

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 408

6 By: Garvin of the Senate

7 and

8 Miller of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to the practice of dentistry;
11 amending 59 O.S. 2011, Section 328.3, as last amended
12 by Section 1, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
13 2020, Section 328.3), which relates to definitions;
14 defining term; amending 59 O.S. 2011, Section 328.21,
15 as last amended by Section 3, Chapter 397, O.S.L.
16 2019 (59 O.S. Supp. 2020, Section 328.21), which
17 relates to application for license; broadening
18 accepted examinations; striking provision related to
19 failure of clinical examination; providing for
20 temporary modification of examination and licensure
21 requirements in certain circumstances; amending 59
22 O.S. 2011, Section 328.23, as last amended by Section
23 5, Chapter 397, O.S.L. 2019 (59 O.S. Supp. 2020,
24 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

1 O.S. Supp. 2020, Section 328.26), which relates to
2 dental student intern, resident or fellowship
3 permits; allowing certain Residents and Fellows to
4 supervise clinics under certain authority; amending
5 Section 19, Chapter 229, O.S.L. 2015 (59 O.S. Supp.
6 2020, Section 328.31b), which relates to patient
7 record keeping requirements; modifying certain
8 records requirement; amending 59 O.S. 2011, Section
9 328.32, as last amended by Section 34, Chapter 161,
10 O.S.L. 2020 (59 O.S. Supp. 2020, Section 328.32),
11 which relates to grounds for penalties; modifying
12 certain grounds; adding reference; amending 59 O.S.
13 2011, Section 328.33, as last amended by Section 5,
14 Chapter 113, O.S.L. 2016 (59 O.S. Supp. 2020, Section
15 328.33), which relates to disciplinary action; adding
16 certain violations; authorizing certain
17 advertisement; amending 59 O.S. 2011, Section
18 328.36a, which relates to laboratory prescriptions;
19 modifying time period of certain requirement;
20 allowing certain referrals; amending 59 O.S. 2011,
21 Section 328.41, as last amended by Section 9, Chapter
22 397, O.S.L. 2019 (59 O.S. Supp. 2020, Section
23 328.41), which relates to continuing education
24 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 providing an effective date.

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

2 SECTION 1. AMENDATORY 59 O.S. 2011, Section 328.3, as
3 last amended by Section 1, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
4 2020, Section 328.3), is amended to read as follows:

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

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

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

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

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

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

21 6. "Coronal polishing" means a procedure limited to the removal
22 of plaque and stain from exposed tooth surfaces, utilizing a slow
23 speed hand piece with a prophylaxis/polishing cup or brush and polishing
24 agent and is not prophylaxis. To be considered prophylaxis,

1 examination for calculus and scaling must be done by a hygienist or
2 dentist;

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

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

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

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

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

24

1 12. "Dental hygienist" means an individual who has fulfilled
2 the educational requirements and is a graduate of an accredited
3 dental hygiene program and who has passed an examination and has
4 been issued a license by the Board and who is authorized to practice
5 dental hygiene as hereinafter defined;

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

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

20 15. "Dental laboratory technician" means an individual whose
21 name is duly filed in the official records of the Board, which
22 authorizes the technician, upon the laboratory prescription of a
23 dentist, to perform dental laboratory technology, which services
24

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

3 16. "Dental laboratory technology" means using materials and
4 mechanical devices for the construction, reproduction or repair of
5 dental restorations, appliances or other devices to be worn in a
6 human mouth;

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

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

23 19. "Direct visual supervision" means the supervisory dentist
24 has direct ongoing visual oversight which shall be maintained at all

1 times during any procedure authorized to be performed by a dental
2 assistant or an oral maxillofacial surgery assistant;

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

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

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

23 23. "Indirect supervision" means the supervisory dentist is in
24 the dental office or treatment facility and has personally diagnosed

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

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

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

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

23 27. "Mobile dental anesthesia provider" means a licensed and
24 anesthesia-permitted dentist, physician or certified registered

1 nurse anesthetist (CRNA) that has a mobile dental unit and provides
2 anesthesia in dental offices and facilities in the state;

