

ENROLLED HOUSE
BILL NO. 1029

By: Gray of the House

and

Morgan of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 328, 328.3, 328.15, 328.29, 328.33 and 328.34, which relate to the State Dental Act; adding and modifying definitions; updating and clarifying language; providing for certification of licensed dental hygienist as geriatric public health hygienist; modifying procedures and requirements for employment of dental hygienists; requiring certain supervision; providing for promulgation of rules; requiring certain examinations; limiting number of dental hygienists; modifying certain procedures; requiring the Board of Dentistry establish required curriculum of study for certification as a geriatric public health hygienist; requiring that courses for certification be offered in various instructional modes; enacting the Oklahoma Dental Manpower Authority Act; stating legislative findings; stating purpose; creating the Oklahoma Dental Manpower Authority; providing for administration of the Oklahoma Dent-Care Loan Assistance Repayment Program; requiring report; providing for power and duties of Oklahoma Dental Manpower Authority; specifying applicability of act; authorizing the Oklahoma Dental Manpower Authority to enter into contracts; creating the Oklahoma Dental Manpower Revolving Fund; creating penalties; providing for classification of staff positions of the Authority; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, 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. "Advanced procedure" means a dental procedure for which a dental hygienist has received special training in a course of study approved by the Board of Dentistry;

4. "Board" and "Board of Governors" are synonymous and mean the Board of Dentistry;

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

~~5.~~ 6. "Dentist" means a graduate of an accredited dental college who has been issued a license by the Board to practice dentistry as defined in Section 328.19 of this title;

~~6.~~ 7. "Dental 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.~~ 8. "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 ~~certificate of ability~~ license by the Board and who is authorized to practice dental hygiene as hereinafter defined;

~~8.~~ 9. "Dental assistant ~~and/or dental nurse~~" means an individual working for a dentist, under the dentist's direct supervision, and performing duties in the dental office or treatment facility, including the limited treatment of patients in accordance with the provisions of the State Dental Act; the dental assistant ~~or dental nurse~~ may assist the 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.~~ 10. "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.~~ 11. "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.~~ 12. "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.~~ 13. "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.~~ 14. "Direct supervision" means the supervisory dentist is in the dental office or treatment facility, has personally diagnosed the conditions to be treated, personally authorizes the procedures to be performed by a dental hygienist or dental 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;

15. "Expanded duty" means a dental procedure for which a dental assistant has received special training in a course of study approved by the Board;

16. "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;

17. "Geriatric public health hygienist" means a licensed dental hygienist who has fulfilled geriatric educational requirements, has passed an examination on such, has been duly certified as a geriatric public health hygienist by the Board, and is an employee, not an independent contractor, of a nursing home or dentist, and who shall be authorized to practice dental hygiene in nursing homes without the requirements of previous diagnosis or supervision of a dentist. Further, the geriatric public health hygienist may practice in the private residence of a patient of record under general supervision of the supervising dentist. Regardless of location, local anesthesia and nitrous oxide analgesia must be by direct or indirect supervision;

18. "Indirect supervision" means the supervisory dentist is in the dental office or treatment facility, has personally diagnosed the conditions to be treated, has personally authorized 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;

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

~~14.~~ 20. "Out-of-state dental hygienist" means a graduate of an accredited dental hygiene program who holds a license to practice dental hygiene in another state or territory but who is not licensed to practice dental hygiene in this state;

21. "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;

22. "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, and shall include individuals referred for care by the supervising dentist to the dental hygienist for

assessment and dental hygiene care prior to any diagnosis or treatment planning by the dentist;

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

24. "Treatment facility" means:

- a. a federal, state or local public health facility,
- b. a group home or residential care facility serving the elderly, handicapped or juveniles,
- c. a home health agency,
- 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. an accredited dental college,
- i. an accredited dental hygiene program,
- j. a patient of record's private residence, or
- k. such other places as are authorized by the rules of the Board.

