.

17 H. Any person having served in the military as a dental  
18 assistant shall receive credentialing and reciprocity for expanded  
19 functions by demonstrating the following:

20 1. Proof of military service in excess of two (2) years with  
21 any certifications or training in the expanded function areas; and

22 2. Verification from the commanding officer of the medical  
23 program or the appropriate supervisor stating that the dental  
24 assistant provided the expanded functions on patients in the

1 military dental facility for a minimum of one (1) year within the  
2 past five (5) years.

3 SECTION 5. AMENDATORY 59 O.S. 2021, Section 328.32, as  
4 amended by Section 6, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2022,  
5 Section 328.32), is amended to read as follows:

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

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

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

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

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



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

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

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

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

12       9. Failing to complete continuing education requirements;

13       10. Representing himself or herself to the public as a  
14 specialist in a dental specialty without holding a dental specialty  
15 license ~~therefor~~ as listed in Section 328.22 of this title;

16       11. ~~Representing himself or herself to the public as a~~  
17 ~~specialist whose practice is limited to a dental specialty, when~~  
18 ~~such representation is false, fraudulent, or misleading~~ Practicing  
19 below the basic standard of care of a patient which an ordinary  
20 prudent dentist with the similar training and experience within the  
21 local area would have provided;

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

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

5       14. Being shown to be mentally unsound;

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

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

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

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

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

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

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

22       22. Aiding, abetting, or encouraging a dental hygienist  
23 employed by the dentist to make use of an oral prophylaxis list, or  
24 the calling by telephone or by use of letters transmitted through  
25

1 the mail to solicit patronage from patients formerly served in the  
2 office of any dentist formerly employing such hygienist;

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

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

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

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

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

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

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

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

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

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

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

11       34. Failing to retain all patient records for at least seven  
12 (7) years from the date of the last treatment as provided by Section  
13 328.31b of this title, except that the failure to retain records  
14 shall not be a violation of the State Dental Act if the dentist  
15 shows that the records were lost, destroyed, or removed by another,  
16 without the consent of the dentist;

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

22       36. Allowing any corporation, organization, group, person, or  
23 other legal entity, except another dentist or a professional entity  
24 that is in compliance with the registration requirements of

1 subsection B of Section 328.31 of this title, to direct, control, or  
2 interfere with the dentist's clinical judgment. Clinical judgment  
3 shall include, but not be limited to, such matters as selection of a  
4 course of treatment, control of patient records, policies and  
5 decisions relating to pricing, credit, refunds, warranties and  
6 advertising, and decisions relating to office personnel and hours of  
7 practice. Nothing in this paragraph shall be construed to:

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

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

17 38. Violating or attempting to violate the provisions of the  
18 State Dental Act or the rules of the Board, a state or federal  
19 statute or rule relating to scheduled drugs, fraud, a violent crime  
20 or any crime for which the penalty includes the requirement of  
21 registration as a sex offender in this state as a principal,  
22 accessory or accomplice;

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

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

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

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

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

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

21        B. The provisions of the State Dental Act shall not be  
22 construed to prohibit any dentist from displaying or otherwise  
23 advertising that the dentist is also currently licensed, registered,  
24 certified or otherwise credentialed pursuant to the laws of this

1 state or a nationally recognized credentialing board, if authorized  
2 by the laws of the state or credentialing board to display or  
3 otherwise advertise as a licensed, registered, certified, or  
4 credentialed dentist.

5 SECTION 6. AMENDATORY 59 O.S. 2021, Section 328.34, is  
6 amended to read as follows:

7 Section 328.34. A. A dental hygienist may practice dental  
8 hygiene under the supervision of a dentist in a dental office or  
9 treatment facility. A dentist may employ not more than the  
10 equivalent of three full-time dental hygienists for each dentist  
11 actively practicing in the same dental office. Employing the  
12 equivalent of three dental hygienists shall mean the employment or  
13 any combination of full- or part-time dental hygienists not to  
14 exceed one hundred twenty (120) hours per week per dentist.

