

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1068 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By deleting Sections 1, 2, 4, 6, 7, 12, 13, 17, 20, 21, 22, 25 and 26 in their entirety and by replacing in lieu thereof Sections 1, 2, 4, 6, 7, 12, 13, 17, 20, 21 and 22 as contained below, and by renumbering the subsequent sections.

"SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.2, as amended by Section 1, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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, dental assistants and oral maxillofacial surgery assistants in the State of Oklahoma. All provisions of this act relating to the practice of dentistry, the practice of dental hygiene, the procedures

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Leslie Osborn \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

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. 2011, Section 328.3, as amended by Section 2, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.3), is amended to read as follows:

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

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

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

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

4. "Board" means the Board of Dentistry;

~~4.~~ 5. "Dentistry" means the practice of dentistry in all of its branches;

~~5.~~ 6. "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;

~~6.~~ 7. "Dental ambulatory surgical center" or "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;

8. "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;

~~7.~~ 9. "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 hereinafter defined;

~~8.~~ 10. "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;

~~9.~~ 11. "Dental laboratory" means a location, whether in a dental office or not, where a dentist or a dental laboratory technician performs dental laboratory technology;

~~10.~~ 12. "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;

~~11.~~ 13. "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;

~~12.~~ 14. "Dental specialty" means a specialized practice of a branch of dentistry, recognized and defined by the American Dental Association ~~and the rules of~~ or by the Board;

~~13.~~ 15. "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, dental assistant, or oral maxillofacial surgery assistant, ~~remains.~~ 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;

~~14.~~ 16. "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 completed by an oral maxillofacial

dental assistant. Direct visual supervision shall only be required by a dentist with a general anesthesia permit during a general anesthesia procedure;

17. "General supervision" means the supervisory dentist has ~~previously~~ 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;

~~15.~~ 18. "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;

~~16.~~ 19. "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;

~~17.~~ 20. "Laboratory prescription" means a written description, dated and signed by a dentist, of dental laboratory technology to be performed by a dental laboratory technician;

~~18.~~ 21. "Out-of-state dental hygienist" means a graduate of an accredited dental hygienist program who holds a license to practice dental hygiene in another state but who is not licensed to practice dental hygiene in this state;

~~19.~~ 22. "Out-of-state dentist" means a graduate of an accredited dental college who holds a license to practice dentistry in another state but who is not licensed to practice dentistry in this state;

~~20.~~ 23. "Patient" or "patient of record" means an individual who has given a medical history and has been examined and accepted ~~for dental care~~ by a dentist for dental care;

~~21.~~ ~~"Retired dentist" means a person that has a current active dental or specialty license but is limited to practicing in a volunteer nonpaid capacity;~~

~~22.~~ 24. "Specialty assistant" means an oral maxillofacial assistant as defined by Section 328.25 of this title;

25. "Supervision" means direct supervision, direct visual supervision, indirect supervision, or general supervision; and

~~23.~~ 26. "Treatment facility" means:

- a. a federal, tribal, state or local public health facility,
- b. a federal qualified health care facility (FQHC),
- c. a private health facility,
- ~~e.~~ d. a group home or residential care facility serving the elderly, handicapped or juveniles,
- ~~d.~~ e. a hospital,
- ~~e.~~ f. a nursing home,

- ~~f.~~ g. a penal institution operated by or under contract with the federal or state government,
- ~~g.~~ h. a public or private school,
- ~~h.~~ i. a patient of record's private residence,
- ~~i.~~ j. a mobile dental ~~unit~~ facility,
- ~~j.~~ ~~an accredited~~
- k. a dental college accredited by the Commission on Dental Accreditation,
- ~~k.~~ ~~an accredited~~
- l. a dental hygiene program accredited by the Commission on Dental Accreditation, ~~or~~
- ~~l.~~ m. a dental assisting program accredited by the Commission on Dental Accreditation, or
- n. such other places as are authorized by the rules of the Board.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.15, as last amended by Section 3, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.15), is amended to read as follows:

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

B. The Board is authorized and empowered to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. Enter into contracts;

19. Acquire by purchase, lease, gift, solicitation of gift or by any other manner, hold, encumber, and dispose of personal property as is needed, maintain, use and operate or contract for the maintenance, use and operation of or lease of any and all property of any kind, real, personal

or mixed or any interest therein unless otherwise provided by the State Dental Act; provided, all contracts for real property shall be subject to the provisions of Section 63 of Title 74 of the Oklahoma Statutes;

20. Acquire items through purchase or donation with historical significance related to the Oklahoma Dental Board or the Territorial Dental Board of Oklahoma;

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

~~21.~~ 22. Take all other actions necessary to implement and enforce the State Dental Act.

SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.19, as amended by Section 4, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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 and contract for the treating thereof;
3. Treating or professing to treat by professional instructions;
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 or undertaking, by any means or methods, to remove stains, discolorations, or concretions from the teeth;
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; ~~or~~
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.

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 their 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 7. AMENDATORY 59 O.S. 2011, Section 328.21, as amended by Section 5, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.21), is amended to read as follows:

Section 328.21 A. No person, unless registered to practice dentistry or dental hygiene in this state on July 1, 1970, shall practice dentistry or dental hygiene without first applying for and obtaining a license from the Board of Dentistry.

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

1. Is of good moral character; ~~and~~
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 as approved by the Board; and

4. Has passed a written jurisprudence examination over the rules and laws affecting dentistry in Oklahoma.

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 ~~is~~:

1. ~~A~~ Is a graduate of an accredited dental college, if the applicant is to practice dentistry; ~~or~~

2. ~~A~~ Is a graduate of an accredited dental hygiene program, if the applicant is to practice dental hygiene.

~~The college or program, in either case, shall be accredited by the Commission on Dental Accreditation of the American Dental Association;~~

3. Has passed all portions of the National Board of Dental Examination or the National Board Dental Hygiene Examination; and

4. Has passed the Western Regional Examination Board (WREB), or another exam as approved by the Board as specified in Section 328.15 of this title.

Anyone applying for a specialty license by credentials before January 1, 2015, may make application to the Board President to have the specialty practice committee individually review the credentials of the individual and may require that the individual pass a specialty exam in lieu of the requirement in paragraph 4 of this subsection.

D. 1. 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. ~~Examination shall be of a character to give a fair test of the~~

~~qualifications of the applicant to practice dentistry or dental hygiene, whichever the case may be, and shall consist of three parts, namely:~~

- ~~a. a written theoretical examination,~~
- ~~b. a clinical examination, and~~
- ~~c. a written jurisprudence examination, relating to the contents and interpretation of the State Dental Act and the rules of the Board.~~

~~2. The theoretical and jurisprudence examination papers and all grading thereon, and the grading of the clinical examination, shall be deemed public documents, and shall be preserved by the Board for a period of two (2) years after the Board has made and published its decision thereon~~ A dental student or a dental hygiene student in his or her 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.

E. The Board shall require every applicant for a license to practice dentistry or dental hygiene to:

~~1. Submit~~ submit, for the files of the Board, a ~~photostatic~~ copy of a dental degree or dental hygiene degree, an official transcript ~~and~~, a recent photograph duly identified and attested~~+~~, and

~~2. Pass an examination required by the Board in the theory and practice of the science of dentistry or dental hygiene, whichever the case may be. The Board may recognize the results of examinations conducted by the Commission on National Dental Examinations or results of regionally~~

~~conducted examinations with which regions the Board is affiliated by contract or cooperative agreement pursuant to Section 328.15 of this title, in lieu of, or subject to, such examinations as may be required any other information as required by the Board.~~

F. Any applicant who fails to pass any part of the ~~first~~ 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 Board State Dental Act.

G. Any applicant who fails to pass the clinical examination ~~upon first trial~~ as described in paragraph 4 of subsection C of this section, may be given credit for such subjects as the Board may allow, but such credits shall be extended only to the succeeding examinations. If the applicant fails to pass a second examination, before further re-examination, the Board may require evidence of additional education, as specified by the Board. After a third examination, the Board may deny the applicant another examination.

