

An Act

ENROLLED SENATE
BILL NO. 669

By: Gillespie of the Senate

and

Roe of the House

An Act relating to the practice of dentistry; amending 59 O.S. 2021, Section 328.2, which relates to declarations; conforming language; updating statutory language; amending 59 O.S. 2021, Section 328.3, as last amended by Section 1, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.3), which relates to definitions; defining term; conforming language; amending 59 O.S. 2021, Section 328.17, which relates to standing committees; adding certain authorized programs; amending 59 O.S. 2021, Section 328.19, as amended by Section 2, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2024, Section 328.19), which relates to acts constituting practice of dentistry; conforming language; amending 59 O.S. 2021, Section 328.21, as last amended by Section 3, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.21), which relates to application for license; updating statutory language; expanding eligibility for license by credentials; amending 59 O.S. 2021, Section 328.24, as last amended by Section 5, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.24), which relates to dental assistant permits; modifying qualifications for dental assistant permit; eliminating oral maxillofacial permit; creating oral maxillofacial expanded duty permit for dental assistants; describing permit; modifying certain expanded duty qualifications; clarifying certain restrictions on practice; amending 59 O.S. 2021, Section 328.25, which relates to oral maxillofacial surgery expanded duty permit; modifying and removing requirements for permitting and supervision;

conforming language; amending 59 O.S. 2021, Section 328.26, which relates to interns; adding dental hygiene students to certain provisions; authorizing dental student interns to perform certain services; amending 59 O.S. 2021, Section 328.27, which relates to faculty licenses; providing for research faculty permit; amending 59 O.S. 2021, Section 328.28a, which relates to applicant criminal background check; modifying grounds for license denial; amending 59 O.S. 2021, Section 328.29a, as amended by Section 5, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2024, Section 328.29a), which relates to penalties for dental assistants; conforming language; amending 59 O.S. 2021, Section 328.31a, which relates to use of trade names; removing certain conditions for use of trade names; amending 59 O.S. 2021, Section 328.31b, as amended by Section 6, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.31b), which relates to patient recordkeeping requirements; requiring certain in-person examination; adding certain requirements; requiring certain notice of closure; amending 59 O.S. 2021, Section 328.32, as last amended by Section 7, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.32), which relates to penalties for dentists; conforming language; amending 59 O.S. 2021, Section 328.41, as last amended by Section 8, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.41), which relates to license renewals; modifying exemptions from continuing education requirements; modifying requirements for license reinstatement; conforming language; amending 59 O.S. 2021, Section 328.44a, as amended by Section 10, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.44a), which relates to penalties; conforming language; amending 59 O.S. 2021, Section 328.51a, which relates to fees; conforming language; amending 59 O.S. 2021, Section 328.55, which relates to death of patient; limiting effect of certain requirement; and providing an effective date.

SUBJECT: Dentistry

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 328.2, is amended to read as follows:

Section 328.2. The practice of dentistry in the State of Oklahoma is hereby declared to affect the public health, safety and general welfare and to be subject to regulation and control in the public's best interest. It is further declared to be a matter of public interest and concern that the dental profession, through advancement and achievement, merits and receives the confidence of the public and that only properly qualified dentists be permitted to practice dentistry and supervise dental hygienists, and dental assistants ~~and oral maxillofacial surgery assistants in the State of Oklahoma~~ this state. All provisions of this act relating to the practice of dentistry, the practice of dental hygiene, and the procedures performed by dental assistants ~~and oral maxillofacial surgery assistants~~, and the fabrication of dental appliances in dental laboratories by dental laboratory technicians shall be liberally construed to carry out these objects and purposes.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 328.3, as last amended by Section 1, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, 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 or class" means a dental assisting program which is accredited by the Commission on Dental Accreditation of the American Dental Association or a class approved by the Board of Dentistry;

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

5. "Board" means the Board of Dentistry;

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

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

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

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

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

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

12. "Dental appliance" means a dental appliance, prosthetic denture, bridge, restoration, or other device made for an individual patient for a purpose listed in Section 328.19 of this title;

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

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

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

~~15.~~ 16. "Dental assistant" ~~or "oral maxillofacial surgery assistant"~~ means an individual working for a dentist, under the dentist's direct supervision or direct visual supervision, and performing duties in the dental office or a treatment facility including the limited treatment of patients in accordance with the provisions of the State Dental Act. A dental assistant ~~or oral maxillofacial surgery assistant~~ may assist a dentist with the patient; provided, this shall be done only under the direct supervision or direct visual supervision and control of the dentist and only in accordance with the educational requirements and rules promulgated by the Board;

~~16.~~ 17. "Dental laboratory" means a location, whether in a dental office or not, where a dentist or a dental laboratory technician performs dental laboratory technology;

~~17.~~ 18. "Dental laboratory technician" means an individual whose name is duly filed in the official records of the Board, which authorizes the technician, upon the laboratory prescription of a dentist, to perform dental laboratory technology, which services

must be rendered only to the prescribing dentist and not to the public;

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

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

~~20.~~ 21. "Direct supervision" means the supervisory dentist is in the dental office or treatment facility and, during the appointment, personally examines the patient, diagnoses any conditions to be treated, and authorizes the procedures to be performed by a dental hygienist, or dental assistant, ~~or oral maxillofacial surgery assistant~~. The supervising dentist is continuously on-site and physically present in the dental office or treatment facility while the procedures are being performed and, before dismissal of the patient, evaluates the results of the dental treatment;

~~21.~~ 22. "Direct visual supervision" means the supervisory dentist has direct ongoing visual oversight which shall be maintained at all times during any procedure authorized to be performed by a dental assistant ~~or an oral maxillofacial surgery assistant~~;

~~22.~~ 23. "Expanded duty" means a dental procedure for which a dental assistant has received special training in a course of study approved by the Board;