SECTION 2. AMENDATORY 59 O.S. 2001, 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, certificate, 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, certificate, 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. The Board's annual statement of receipts and expenditures shall be

audited by the State Auditor and Inspector or an independent accounting firm, and the audit report shall be certified to the Governor of this state to be true and correct, under oath, by the president and secretary-treasurer of the Board;

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

6. Maintain an office staff and employ 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, 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 and advanced procedures and, when appropriate, issue permits authorizing individuals to perform expanded duties and advanced procedures;

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

12. Recognize the parameters 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. Hire one or more investigators to conduct investigations of alleged violations of the State Dental Act or the rules of the Board;

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

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

17. Inform, educate, and advise all persons who hold a license, certificate, 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;

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

19. Enter into contracts;

20. Acquire, rent, hold, encumber, and dispose of personal property as is needed; and

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

SECTION 3. AMENDATORY 59 O.S. 2001, Section 328.29, is amended to read as follows:

Section 328.29 It shall be unlawful for any dental hygienist or geriatric public health hygienist to:

~~(a) advertise~~ 1. Advertise or publish, directly or indirectly, or circulate through the usual commercial channels, such as the press, magazines, directories, radio, television, sign, display or by leaflets, the fact that ~~he or she~~ the hygienist is in the practice of dental hygiene;

~~(b) place his or her~~ 2. Place the name of the hygienist in any city, commercial or other directory;

~~(c) place his or her~~ 3. Place the name of the hygienist in the classified section of a telephone directory;

~~(d) offer~~ 4. Offer free dental service or examination as an inducement to gain patronage;

~~(e) claim~~ 5. Claim the use of any secret or patented methods or treatments;

~~(f) employ~~ 6. Employ or use solicitors to obtain patronage;

~~(g) pay~~ 7. Pay or accept commission in any form or manner as compensation for referring patients to any person for professional services;

~~(h) in~~ 8. In any way advertise as having ability to diagnose or prescribe for any treatment;

~~(i) publish~~ 9. Publish any schedule or comparative prices or fees for his or her services;

~~(j) claim~~ 10. Claim or infer superiority over other dental hygienists;

~~(k) perform~~ 11. Perform any services in the mouth other than those which are hereafter authorized by the Board of ~~Governors~~ Dentistry pursuant to authority conferred by this act;

~~(l)~~ 12. Except as to geriatric public health hygienists as provided for in the State Dental Act, attempt to conduct a practice of dental hygiene in some other location other than in an office of a dentist or in a treatment facility and under his the supervision of a dentist;

~~(m) attempt~~ 13. Attempt to use in any manner whatsoever any oral prophylaxis list, call list, records, reprints or copies of same or information gathered therefrom, or the names of patients

whom he or she has formerly treated when serving as an employee in the office of a dentist for whom ~~he or she~~ the hygienist was formerly employed; or

~~(n) fail~~ 14. Fail to keep prominently displayed in the office of the dentist or in the nursing home for whom he or she the dental hygienist or geriatric public health hygienist is employed his or her certificate of ability, the license and annual registration certificate license of the hygienist.

Any person committing an offense against any of the provisions of this section, including duly promulgated rules and regulations of the Board shall, upon conviction, be subjected to such penalties as are provided in ~~this act~~ the State Dental Act, and the writ of injunction without bond is made available to the Board ~~of Governors~~ for the enforcement of this act. Provided, however, a dental hygienist may place his or her name in letters no larger than those used by his or her dentist employer on the door, window or premises, with the letters R.D.H. or the words, dental hygienist, following ~~his or her~~ the name of the hygienist.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 328.33, is amended to read as follows:

Section 328.33 The Board of ~~Governors~~ Dentistry shall have the power, after a hearing for any of the causes now existing in the laws of the State of Oklahoma, or for a violation of this act, or for a violation of the prescribed duties, rules and regulations as the Board ~~of Governors~~ may adopt, to revoke or suspend a ~~certificate of ability~~ license of a dental hygienist or geriatric public health hygienist, or to discipline by probation or reprimand, public or private. The Board ~~of Governors~~ shall also have the power to pass upon all petitions by a dental hygienist or geriatric public health hygienist for reinstatement to good standing. The Board ~~of~~ ~~Governors~~ shall keep a record of the evidence and proceedings in all matters involving the revocation or suspension of a ~~certificate of ability~~ license or reprimand or probation of a dental hygienist or geriatric public health hygienist and shall make findings of fact and a decision thereon. The Board ~~of Governors~~ shall immediately forward a certified copy of said decision to the dental hygienist or geriatric public health hygienist involved by registered mail to ~~his~~ the last-known business address of the hygienist. The decision shall be final unless the dental hygienist or geriatric public health hygienist shall appeal as provided by this act. If an appeal is not timely taken the decision shall be carried out by striking the name of the dental hygienist or geriatric public health hygienist from the rolls, or suspending ~~him~~ the hygienist for the period mentioned in issuing a reprimand, or otherwise acting as required by the decision. The Board ~~of Governors~~ shall have power to revoke or suspend the ~~certificate of ability~~ license, reprimand, or place on probation a dental hygienist or geriatric public health hygienist, for a violation of one or more of the following:

