

An Act

ENROLLED SENATE
BILL NO. 408

By: Garvin of the Senate

and

Miller, West (Josh) and
Virgin of the House

An Act relating to the practice of dentistry; amending 59 O.S. 2011, Section 328.3, as last amended by Section 1, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.3), which relates to definitions; defining term; amending 59 O.S. 2011, Section 328.21, as last amended by Section 3, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.21), which relates to application for license; broadening accepted examinations; striking provision related to failure of clinical examination; providing for temporary modification of examination and licensure requirements in certain circumstances; amending 59 O.S. 2011, Section 328.22, as last amended by Section 4, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.22), which relates to specialist license; modifying qualifications of specialty education program; modifying requirements for specialty license; specifying certain certifying board recognition entity; adding certain specialties; amending 59 O.S. 2011, Section 328.23, as last amended by Section 5, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.23), which relates to emergency temporary licenses for dentistry or dental hygiene; adding certain examination that may qualify certain persons for temporary licensure; amending 59 O.S. 2011, Section 328.23a, as amended by Section 10, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020, Section 328.23a), which relates to special volunteer license; modifying certain requirement; amending 59 O.S. 2011, Section 328.25, as last amended by Section 11, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, Section

328.25), which relates to oral maxillofacial surgery assistant permits; modifying certain continuing education requirements; updating statutory reference; amending 59 O.S. 2011, Section 328.26, as last amended by Section 4, Chapter 302, O.S.L. 2017 (59 O.S. Supp. 2020, Section 328.26), which relates to dental student intern, resident or fellowship permits; allowing certain Residents and Fellows to supervise clinics under certain authority; amending Section 19, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020, Section 328.31b), which relates to patient record keeping requirements; modifying certain records requirement; amending 59 O.S. 2011, Section 328.32, as last amended by Section 34, Chapter 161, O.S.L. 2020 (59 O.S. Supp. 2020, Section 328.32), which relates to grounds for penalties; modifying certain grounds; adding reference; amending 59 O.S. 2011, Section 328.33, as last amended by Section 5, Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2020, Section 328.33), which relates to disciplinary action; adding certain violations; authorizing certain advertisement; amending 59 O.S. 2011, Section 328.36a, which relates to laboratory prescriptions; modifying time period of certain requirement; allowing certain referrals; amending 59 O.S. 2011, Section 328.41, as last amended by Section 9, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.41), which relates to continuing education requirements; modifying requirements; amending 59 O.S. 2011, Section 328.48, which relates to annual statements of receipts and expenditures; updating term; providing for certain electronic transmission; amending Section 13, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2020, Section 328.54), which relates to dental practice; allowing certain dentists to practice teledentistry; providing for the practice of dentistry during pandemics, disasters and emergencies; authorizing dentists and dental hygienists to administer vaccinations; repealing 59 O.S. 2011, Section 328.29, which relates to unlawful practices for dental hygienists; repealing 59 O.S. 2011, Section 328.41, as last amended by Section 4,

Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.41), which relates to dentistry; providing for codification; and declaring an emergency.

SUBJECT: Dentistry

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.3, as last amended by Section 1, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, 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;

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

6. "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 hygienist or dentist;

7. "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;

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

9. "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;

10. "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;

11. "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;

12. "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;

13. "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;

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

15. "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;

16. "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;

17. "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;

18. "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. 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;

19. "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;

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

21. "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;

22. "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 hygienist and may not be used to supervise an oral maxillofacial surgery assistant or dental assistant;

23. "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;

24. "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;

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

26. "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;

27. "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;

28. "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 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;

29. "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;

30. "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;

31. "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;

32. "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;

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

34. "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

35. "Treatment facility" means:

- a. a federal, tribal, state or local public health facility,
- b. a ~~federal qualified health care facility~~ Federally Qualified Health Center (FQHC),
- c. a private health facility,
- d. a group home or residential care facility serving the elderly, handicapped or juveniles,
- e. a hospital or dental ambulatory surgery center (DASC),
- f. a nursing home,
- g. a penal institution operated by or under contract with the federal or state government,