~~G. 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 obtained a permit as a dental assistant or oral maxillofacial surgery assistant from the Board of Dentistry within thirty (30) days of beginning employment.~~

~~Any person seeking to obtain a dental assistant or oral maxillofacial surgery assistant permit must have a supervising dentist currently licensed in Oklahoma and complete the requirements set forth by the Board.~~

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 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 (5) years previously, and having passed examinations substantially equivalent to the requirements for Oklahoma may apply for license by credentials;

2. A dental hygienist holding a dental hygiene license in good standing and having practiced for at least two (2) years previously, and having passed examinations substantially equivalent to the requirements for Oklahoma may apply for license by credentials; 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 C of this section.

I. There shall be two types of advanced procedure available for dental hygienists upon completion of a training class or program that has been approved by the Board:

1. Administration of nitrous oxide; and

2. Providing local anesthesia.

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

SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.24, is amended to read as follows:

Section 328.24 A. ~~1. The Board of Dentistry may issue a license to practice dental hygiene, without examination, to an out-of-state dental~~

~~hygienist who has been engaged in the active practice of dental hygiene in another state or territory for at least two (2) years immediately preceding application, upon presentation to the Board of a certificate from the Board of Dental Examiners or a like dental hygiene licensing agency of that state or territory, certifying the applicant's length of practice and that the applicant is in good standing with the agency, and upon the payment of a fee established by the rules of the Board; provided, however, the state or territory from which the applicant presents a license to practice dental hygiene shall have required the applicant to meet professional education, competency, and other eligibility standards equivalent to the standards required by the Board for issuance of a license by examination to practice dental hygiene in this state.~~

~~2. The Board shall not issue a license pursuant to this subsection to any person who would not otherwise be eligible to receive a license to practice dental hygiene.~~

~~3. The Board may require:~~

- ~~a. an applicant for a license to practice dental hygiene pursuant to this subsection to have completed the same continuing education requirements as required of dental hygienists in this state, and~~
- ~~b. that the state or territory from which the applicant presents credentials afford substantially equivalent licensure by credentialing to dental hygienists of this state.~~

~~B. Any dental hygienist who is in good standing with the Board shall, upon application to the Board and payment of a fee established by the~~

~~rules of the Board, receive a certificate which shall attest that the dental hygienist is in good standing with the Board~~ No person shall practice as a dental assistant for more than one (1) day in a calendar year without having obtained a permit as a dental assistant or oral maxillofacial surgery assistant from the Board of Dentistry within thirty (30) days of beginning employment.

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:

1. Is of good moral character; and
2. Passes a background check with criteria established by the Board.

C. There shall be four types of expanded duty permits available for dental assistants upon completion of a program approved by CODA or a program that has been approved by the Board prior to 1981:

1. Radiation safety;
2. Coronal polishing and topical fluoride;
3. Sealants; and
4. Assisting in the administration of nitrous oxide.

D. An applicant for a dental assistant permit who has graduated from a program accredited by the Commission on Dental Accreditation (CODA) and has passed the jurisprudence test shall receive all four expanded duty permits provided for in subsection C of this section.

E. No dental assistant shall be authorized to perform functions specifically allowed to be performed by a specialty assistant.

F. Each dental assistant shall be required to complete three (3) hours of continuing education within a three-year period, which shall include infection control.

SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.25, is amended to read as follows:

Section 328.25 A. ~~The Board of Dentistry may issue a temporary license to practice dental hygiene, without examination, to an out-of-state dental hygienist who has been engaged in the active practice of dental hygiene in another state or territory during the two (2) years immediately preceding application upon presentation to the Board of a certificate from the Board of Dental Examiners or a like dental hygiene licensing agency of that state or territory, certifying that the applicant is in good standing with the agency and upon the payment of a fee established by the rules of the Board; provided, however, the state or territory from which the applicant presents a license to practice dental hygiene shall have required the applicant to meet professional education, competency, and other eligibility standards equivalent to the standards required by the Board for issuance of a license by examination to practice dental hygiene in this state.~~

B. ~~A holder of a temporary license to practice dental hygiene shall have the same rights and privileges and be governed by the State Dental Act and the rules of the Board in the same manner as a holder of a permanent license to practice dental hygiene. A temporary license to practice dental hygiene shall expire as of the date of the next dental hygiene clinical examination required by the Board~~ 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.