~~(a)~~ 1. Upon presentation to the Board ~~of Governors~~ of a certified copy of a court record, showing that a dental hygienist or geriatric public health hygienist has been convicted of a crime involving turpitude;

~~(b)~~ 2. The presentation to the Board ~~of Governors~~ of a false diploma, license or certificate, or one obtained by fraud or illegal means;

~~(c)~~ 3. By reasons of persistent inebriety or addiction to drugs, the dental hygienist or geriatric public health hygienist is rendered incompetent to continue the practice of dental hygiene;

~~(d)~~ 4. Has been guilty of dishonorable or unprofessional conduct;

~~(e)~~ 5. Has failed to pay registration fees as herein provided;

~~(f)~~ 6. Is a menace to the public health by reason of communicable disease;

~~(g)~~ 7. Has been proven mentally unsound or has been admitted to a mental institution, either public or private, and until ~~he has~~ proven ~~himself~~ mentally competent;

~~(h)~~ 8. Is grossly immoral;

~~(i)~~ 9. Is incompetent in the practice of dental hygiene;

~~(j)~~ 10. Is guilty of willful negligence in the practice of dental hygiene;

~~(k)~~ 11. Has been convicted of violating or has willfully violated the federal or state narcotic or barbiturate laws; or has been committed for treatment for drug addiction to an institution, either public or private, and until ~~he has~~ proven ~~himself~~ cured;

~~(l)~~ ~~Is~~ 12. With the exception of geriatric public health hygienists as provided for in this act, is practicing or attempting to practice dental hygiene in any place other than the office of a dentist or treatment facility, and under his the supervision of a dentist;

~~(m)~~ 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 or geriatric public health 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 ~~his~~ the present employer and were caused to so appear through the legitimate practice of dentistry, as provided for in this act; or

~~(n)~~ 14. Has violated any part of this act or rules and regulations of the Board ~~of Governors~~.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 328.34, is amended to read as follows:

Section 328.34 ~~Any~~ A. A dental hygienist may practice dental hygiene under the supervision of a dentist in a dental office or treatment facility. Authorization for general supervision shall be at the discretion of the supervisory dentist and shall be limited to a maximum period of time established by the rules of the Board, not exceeding thirteen (13) months, following an examination by the supervisory dentist of a patient of record. However, a geriatric

public health hygienist, who is employed by a nursing home or dentist may provide dental hygiene services in accordance with this act without the requirement of previous diagnosis or supervision by a dentist.

B. A dentist or treatment facility may employ up to not more than the equivalent of two full-time registered dental hygienists for each dentist actively practicing in the same dental office or treatment facility. Such dental hygienists may remove lime deposits, accretions, and stains from exposed surfaces of the teeth, and directly beneath the free margin of the gum, give topical caries prevention treatment to the extracoronal surfaces of the teeth, and take x-rays pertaining to the field of dentistry and may perform other acts in accordance with the rules of prescribed duties, regulations and procedures promulgated by the Board of Governors. He may operate only in the office of a dentist, or in hospitals under the direct supervision of dentists; provided, Boards of Education or any organized health service may employ registered hygienists whose services shall be limited to the examination of teeth and the teaching of dental hygiene or as otherwise authorized by the Board of Governors. This limitation shall not apply to geriatric public health hygienists employed by a nursing home or dentist.