- h. a public or private school,
- i. a patient of record's private residence,
- j. a mobile dental clinic,
- k. a dental college, dental program, dental hygiene program or dental assisting program accredited by the Commission on Dental Accreditation, or
- l. such other places as are authorized by the Board.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.21, as last amended by Section 3, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.21), is amended to read as follows:

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

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

- 1. Is of good moral character;
- 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; 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 ~~including, but not limited to~~ from the Commission on Dental Competency Assessments (CDCA), the Western Regional Examination Examining Board (WREB), or the Central Regional Dental Testing Service (CRDTS) or another regional exam that includes if the following requirements are included:

~~a. for~~

1. For dental licensing the following components:

~~(1)~~

a. a fixed prosthetic component of the preparation of an anterior all porcelain crown and the preparation of a three-unit posterior bridge,

~~(2)~~

b. a periodontal component on a live patient,

~~(3)~~

c. an endodontic component,

~~(4)~~

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

~~(5)~~

e. a diagnosis and treatment planning section as approved by the Board, as specified in Section 328.15 of this title, and

~~(6)~~

f. the Board may determine equivalencies based on components of other exams for the purpose of credentialing it; or

~~b. for~~

2. For dental hygienists licensing the following components:

~~(1)~~

a. clinical patient treatments with an evaluation of specific clinical skills ~~as well as, and~~

b. evaluation of the candidate's compliance with professional standards during the treatment as approved by the Board in Section ~~325.15~~ 328.15 of this title and shall include:

~~(a)~~

(1) extra/intra oral assessment,

~~(b)~~

(2) periodontal probing, and

~~(c)~~

(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 their 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. Any applicant who fails to pass the clinical examination 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.~~

~~F.~~ 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 Oklahoma 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;

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~~ B of this section; or

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

~~J.~~ I. There shall be two types of advanced procedure available for dental hygienists upon completion of a ~~CODA~~ Commission on Dental Accreditation (CODA) approved program or course that has been approved by the Board:

1. Administration of nitrous oxide; and
2. Administration of local anesthesia.

~~K.~~ J. All licensees and permit holders shall display their 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.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.22, as last amended by Section 4, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.22), is amended to read as follows:

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

2. No dentist shall represent himself or herself to the public as a specialist, ~~nor~~ or practice as a specialist as listed in this paragraph, unless the individual:

- a. has successfully completed an advanced dental specialty educational program ~~recognized by the Board and accredited by the Commission on Dental Accreditation, or~~ has met the Board Certification requirements of a dental specialty recognized by the Board, requiring a minimum number of hours of approved education and training and recognition by the Commission on Dental Accreditation National Commission on Recognition of Dental Specialties and Certifying Boards,
- b. has passed the jurisprudence examination covering the State Dental Act, rules and state laws, and
- c. has completed any additional requirements set forth in state law or rules and has been issued a dental specialty license by the Board.

3. ~~Specialties~~ Specialty licenses recognized by the Board shall include:

- a. dental public health,
- b. endodontics,
- c. oral and maxillofacial surgery,
- d. oral and maxillofacial radiology,

- e. orthodontics and dentofacial orthopedics,
- f. pediatric dentistry,
- g. periodontics,
- h. prosthodontics, and
- i. oral and maxillofacial pathology,
- j. dental anesthesiology,
- k. oral medicine, and
- l. orofacial pain.

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

2. In conducting an investigation of an applicant who has applied for a dental specialty license pursuant to this subsection, the Board shall require of the applicant disclosure of the same background information as is required of an applicant for a license to practice dentistry in this state.