B. Any person seeking to obtain an oral maxillofacial surgery assistant permit must have a supervising dentist currently licensed in Oklahoma with a general anesthesia permit 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. Is of good moral character;

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

and

3. Has completed all of the training requirements for the specialty area of the specialty permit as established by the Board.

D. A specialty dental assistant permit shall be considered a temporary training permit until all of the training requirements, as established by the Board for each specialty assistant, have been completed and approved by the Board.

E. A temporary training permit for each specialty assistant shall not be extended beyond two (2) years.

F. All specialty dental assistants are required to be under direct supervision or direct visual supervision at all times by a licensed dentist. A dentist with a general anesthesia permit may supervise on oral maxillofacial surgical assistant.

G. Any dentist shall notify the Board within thirty (30) days of a specialty assistant no longer under their supervision.

H. An applicant for an oral maxillofacial surgical assistant permit shall provide satisfactory proof of:

1. Successful completion of the Dental Anesthesia Assistant National Certification Examination;

2. A valid CPR or BLS certification;

3. Employment and completion of a minimum of six (6) months of training under the direct supervision of a dentist with a general anesthesia permit;

4. Training, including intravenous access IV therapy, phlebotomy, or a class deemed comparable by the Board; and

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

I. An oral maxillofacial surgical assistant who has completed all training requirements shall receive a permit to practice as an oral maxillofacial surgical assistant and may assist an oral maxillofacial surgeon with intravenous medications provided in a dental office, surgical center or hospital under direct visual supervision and other procedures as approved by the Board. An oral maxillofacial surgical assistant shall not assist in administering any medications except under the direct visual supervision and under direct verbal instruction at the time the anesthesia is being administered by the dentist.

J. Oral maxillofacial surgical assistants shall be required to complete twelve (12) hours of continuing education every three (3) years in classes approved by the American Association of Oral Maxillofacial Surgeons 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.

K. The anesthesia committee provided pursuant to Section 328.17 of this title may make a recommendation to the Board for an oral maxillofacial surgical assistant holding a temporary training permit to substitute training received in another state university, dental school or technical training institute or training acquired in a surgical center or hospital while working under the authority of a licensed physician to qualify as a partial substitute for the requirements to attain a full oral maxillofacial surgical assistant permit.

SECTION 17. AMENDATORY 59 O.S. 2011, Section 328.29a, as amended by Section 10, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.29a), is amended to read as follows:

Section 328.29a A. The Board of Dentistry shall have the power, after a hearing, to revoke or suspend a permit of a dental assistant or oral maxillofacial surgery assistant or to discipline by a probation or censure, public or private, for:

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

B. The Board shall also have the power to act upon a petition by a dental assistant or oral maxillofacial surgery assistant for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a

permit, censure or probation of a dental assistant or oral maxillofacial surgery assistant. The Board shall make findings of fact and a decision thereon. The Board shall immediately forward a certified copy of the decision to the dental assistant or oral maxillofacial surgery assistant involved by registered mail to the last-known official address as recorded by the Board.

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, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;

2. The presentation to the Board of 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 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

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

SECTION 20. AMENDATORY 59 O.S. 2011, Section 328.32, as last amended by Section 12, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, 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:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, 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;
3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue the practice of dentistry;
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 therefor;

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

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 (CDC) or Occupational Health Safety 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 mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist;

23. Having more than the equivalent of three full-time dental hygienists for each dentist actively practicing in the same dental office ~~who will supervise the dental hygienists, dental assistants, or oral maxillofacial surgery assistants;~~

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 confidential information;

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;

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;

34. Failing to retain all patient records for at least ~~three (3)~~ seven (7) years from the date of the last treatment, 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 three (3) 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. to prohibit insurers, preferred provider organizations and managed care plans from operating pursuant to the applicable provisions of the Oklahoma Insurance Code and the Public Health Code;

37. Violating the state dental act of another state resulting in a plea of guilty or nolo contendere, conviction or suspension or revocation 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, 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; or

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.

