An Act

ENROLLED SENATE
BILL NO. 684

By: Jolley, Shortey and Crain of the Senate

and

Derby, Ownbey, Christian, Kirby, Enns, Proctor, Blackwell and Bennett of the House

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 328.2, which relates to declarations; modifying certain oversight powers of State Board of Dentistry; amending 59 O.S. 2011, Section 328.3, which relates to definitions; modifying definitions; amending 59 O.S. 2011, Section 328.15, as amended by Section 2, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.15), which relates to powers and duties of the State Board of Dentistry; modifying certain permits; clarifying language; amending 59 O.S. 2011, Section 328.19, which relates to acts constituting the practice of dentistry; removing certain professions; amending 59 O.S. 2011, Section 328.21, which relates to registration of licenses; requiring certain license for dental assistants; amending 59 O.S. 2011, Section 328.23, as amended by Section 4, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.23), which relates to licensing of dentists from other states; modifying duration of temporary licenses; authorizing certain treatments; amending 59 O.S. 2011, Section 328.26, as amended by Section 5, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.26), which relates to issuance of permits; authorizing certain permits; providing standards for expiration; providing certain construction; amending 59 O.S. 2011, Section 328.27, which relates to faculty

permits; authorizing visiting permits under certain circumstances; amending Section 6, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.28a), which relates to criminal background checks for applicants; modifying certain date; permitting Board to receive payments for background checks; amending 59 O.S. 2011, Section 328.29a, which relates to revocation of dental assistant permits; modifying provisions for delivery of certain notices; modifying Board authority to revoke licenses; amending 59 O.S. 2011, Section 328.31, which relates to trade names; modifying timeframe for registrations; amending 59 O.S. 2011, Section 328.32, as amended by Section 7, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.32), which relates to penalties; modifying qualifications for certain penalties; amending 59 O.S. 2011, Section 328.33, which relates to revocation of dental hygienist licenses; broadening scope of possible violations; amending 59 O.S. 2011, Section 328.34, which relates to employment of dental hygienists; modifying restrictions on certain employees; amending 59 O.S. 2011, Section 328.41, as amended by Section 9, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.41), which relates to renewal certificates; requiring certain licensees to submit certain applications; clarifying language; permitting the Oklahoma State Board of Dentistry to waive certain fees for dental assistants; modifying provisions for delinquent applications for license renewal; amending 59 O.S. 2011, Section 328.44a, which relates to imposition of penalties; modifying reference; amending 59 O.S. 2011, Section 328.51a, which relates to fees; modifying certain fees; authorizing new fees; amending 59 O.S. 2011, Section 328.53, as amended by Section 12, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.53), which relates to malpractice insurance; providing exemption from insurance policy requirements to retired dentists providing care under certain circumstances; amending 74 O.S. 2011, Section 3601.1, as amended by Section 34 of Enrolled House Bill No. 2201 of the 1st Session of the 54th Oklahoma Legislature, which

relates to full-time state employees; increasing full-time equivalent positions within State Board of Dentistry; providing for codification; providing an effective date; 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 328.2, is amended to read as follows:

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

SECTION 2. AMENDATORY 59 O.S. 2011, Section 328.3, 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. "Board" means the Board of Dentistry;

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

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

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

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

8. "Dental assistant ~~and/or dental nurse~~ or oral maxillofacial surgery assistant" means an individual working for a dentist, under the dentist's direct 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 dental nurse~~ or oral maxillofacial surgery assistant may assist a dentist with the patient; provided, this shall be done only under the direct supervision and control of the dentist and only in accordance with the educational requirements and rules promulgated by the Board;

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

10. "Dental laboratory technician" means an individual whose name is duly filed in the official records of the Board, which authorizes the technician, upon the laboratory prescription of a dentist, to perform dental laboratory technology, which services must be rendered only to the prescribing dentist and not to the public;

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

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

13. "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, authorizes the procedures to be performed by a dental hygienist, ~~or~~ dental assistant, or oral maxillofacial surgery assistant, remains in the dental office or treatment facility while the procedures are being performed and, before dismissal of the patient, evaluates the results of the dental treatment;