15 B. 1. A dentist may delegate to a dental hygienist the  
16 following procedures:

- 17 a. the duties and expanded duties authorized for dental  
18 assistants by the State Dental Act or the rules of the  
19 Board of Dentistry,
- 20 b. health history assessment pertaining to dental  
21 hygiene,
- 22 c. dental hygiene examination and the charting of intra-  
23 oral and extra-oral conditions, which include  
24

- 1           periodontal charting, dental charting and classifying  
2           occlusion,
- 3           d.    dental hygiene assessment and treatment planning for  
4           procedures authorized by the supervisory dentist,
- 5           e.    prophylaxis, which means the removal of any and all  
6           calcareous deposits, stains, accretions, or  
7           concretions from the supragingival and subgingival  
8           surfaces of human teeth, utilizing instrumentation by  
9           scaler or periodontal curette on the crown and root  
10          surfaces of human teeth, including rotary or power-  
11          driven instruments. This paragraph shall not be  
12          construed to prohibit the use of a prophy/polishing  
13          cup or brush on the crowns of human teeth by a dental  
14          assistant who holds a current expanded duty permit for  
15          Coronal Polishing/Topical Fluoride issued by the  
16          Board,
- 17          f.    periodontal scaling and root planing,
- 18          g.    dental hygiene nutritional and dietary evaluation,
- 19          h.    placement of subgingival prescription drugs for  
20          prevention and treatment of periodontal disease,
- 21          i.    soft tissue curettage,
- 22          j.    placement of temporary fillings,
- 23          k.    removal of overhanging margins,
- 24          l.    dental implant maintenance,



- m. removal of periodontal packs,
- n. polishing of amalgam restorations, and
- o. other procedures authorized by the Board.

2. The procedures specified in subparagraphs b through o of paragraph 1 of this subsection may be performed only by a dentist or a dental hygienist.

3. Except as provided in subsections C and D of this section, the procedures specified in paragraph 1 of this subsection may be performed by a dental hygienist only on a patient of record and only under the supervision of a dentist. The advanced procedures of administration of nitrous oxide, administration of local anesthesia, and therapeutic use of lasers shall be under the direct supervision of a dentist. The level of supervision for the advanced procedures of neuromodulator administration, phlebotomy and venipuncture, and elder care and public health pursuant to Section 7 of this act, whether direct, indirect or general, shall be at the discretion of the supervisory dentist. Authorization for general supervision shall be limited to a maximum of thirteen (13) months following an examination by the supervisory dentist of a patient of record. ~~For the purposes of this paragraph, "patient of record" means an individual who has given a medical history and has been examined and accepted by a dentist for dental care.~~

1 C. 1. A dentist may authorize procedures to be performed by a  
2 dental hygienist, without complying with the provisions of paragraph  
3 3 of subsection B of this section, if:

4 a. the dental hygienist has at least two (2) years  
5 experience in the practice of dental hygiene,

6 b. the authorization to perform the procedures is in  
7 writing and signed by the dentist, and

8 c. the procedures are performed during an initial visit  
9 to a person in a treatment facility, or pursuant to  
10 Section 7 of this act.

11 2. The person upon whom the procedures are performed must be  
12 referred to a dentist after completion of the procedures performed  
13 pursuant to paragraph 1 of this subsection.

14 3. A dental hygienist shall not perform a second set of  
15 procedures on a person pursuant to this subsection until the person  
16 has been examined and accepted for dental care by a dentist.

17 4. The treatment facility in which any procedure is performed  
18 by a dental hygienist pursuant to this subsection shall note each  
19 such procedure in the medical records of the person upon whom the  
20 procedure was performed and list the dentist that authorized the  
21 hygienist to perform the procedures signed by the hygienist.

22 D. A treatment facility may employ dental hygienists whose  
23 services shall be limited to the examination of teeth and the  
24 teaching of dental hygiene or as otherwise authorized by the Board.