B. 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 21. AMENDATORY 59 O.S. 2011, Section 328.34, as amended by Section 14, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.34), is amended to read as follows:

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

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

- a. the duties and expanded duties authorized for dental assistants by the State Dental Act or the rules of the Board of Dentistry,
- b. health history assessment pertaining to dental hygiene,
- c. dental hygiene examination and the charting of intra-oral and extra-oral conditions, which include periodontal charting, dental charting and classifying occlusion,
- d. dental hygiene assessment and treatment planning for procedures authorized by the supervisory dentist,
- e. prophylaxis, which 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 paragraph shall not be construed to prohibit the use of a rubber ~~cup~~ cup or brush on the crowns of human teeth by a dental assistant who holds a current expanded duty permit for Coronal Polishing/Topical Fluoride issued by the Board,

- f. periodontal scaling and root planing,
- g. dental hygiene nutritional and dietary evaluation,
- h. placement of subgingival prescription drugs for prevention and treatment of periodontal disease,
- i. soft tissue curettage,
- j. placement of temporary fillings,
- k. removal of overhanging margins,
- l. dental implant maintenance,
- m. removal of periodontal packs,
- n. polishing of amalgam restorations, and
- o. other procedures authorized by the Board.

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

3. Except as provided in subsections C and D of this section, the procedures specified in paragraph 1 of this subsection may be performed by a dental hygienist only on a patient of record, which means an individual who has given a medical history and has been examined and accepted by a dentist for dental care, and only under the supervision of a dentist. The

level of supervision, whether direct, indirect or general, shall be at the discretion of the supervisory dentist. Authorization for general supervision shall be limited to a maximum of thirteen (13) months following an examination by the supervisory dentist of a patient of record.

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

- a. the dental hygienist has at least two (2) years experience in the practice of dental hygiene,
- b. the authorization to perform the procedures is in writing and signed by the dentist, and
- c. the procedures are performed during an initial visit to a person in a treatment facility.

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

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

4. The treatment facility in which any procedure is performed by a dental hygienist pursuant to this subsection shall note each such procedure in the medical records of the person upon whom the procedure was performed.

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

E. The Board is authorized to:

1. Prescribe, by rule, advanced procedures that may be performed by a dental hygienist who has satisfactorily completed a course of study regarding the performance of such procedures. The advance procedures shall include the administration of local anesthesia and the administration of nitrous oxide analgesia;

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

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

4. Establish the level of supervision, whether direct, indirect or general, under which the advanced procedures may be performed.

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

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

SECTION 22. AMENDATORY 59 O.S. 2011, Section 328.41, as last amended by Section 15, Chapter 405, O.S.L. 2013 (59 O.S. Supp. 2013, Section 328.41), is amended to read as follows:

Section 328.41 A. On or before the first day of January 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 to practice in this state shall submit a 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, 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 expire on December 31 of each year.

B. Dentists shall complete sixty (60) hours of continuing education every three (3) years and dental hygienists shall complete thirty (30) hours of continuing education every three (3) years as prescribed by the Board.

C. Upon failure of a dentist, dental hygienist, dental assistant, or oral maxillofacial surgery assistant to pay the annual renewal fee within two (2) months after January 1, the Board shall notify the dentist, dental hygienist, dental assistant, or oral maxillofacial surgery assistant in writing by certified mail to the last-known mailing address of the dentist, dental hygienist, dental assistant, or oral maxillofacial surgery assistant as reflected in the records of the Board.

~~C.~~ D. Any dentist, dental hygienist, 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 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.

~~D. The Board may waive the annual renewal fee for any dentist or dental hygienist and issue a renewal certificate without the payment of any renewal fee, if the dentist or dental hygienist has held an Oklahoma license at least twenty-five (25) years but because of age or physical disability has retired from the practice of dentistry or dental hygiene. The waiver of fees herein provided may be continued so long as the retirement continues because of age or physical disability.~~

~~E. Any dentist or dental hygienist who has had a license to practice dentistry or dental hygiene in good standing for thirty-five (35) years and has reached the age of seventy (70) years shall upon application to the Board be issued renewal certificates without the payment of annual renewal fees for the remaining years of their active practice.~~

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

~~G. F. 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.

G. A dentist, dental hygienist, specialty dental 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 and/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.

H. A dentist, dental hygienist, specialty 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."