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

1. The procedures and expanded duties authorized for dental assistants by this act or the rules of the Board of Dentistry;

2. A health history assessment pertaining to dental hygiene;

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

4. Dental hygiene assessment and treatment planning for procedures which have been authorized by the supervisory dentist;

5. Prophylaxis, which shall mean the removal of 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; however, this shall not prohibit the use of a rubber cup or brush on the crowns of human teeth by a dental assistant who holds a current expanded duty permit for coronal polishing and topical fluoride issued by the Board;

6. Periodontal scaling and root planing;

7. Dental hygiene nutritional and dietary evaluation;

8. Placement of subgingival prescription drugs for prevention and treatment of periodontal disease;

9. Soft tissue curettage;

10. Placement of temporary fillings;

11. Removal of overhanging margins;

12. Dental implant maintenance;

13. Removal of periodontal packs;

14. Polishing of amalgam restorations;

15. Advanced procedures authorized by the Board, which shall include the administration of local anesthesia and the administration of nitrous oxide analgesia; and

16. Other procedures as authorized by statute or by the rules of the Board.

D. The procedures specified in paragraphs 2 through 16 of subsection C of this section shall only be performed by a dentist, dental hygienist or geriatric public health hygienist.

E. The procedures specified in subsection C of this section may be performed by a dental hygienist only on a patient of record and only under the supervision of a dentist. Unless otherwise provided for by statute or by rule, the level of supervision shall be at the discretion of the supervisory dentist.

F. The Board is authorized and empowered to:

1. Prescribe, by rule, advanced procedures that may be performed by a dental hygienist or a geriatric public health hygienist who has satisfactorily completed a Board-approved course of study and examination regarding the performance of such procedures;

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 or geriatric public health 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.

G. Boards of education or any organized health service may employ registered hygienists whose services shall be limited to the examination of teeth and the teaching of dental hygiene or as otherwise authorized by the Board of Dentistry.

H. A dental hygienist or geriatric public health hygienist shall not own or operate an independent practice of hygiene.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.34a of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board of Dentistry shall approve and adopt rules, within forty-five (45) days of the effective date of this act pursuant to the Administrative Procedures Act, a course of study and examination for certification of a licensed dental hygienist as a geriatric public health dental hygienist. Licensed dental hygienists must

complete an advanced procedure of a minimum of twenty-eight (28) hours of geriatric dental hygiene, of which the first twelve (12) hours shall be classroom training and the remaining sixteen (16) hours shall be completed by onsite training at a licensed Oklahoma nursing home. Further, the licensee dental hygienist must successfully complete an examination for certification. The Board may issue provisional or limited permits to licensed hygienists as geriatric public health hygienists who have documented a minimum of two (2) years of full-time practice in a dental office and who have completed twelve (12) hours of the required twenty-eight-hour geriatric training program. The permit will be for a one-year period of time and the remaining hours of training must be completed within one (1) year from the designation of the provisional permit.

Courses for certification as a geriatric public health hygienist shall be offered in a variety of instructional modes, including audio-video tapes, long-distance learning modalities, and onsite presentations to accommodate the needs of licensed dental hygienists residing in either rural or urban areas.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 328, is amended to read as follows:

Section 328. Chapter 7 of ~~Title 59 of the Oklahoma Statutes~~ this title shall be composed of ~~two~~ three parts as follows: Part 1 shall be titled the State Dental Act, ~~and~~ Part 2 shall be titled the Oklahoma Dental Mediation Act, and Part 3 shall be titled the Oklahoma Dental Manpower Authority Act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.80 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Part 3 of Chapter 7 of this title shall be known as the "Oklahoma Dental Manpower Authority Act".

B. All statutes hereinafter enacted and codified in Part 3 of Chapter 7 of this title shall be considered and deemed part of the Oklahoma Dental Manpower Authority Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.81 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Legislature recognizes that there is a need to upgrade the availability of quality dental care services for the people of Oklahoma, and thus, there is a need to improve the balance of dental manpower distribution in the state by geographic location and to increase access to dental care to those who are dependent on the state for necessary dental care. Therefore, it is the intent of the Legislature to create the Oklahoma Dental Manpower Authority to administer a program designed to increase the number of dentists serving and caring for those dependent upon the state for dental care and to make dental care accessible to underserved metropolitan and rural areas.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.82 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Dental Manpower Authority to establish and administer the Oklahoma Dent-Care Loan Assistance Repayment Program. The Program, depending upon available funding, shall provide educational loan repayment assistance for up to five Oklahoma licensed dentists per year. Each award shall be for a two-year period and shall be distributed to the participant by drafts made payable to the participant and the appropriate loan agency in equal monthly disbursements, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00), after certification and proper review by the Authority of monthly reports submitted by the participating dentist detailing performance of activities in accordance with this act and rules promulgated by the Authority. At the conclusion of the two-year period, the Authority may review the performance in the Program of the participating dentist to determine whether an award may be granted for an additional year pursuant to rules promulgated by the Authority.