~~23.~~ 24. "Fellowship" means a program designed for post-residency graduates to gain knowledge and experience in a specialized field;

~~24.~~ 25. "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilator function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired;

~~25.~~ 26. "General supervision" means the supervisory dentist has diagnosed any conditions to be treated within the past thirteen (13) months, has personally authorized the procedures to be performed by a dental hygienist, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist. General supervision may only be used to supervise a dental hygienist and may not be used to supervise ~~an oral maxillofacial surgery assistant or~~ a dental assistant except as provided by Section 328.58 of this title;

~~26.~~ 27. "Indirect supervision" means the supervisory dentist is in the dental office or treatment facility and has personally diagnosed any conditions to be treated, authorizes the procedures to be performed by a dental hygienist, remains in the dental office or treatment facility while the procedures are being performed, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist. Indirect supervision may not be used for ~~an oral maxillofacial surgery assistant or~~ a dental assistant;

~~27.~~ 28. "Investigations" means an investigation proceeding, authorized under Sections 328.15A and 328.43a of this title, to investigate alleged violations of the State Dental Act or the rules of the Board;

~~28.~~ 29. "Laboratory prescription" means a written description, dated and signed by a dentist, of dental laboratory technology to be performed by a dental laboratory technician;

~~29.~~ 30. "Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilator and cardiovascular functions are unaffected;

~~30.~~ 31. "Mobile dental anesthesia provider" means a licensed and anesthesia-permitted dentist, physician or Certified Registered Nurse Anesthetist (CRNA) that has a mobile dental unit and provides anesthesia in dental offices and facilities in the state;

~~31.~~ 32. "Mobile dental clinic" means a permitted motor vehicle or trailer utilized as a dental clinic, and/or that contains dental equipment and is used to provide dental services to patients on-site and shall not include a mobile dental anesthesia provider. A mobile dental clinic shall also mean and include a volunteer mobile dental facility that is directly affiliated with a church or religious organization as defined by Section 501(c)(3) or 501(d) of the United States Internal Revenue Code, the church or religious organization with which it is affiliated is clearly indicated on the exterior of the volunteer mobile dental facility, and such facility does not receive any form of payment either directly or indirectly for work provided to patients other than donations through the affiliated church or religious organization; provided, that the volunteer mobile dental facility shall be exempt from any registration fee required under the State Dental Act;

~~32.~~ 33. "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained;

~~33.~~ 34. "Prophylaxis" means the removal of any and all calcareous deposits, stains, accretions or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth including rotary or power-driven

instruments. This procedure may only be performed by a dentist or dental hygienist;

~~34.~~ 35. "Patient" or "patient of record" means an individual who has given a medical history and has been examined and accepted by a dentist for dental care;

~~35.~~ 36. "Residencies" are programs designed for advanced clinical and didactic training in general dentistry or other specialties or other specialists at the post-doctoral level recognized by the Commission on Dental Accreditation (CODA) or the Board;

~~36.~~ 37. "Supervision" means direct supervision, direct visual supervision, indirect supervision or general supervision;

~~37.~~ 38. "Teledentistry" means the remote delivery of dental patient care via telecommunications and other technology for the exchange of clinical information and images for dental consultation, preliminary treatment planning and patient monitoring; and

~~38.~~ 39. "Treatment facility" means:

- a. a federal, tribal, state or local public health facility,
- b. a Federally Qualified Health Center (FQHC),
- c. a private health facility,
- d. a group home or residential care facility serving the elderly, disabled 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 3. AMENDATORY 59 O.S. 2021, Section 328.17, is amended to read as follows:

Section 328.17. A. 1. The Board of Dentistry shall have the following standing committees that shall meet once per year and other times as needed to study issues affecting the practice of dentistry and the safety of the public and to make recommendations to the Board:

- a. Dental Practice Committee,
- b. Anesthesia Committee,
- c. Specialty Practice Committee,
- d. Historical and Retirement Committee, and
- e. Assistants, Dental Labs and Other Auxiliary Personnel Committee.

2. Each committee shall be cochaired by a current or past Board member to be appointed by the Board President with approval by the Board and a member of a statewide organization representing dentists as recommended by such organization~~+~~.

3. Each committee may have up to ten committee members with the exception of the Anesthesia Committee which may have up to eighteen members, exclusive of the cochairs~~+~~.

4. The Board President, with approval of the Board, shall appoint all committee members. One-half (1/2 or 50%) of the committee members shall be recommended by the Board and one-half

(1/2 or 50%) of the committee members shall be recommended to the Board President by a statewide organization representing dentists~~+~~ and.

5. Committee members shall be on staggered three-year terms and shall serve at the pleasure of the Board.

B. There shall be a Dental Hygiene Advisory Committee to be composed of the following members:

1. One current dental hygiene member of the Board;

2. Two dental hygienists recommended by the Board and two dental hygienists recommended by a statewide organization representing dental hygienists;

3. The Committee shall have the following functions:

a. to develop and propose recommendations to the Board regarding the education, examination, licensure, and regulation of dental hygienists,

b. to advise the Board in rulemaking regarding dental hygiene,

c. to hold meetings at least annually, but not more than six (6) times a year, and

d. to work directly with the Allied Dental Education Committee in reviews and recommendations for equivalent dental hygiene programs; and

4. Members of the Committee shall be appointed by the Board and shall serve a term of three (3) years. Appointments shall be made so that approximately one-third (1/3 or 33%) of the Committee is reappointed at any given time. Members may be appointed for consecutive terms if recommended by the Board President and approved by the Board.