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

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

SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.23, as last amended by Section 5, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.23), is amended to read as follows:

Section 328.23. A. The President of the Board, upon verification that a person meets the requirements provided for in this section and any other requirements provided for in the State Dental Act, may issue an emergency temporary license to practice dentistry for thirty (30) days. A temporary license may be extended but shall not exceed ninety (90) days or the next available regularly scheduled Board meeting.

B. The President of the Board, upon verification that a person meets the requirements provided for in the State Dental Act, may issue an emergency temporary license to practice dental hygiene, which shall expire as of the date of the next dental hygiene clinical examination in Oklahoma, as required by the Board.

C. An active duty military spouse residing with the active duty member having met the requirements for licensure shall be eligible for a temporary license.

D. Any applicant requesting an emergency temporary license shall submit a letter explaining the exigent circumstances along with all application materials. The determination of whether or not to grant the emergency temporary license based upon the exigent circumstances shall be at the sole discretion of the President or acting President of the Board.

E. A holder of a temporary license to practice dentistry or 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 dentistry and dental hygiene.

F. The President of the Board may authorize patient treatment and care ~~to~~ by individuals taking the Commission on Dental Competency Assessments (CDCA) or the Western Regional Examining Board Exam exam, or other regional exams as approved by the Board, in order for such individuals to complete criteria related to Board examinations and. The Board may authorize specialty examinations to be given throughout the year as needed.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.23a, as amended by Section 10, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020, Section 328.23a), is amended to read as follows:

Section 328.23a. A. There is established a special volunteer license for dentists and a special volunteer license for dental hygienists who are retired from active practice or out-of-state licensees in active practice who are in the Oklahoma Medical Reserve Corps or assisting with emergency management, emergency operations, or hazard mitigation in response to any emergency, man-made disaster, or natural disaster, or participating in public health initiatives, disaster drills, and community service events that are endorsed by a city, or county, or state health department ~~in the state~~ or the State Department of Health and wish to donate their expertise for the dental care and treatment of indigent and needy persons of the state. The special volunteer license shall be:

1. Issued by the Board of Dentistry to eligible persons;
2. Issued without the payment of an application fee, license fee or renewal fee;
3. Issued or renewed without any continuing education requirements for a period less than one (1) calendar year; and
4. Issued for one (1) calendar year or part thereof.

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

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

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

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

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

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

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

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

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

F. Volunteers shall not use sedation or general anesthesia during volunteer procedures.

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

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

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

SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.25, as last amended by Section 11, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, 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.

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 as established by the Board.

D. An oral maxillofacial surgery assistant permit shall be considered a temporary training permit until all of the training requirements, as established by the Board for each oral

maxillofacial surgery assistant, have been completed and approved by the Board.

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

F. All oral maxillofacial surgery assistants are required to 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 who holds a parenteral or pediatric anesthesia permit; provided, only the dentist 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.

I. An applicant for an oral maxillofacial surgery assistant 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. A 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 maxillofacial surgery assistants shall be required to complete ~~twelve (12)~~ eight (8) hours of continuing education every ~~three (3)~~ 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. The ~~anesthesia committee~~ Anesthesia Committee provided pursuant to Section 328.17 of this title may make a recommendation to the Board for an oral maxillofacial surgery assistant 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.

M. An oral maxillofacial surgery assistant may only accept delegation from an oral and maxillofacial surgeon:

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. ~~;~~ ~~and~~

~~3.~~ N. 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.

~~4.~~ O. Nothing in ~~this act~~ the State Dental Act shall be construed as to allow an oral surgery assistant or dental assistant to administer anesthesia care to a patient.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.26, as last amended by Section 4, Chapter 302, O.S.L. 2017 (59 O.S. Supp. 2020, 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 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 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 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 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 intern shall notify the Board of the supervising dentist;

2. A dental 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.

E. A dental 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 8. AMENDATORY Section 19, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020, 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 and other regulatory entities or be subject to the penalties as set forth in Section ~~328.44~~ 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 health history listing known illnesses, other treating physicians~~7~~ and current medications prescribed;

2. Results of clinical examination and tests conducted~~7~~ 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 providing the treatment with the dentist, specialty or dental hygienist license number~~7~~. The patient record shall include documentation of any medications prescribed, administered or dispensed to the patient.