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

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

24

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

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

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

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

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

20 35. "Treatment facility" means:

21 a. a federal, tribal, state or local public health
22 facility,

23 b. a ~~federal qualified health care facility~~ Federally
24 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;

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

4 3. Has passed a written theoretical examination and a clinical
5 examination approved by the Board; and

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

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

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

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

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

18 D. Pursuant to Section 328.15 of this title, the Board may
19 affiliate as a member state, and accept regional exams ~~including,~~

20 ~~but not limited to~~ from the Commission on Dental Competency

21 Assessments (CDCA), the Western Regional Examination Examining Board

22 (WREB), or the Central Regional Dental Testing Service (CRDTS) or

23 ~~another regional exam that includes~~ if the following requirements

24 are included:

1 a. ~~for~~

2 1. For dental licensing the following components:

3 ~~(1)~~

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

7 ~~(2)~~

8 b. a periodontal component on a live patient,

9 ~~(3)~~

10 c. an endodontic component,

11 ~~(4)~~

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

14 ~~(5)~~

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

18 ~~(6)~~

19 f. the Board may determine equivalencies based on
20 components of other exams for the purpose of
21 credentialing~~r~~i or

22 ~~b. —for~~

23 2. For dental hygienists licensing the following components:

24 ~~(1)~~

1 Board, a copy of a dental degree or dental hygiene degree, an
2 official transcript, a recent photograph duly identified and
3 attested, and any other information as required by the Board.

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

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

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

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

1 2. A dental hygienist holding a dental hygiene license in good
2 standing and having practiced for at least four hundred twenty (420)
3 hours within the previous five (5) years immediately prior to
4 application and having passed a regional examination substantially
5 equivalent to the requirements for Oklahoma may apply for licensure
6 by credentials. Applicants for credentialing must include:

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

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

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

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

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

21 1. Administration of nitrous oxide; and

22 2. Administration of local anesthesia.

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

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

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

16 SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.23, as
17 last amended by Section 5, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
18 2020, Section 328.23), is amended to read as follows:

19 Section 328.23 A. The President of the Board, upon
20 verification that a person meets the requirements provided for in
21 this section and any other requirements provided for in the State
22 Dental Act, may issue an emergency temporary license to practice
23 dentistry for thirty (30) days. A temporary license may be extended
24

1 but shall not exceed ninety (90) days or the next available
2 regularly scheduled Board meeting.

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

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

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

17 E. A holder of a temporary license to practice dentistry or
18 dental hygiene shall have the same rights and privileges and be
19 governed by the State Dental Act and the rules of the Board in the
20 same manner as a holder of a permanent license to practice dentistry
21 and dental hygiene.

22 F. The President of the Board may authorize patient treatment
23 and care ~~to~~ by individuals taking the Commission on Dental
24 Competency Assessments (CDCA) or the Western Regional Examining

1 Board ~~Exam~~ exam, or other regional exams as approved by the Board,
2 in order for such individuals to complete criteria related to Board
3 examinations ~~and~~. The Board may authorize specialty examinations to
4 be given throughout the year as needed.

5 SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.23a, as
6 amended by Section 10, Chapter 229, O.S.L. 2015 (59 O.S. Supp. 2020,
7 Section 328.23a), is amended to read as follows:

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

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

1 4. Issued for one (1) calendar year or part thereof.

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

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

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

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

22 4. Acknowledgement and documentation that the dentist or dental
23 hygienist will not receive or have the expectation to receive any
24

1 payment or compensation, either direct or indirect, for any dental
2 services rendered under the special volunteer license; and

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

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

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

24

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

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

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

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

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

17 SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.25, as
18 last amended by Section 11, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
19 2020, Section 328.25), is amended to read as follows:

20 Section 328.25 A. No person shall practice as an oral
21 maxillofacial surgery assistant without having obtained a permit as
22 an oral maxillofacial surgery assistant from the Board of Dentistry.

23 B. Any person seeking to obtain an oral maxillofacial surgery
24 assistant permit must have a supervising oral maxillofacial surgeon

1 with a current Oklahoma license and complete the requirements set
2 forth by the Board.