C. There shall be an Allied Dental Education Committee.

1. The Board President shall appoint all members of the Allied Dental Education Committee upon approval by the Board;

2. The Allied Dental Education Committee shall:

- a. review the standards and equivalency of in-state and out-of-state dental and auxiliary program requirements and make recommendations to the Board,
- b. evaluate individual credentials and programs for the purpose of issuing dental assistant expanded duty permits and dental hygiene advanced procedure permits from persons holding out-of-state licenses and permits based on CODA or DANB programs and criteria as defined by the State Dental Act and other statutes and shall make recommendations to the Board,
- c. recommend standards and guidelines and review criteria for all expanded duty programs or courses for dental assistants from CODA approved programs and non-CODA approved providers and advanced procedures of dental hygienists from CODA approved programs or training and non-CODA approved programs or training to the Board, and
- d. recommend and develop guidelines for classroom, electronic media and other forms of education and testing;

3. The Committee shall meet as deemed necessary by the Board President; and

4. The Committee may have up to ten (10) members of whom three shall have a background in dental education. The Committee shall be composed of:

- a. the Board President or his or her designee who must be a current or past Board Member,
- b. the hygiene member of the Board or their designee who must be a current or past Board Member,

- c. the Dean of the University of Oklahoma College of Dentistry or his or her designee, and
- d. up to seven at-large members, one of which must be an educator and one of which must have a current Certified Dental Assistant Permit.

D. The Board President shall have the authority to appoint other ad hoc committees as needed.

E. All Committee members of standing committees, the Hygiene Committee and the Allied Dental Education Committee shall serve staggered three-year terms and serve at the pleasure of the Board.

SECTION 4. AMENDATORY 59 O.S. 2021, Section 328.19, as amended by Section 2, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2024, Section 328.19), is amended to read as follows:

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

1. Representing oneself to the public as being a dentist or as one authorized to practice dentistry;
2. Representing oneself to the public as being able to diagnose or examine clinical material or contract for the treating thereof;
3. Representing oneself as treating or professing to treat by professional instructions or by advertised use of professional equipment or products;
4. Representing oneself to the public as treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures;
5. Removing human teeth;
6. Repairing or filling cavities in human teeth;
7. Correcting or attempting to correct malposed teeth;

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. AMENDATORY 59 O.S. 2021, Section 328.21, as last amended by Section 3, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.21), is amended to read as follows:

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

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

1. Is of good moral character;
2. Is twenty-one (21) years of age, or over, at the time of making application to practice dentistry or eighteen (18) years of age, or over, if the applicant is to practice dental hygiene;
3. Has passed a written theoretical examination and a clinical examination approved by the Board within the previous five (5) years; and
4. Has passed a written jurisprudence examination over the rules and laws affecting dentistry in this state.

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

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

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

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

- a. a fixed prosthetic component of the preparation of an anterior all porcelain crown and the preparation of a three-unit posterior bridge,
- b. a periodontal component,
- 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 student's last semester of a dental or dental hygiene program, having met all other requirements, may make application and take the jurisprudence examination with a letter from the dean of the dental school or director of the hygiene program stating that the applicant is a candidate for graduation within the next six (6) months.

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

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

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

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

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

licensure by credentials. Applicants for credentialing must include:

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

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

4. The spouse of an active duty military member pursuant to a current permanent change of station order from the military who was actively licensed in another state for the previous two (2) years shall be eligible for a license or permit pursuant to the requirements listed in 50 U.S.C., Section 4025(a).

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

- a. administration of nitrous oxide,
- b. administration of local anesthesia,
- c. neuromodulator administration,
- d. therapeutic use of lasers,
- e. phlebotomy,
- f. venipuncture, and
- g. elder care and public health pursuant to Section 328.58 of this title.

2. A dental hygienist holding an advanced procedure permit or credential in any other state for two (2) years shall be eligible for the advanced procedure permit by credentials; provided, that

application for the advanced procedure permit by credentials for administration of local anesthesia shall additionally require proof of passage of such advanced procedure in a CDCA-WREB-CITA exam.

3. For all advanced procedures other than administration of local anesthesia, a dental hygienist may apply by filling out an application with required documentation of training as required by state law and rules of the Board. A dental hygienist licensed by the Board prior to January 30, 2024, shall be eligible for the advanced procedure of therapeutic use of lasers upon submission of an affidavit attesting to two (2) years of practice using lasers.

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

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

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

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

M. Every licensee or permit holder shall have an official address and email address listed with the Board. Every licensee or permit holder shall update the address within thirty (30) calendar days of moving. Official notification of any action of the Board adverse to a licensee or permit holder including but not limited to notification of license or permit cancellation due to nonrenewal, notice of a formal complaint, or a decision of the hearing panel or board, shall be served to the licensee or permit holder by registered mail at the official address, in person, to the

licensee's or permit holder's attorney, by agreement of the individual, by a process server, or by an investigator of the Board pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 59 O.S. 2021, Section 328.24, as last amended by Section 5, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.24), is amended to read as follows:

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

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

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

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

1. Radiation safety;
2. Coronal polishing and topical fluoride;
3. Sealants;

4. Assisting in the administration of nitrous oxide;
5. Phlebotomy;
6. Venipuncture;
7. Elder care and public health; or

8. ~~Assisting~~ Oral maxillofacial surgery. An oral maxillofacial surgery expanded duty permit shall be available to a dental assistant who has met the requirements as listed in Section 328.25 of this title and assists a dentist, pediatric dentist, or oral maxillofacial surgeon who holds a parenteral or pediatric general anesthesia permit; provided, only the dentist, pediatric dentist, or oral maxillofacial surgeon, or an anesthesiologist or a Certified Registered Nurse Anesthetist, may administer anesthesia and assess the patient's level of sedation and only the dentist, pediatric dentist, or oral maxillofacial surgeon may perform surgery.

All expanded duties shall be added to the dental assistant ~~license or oral maxillofacial surgery assistant license~~ permit upon approval by the Board.