~~5.~~ C. 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.~~7~~ and

~~6.~~ D. All claims being submitted for insurance must be signed, stamped or have an electronic signature by the treating dentist.

~~6.~~ E. 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.

~~6.~~ F. All patient records shall be maintained for seven (7) years from the date of treatment.

~~6.~~ G. 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 of no less than seven (7) years from the date of each entry thereon.

SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.32, as last amended by Section 34, Chapter 161, O.S.L. 2020 (59 O.S. Supp. 2020, 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 Oklahoma 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;

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 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 ~~mails~~ mail 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;

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 Information Portability and Accountability Act, 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;

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 ~~three (3)~~ 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 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 Oklahoma 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 Databank; or

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.

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 10. AMENDATORY 59 O.S. 2011, Section 328.33, as last amended by Section 5, Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2020, Section 328.33), is amended to read as follows:

Section 328.33. A. The following acts or occurrences by a dental hygienist 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. Any of the causes now existing in the laws of ~~the State of Oklahoma~~ 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 hygienist 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 license or reprimand or probation of a dental hygienist. 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 hygienist involved by registered mail to the last-known business address of the dental hygienist.

C. 1. The decision shall be final unless the dental hygienist appeals the decision as provided by the State Dental Act.

2. If an appeal is not timely taken, the decision shall be carried out by striking the name of the dental hygienist from the rolls, or suspending the dental hygienist for the period mentioned in issuing a reprimand, or otherwise acting as required by the decision.

D. The Board shall have power to revoke or suspend the license, reprimand, or place on probation a dental hygienist 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. 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 dental hygiene;

4. Has been guilty of dishonorable or unprofessional conduct;

5. Failure to pay registration fees as provided by the State Dental Act;

6. Is a menace to the public health by reason of communicable disease;

7. Being shown to be mentally incapacitated or has been admitted to a mental institution, either public or private, and until the dental hygienist has been proven to be mentally competent;

8. Being shown to be grossly immoral;

9. Being incompetent in the practice of dental hygiene;

10. Committing willful negligence in the practice of dental hygiene;

11. Being involuntarily committed for treatment for drug addiction to a facility, either public or private, and until the dental hygienist has been proven cured;

12. Practicing or attempting to practice dental hygiene in any place or in any manner other than as authorized by Section 328.34 of this title;

13. Claiming the use of any secret or patented methods or treatments with materials not approved by the Food and Drug Administration;

14. Making statements or advertising as having the ability to diagnose or prescribe for any treatment;

15. Performing any services in the mouth other than those authorized by the Board of Dentistry pursuant to authority conferred by the State Dental Act;

16. Attempting to conduct a practice of dental hygiene in any place or in any manner other than as authorized by Section 328.34 of this title;

17. Attempting to use in any manner whatsoever any oral prophylaxis list, call list, records, reprints or copies of same or information gathered therefrom, or the names of patients whom he or she has formerly treated when serving as an employee in the office of a dentist for whom he or she was formerly employed;

18. Failing to keep prominently displayed in the office of the dentist for whom he or she is employed his or her current valid license renewal certificate;

19. Using or attempting to use in any manner whatsoever any oral prophylaxis list, call list, records, reprints or copies of same, or information gathered therefrom, of the names of patients whom such dental hygienist might have served in the office of a prior employer, unless such names appear upon the bona fide call or oral prophylaxis list of the present employer of the dental hygienist and were caused to so appear through the legitimate practice of dentistry, as provided for in the State Dental Act;

~~14.~~ 20. 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 dental hygienist under the laws of that state;

~~15.~~ 21. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice;

~~16.~~ 22. 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

~~17.~~ 23. Any violation that would otherwise be a violation for a dentist under Section 328.32 of this title.