14. "General supervision" means the supervisory dentist has previously diagnosed any conditions to be treated, has personally authorized the procedures to be performed by a dental hygienist, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures performed, the needs of the patient, and the professional judgment of the supervisory dentist;

15. "Indirect supervision" means the supervisory dentist is in the dental office or treatment facility and has personally diagnosed any conditions to be treated, authorizes the procedures to be performed by a dental hygienist, remains in the dental office or treatment facility while the procedures are being performed, and will evaluate the results of the dental treatment within a reasonable time as determined by the nature of the procedures

performed, the needs of the patient, and the professional judgment of the supervisory dentist;

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

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

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

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

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

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

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

~~22.~~ 23. "Treatment facility" means:

a. a federal, state or local public health facility,

b. a private health facility,

c. a group home or residential care facility serving the elderly, handicapped or juveniles,

d. a hospital,

e. a nursing home,

f. a penal institution operated by or under contract with the federal or state government,

g. a public or private school,

h. a patient of record's private residence,

i. a mobile dental unit,

j. an accredited dental college,

k. an accredited dental hygiene program, or

l. such other places as are authorized by the rules of the Board.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 328.15, as amended by Section 2, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.15), is amended to read as follows:

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

B. The Board is authorized and empowered to:

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

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

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

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

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

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

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

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

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

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

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

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

13. Formulate, adopt, and promulgate rules, pursuant to Article I of the Administrative Procedures Act, as may be necessary to

implement and enforce the provisions of the Oklahoma Dental Mediation Act;

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

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

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

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

18. Enter into contracts;

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

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

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

SECTION 4. AMENDATORY 59 O.S. 2011, Section 328.19, is amended to read as follows:

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

1. Representing oneself to the public as being a dentist or as one authorized to practice dentistry;

2. Representing oneself to the public as being able to diagnose or examine clinical material and contract for the treating thereof;

3. Treating or professing to treat by professional instructions;

4. Representing oneself to the public as treating any of the diseases or disorders or lesions of the oral cavity, teeth, gums, maxillary bones, and associate structures;

5. Removing human teeth;

6. Repairing or filling cavities in human teeth;

7. Correcting or attempting to correct malposed teeth;

8. Administering anesthetics, general or local;

9. Treating deformities of the jaws and adjacent structures;

10. Using x-ray and interpreting dental x-ray film;

11. Offering or undertaking, by any means or methods, to remove stains, discolorations, or concretions from the teeth;

12. Operating or prescribing for any disease, pain, injury, deficiency, deformity, or any physical condition connected with the human mouth;

13. Taking impressions of the teeth and jaws;

14. Furnishing, supplying, constructing, reproducing, or repairing, or offering to furnish, supply, construct, reproduce, or repair, prosthetic dentures, sometimes known as plates, bridges, or other substitutes for natural teeth for the user or prospective user thereof;

15. Adjusting or attempting to adjust any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth;

16. Diagnosing, making, and adjusting appliances to artificial casts of malposed teeth for treatment of the malposed teeth in the human mouth, without instructions;

17. Writing a laboratory prescription to a dental laboratory or dental laboratory technician for the construction, reproduction or repair of any appliance or structure to be worn in the human mouth; or

18. Owning, maintaining, or operating an office or offices by holding a financial interest in same for the practice of dentistry.

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

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

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

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

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

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

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

7. The fabrication of dental appliances pursuant to a laboratory prescription of a dentist, by a dental laboratory technician in a dental laboratory using inert materials and mechanical devices for the fabrication of any restoration, appliance or thing to be worn in the human mouth.

SECTION 5. AMENDATORY 59 O.S. 2011, Section 328.21, is amended to read as follows:

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

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

1. Is of good moral character; and

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

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

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

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

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

D. 1. When the applicant and the accompanying proof are found satisfactory, the Board shall notify the applicant to appear for examination at the time and place to be fixed by the Board. Examination shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental hygiene, whichever the case may be, and shall consist of three parts, namely:

a. a written theoretical examination,

b. a clinical examination, and

c. a written jurisprudence examination, relating to the contents and interpretation of the State Dental Act and the rules of the Board.