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

F. An applicant for a dental assistant permit who has graduated from a dental assisting program accredited by CODA and has passed the jurisprudence examination shall receive all expanded duty permits provided for in subsection D of this section if the course materials approved by the Board are covered in the program.

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

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

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

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

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

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

2. Verification from the commanding officer of the medical program or the appropriate supervisor stating that the dental assistant provided the expanded functions on patients in the military dental facility for a minimum of one (1) year within the past five (5) years.

SECTION 7. AMENDATORY 59 O.S. 2021, Section 328.25, is amended to read as follows:

Section 328.25. A. ~~No person shall practice as an oral maxillofacial surgery assistant without having obtained a permit as an oral maxillofacial surgery assistant from the Board of Dentistry~~ Any person applying for an oral maxillofacial surgery expanded duty permit shall complete the requirements of this section for submission and approval before the Board.

B. ~~Any person seeking to obtain an oral maxillofacial surgery assistant permit must have a supervising oral maxillofacial surgeon with a current Oklahoma license and complete the requirements set forth by the Board.~~

~~C.~~ The application shall be made to the Board in writing and shall be accompanied by the fee established by the Board, together with the satisfactory proof that the applicant:

1. Passes a background check with criteria established by the Board; and

2. Has completed all of the training requirements for the oral maxillofacial surgery ~~assistant permit~~ expanded duty permit as established by the Board.

~~D.~~ C. An oral maxillofacial surgery ~~assistant~~ expanded duty permit shall be considered a temporary training permit until all of the training requirements, as established by the Board for ~~each~~ the oral maxillofacial surgery ~~assistant~~ expanded duty permit, have been completed and approved by the Board.

~~E.~~ D. A temporary training permit for ~~each~~ the oral maxillofacial surgery ~~assistant~~ expanded duty shall not be extended beyond two (2) years.

~~F.~~ All E. When performing the expanded duty of oral maxillofacial surgery, dental assistants ~~are required to~~ shall be under direct supervision or direct visual supervision at all times by a licensed oral maxillofacial surgeon.

~~G.~~ If an oral maxillofacial surgery assistant is not currently employed by an oral maxillofacial surgeon, the oral maxillofacial surgery assistant permit shall automatically revert to a dental assistant permit as set forth in Section 328.24 of this title and ~~may be eligible for an expanded function assisting a,~~ dentist, or pediatric dentist who holds a parenteral or pediatric general anesthesia permit; provided, only the oral maxillofacial surgeon, dentist, or pediatric dentist, or an anesthesiologist or a Certified Registered Nurse Anesthetist, may administer anesthesia and assess the patient's level of sedation. ~~The oral maxillofacial surgery assistant permit may be reinstated upon employment under a licensed oral maxillofacial surgeon.~~

~~H.~~ Any oral maxillofacial surgeon shall notify the Board within thirty (30) days of an oral maxillofacial surgery assistant no

longer under his or her supervision and only the oral maxillofacial surgeon, dentist, or pediatric dentist may perform surgery.

~~I.~~ F. An applicant for an oral maxillofacial surgery ~~assistant~~ expanded duty permit shall provide satisfactory proof of:

1. Successful completion of the Dental Anesthesia Assistant National Certification Examination (DAANCE) provided by the American Association of Oral Maxillofacial Surgeons (AAOMS) or another program or examination as approved by the Board;

2. A valid BLS certification;

3. Employment and completion of a minimum of six (6) months of training under the direct supervision of a licensed oral maxillofacial surgeon prior to starting DAANCE or another program or examination as approved by the Board;

4. Completion of a standardized course approved by the Board including a minimum of four (4) hours of didactic training that must include anatomy, intravenous access or phlebotomy, technique, risks and complications, and hands-on experience starting and maintaining intravenous lines on a human or simulator/manikin, and pharmacology; and

5. Completion of an infection-control course as approved by the Board.

~~J. An oral maxillofacial surgery assistant who has completed all the requirements shall receive a permit to practice as an oral maxillofacial surgery assistant within a dental office, surgery center, dental ambulatory surgery center or hospital.~~

~~K. Oral~~ G. A dental assistant with an oral maxillofacial surgery ~~assistants~~ expanded duty permit shall ~~be required to~~ complete eight (8) hours of continuing education every two (2) years in classes approved by AAOMS that are certified by the American Dental Association CERP program or another program approved by the Board. The continuing education requirement shall include at least one (1) hour on infection control.

~~L.~~ H. The Anesthesia Committee provided pursuant to Section 328.17 of this title may make a recommendation to the Board for ~~an a~~ a dental assistant with an oral maxillofacial surgery assistant expanded duty permit holding a temporary training permit to substitute training received from another state university, dental school or technical training institute or training acquired in a surgery center or hospital while working under the authority of a licensed physician, to qualify as a partial substitute for the requirements to attain an oral maxillofacial surgery ~~assistant permit~~ expanded duty permit.

~~M.—An~~ I. A dental assistant with an oral maxillofacial surgery ~~assistant expanded duty permit~~ expanded duty permit may only accept delegation from an oral and maxillofacial surgeon, dentist, or pediatric dentist with a valid general or parenteral anesthesia permit:

1. Under direct supervision:

- a. initiate and discontinue an intravenous line for a patient being prepared to receive intravenous medications, sedation or general anesthesia, or
- b. draw up and prepare medications; and

2. Under direct visual supervision:

- a. follow instructions of the oral surgeon while acting as an accessory hand on behalf of the oral surgeon that is administering the medication and actively treating the patient. For the purposes of this section, "administer" means to have the sole responsibility for anesthesia care including determining medicines to be used and the dosage, timing, route of delivery and administration of medication and the assessment of the level of anesthesia and monitoring the physiological results of such care; provided, only an oral surgeon or dentist possessing a current general anesthesia permit may administer or assess the level of sedation or general anesthesia and monitor the results of such care,

- b. follow instructions of the oral surgeon to adjust the rate of intravenous fluids to maintain or keep the line patent or open and adjust an electronic device to provide medications such as an infusion pump, and
- c. assist the oral surgeon by reading, recording vital signs of a patient receiving deep sedation or general anesthesia; provided, only an oral surgeon may assess the level of sedation.