1 E. The Board is authorized to:

2 ~~1. Prescribe~~ prescribe, by rule, the educational requirements  
3 for advanced procedures that may be performed by a dental hygienist  
4 ~~who has satisfactorily completed a course of study regarding the~~  
5 ~~performance of such procedures~~ upon receipt of the advanced  
6 procedures designated on his or her license. The ~~advance~~ advanced  
7 procedures shall include the administration of local anesthesia ~~and,~~  
8 the administration of nitrous oxide analgesia;

9 ~~2. Establish guidelines for courses of study necessary for a~~  
10 ~~dental hygienist to perform advanced procedures;~~

11 ~~3. Issue authorization to perform advanced procedures to those~~  
12 ~~dental hygienists who meet the eligibility requirements; and~~

13 ~~4. Establish the level of supervision, whether direct, indirect~~  
14 ~~or general, under which the advanced procedures may be performed,~~  
15 neuromodulator administration, therapeutic use of lasers, phlebotomy  
16 and venipuncture, and elder care and public health pursuant to  
17 Section 7 of this act.

18 F. A dental hygienist shall not own or operate an independent  
19 practice of dental hygiene.

20 G. Nothing in the State Dental Act shall be construed to  
21 prohibit a dentist from performing any of the procedures that may be  
22 performed by a dental hygienist.

23 H. Nothing in the State Dental Act shall be construed to allow  
24 a dental assistant to work under the supervision of a dental

1 hygienist while acting under direct, indirect or general  
2 supervision, except as provided by Section 7 of this act.

3 SECTION 7. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 328.58 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A licensed dentist may allow a dental hygienist with an  
7 elder care advanced procedure permit to treat patients under general  
8 supervision by utilizing teledentistry on a patient in:

9 1. A nursing facility, specialized facility, or nursing care  
10 component of a continuum of care facility licensed under or  
11 otherwise subject to the Nursing Home Care Act, Section 1-1901 et  
12 seq. of Title 63 of the Oklahoma Statutes;

13 2. An assisted living center or continuum of care facility  
14 licensed under the Continuum of Care and Assisted Living Act,  
15 Section 1-890.1 et seq. of Title 63 of the Oklahoma Statutes;

16 3. A residential care home licensed under the Residential Care  
17 Act, Section 1-819 et seq. of Title 63 of the Oklahoma Statutes;

18 4. An adult day care center or adult day care component of a  
19 continuum of care facility licensed under or otherwise subject to  
20 the Adult Day Care Act, Section 1-870 et seq. of Title 63 of the  
21 Oklahoma Statutes; or

22 5. Another healthcare facility or long-term care facility as  
23 specifically approved by the Board of Dentistry.  
24

1 B. A dental hygienist with a minimum of two (2) years of  
2 licensed active hygiene practice may apply to the Board for an  
3 advanced procedure permit for elder care and public health.

4 C. Upon receipt of the advanced procedure permit, the dental  
5 hygienist may provide hygiene treatments to a new or existing  
6 patient in a facility listed in subsection A of this section,  
7 utilizing mobile or other applicable dental equipment. In addition  
8 to a written record and patient file, the hygienist shall complete a  
9 visual recording of the patient's mouth through video or live  
10 teledentistry to aid the dentist in completing an evaluation and  
11 diagnosis of the patient. The video recording shall be maintained  
12 as part of the patient record.

13 D. A dentist shall complete an in person, live, or recorded  
14 teledentistry assessment, diagnosis, and treatment plan for the  
15 patient taking into consideration the needs, health, and physical  
16 abilities of the patient a minimum of every thirteen (13) months.

17 E. The supervising dentist shall maintain all patient records  
18 including teledentistry recordings for a period of seven (7) years.

19 F. A dental assistant having a minimum of two (2) years of  
20 active dental assisting practice may apply to the Board for an  
21 expanded duty permit for elder care and public health. Upon receipt  
22 of the expanded duty permit, the dental assistant may assist a  
23 hygienist while providing treatment in a facility listed in  
24 subsection A of this section under the general supervision of the

1 supervising dentist. The patient records shall list the dental  
2 assistant providing treatment while assisting the dental hygienist.

3 SECTION 8. This act shall become effective July 1, 2023.

4 SECTION 9. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

8  
9 59-1-1164 DC 1/18/2023 5:29:38 PM