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

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

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

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

agreement pursuant to Section 328.15 of this title, in lieu of, or subject to, such examinations as may be required.

F. Any applicant who fails to pass any part of the first examination may apply for a second examination, in which case the applicant shall pay a reexamination fee as established by the rules of the Board. Any applicant who fails to pass the examination upon first trial may be given credit for such subjects as the Board may allow, but such credits shall be extended only to the succeeding examinations. If the applicant fails to pass a second examination, before further re-examination, the Board may require evidence of additional education, as specified by the Board. After a third examination, the Board may deny the applicant another examination.

G. No person shall practice as a dental assistant or oral maxillofacial surgery assistant for more than one (1) day in a calendar year without having obtained a permit as a dental assistant or oral maxillofacial surgery assistant from the Board of Dentistry within thirty (30) days of beginning employment.

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

SECTION 6. AMENDATORY 59 O.S. 2011, Section 328.23, as amended by Section 4, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.23), is amended to read as follows:

Section 328.23. A. 1. The Board of Dentistry may issue a license to practice dentistry, without examination, to an out-of-state dentist who has been engaged in the practice of dentistry in another state for at least five (5) years, upon presentation to the Board of a certificate from the dental licensing agency of that state, certifying the applicant's length of practice and that the applicant is in good standing with the agency, and upon the payment of a fee established by the rules of the Board; provided, however, the state from which the applicant presents a license to practice dentistry shall have required the applicant to meet professional education, competency, and moral character standards substantially equivalent to the standards required by the Board for issuance of a license by examination to practice dentistry in this state.

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

3. The Board may require:

a. an applicant for a license to practice dentistry pursuant to this subsection to have completed the same continuing education requirements as required of dentists in this state, and

b. that the state from which the applicant presents credentials afford substantially equivalent licensure by credentialing to dentists of this state.

B. Any dentist who is in good standing with the Board shall, upon application to the Board and payment of a fee established by the rules of the Board, receive a certificate which shall attest that the dentist is in good standing with the Board.

C. 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 a 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.

D. The President of the Board may authorize patient treatment and care to individuals taking the Western Regional Examining Board Exam to complete criteria related to Board examinations and may authorize specialty examinations to be given throughout the year as needed.

SECTION 7. AMENDATORY 59 O.S. 2011, Section 328.26, as amended by Section 5, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.26), is amended to read as follows:

Section 328.26. A. The Board of Dentistry may, without examination, issue a dental intern ~~or~~, resident or fellowship permit to a student or graduate of an approved dental school or college, who is otherwise qualified, upon request of the dean or the

governing body of any public or private institution for the graduate to serve as a dental intern or resident in the institution, with limited duties as defined in the permit.

B. A dental intern ~~or~~, 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 intern ~~or~~, 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 intern ~~or~~, resident or fellowship permit will be employed.

D. A dental 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 or the accredited dental college.

E. The issuance of a dental 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.

F. Dental intern or resident permits may be renewed annually at the discretion of the Board.

SECTION 8. AMENDATORY 59 O.S. 2011, Section 328.27, is amended to read as follows:

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

a. is a graduate of a school of dentistry approved by the Board and is licensed to practice dentistry in another state or country,

b. successfully completes advanced training in a specialty approved by the Commission on Dental Accreditation of the American Dental Association, or

c. is a graduate of an accredited dental hygiene program and is licensed to practice dental hygiene in another state.

2. A faculty permit shall be issued only upon the certification of the dean of an accredited dental college or the director of an accredited dental hygiene program located in this state that the applicant is a bona fide member of the teaching staff of that college or program.

3. Following the first year of employment, the faculty permit holder shall show proof of passing an appropriate clinical board examination recognized by the Board of Dentistry.

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

B. The holder of a faculty permit shall be entitled to perform services and procedures in the same manner as a person holding a license to practice dentistry or dental hygiene in this state, but all services and procedures performed by the faculty permit holder shall only be without compensation other than that received in salary from a faculty position or through faculty practice as authorized by the Board. Such services and procedures shall be performed only within the facilities of an accredited dental college or accredited dental hygiene program or in a seminar or postgraduate course and as an adjunct to teaching functions. A holder of a faculty permit shall only engage in faculty practice of dentistry or dental hygiene within the facilities designated by the accredited dental college and including teaching hospitals approved by the Board.

