

1 ENGROSSED SENATE
2 BILL NO. 1383

By: Bergstrom of the Senate

3 and

4 West (Josh) of the House

5
6 An Act relating to diagnostic x-ray systems; amending
7 59 O.S. 2021, Section 328.15, as amended by Section
8 1, Chapter 158, O.S.L. 2022 (59 O.S. Supp. 2023,
9 Section 328.15), which relates to powers and duties
10 of the Board of Dentistry; requiring the Board to
11 enforce certain state and federal laws; amending 63
12 O.S. 2021, Section 1-1503, which relates to
13 diagnostic x-ray systems; providing certain
14 exception; giving certain power and duty to the
15 Board; requiring the Board to submit certain data to
16 the State Department of Health; limiting certain fee
17 schedule; and providing an effective date.

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

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

22 Section 328.15. A. Pursuant to and in compliance with Article
23 I of the Administrative Procedures Act, the Board of Dentistry shall
24 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 1. Examine and test the qualifications of applicants for a
2 license or permit to be issued by the Board;
- 3 2. Affiliate by contract or cooperative agreement with another
4 state or combination of states for the purpose of conducting
5 simultaneous regional examinations of applicants for a license to
6 practice dentistry, dental hygiene, or a dental specialty;
- 7 3. Maintain a list of the name, current mailing address and
8 official address of all persons who hold a license or permit issued
9 by the Board;
- 10 4. Account for all receipts and expenditures of the monies of
11 the Board including annually preparing and publishing a statement of
12 receipts and expenditures of the Board for each fiscal year;
- 13 5. Within limits prescribed in the State Dental Act, set all
14 fees and administrative penalties to be imposed and collected by the
15 Board;
- 16 6. Employ an Executive Director, legal counsel and other
17 advisors to the Board including advisory committees;
- 18 7. Investigate and issue investigative and other subpoenas,
19 pursuant to Article II of the Administrative Procedures Act;
- 20 8. Initiate individual proceedings and issue orders imposing
21 administrative penalties, pursuant to Article II of the
22 Administrative Procedures Act, against any dentist, dental
23 hygienist, dental assistant, oral maxillofacial surgery assistant,
24 dental laboratory technician, or holder of a permit to operate a

1 dental laboratory who has violated the State Dental Act or the rules
2 of the Board;

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

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

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

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

15 13. Formulate, adopt, and promulgate rules, pursuant to Article
16 I of the Administrative Procedures Act, as may be necessary to
17 implement and enforce the provisions of the Oklahoma Dental
18 Mediation Act and to enforce all state and federal laws pertaining
19 to the use of diagnostic x-ray systems or other sources of radiation
20 used for treatment purposes that occur in a dental office including,
21 but not limited to, the Diagnostic X-Ray Facility Act;

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

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

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

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

9 18. Enter into contracts;

10 19. Acquire by purchase, lease, gift, solicitation of gift or
11 by any other manner, hold, encumber, and dispose of personal
12 property as is needed, maintain, use and operate or contract for the
13 maintenance, use and operation of or lease of any and all property
14 of any kind, real, personal or mixed or any interest therein unless
15 otherwise provided by the State Dental Act; provided, all contracts
16 for real property shall be subject to the provisions of Section 63
17 of Title 74 of the Oklahoma Statutes;

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

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

23 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1503, is
24 amended to read as follows:

1 Section 1-1503. A. ~~The~~ Except as provided by subsection C of
2 this section, the State Department of Health is hereby designated as
3 the official agency of the State of Oklahoma for all regulatory
4 activities pertaining to health and safety in the use of diagnostic
5 x-ray systems, and shall act as the coordinating agency for the
6 purpose of cooperating with other states, the United States Public
7 Health Service and other federal agencies in the administration of
8 programs relating to diagnostic x-ray systems, available to the
9 State of Oklahoma under federal laws; and it shall encourage,
10 participate in, and conduct studies, investigations, training,
11 research and demonstrations relating to constructive uses of
12 diagnostic x-ray systems and the prevention and control of its
13 associated harmful effects or unnecessary exposure, the effects to
14 health on exposure to x-rays, and related problems.

15 B. Nothing in the Diagnostic X-Ray Facility Act shall interfere
16 with the doctor-patient relationship of any licensed member of the
17 healing arts; nor shall anything in the Diagnostic X-Ray Facility
18 Act prohibit a licensed practitioner of the healing arts, or an
19 individual under the direction of such licensed practitioner, from
20 using x-rays or other sources of radiation and/or fluoroscopes for
21 diagnostic, research or treatment purposes, as authorized under the
22 Practitioner's Licensing Act, provided the radiation devices and the
23 related facilities of the practitioner shall comply with the rules

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1 and regulations promulgated under the provisions of the Diagnostic
2 X-Ray Facility Act.

3 C. Beginning on the effective date of this act, the Board of
4 Dentistry shall have the power and duty to conduct all regulatory
5 activities pertaining to health and safety in the use of diagnostic
6 x-ray systems or other sources of radiation used for treatment
7 purposes that occur in a dental office. The Board shall gather and
8 submit data and statistics required by state and federal law to the
9 State Department of Health annually or as requested. The fee
10 schedule for inspections conducted by the Board under this
11 subsection shall not exceed the fee schedule set by the State
12 Commissioner of Health as of the effective date of this act for
13 inspections of diagnostic x-ray systems at diagnostic x-ray
14 facilities.

15 SECTION 3. This act shall become effective January 1, 2025.
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Passed the Senate the 5th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2024.

Presiding Officer of the House
of Representatives