~~N.~~ J. Only an oral surgeon shall be responsible to diagnose, treat, monitor, determine and administer the selection of the drug, dosage, and timing of all anesthetic medications, and care of the patient through the perioperative period shall rest solely with the supervising oral and maxillofacial surgeon.

~~Q.~~ K. Nothing in the State Dental Act shall be construed as to allow ~~an oral surgery assistant or~~ a dental assistant with an oral maxillofacial expanded duty permit to administer anesthesia care to a patient.

SECTION 8. AMENDATORY 59 O.S. 2021, Section 328.26, is amended to read as follows:

Section 328.26. A. The Board of Dentistry may, without examination, issue a dental student intern, resident or fellowship permit to a student or graduate of an approved dental school or college, or a residency program approved by the Commission on Dental Accreditation (CODA). Upon meeting the qualifications and upon approval of the dean or the governing body of any public or private institution any person may request a dental student or dental hygiene student intern, resident or fellow permit to be issued from the Board, with limited duties as defined in the permit. A fellowship permit may only be given to a person currently participating in a fellowship program affiliated with an accredited dental school.

B. A dental student or dental hygiene student intern, resident or fellowship permit shall not be issued to any person whose license to practice dentistry in this state or in another state has been suspended or revoked, or to whom a license to practice dentistry has been refused.

C. A dental student or dental hygiene student intern, resident or fellowship permit shall not authorize the holder to open an office for the private practice of dentistry, or to receive compensation for the practice of dentistry, except a salary paid by the federal government or this state, or their subdivisions, or the public or private institution where the holder of the dental student intern, resident or fellowship permit will be employed.

D. A dental student or dental hygiene student intern with a valid dental student intern permit may work under the direct supervision of a licensed dentist for compensation upon meeting the following criteria:

1. The dental student or dental hygiene student intern shall notify the Board of the supervising dentist;

2. A dental student or dental hygiene student intern, having finished the first year of dental school, may assist in all duties of a dental assistant pursuant to the administrative rules of the Board; ~~and~~

3. A dental student intern, having finished the second year of dental school, may assist in all duties permitted in paragraph 2 of this subsection, radiation safety, coronal polishing and sealants; and

4. A dental student intern, having finished the second semester of the third year of dental school, may provide scaling, root planing, and local anesthesia.

E. A dental or dental hygiene student intern, resident or fellowship permit shall automatically expire when the permit holder is no longer participating in the program offered by the college of dentistry, the accredited dental college or the institution.

F. The issuance of a dental student intern, resident or fellowship permit by the Board shall in no way be considered a guarantee or predetermination of any person to receive a full license issued by the Board.

G. Dental student intern or resident or fellowship permits may be renewed annually at the request of the dean of the college or program director of the program approved by CODA and at the discretion of the Board.

H. Residents and Fellows with a valid permit may supervise student dental clinics under the authority of the Dean or Associate Dean of the University of Oklahoma College of Dentistry.

I. Students currently enrolled at the University of Oklahoma College of Dentistry or an accredited dental hygiene or dental assisting program shall be exempted from Sections 328.19 and 328.21 of this title while participating in an educational program located at the University of Oklahoma College of Dentistry or the clinic of an accredited dental hygiene or dental assisting program. A licensed dentist, hygienist or faculty license holder shall be physically present in the facility whenever students of dentistry, dental hygiene or dental assisting are performing a clinical dental procedure on patients.

SECTION 9. AMENDATORY 59 O.S. 2021, Section 328.27, is amended to read as follows:

Section 328.27. A. 1. The Board of Dentistry may, without a clinical examination, upon presentation of satisfactory credentials, including completion of all portions of the National Board Dental Examination, the dental hygiene National Boards and both Part I and Part II of the National Board examination for dentists, and under such rules as the Board may promulgate, issue a faculty license or faculty specialty license to an applicant who:

- a. is a graduate of a school of dentistry approved by the Board and is licensed to practice dentistry in another state or country,
- b. has graduated from an accredited dental program, ~~or~~
- c. successfully completes advanced training in a specialty dental program approved by the Commission on Dental Accreditation of the American Dental Association, or

- d. if applying for a hygiene faculty license, is a graduate of an accredited dental hygiene program and is licensed to practice dental hygiene in another state.

2. A faculty license or faculty specialty license shall be issued only upon the request and certification of the dean of an accredited dental college or the program director of an accredited dental hygiene program located in this state that the applicant is a full-time member of the teaching staff of that college or program.

3. Within the first two (2) years of employment, the faculty license or faculty specialty license holder shall show proof of passing an appropriate clinical board examination, as provided in Section 328.21 of this title, recognized by the Board of Dentistry.

4. A faculty license or faculty specialty license shall be valid for one (1) year and may be renewed by the Board at the written request of the dean of an accredited dental program or the director of an accredited dental hygiene program.

5. A faculty license or faculty specialty license shall automatically expire when the license holder is no longer employed as a faculty member at the institution that requested the license.

6. The holder of a faculty license or faculty specialty license shall be entitled to perform services and procedures in the same manner as a person holding a license to practice dentistry or dental hygiene in this state, but all services and procedures performed by the faculty license or faculty specialty license holder shall be without compensation other than that received in salary from a faculty position or through faculty practice as authorized by the Board. The holder of a faculty license or faculty specialty license shall be limited to practicing in the specialty area as designated on the license. Such services and procedures shall be performed only within the facilities of an accredited dental college or accredited dental hygiene program or within the facilities designated by the accredited dental college and teaching hospitals approved by the Board.