C. The Dean of an accredited dental or hygiene program may petition the Board to allow a visiting faculty member to have a visiting faculty permit not to exceed one (1) year, based on a showing of criteria that the individual possesses specialty knowledge in a specific area that would benefit the college or program.

SECTION 9. AMENDATORY Section 6, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.28a), is amended to read as follows:

Section 328.28a. A. ~~Every~~ Beginning January 2014, every applicant for any type of license or permit issued by the Board of Dentistry shall be subject to a criminal background check.

B. Each applicant shall submit two completed fingerprint cards as required by the Board. The fingerprint cards shall be required to be in a clear, readable format acceptable to the Oklahoma State Bureau of Investigation.

C. Each applicant shall include a money order or cashier's check made payable to the Oklahoma State Bureau of Investigation or the Board for the purposes of a local and national criminal background check.

D. The Board shall forward the fingerprint cards, along with the applicable fee for a national fingerprint criminal history records search, to the Bureau.

E. The Bureau shall retain one set of fingerprints in the Automated Fingerprint Identification System and submit the other set to the Federal Bureau of Investigation for a national criminal history records search.

SECTION 10. AMENDATORY 59 O.S. 2011, Section 328.29a, is amended to read as follows:

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

1. Any of the causes now existing in the laws of the State of Oklahoma;

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

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

B. The Board shall also have the power to act upon a petition by a dental assistant or oral maxillofacial surgery assistant for reinstatement to good standing. The Board shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a permit, censure or probation of a dental assistant or oral maxillofacial surgery assistant. The Board shall make findings of fact and a decision thereon. The Board shall immediately forward a certified copy of the decision to the dental assistant or oral maxillofacial surgery assistant involved by registered mail to the last-known ~~business address of the dental assistant and the employing dentist of the dental assistant~~ official address as recorded by the Board.

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

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

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;

2. The presentation to the Board of false application or documentation for ~~expanded duty permits~~ a permit;

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

4. Functioning outside the supervision of a dentist;

5. Performing any function prohibited by Chapter 15 of the Oklahoma Administrative Code or any violation that would be a violation for a dentist or hygienist under Section 328.32 or 328.33 of this title; or

6. Failure to secure an annual registration as specified in Section 328.41 of ~~Title 59 of the Oklahoma Statutes~~ this title.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 328.31, is amended to read as follows:

Section 328.31. A. Professional entities formed pursuant to the Professional Entity Act, for the purpose of rendering professional services by a dentist, shall be subject to all of the provisions of the State Dental Act, except that professional entities shall not be required to obtain a license from the Board of Dentistry. Individuals who hold a license issued by the Board shall be responsible, pursuant to the State Dental Act, for their personal conduct without regard to the fact that they are acting as an owner, manager, agent or employee of, or the holder of an interest in, a professional entity.

B. Professional entities formed for the purpose of rendering professional services by a dentist must register with the Board before rendering such services and must update the registration during ~~June~~ the renewal period of each year. The Board shall:

1. Provide the form and establish the fee for the registration and update;

2. Maintain a registry of all such professional entities; and

3. Publish annually a summary of the registry.

C. The Board is authorized to issue certificates pursuant to Section 804 of Title 18 of the Oklahoma Statutes and shall maintain a record of each certificate issued.

D. Enforcement actions by the Board for violation of the State Dental Act or the rules of the Board may be brought against a professional entity as well as against any individual who is or has

acted as an owner, manager, agent or employee of, or the holder of an interest in, the professional entity.