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

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

8 2. Has completed all of the training requirements for the oral
9 maxillofacial surgery assistant permit as established by the Board.

10 D. An oral maxillofacial surgery assistant permit shall be
11 considered a temporary training permit until all of the training
12 requirements, as established by the Board for each oral
13 maxillofacial surgery assistant, have been completed and approved by
14 the Board.

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

17 F. All oral maxillofacial surgery assistants are required to be
18 under direct supervision or direct visual supervision at all times
19 by a licensed oral maxillofacial surgeon.

20 G. If an oral maxillofacial surgery assistant is not currently
21 employed by an oral maxillofacial surgeon, the oral maxillofacial
22 surgery assistant permit shall automatically revert to a dental
23 assistant permit as set forth in Section 328.24 of this title and
24 may be eligible for an expanded function assisting a dentist who

1 holds a parenteral or pediatric anesthesia permit; provided, only
2 the dentist may administer anesthesia and assess the patient's level
3 of sedation. The oral maxillofacial surgery assistant permit may be
4 reinstated upon employment under a licensed oral maxillofacial
5 surgeon.

6 H. Any oral maxillofacial surgeon shall notify the Board within
7 thirty (30) days of an oral maxillofacial surgery assistant no
8 longer under his or her supervision.

9 I. An applicant for an oral maxillofacial surgery assistant
10 permit shall provide satisfactory proof of:

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

15 2. A valid BLS certification;

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

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

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

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

7 K. Oral maxillofacial surgery assistants shall be required to
8 complete ~~twelve (12)~~ eight (8) hours of continuing education every
9 ~~three (3)~~ two (2) years in classes approved by AAOMS that are
10 certified by the American Dental Association CERP program or another
11 program approved by the Board. The continuing education requirement
12 shall include at least one (1) hour on infection control.

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

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

24 1. Under direct supervision:

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

5 2. Under direct visual supervision:

- 6 a. follow instructions of the oral surgeon while acting
7 as an accessory hand on behalf of the oral surgeon
8 that is administering the medication and actively
9 treating the patient. For the purposes of this
10 section, "administer" means to have the sole
11 responsibility for anesthesia care, including
12 determining medicines to be used and the dosage,
13 timing, route of delivery and administration of
14 medication and the assessment of the level of
15 anesthesia and monitoring the physiological results of
16 such care; provided, only an oral surgeon or dentist
17 possessing a current general anesthesia permit may
18 administer or assess the level of sedation or general
19 anesthesia and monitor the results of such care,
20 b. follow instructions of the oral surgeon to adjust the
21 rate of intravenous fluids to maintain or keep the
22 line patent or open and adjust an electronic device to
23 provide medications such as an infusion pump, and
24

1 c. assist the oral surgeon by reading, recording vital
2 signs of a patient receiving deep sedation or general
3 anesthesia; provided, only an oral surgeon may assess
4 the level of sedation; ~~and.~~

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

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

13 SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.26, as
14 last amended by Section 4, Chapter 302, O.S.L. 2017 (59 O.S. Supp.
15 2020, Section 328.26), is amended to read as follows:

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

1 person currently participating in a fellowship program affiliated
2 with an accredited dental school.

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

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

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

17 1. The dental student intern shall notify the Board of the
18 supervising dentist;

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

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

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

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

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

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

16 I. Students currently enrolled at the University of Oklahoma
17 College of Dentistry or an accredited dental hygiene or dental
18 assisting program shall be exempted from Sections 328.19 and 328.21
19 of this title while participating in an educational program located
20 at the University of Oklahoma College of Dentistry or the clinic of
21 an accredited dental hygiene or dental assisting program. A
22 licensed dentist, hygienist or faculty license holder shall be
23 physically present in the facility whenever students of dentistry,
24

1 dental hygiene or dental assisting are performing a clinical dental
2 procedure on patients.