B. The dean of an accredited dental or hygiene program may petition the Board to allow a faculty member to have a limited

faculty or research faculty permit, based on a showing of criteria that the individual possesses specialty knowledge in a specific area that would benefit the college or program. The holder of a limited faculty or research faculty permit shall not have privileges to perform procedures in the faculty practice at the University of Oklahoma College of Dentistry, but may oversee the student clinic. A limited faculty permit shall be valid for one (1) year and may be renewed by the Board at the written request of the dean of an accredited dental program or the director of an accredited dental hygiene program.

C. Upon request of the dean, the Board President may issue a dentist or hygienist licensed in another state or country a temporary license pursuant to Section 328.23 of this title for the purpose of attending, presenting or participating in a seminar or live training in dental techniques or dental anesthesia, given at the University of Oklahoma College of Dentistry to licensed dentists and hygienists for continuing education credits and students enrolled in the University of Oklahoma College of Dentistry. A temporary permit issued for this purpose shall not exceed seven (7) days and may not be issued to the same person more than four (4) times in a calendar year.

D. Upon the request of the Oklahoma Dental Association President or the Oklahoma Dental Hygienist Association President, the Board President may issue a dentist or a hygienist licensed in another state a temporary license pursuant to Section 328.23 of this title for the purpose of presenting or participating in live patient demonstrations presented by the Oklahoma Dental Association or Oklahoma Dental Hygienist Association or other professional organizations approved by the Board at its annual meeting. A temporary permit issued for this purpose shall not exceed four (4) days per calendar year.

E. Courses for expanded duties for dental assistants pursuant to the administrative rules of the Board may be taught in an online, interactive online, in-classroom, lab or blended format. All expanded-duty courses shall include a dentist or dental hygienist that is employed full- or part-time by an educational program approved by the Commission on Dental Accreditation and currently on file with the Board. Courses offered pursuant to this subsection

shall meet all criteria in administrative rules approved by the Board.

SECTION 10. AMENDATORY 59 O.S. 2021, Section 328.28a, is amended to read as follows:

Section 328.28a. ~~Beginning January 2016, every~~ Every applicant for any type of license or permit issued by the Board of Dentistry shall be subject to a national criminal background check. The Board may deny a license or permit for any applicant who fails to disclose a criminal history or ~~if any applicant has pled guilty or nolo contendere to or has been convicted of a felony or misdemeanor involving moral turpitude~~ a disqualifying violation of the law pursuant to Section 328.32 of this title, Medicaid fraud, or a violation of federal or state controlled dangerous substances laws.

SECTION 11. AMENDATORY 59 O.S. 2021, Section 328.29a, as amended by Section 5, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2024, Section 328.29a), is amended to read as follows:

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

1. Any of the causes now existing in the laws of this state;
2. A violation of the provisions of the State Dental Act; or
3. A violation of the rules of the Board promulgated pursuant to the State Dental Act.

B. The Board shall also have the power to act upon a petition by a dental assistant ~~or oral maxillofacial surgery assistant~~ for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a permit, censure or probation of a dental assistant ~~or oral maxillofacial surgery assistant~~. The Board shall make findings of fact and a decision thereon. Notification of the

licensee or permit holder shall occur pursuant to Section 328.21 of this title.

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

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

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

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

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

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

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

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

E. The Board's review panel, as set forth in Section 328.43a of this title, upon concurrence with the president of the Board, may determine that an emergency exists to temporarily suspend the permit of a dental assistant ~~or oral maxillofacial surgery assistant~~ if the panel finds that public health, safety or welfare imperatively

requires emergency action. The panel may conduct a hearing pursuant to Section 314 of Title 75 of the Oklahoma Statutes for the temporary suspension.

F. As used in this section:

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

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

SECTION 12. AMENDATORY 59 O.S. 2021, Section 328.31a, is amended to read as follows:

Section 328.31a. A. One dentist or multiple dentists may use a trade name in connection with the practice of dentistry provided that:

1. The use of the trade name shall not be false, fraudulent or misleading; and

~~2. The name of the dentist or dentists actually providing the dental services to the patient shall appear on all insurance claim forms, billing invoices or statements sent to the patient and on all receipts if any are given to the patient;~~

~~3. Treatment records shall be maintained for each patient that clearly identify the dentist or dentists who performed all dental services for the patient; and~~

~~4.~~ When one dentist or multiple dentists make an advertisement in the trade name or the trade name is included in an advertisement, a copy of the advertisement, including but not limited to any electronic form of the advertising, shall be kept by the dentist or dentists for three (3) years from the first publication date of the advertisement.

B. ~~Beginning July 1, 2016, all~~ All advertisements for dentistry shall include the name of the dentist or dentists that shall be providing treatment and shall list the type of dental or specialty license on the advertisement.

C. The Board of Dentistry shall promulgate rules regulating advertisements in which one dentist or multiple dentists use a trade name.

SECTION 13. AMENDATORY 59 O.S. 2021, Section 328.31b, as amended by Section 6, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.31b), is amended to read as follows:

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

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

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

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

3. Treatment plan proposed by the dentist; and

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

C. Prior to a dentist prescribing, diagnosing, or overseeing patient treatment for any dental appliance, the patient shall be a patient of record and the dentist shall conduct an in-person patient examination.

D. 1. The name of the dentist or dentists actually providing the dental services to the patient shall appear on all insurance claim forms, billing invoices, or statements sent to the patient and on all receipts if any are given to the patient.

2. Treatment records shall be maintained for each patient that clearly identify the dentist or dentists who performed all dental services for the patient.