SECTION 12. AMENDATORY 59 O.S. 2011, Section 328.32, as amended by Section 7, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.32), is amended to read as follows:

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

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws;

2. Presenting to the Board a false diploma, license, or certificate, or one obtained by fraud or illegal means;

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

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

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

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

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

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

9. Failing to complete continuing education requirements;

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

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

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

13. ~~Being a menace to the public health by reasons of practicing~~ Practicing dentistry in an unsafe or unsanitary manner or place, including but not limited to repeated failures to follow Centers for Disease Control (CDC) or Occupational Health Safety Administration (OSHA) guidelines;

14. Being shown to be mentally unsound;

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

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

17. Committing gross negligence in the practice of dentistry;

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

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

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

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

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

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

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

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

~~25.~~ 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;

~~26.~~ 27. Willfully disclosing confidential information;

~~27.~~ 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;

~~28.~~ 29. Prescribing or administering any drug or treatment without having established a valid dentist-patient relationship;

~~29.~~ 30. Using or administering nitrous oxide gas in a dental office in an inappropriate or unauthorized manner;

~~30.~~ 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;

~~31.~~ 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;

~~32.~~ 33. Being dishonest in a material way with a patient;

~~33.~~ 34. Failing to retain all patient records for at least three (3) years from the date of the last treatment, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

~~34.~~ 35. Failing to retain the dentist's copy of any laboratory prescription for at least three (3) years, except that the failure to retain records shall not be a violation of the State Dental Act if the dentist shows that the records were lost, destroyed, or removed by another, without the consent of the dentist;

~~35.~~ 36. Allowing any corporation, organization, group, person, or other legal entity, except another dentist or a professional entity that is in compliance with the registration requirements of subsection B of Section 328.31 of this title, to direct, control, or interfere with the dentist's clinical judgment. Clinical judgment shall include, but not be limited to, such matters as selection of a course of treatment, control of patient records, policies and decisions relating to pricing, credit, refunds, warranties and advertising, and decisions relating to office personnel and hours of practice. Nothing in this paragraph shall be construed to:

a. limit a patient's right of informed consent, or

b. to prohibit insurers, preferred provider organizations and managed care plans from operating pursuant to the applicable provisions of the Oklahoma Insurance Code and the Public Health Code;

~~36.~~ 37. Violating the state dental act of another state resulting in a plea of guilty or nolo contendere, conviction or

suspension or revocation of the license of the dentist under the laws of that state;

~~37.~~ 38. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice;

~~38.~~ 39. Failing to comply with the terms and conditions of an order imposing suspension of a license or placement on probation issued pursuant to Section 328.44a of this title; or

~~39.~~ 40. Failing to cooperate during an investigation or providing false information, verbally or in writing, to the Board, the Board's investigator or an agent of the Board.

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

SECTION 13. AMENDATORY 59 O.S. 2011, Section 328.33, is amended to read as follows:

Section 328.33. A. The Board of Dentistry shall have the power, after a hearing, to revoke or suspend a license of a dental hygienist or to discipline by probation or reprimand, public or private, for:

1. Any of the causes now existing in the laws of the State of Oklahoma;

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

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

B. The Board shall also have the power to act upon a petition by a dental 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. The presentation to the Board of 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. Has failed 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. Has been proven 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. Is grossly immoral;

9. Is incompetent in the practice of dental hygiene;

10. Is guilty of willful negligence in the practice of dental hygiene;

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

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

16. 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. Any violation that would otherwise be a violation for a dentist under 328.32 of this title.

SECTION 14. AMENDATORY 59 O.S. 2011, Section 328.34, is amended to read as follows:

Section 328.34. A. A dental hygienist may practice dental hygiene under the supervision of a dentist in a dental office or treatment facility. A dentist may employ not more than the equivalent of ~~two~~ three full-time dental hygienists for each dentist actively practicing in the same dental office.