E. A dental hygienist may advertise that he or she is practicing in the office of the supervising dentist in which he or she is employed.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.36a, is amended to read as follows:

Section 328.36a. A. A dentist may utilize a dental laboratory technician and a dental laboratory to perform or provide dental laboratory technology. Except as provided in subsection C of Section 328.36 of this title, a dentist who utilizes the services of a dental laboratory technician or dental laboratory shall furnish a laboratory prescription for each patient for whom a work product is prescribed.

B. Laboratory prescriptions issued by a dentist shall be on forms containing the minimum information required by subsection D of this section and shall be produced or printed by each dentist. Such forms shall be provided by the Board of Dentistry or downloaded from the Board's website. All forms shall be completed in full and signed by the prescribing dentist. The owner of a dental laboratory shall retain each original laboratory prescription received from a prescribing dentist and produce the document for inspection and copying by a member of the Board or by an agent or employee of the Board, for a period of ~~three (3)~~ seven (7) years from the date of the laboratory prescription. The prescribing dentist shall retain the duplicate copy of each laboratory prescription and produce the document for inspection and copying by a member of the Board or by an agent or employee of the Board, for a period of ~~three (3)~~ seven (7) years from the date of the laboratory prescription.

C. The patient's name or the identification number of the laboratory prescription shall appear on all dental models and correspond to all dental restorations, appliances or other devices being constructed, reproduced or repaired. Any dental model, restoration, appliance or other device in the possession of a dental laboratory technician or dental laboratory without a laboratory prescription and corresponding number on the model, restoration, appliance or device shall be prima facie evidence of a violation of the State Dental Act. After completion, the prescribed work product shall be returned by the dental laboratory technician or dental

laboratory to the prescribing dentist or the dental office of the dentist with the name or number of the laboratory prescription accompanying the invoice.

D. At a minimum, prescriptions shall contain the following information:

1. The name and address of the dental laboratory;

2. The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written on a copy of the prescription retained by the dentist;

3. A description of the work to be completed with diagrams, if applicable;

4. A description of the type of materials to be used;

5. The actual date on which the authorization or prescription was written or completed;

6. The signature in ink or by electronic method of the dentist issuing the prescription and the state license number and address of such dentist; and

7. A section to be completed by the dental laboratory and returned to the issuing dentist that shall disclose all information and certify that the information is accurate by including the signature of a reasonable part of the primary contractor.

E. The Board shall make readily available a sample form on the Board's website for use by any licensee at no cost.

F. A dentist may produce, transfer and retain copies of the form electronically.

G. A dentist may refer a patient to a dental laboratory for the purpose of selecting the shading or matching shades of a prosthetic device being prepared for the dentist to deliver to the patient. The dentist must maintain a copy of the prescription written for the laboratory.

SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.41, as last amended by Section 9, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020, 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 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, 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. Beginning July 1, 2017, 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 three-year period ending in 2019 as follows:~~

~~1. Beginning July 1, 2019, through June 30, 2021, continuing education requirements shall be due at the end of each two-year period as follows:~~

~~a. dentists.~~

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 Veterans Administration or Armed Forces provided at a government facility,
 - (6) formal meetings by national or state professional organizations for dental providers, or university-sponsored professional alumni clinical meetings approved by the Board,
 - (7) organized study clubs,

(8) uncompensated volunteer work at an event approved by the Board not to exceed seven (7) hours for a dentist or four (4) hours for a dental hygienist, or

(9) practice-management-related courses not to exceed four (4) hours for a dentist or two (2) hours for a dental hygienist.

2. Full-time graduate study, internships, residencies and dentists and dental hygienists engaged in a full-time program accredited by CODA shall be exempt from continuing education for a continuing education year per academic year completed.

3. New graduates of dental and hygiene programs shall not be required to complete continuing education for the first year after graduation. Continuing education requirements for dentists and dental hygienists who are new graduates shall begin July 1 of the calendar year following the year of graduation. Hours shall be prorated by year of new licensure.