3 SECTION 7. AMENDATORY Section 19, Chapter 229, O.S.L.
4 2015 (59 O.S. Supp. 2020, Section 328.31b), is amended to read as
5 follows:

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

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

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

18 2. Results of clinical examination and tests conducted,
19 including the identification, or lack thereof, of any oral pathology
20 or diseases;

21 3. Treatment plan proposed by the dentist; and

22 4. Treatment rendered to the patient. The patient record shall
23 clearly identify the dentist and the dental hygienist providing the
24 treatment with the dentist, specialty or dental hygienist license

1 ~~number.~~ The patient record shall include documentation of any
2 medications prescribed, administered or dispensed to the patient.

3 ~~5.~~ C. Whenever patient records are released or transferred, the
4 dentist releasing or transferring the records shall maintain either
5 the original records or copies thereof and a notation shall be made
6 in the retained records indicating to whom the records were released
7 or transferred;~~and.~~

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

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

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

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

24

1 SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.32, as
2 last amended by Section 34, Chapter 161, O.S.L. 2020 (59 O.S. Supp.
3 2020, Section 328.32), is amended to read as follows:

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

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

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

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

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

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

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

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

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

9 9. Failing to complete continuing education requirements;

10 10. Representing himself or herself to the public as a
11 specialist in a dental specialty without holding a dental specialty
12 license therefor;

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

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

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

23 14. Being shown to be mentally unsound;

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 33. Being dishonest in a material way with a patient;

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

11 35. Failing to retain the dentist's copy of any laboratory
12 prescription for at least ~~three (3)~~ seven (7) years, except that the
13 failure to retain records shall not be a violation of the State
14 Dental Act if the dentist shows that the records were lost,
15 destroyed, or removed by another, without the consent of the
16 dentist;

17 36. Allowing any corporation, organization, group, person, or
18 other legal entity, except another dentist or a professional entity
19 that is in compliance with the registration requirements of
20 subsection B of Section 328.31 of this title, to direct, control, or
21 interfere with the dentist's clinical judgment. Clinical judgment
22 shall include, but not be limited to, such matters as selection of a
23 course of treatment, control of patient records, policies and
24 decisions relating to pricing, credit, refunds, warranties and

1 advertising, and decisions relating to office personnel and hours of
2 practice. Nothing in this paragraph shall be construed to:

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

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

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

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

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

24

1 41. Having multiple administrative or civil actions reported to
2 the National Practitioner Databank; or

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

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

16 SECTION 9. AMENDATORY 59 O.S. 2011, Section 328.33, as
17 last amended by Section 5, Chapter 113, O.S.L. 2016 (59 O.S. Supp.
18 2020, Section 328.33), is amended to read as follows:

19 Section 328.33 A. The following acts or occurrences by a
20 dental hygienist shall constitute grounds for which the penalties
21 specified in Section 328.44a of this title may be imposed by order
22 of the Board of Dentistry or be the basis for denying a new
23 applicant any license or permit issued by the Board:
24

1 1. Any of the causes now existing in the laws of ~~the State of~~
2 ~~Oklahoma~~ this state;

3 2. A violation of the provisions of the State Dental Act; or

4 3. A violation of the rules of the Board promulgated pursuant
5 to the State Dental Act.

6 B. The Board shall also have the power to act upon a petition
7 by a dental hygienist for reinstatement to good standing. The Board
8 shall keep a record of the evidence and proceedings in all matters
9 involving the revocation or suspension of a license or reprimand or
10 probation of a dental hygienist. The Board shall make findings of
11 fact and a decision thereon. The Board shall immediately forward a
12 certified copy of the decision to the dental hygienist involved by
13 registered mail to the last-known business address of the dental
14 hygienist.