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

a. the duties and expanded duties authorized for dental assistants by the State Dental Act or the rules of the Board of Dentistry,

b. health history assessment pertaining to dental hygiene,

c. dental hygiene examination and the charting of intra-oral and extra-oral conditions, which include periodontal charting, dental charting and classifying occlusion,

d. dental hygiene assessment and treatment planning for procedures authorized by the supervisory dentist,

e. prophylaxis, which means the removal of any and all calcareous deposits, stains, accretions, or concretions from the supragingival and subgingival surfaces of human teeth, utilizing instrumentation by scaler or periodontal curette on the crown and root surfaces of human teeth, including rotary or power driven instruments. This paragraph shall not be construed to prohibit the use of a rubber cap or brush on the crowns of human teeth by a dental assistant who holds a current expanded duty permit for Coronal Polishing/Topical Fluoride issued by the Board,

f. periodontal scaling and root planing,

g. dental hygiene nutritional and dietary evaluation,

h. placement of subgingival prescription drugs for prevention and treatment of periodontal disease,

i. soft tissue curettage,

j. placement of temporary fillings,

k. removal of overhanging margins,

l. dental implant maintenance,

m. removal of periodontal packs,

n. polishing of amalgam restorations, and

o. other procedures authorized by the Board.

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

3. Except as provided in subsections C and D of this section, the procedures specified in paragraph 1 of this subsection may be performed by a dental hygienist only on a patient of record and only under the supervision of a dentist. The level of supervision, whether direct, indirect or general, shall be at the discretion of the supervisory dentist. Authorization for general supervision shall be limited to a maximum of thirteen (13) months following an examination by the supervisory dentist of a patient of record.

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

a. the dental hygienist has at least two (2) years experience in the practice of dental hygiene,

b. the authorization to perform the procedures is in writing and signed by the dentist, and

c. the procedures are performed during an initial visit to a person in a treatment facility.

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

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

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

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

E. The Board is authorized to:

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

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

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

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

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

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

SECTION 15. AMENDATORY 59 O.S. 2011, Section 328.41, as amended by Section 9, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.41), is amended to read as follows:

Section 328.41. A. On or before the first day of January of each year, every dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant and other licensee or permit ~~holder~~ holders previously licensed or permitted by the Board to practice in this state shall submit a renewal application with information as may be required by the Board, together with an annual renewal fee established by the rules of the Board. Upon receipt of the annual renewal fee, the Board shall issue a renewal certificate authorizing the dentist, ~~or~~ dental hygienist, dental assistant, or oral maxillofacial surgery assistant to continue the practice of dentistry or dental hygiene, respectively, in this state for a period of one (1) year. Every license or permit issued by the Board shall expire on December 31 of each year.

B. Upon failure of a dentist, ~~or~~ 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, ~~or~~ dental hygienist, dental assistant, or oral maxillofacial surgery assistant in writing by certified mail to the last-known mailing address of the dentist, ~~or~~ dental hygienist, dental assistant, or oral maxillofacial surgery assistant as reflected in the records of the Board.

C. Any dentist ~~or~~, 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 ~~or~~, 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, ~~or~~ dental hygienist, dental assistant, or oral

maxillofacial surgery assistant shall be required to file an application for and take the examination or other requirements provided for in the State Dental Act or the rules promulgated by the Board before again commencing practice.

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

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

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

G. 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.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 328.44a, is amended to read as follows:

Section 328.44a. A. The Board of Dentistry is authorized, after notice and opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory has

committed any of the acts or occurrences set forth in Sections 328.29, 328.32, 328.33, 328.39 and 328.39a of this title:

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

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

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

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

5. Issuance of a censure;

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

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

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

9. Assessment for the cost of the investigation and hearing process including attorney fees.

B. A dentist, dental hygienist, dental assistant, oral maxillofacial surgery assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, against whom a penalty is imposed by an order of the Board pursuant to the provisions of this section, shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

SECTION 17. AMENDATORY 59 O.S. 2011, Section 328.51a, is amended to read as follows:

Section 328.51a. A. The Board of Dentistry is authorized to establish, by rule, fees to be charged for the purpose of