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

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

~~E.~~ G. Patient records may be kept in an electronic data format, provided that the dentist maintains a backup copy of information stored in the data processing system using disk, tape or other electronic back-up system and that backup is updated on a regular basis, at least weekly, to assure that data is not lost due to system failure. Any electronic data system shall be capable of producing a hard copy on demand.

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

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

J. A licensee closing an office shall notify the Board in writing and include the location of where the patient records will be maintained.

SECTION 14. AMENDATORY 59 O.S. 2021, Section 328.32, as last amended by Section 7, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.32), is amended to read as follows:

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

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

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

3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue the practice of dentistry or failing to notify the Board of a licensee, permit holder, or other health professional that is practicing while impaired or is in a state of physical or mental health that the licensee or permit holder suspects constitutes a threat to patient care within seventy-two (72) hours of witness or belief of such conditions;

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

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

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

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

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

9. Failing to complete continuing education requirements;

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

11. Practicing below the basic standard of care of a patient which an ordinary prudent dentist with similar training and experience within the local area would have provided including, but not limited to, failing to complete proper training and demonstrate proficiency for any procedure delegated to a dental hygienist or dental assistant;

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

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

14. Being shown to be mentally unsound;

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

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

17. Committing gross negligence in the practice of dentistry;

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

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

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

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

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

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

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

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

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

27. Willfully disclosing information protected by the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191;

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

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

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

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

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

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

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

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

36. Allowing any corporation, organization, group, person, or other legal entity, except another dentist or a professional entity that is in compliance with the registration requirements of subsection B of Section 328.31 of this title, to direct, control, or interfere with the dentist's clinical judgment. Clinical judgment shall include, but not be limited to, such matters as selection of a

course of treatment, control of patient records, policies and decisions relating to pricing, credit, refunds, warranties and advertising, and decisions relating to office personnel and hours of practice. Nothing in this paragraph shall be construed to:

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

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

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

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

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

41. Having multiple administrative or civil actions reported to the National Practitioner Data Bank;

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

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

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

B. Any person making a report in good faith to the Board or to a peer assistance group regarding a professional suspected of practicing dentistry while being impaired pursuant to paragraph 3 of subsection A of this section shall be immune from any civil or criminal liability arising from such reports.

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

SECTION 15. AMENDATORY 59 O.S. 2021, Section 328.41, as last amended by Section 8, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.41), is amended to read as follows:

Section 328.41. A. 1. On or before the last day of December of each year, every dentist, dental hygienist, dental assistant, ~~oral maxillofacial surgery assistant~~ and other licensee or permit holders previously licensed or permitted by the Board of Dentistry to practice in this state, with the exception of those listed in paragraph 2 of this subsection, shall submit a completed renewal application with information as may be required by the Board, together with an annual renewal fee established by the rules of the Board. Upon receipt of the annual renewal fee, the Board shall issue a renewal certificate authorizing the dentist, dental hygienist, or dental assistant ~~or oral maxillofacial surgery assistant~~ to continue the practice of dentistry or dental hygiene, respectively, in this state for a period of one (1) year. Every

license or permit issued by the Board shall begin on January 1 and expire on December 31 of each year.

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

B. Continuing education requirements shall be due at the end of each two-year period.

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

- a. a live, in-person cardiopulmonary resuscitation class approved by the Board,
- b. an ethics class approved by the Board,
- c. for a dentist, two (2) hours of opioid and scheduled drug prescribing classes, and
- d. any combination of the following:
 - (1) completion of classes at a university, college or technology center school accredited by the Commission on Dental Accreditation (CODA) or college courses related to dentistry, which shall count equal to credit hours received on a transcript,
 - (2) teaching one or more classes at a school or program accredited by CODA, for which the dentist or dental hygienist shall receive credit for the semester credit hours and one (1) hour of credit per eighteen (18) hours of clinical instruction,
 - (3) publishing papers, presenting clinics and lecturing, for which the dentist or dental hygienist shall receive six (6) credit hours for each hour of the original presentation and hour-for-hour credit for a subsequent presentation of the same material. No more than fifty percent

(50%) of total required continuing education hours may be fulfilled by activities described in this division,

- (4) a scientific-based medical treatment and patient care class approved by the Board,
- (5) any health-related program sponsored by the United States Department of Veteran Affairs 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 dental 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 dental hygienist for a minimum of eighteen (18) months in a two-year continuing education cycle and is deployed outside of the United States, or
- b. a licensed dentist or dental hygienist serving in the reserve components of the armed forces as specified in 10 U.S.C., Section 10101, who 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. Dental 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~~ Dental assistants with an oral maxillofacial expanded duty permit shall complete eight (8) hours of continuing education including one (1) hour of infection control.

3. ~~Dental~~ All other 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, or 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 canceled licenses or permits not otherwise renewed shall be published at the following meeting of the Board.

F. Any dentist, dental hygienist, or dental assistant ~~or oral maxillofacial surgery assistant~~ whose license or permit is

automatically canceled by reason of failure, neglect or refusal to secure the renewal certificate may be reinstated by the Board at any time within ~~one (1) year~~ five (5) years from the date of the expiration of the license, upon payment of the annual renewal fee and a penalty fee established by the rules of the Board. ~~If the dentist, dental hygienist, dental assistant, or oral maxillofacial surgery assistant does not apply for renewal of the license or permit and pay the required fees within one (1) year after the license has expired, then the dentist, dental hygienist, dental assistant or oral maxillofacial surgery assistant shall be required to file an application for and take the examination or other requirements provided for in the State Dental Act or the rules promulgated by the Board before again commencing practice~~ The Board may require any training or continuing education requirements be met prior to reinstatement.

G. ~~The Board, by rule, shall provide for the remittance of fees otherwise required by the State Dental Act while a~~ A dentist, dental assistant, or dental hygienist who is on active duty with any of the Armed Forces of the United States and is deployed outside of the United States shall be exempt from renewal fees.