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

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

22 D. The Board shall have power to revoke or suspend the license,
23 reprimand, or place on probation a dental hygienist for a violation
24 of one or more of the following:

- 1 1. Pleading guilty or nolo contendere to, or being convicted
2 of, a felony, a misdemeanor involving moral turpitude, or a
3 violation of federal or state controlled dangerous substances laws;
- 4 2. Presenting to the Board a false diploma, license or
5 certificate, or one obtained by fraud or illegal means;
- 6 3. Being, by reason of persistent inebriety or addiction to
7 drugs, incompetent to continue the practice of dental hygiene;
- 8 4. Has been guilty of dishonorable or unprofessional conduct;
- 9 5. Failure to pay registration fees as provided by the State
10 Dental Act;
- 11 6. Is a menace to the public health by reason of communicable
12 disease;
- 13 7. Being shown to be mentally incapacitated or has been
14 admitted to a mental institution, either public or private, and
15 until the dental hygienist has been proven to be mentally competent;
- 16 8. Being shown to be grossly immoral;
- 17 9. Being incompetent in the practice of dental hygiene;
- 18 10. Committing willful negligence in the practice of dental
19 hygiene;
- 20 11. Being involuntarily committed for treatment for drug
21 addiction to a facility, either public or private, and until the
22 dental hygienist has been proven cured;

23
24

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

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

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

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

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

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

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

23 19. Using or attempting to use in any manner whatsoever any
24 oral prophylaxis list, call list, records, reprints or copies of

1 same, or information gathered therefrom, of the names of patients
2 whom such dental hygienist might have served in the office of a
3 prior employer, unless such names appear upon the bona fide call or
4 oral prophylaxis list of the present employer of the dental
5 hygienist and were caused to so appear through the legitimate
6 practice of dentistry, as provided for in the State Dental Act;

7 ~~14.~~ 20. Violating the state dental act of another state
8 resulting in a plea of guilty or nolo contendere, conviction, or
9 suspension or revocation of the license of the dental hygienist
10 under the laws of that state;

11 ~~15.~~ 21. Violating or attempting to violate the provisions of
12 the State Dental Act or the rules of the Board, as a principal,
13 accessory or accomplice;

14 ~~16.~~ 22. Failing to comply with the terms and conditions of an
15 order imposing suspension of a license or placement on probation
16 issued pursuant to Section 328.44a of this title; or

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

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

22 SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.36a, is
23 amended to read as follows:

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

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

23 C. The patient's name or the identification number of the
24 laboratory prescription shall appear on all dental models and

1 correspond to all dental restorations, appliances or other devices
2 being constructed, reproduced or repaired. Any dental model,
3 restoration, appliance or other device in the possession of a dental
4 laboratory technician or dental laboratory without a laboratory
5 prescription and corresponding number on the model, restoration,
6 appliance or device shall be prima facie evidence of a violation of
7 the State Dental Act. After completion, the prescribed work product
8 shall be returned by the dental laboratory technician or dental
9 laboratory to the prescribing dentist or the dental office of the
10 dentist with the name or number of the laboratory prescription
11 accompanying the invoice.

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

14 1. The name and address of the dental laboratory;

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

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

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

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

23

24

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

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

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

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

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

17 SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.41, as
18 last amended by Section 9, Chapter 397, O.S.L. 2019 (59 O.S. Supp.
19 2020, Section 328.41v1), is amended to read as follows:

20 Section 328.41v1 A. 1. On or before the last day of December
21 of each year, every dentist, dental hygienist, dental assistant,
22 oral maxillofacial surgery assistant and other licensee or permit
23 holders previously licensed or permitted by the Board to practice in
24 this state, with the exception of those listed in paragraph 2 of

1 this subsection, shall submit a completed renewal application with
2 information as may be required by the Board, together with an annual
3 renewal fee established by the rules of the Board. Upon receipt of
4 the annual renewal fee, the Board shall issue a renewal certificate
5 authorizing the dentist, dental hygienist, dental assistant, or oral
6 maxillofacial surgery assistant to continue the practice of
7 dentistry or dental hygiene, respectively, in this state for a
8 period of one (1) year. Every license or permit issued by the Board
9 shall begin on January 1 and expire on December 31 of each year.

10 2. Beginning July 1, 2017, resident and fellowship permits
11 shall be valid from July 1 through June 30 of each year and dental
12 student intern permits shall be valid from August 1 through July 31
13 of each year.