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

1. LICENSE AND PERMIT APPLICATION FEES:

	Minimum	Maximum
a. License by Examination		
Dentist	$200.00	$400.00
Dental Hygienist	$100.00	$200.00
b. License by Credentialing		
Dentist	$500.00	$1,000.00
Dental Hygienist	$100.00	$200.00
c. Dental Specialty License by Examination	$300.00	$600.00
d. Dental Specialty License by Credentialing	$500.00	$1,000.00
e. Faculty Permit		
Dentist	$100.00	$200.00
Dental Hygienist	$50.00	$100.00
f. Dental Intern Permit	$100.00	$200.00
g. Temporary License to Practice Dental Hygiene	$50.00	$100.00

h.	Dental Assistant or Oral Maxillofacial Surgery Assistant Permit ~~for Expanded Duties~~	~~$10.00~~ $50.00	~~$60.00~~ $100.00
i.	Temporary License to Practice Dentistry	$75.00	$150.00
~~i.~~			
j.	Permit to Operate a Dental Laboratory-current Oklahoma licensed dentist	$20.00	$60.00
~~j.~~			
k.	General Anesthesia Permit Dentist	$100.00	$200.00
~~k.~~			
l.	Conscious Sedation Permit Dentist	$100.00	$200.00
m.	Permit to Operate a Dental Laboratory-non-dentist owner	$300.00	$500.00

2. RE-EXAMINATION FEES:

a.	License by Examination Dentist	$200.00	$400.00

Dental Hygienist	$100.00	$200.00
b. Dental Specialty License by Examination	$300.00	$600.00
c. Jurisprudence Only Re-Examination		
Dentist	$10.00	$20.00
Dental Hygienist	$10.00	$20.00
3. ANNUAL RENEWAL FEES:		
a. Dentist	~~$100.00~~	~~$200.00~~
	$200.00	$400.00
b. Dental Hygienist	~~$65.00~~	~~$130.00~~
	$100.00	$200.00
c. Dental Specialty License	$100.00	$200.00
d. Faculty Permit		
Dentist	$50.00	$100.00
Dental Hygienist	$50.00	$100.00
e. Dental Intern Permit, Dental Resident, Dental Fellowship	~~$50.00~~	~~$100.00~~
	$100.00	$200.00
f. Dental Assistant or Oral Maxillofacial Surgery Assistant		

Permit ~~for Expanded Duties~~	~~$10.00~~	~~$60.00~~
	$50.00	$100.00
g. Permit to Operate a Dental Laboratory, current Oklahoma Licensed dentist	$20.00	$60.00
h. General Anesthesia Permit Dentist	$100.00	$200.00
i. Conscious Sedation Permit Dentist	$100.00	$200.00
j. Permit to Operate a Dental Laboratory, non-dentist owner	$300.00	$500.00

4. ~~PENALTY FEES FOR LATE RENEWAL OF LICENSE OR PERMIT:~~

~~a. Dentist~~	~~$100.00~~	~~$200.00~~
~~b. Dental Hygienist~~	~~$50.00~~	~~$100.00~~
~~c. Dental Specialty License~~	~~$100.00~~	~~$200.00~~
~~d. Dental Assistant Permit for Expanded Duties~~	~~$10.00~~	~~$30.00~~
~~e. Permit to Operate a Dental Laboratory~~	~~$20.00~~	~~$60.00~~
~~f. General Anesthesia Permit Dentist~~	~~$100.00~~	~~$200.00~~

~~g. Conscious Sedation Permit~~

~~Dentist $100.00 $200.00~~

~~5.~~ OTHER FEES:

a.	Duplicate License		
	Dentist or Dental Hygienist	~~$10.00~~ $30.00	~~$30.00~~ $40.00
	~~Dental Hygienist~~	~~$5.00~~	~~$15.00~~
b.	Duplicate Permit or Registration	$5.00	$15.00
c.	Certificate of Good Standing	$5.00	$15.00
d.	Professional Entity Certification Letter	$5.00	$20.00
e.	Professional Entity Registration or Update	$5.00	$20.00
f.	Laboratory Prescription Books	~~$2.50~~ $10.00	~~$7.50~~ $25.00

g. List of the Name and Current Mailing Address of all Persons who hold a License or Permit issued by the Board. (A request for a list shall be

	submitted to the Board in writing noting the specific proposed use of the list.)	$25.00	$75.00
h.	Official State Dental License Identification Card with Picture	$25.00	$35.00
i.	Returned checks	$25.00	$30.00

B. A person who holds a license to practice dentistry in this state, and who also holds a dental specialty license, shall not be required to pay an annual renewal fee for the dental specialty license if the licensee has paid the annual renewal fee for the license to practice dentistry.