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

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

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

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

SECTION 16. AMENDATORY 59 O.S. 2021, Section 328.44a, as amended by Section 10, Chapter 46, O.S.L. 2024 (59 O.S. Supp. 2024, Section 328.44a), is amended to read as follows:

Section 328.44a. A. The Board of Dentistry is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a dentist, dental hygienist, dental assistant, ~~oral maxillofacial surgery assistant~~, dental laboratory technician, holder of a permit to operate a dental laboratory, or an entity operating pursuant to the provisions of the Professional Entity Act or the State Dental Act has committed any of the acts or occurrences prohibited by the State Dental Act or rules of the Board:

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

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

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

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

5. Issuance of a censure;

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

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

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

B. A dentist, dental hygienist, dental assistant, ~~oral maxillofacial surgery assistant~~, dental laboratory technician, or

holder of a permit to operate a dental laboratory, against whom a penalty is imposed by an order of the Board pursuant to the provisions of this section, shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

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

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

- a. the order does not include allegations or a finding of direct patient harm,
- b. the licensee has maintained an active full-time practice in good standing and has not received an additional order or private reprimand since the issue of the order,
- c. the licensee has not been the subject of any settlement reports in the National Practitioner Data Bank within the previous seven (7) years, and
- d. the order concerns an administrative violation and does not include a direct action against the licensee including, but not limited to, probation or suspension of the license.

2. Upon receipt of a motion to reopen and withdraw an order, the president of the Board shall assign a panel for review and investigation to be brought to the Board. The Board shall take into consideration the issues causing the order; any changes to laws relevant to the order since its issue that may have resulted in a different outcome if such laws had been in place at the time of the complaint; any actions by the licensee to better his or her abilities as a practicing licensee; current patient outcomes; service to his or her community or state; and any other issues, testimony, or other information relating to the licensee found during an investigation or submitted to the Board.

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

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

SECTION 17. AMENDATORY 59 O.S. 2021, Section 328.51a, is amended to read as follows:

Section 328.51a. A. The Board of Dentistry is authorized to charge the following fees for the purpose of implementing and enforcing the State Dental Act. The penalty and late fee shall be twice the amount of the original fee for license renewals. Notwithstanding any other provisions of the State Dental Act, the fees established by the Board shall be not less nor more than the range created by the following schedule:

1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License by Examination		
Dentist	\$200.00	\$400.00
Dental Hygienist	\$100.00	\$200.00
b. License by Credentialing		
Dentist	\$500.00	\$1,000.00
Dental Hygienist	\$100.00	\$200.00
c. Dental Specialty License by Examination	\$300.00	\$600.00

d.	Dental Specialty License by Credentialing	\$500.00	\$1,000.00
e.	Faculty Permit		
	Dentist	\$100.00	\$200.00
	Dental Hygienist	\$50.00	\$100.00
f.	Dental Student Intern Permit	\$50.00	\$200.00
g.	Temporary License to Practice Dental Hygiene	\$50.00	\$100.00
h.	Dental Assistant or Oral Maxillofacial Surgery Assistant Permit	\$50.00	\$100.00
i.	Dental Assistant with Expanded Duty or Duties by Credential	\$100.00	\$200.00
j.	Temporary License to Practice Dentistry	\$75.00	\$150.00
k.	Permit to Operate a Dental Laboratory - current Oklahoma licensed dentist	\$20.00	\$60.00
l.	General Anesthesia Permit Dentist	\$100.00	\$200.00
m.	Conscious Sedation Permit Dentist	\$100.00	\$200.00
n.	Permit to Operate a Dental Laboratory - commercial	\$200.00	\$500.00

2. RE-EXAMINATION FEES:

- a. License by Examination

	Dentist	\$200.00	\$400.00
	Dental Hygienist	\$100.00	\$200.00
b.	Dental Specialty License by Examination	\$300.00	\$600.00
c.	Jurisprudence Only Re-Examination		
	Dentist	\$10.00	\$20.00
	Dental Hygienist	\$10.00	\$20.00

3. ANNUAL RENEWAL FEES:

a.	Dentist	\$200.00	\$400.00
b.	Dental Hygienist	\$100.00	\$200.00
c.	Dental Specialty License	\$100.00	\$200.00
d.	Faculty Permit		
	Dentist	\$50.00	\$100.00
	Dental Hygienist	\$50.00	\$100.00
e.	Dental Resident, Dental Fellowship	\$100.00	\$200.00
f.	Dental Assistant, Oral Maxillofacial Surgery Assistant, or Dental Student Intern Permit	\$50.00	\$100.00
g.	Permit to Operate a Dental Laboratory, current Oklahoma Licensed dentist	\$20.00	\$60.00
h.	General Anesthesia Permit		

	Dentist	\$100.00	\$200.00
i.	Conscious Sedation Permit		
	Dentist	\$100.00	\$200.00
j.	Permit to Operate a Dental Laboratory, non-dentist owner	\$300.00	\$500.00
4.	OTHER FEES:		
a.	Duplicate License		
	Dentist or Dental Hygienist	\$30.00	\$40.00
b.	Duplicate Permit or Registration	\$5.00	\$15.00
c.	Certificate of Good Standing	\$5.00	\$15.00
d.	Professional Entity Certification Letter	\$5.00	\$20.00
e.	Professional Entity Registration or Update	\$5.00	\$20.00
f.	Mobile Dental Clinic	\$200.00	\$400.00
g.	List of the Name and Current Mailing Address of all Persons who hold a License or Permit issued by the Board. (A request for a list shall be submitted to the Board in writing noting the specific proposed use of the list.)	\$25.00	\$75.00
h.	Official State Dental License Identification Card with Picture	\$25.00	\$35.00

Passed the Senate the 13th day of May, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____