14 B. ~~Continuing education requirements shall be due at the end of~~
15 ~~each three-year period ending in 2019 as follows:~~

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

19 a. ~~dentists.~~

20 2. Continuing education requirements for a dentist or dental
21 hygienist shall consist of:

22 a. a live, in-person cardiopulmonary resuscitation class
23 approved by the Board,

24 b. an ethics class approved by the Board,

1 c. for a dentist, two (2) hours of opioid and scheduled
2 drug prescribing classes, and

3 d. any combination of the following:

4 (1) classes at a university, college or technology
5 center school accredited by the Commission on
6 Dental Accreditation (CODA). A dentist or dental
7 hygienist who teaches one or more classes shall
8 receive one (1) credit hour of continuing
9 education per eighteen (18) hours taught,

10 (2) a scientific-based medical treatment and patient
11 care class approved by the Board,

12 (3) any health-related program sponsored by the
13 Veterans Administration or Armed Forces provided
14 at a government facility,

15 (4) formal meetings by national or state professional
16 organizations for dental providers, or
17 university-sponsored professional alumni clinical
18 meetings approved by the Board,

19 (5) organized study clubs,

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

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

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

6 ~~b.~~ hygienists with no more than twenty (20) hours to be
7 completed online. Hygienists shall complete twenty
8 (20) hours,

9 ~~e.~~ oral with no more than ten (10) hours to be completed
10 online. Interactive classes or webinar classes may,
11 at the discretion of the Board, count as in-person.

12 4. Oral maxillofacial surgery assistants shall complete eight
13 (8) hours, including one (1) hour of infection control.

14 ~~d.~~ dental

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

17 ~~e.~~ any.

18 6. Any newly licensed dentist shall complete a two-hour opioid
19 and scheduled drug prescribing class within one (1) year of
20 obtaining licensure, ~~and~~

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

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

- 3 ~~a. dentists shall complete forty (40) hours, including a~~
4 ~~one-time, two-hour opioid and scheduled drug~~
5 ~~prescribing class,~~
6 ~~b. hygienists shall complete twenty (20) hours,~~
7 ~~c. OMS assistants shall complete eight (8) hours, and~~
8 ~~d. dental assistants shall have two (2) hours of~~
9 ~~infection control.~~

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

18 D. Any dentist, dental hygienist, dental assistant, or oral
19 maxillofacial surgery assistant whose license or permit is
20 automatically canceled by reason of failure, neglect or refusal to
21 secure the renewal certificate may be reinstated by the Board at any
22 time within one (1) year from the date of the expiration of the
23 license, upon payment of the annual renewal fee and a penalty fee
24 established by the rules of the Board. If the dentist, dental

1 hygienist, dental assistant, or oral maxillofacial surgery assistant
2 does not apply for renewal of the license or permit and pay the
3 required fees within one (1) year after the license has expired,
4 then the dentist, dental hygienist, dental assistant, or oral
5 maxillofacial surgery assistant shall be required to file an
6 application for and take the examination or other requirements
7 provided for in the State Dental Act or the rules promulgated by the
8 Board before again commencing practice.

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

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

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

24

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

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

7 SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.48, is
8 amended to read as follows:

9 Section 328.48 It shall be the duty of the Board of Dentistry,
10 annually, to have prepared a statement showing the total amount of
11 receipts and expenditures of the Board for the preceding twelve (12)
12 months. The statement shall be properly certified under oath by the
13 president and ~~secretary-treasurer~~ Executive Director of the Board to
14 the Governor ~~of this state~~ and may be sent electronically.

15 SECTION 13. AMENDATORY Section 13, Chapter 270, O.S.L.
16 2012 (59 O.S. Supp. 2020, Section 328.54), is amended to read as
17 follows:

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

24

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

7 SECTION 14. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 328.57 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

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

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

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

1 SECTION 15. REPEALER 59 O.S. 2011, Section 328.29, is
2 hereby repealed.

3 SECTION 16. REPEALER 59 O.S. 2011, Section 328.41, as
4 last amended by Section 4, Chapter 428, O.S.L. 2019 (59 O.S. Supp.
5 2020, Section 328.41), is hereby repealed.

6 SECTION 17. This act shall become effective November 1, 2021.

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8 58-1-8027 AB 03/31/21

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