SECTION 18. AMENDATORY 59 O.S. 2011, Section 328.53, as amended by Section 12, Chapter 270, O.S.L. 2012 (59 O.S. Supp. 2012, Section 328.53), is amended to read as follows:

Section 328.53. A. All dentists in active practice licensed by the Board of Dentistry shall maintain a policy for professional malpractice liability insurance; provided, however, that such requirement shall not apply to dentists:

1. Covered by a group or hospital malpractice insurance policy;

2. Practicing in a state facility subject to The Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;

3. Practicing in a federal facility subject to the Federal Tort Claims Act;

4. Providing care as a volunteer under a special volunteer license pursuant to Section 328.23a of this title; ~~or~~

5. Providing care as a retired dentist with a valid license in a volunteer, nonpaid capacity; or

6. Practicing in another state who will not practice within the State of Oklahoma during the license renewal year.

B. The Board of Dentistry may promulgate rules as necessary to carry out the provisions of this section, including, but not limited to, minimum requirements for professional malpractice liability insurance policies and penalties for noncompliance.

SECTION 19. AMENDATORY 74 O.S. 2011, Section 3601.1, as amended by Section 34 of Enrolled House Bill No. 2201 of the 1st Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 3601.1. A. For purposes of Sections 3601.1 through 3603 of this title, the term "employee" means a full-time employee or any number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. Beginning July 1, 2008, the maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section, except as may be authorized pursuant to the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
Oklahoma Employment Security Commission	1150
Oklahoma Accountancy Board	11
Board of Governors of the Licensed Architects, Landscape Architects and Interior Designers of Oklahoma	4
Board of Chiropractic Examiners	3
State Board of Cosmetology	16

Board of Dentistry	~~5~~ 10
Oklahoma State Board of Embalmers and Funeral Directors	5
State Board of Registration for Professional Engineers and Land Surveyors	10
State Board of Medical Licensure and Supervision/ Board of Podiatric Medical Examiners/State Board of Examiners of Perfusionists	29
Commission on Marginally Producing Oil and Gas Wells	5
Oklahoma Motor Vehicle Commission	6
Oklahoma Board of Nursing	30
Oklahoma State Board of Examiners for Nursing Home Administrators	4
Board of Examiners in Optometry	3
State Board of Osteopathic Examiners	7
Oklahoma Peanut Commission	2
Oklahoma State Board of Pharmacy	10
State Board of Examiners of Psychologists	2
Oklahoma Real Estate Commission	26
Board of Examiners for Speech-Language Pathology and Audiology	2
Oklahoma Used Motor Vehicle and Parts Commission	12
State Board of Veterinary Medical Examiners	6

Oklahoma Wheat Utilization, Research and Market Development Commission	7
Oklahoma Firefighters Pension and Retirement System	13
Oklahoma Police Pension and Retirement System	12
Teachers' Retirement System of Oklahoma	52
Oklahoma Public Employees Retirement System	63
Oklahoma Student Loan Authority	85
Oklahoma Industrial Finance Authority/Oklahoma Development Finance Authority	10
State and Education Employees Group Insurance Board	178
Oklahoma Capital Investment Board	4
State Board of Licensed Social Workers	1
Oklahoma State Employees Benefits Council	38
Oklahoma State Banking Department	46
Liquefied Petroleum Gas Administration	10

C. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Public Employees Retirement System Board of Trustees by law shall be set by the Board of Trustees.

D. Temporary employees of the Oklahoma Used Motor Vehicle and Parts Commission between the dates of November 1 and January 31 annually shall not be counted toward the maximum number of full-time-equivalent employees provided for in this section.

SECTION 20. This act shall become effective July 1, 2013.

SECTION 21. It being immediately necessary for the preservation of the public peace, health and 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 23rd day of May, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2013.

Presiding ~~Officer~~ of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th day of May, 2013, at 10:18 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 31st day of May, 2013, at 11:01 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 31st day of May, 2013, at 1:12 o'clock P. M.

By: Chris Morris