D. 1. Dentists shall complete forty (40) hours, ~~including a one-time two-hour opioid and scheduled drug prescribing class,~~

~~b. hygienists~~ of continuing education with no more than twenty (20) hours to be completed online. Hygienists shall complete twenty (20) hours, ~~of continuing education with no more than ten (10) hours to be completed online.~~ Interactive classes or webinar classes may, at the discretion of the Board, count as in-person.

~~c. oral~~

2. Oral maxillofacial surgery assistants shall complete eight (8) hours, ~~of continuing education including one (1) hour of infection control.~~

~~d. dental~~

3. Dental assistants shall ~~have~~ complete two (2) hours of infection control, ~~and~~

~~e. any.~~

4. Any newly licensed dentist shall complete a two-hour opioid and scheduled drug prescribing class within one (1) year of obtaining licensure~~;~~

~~2. Any newly licensed dentist shall complete a two-hour opioid and scheduled drug prescribing class within one (1) year of obtaining licensure; and~~

~~3. Beginning in 2020, continuing education requirements shall be due at the end of each two-year period as follows:~~

~~a. dentists shall complete forty (40) hours, including a one-time, two-hour opioid and scheduled drug prescribing class,~~

~~b. hygienists shall complete twenty (20) hours,~~

~~c. OMS assistants shall complete eight (8) hours, and~~

~~d. dental assistants shall have two (2) hours of infection control.~~

~~C. E.~~ Upon failure of a dentist, dental hygienist, dental assistant~~;~~ or oral maxillofacial surgery assistant to pay the annual renewal fee within two (2) months after January 1, 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.

~~D. F.~~ 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.

~~E.~~ G. 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.

~~F.~~ 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.

~~G.~~ 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.

~~H.~~ 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.

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

SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.48, is amended to read as follows:

Section 328.48. It shall be the duty of the Board of Dentistry, annually, to have prepared a statement showing the total amount of receipts and expenditures of the Board for the preceding twelve (12) months. The statement shall be properly certified under oath by the

president and ~~secretary-treasurer~~ Executive Director of the Board to the Governor ~~of this state~~ and may be sent electronically.

SECTION 14. AMENDATORY Section 13, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2020, Section 328.54), is amended to read as follows:

Section 328.54. A. Any person conducting a diagnosis for the purpose of prescribing medication or treatment or any other action determined to be a dental practice as defined by the State Dental Act, via the Internet or other telecommunications device on any patient that is physically located in this state shall hold a valid Oklahoma state dental license.

B. A dentist holding a valid dental license in Oklahoma may consult, diagnose and treat a patient of record via synchronous or asynchronous telecommunication between the patient and dentist. The dentist must record all activities relating to teledentistry in the patient record and must have an office location in Oklahoma available for follow-up treatment and maintenance of records.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.57 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon the declaration by governmental officials of a health pandemic or a state or federal disaster or emergency, dentists and dental hygienists and dental assistants working under the supervision of a dentist or physician, acting in good faith, shall be considered to be acting within the scope of their profession when providing all needed care during such a declared local, state or national emergency, and shall be allowed to perform services requested of them.

B. Dentists are authorized to administer vaccinations. All dentists shall comply with Centers for Disease Control and Prevention or State Department of Health documentation if required.

C. Dental hygienists are authorized to administer vaccinations while working under the general supervision of a physician as defined by subsection C of Section 725.2 of Title 59 of the Oklahoma Statutes.

SECTION 16. REPEALER 59 O.S. 2011, Section 328.29, is hereby repealed.

SECTION 17. REPEALER 59 O.S. 2011, Section 328.41, as last amended by Section 4, Chapter 428, O.S.L. 2019 (59 O.S. Supp. 2020, Section 328.41), is hereby repealed.

SECTION 18. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 19th day of May, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2021.

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: _____