B. The dentists participating in the Program shall agree to provide dental care and services in a designated underserved area of the state or agree to provide dental care and services to Medicaid recipients as authorized by the Oklahoma Healthcare Authority. The Oklahoma Dental Manpower Authority shall be responsible for ensuring that at least forty percent (40%) of the dentists participating in the Program practice in a designated underserved rural or metropolitan area of the state.

C. The Oklahoma Dental Manpower Authority shall present a report to the Governor, the Speaker of the House of Representatives and President Pro Tempore of the Senate within one (1) month of the beginning of each regular session of the Legislature on the operation of the Program, including the progress made in accomplishing the goal of the Program of ensuring that dental care and services are accessible throughout the state, and specifically, that quality dental care and services be accessible to underserved dental areas in rural and metropolitan areas of the state, and to those dependent upon the state for dental care.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.83 of Title 59, unless there is created a duplication in numbering, reads as follows:

The amount of the award shall not exceed any maximum or minimum amount as may be prescribed by law or the rules of the Oklahoma Dental Manpower Authority. The actual amount of the award shall be based upon a determination by the Authority of:

1. Actual funds available to the Program for expenditure; and
2. The existing student loan indebtedness of the participating dentist.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.84 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Dental Manpower Authority shall be composed of the following nine (9) members:

1. Three dentists to be appointed by the Governor. The Oklahoma Dental Association shall identify three dentists to be

submitted to the Governor for approval and appointment. One dentist shall be from Tulsa or Oklahoma County and the remaining two dentists shall be appointed from more than one district as listed in Section 328.7 of Title 59 of the Oklahoma Statutes that does not contain a metropolitan area with a population of over one hundred thousand (100,000);

2. The President of the Oklahoma Dental Association, or his designee;

3. The Executive Director of the Oklahoma Board of Dentistry;

4. A representative of the Oklahoma Health Care Authority;

5. The Dean of the University of Oklahoma College of Dentistry;

6. The President of the Dental Hygienist Association, or his designee; and

7. The Director of the Office of Primary Care of the Oklahoma State Department of Health.

B. The three dentists appointed by the Governor shall serve staggered terms with one member to serve an initial one-year term, one member to serve an initial two-year term and one member to serve an initial three-year term. At the expiration of the initial terms, each succeeding term of office shall be for three (3) years.

The remaining members shall serve on the Authority for as long as they hold their respective offices.

C. Members of the Authority shall serve without salary, but may be reimbursed for travel expenses in attending meetings and performing their duties pursuant to the State Travel Reimbursement Act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.85 of Title 59, unless there is created a duplication in numbering, reads as follows:

The members of the Oklahoma Dental Manpower Authority shall elect annually, by a simple majority of the total members present at a regular meeting, a member to serve as chair and a member to serve as vice-chair. The chair shall preside at all meetings of the Authority and shall have the power to call meetings of the Authority with proper notice. The vice-chair shall perform these functions in the absence or incapacity of the chair. A quorum shall consist of a simple majority of the total membership of the Authority. A quorum shall be necessary for the Authority to conduct any official business.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.86 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Dental Manpower Authority shall have the following specific powers, duties and responsibilities:

1. To review all available data on dental manpower in Oklahoma to determine the current and projected distribution of dentists by

geographic location, and to accomplish this review, the Authority shall obtain information from and work with the Oklahoma Board of Dentistry, the Oklahoma Dental Association, and all other agencies which gather data and evaluate the dental health manpower needs of the state;

2. To review data and information with regard to dental externship training programs, as they relate to dental manpower distribution throughout the state, and to advise those responsible for the externship training programs as to the dental manpower concerns throughout the state;

3. To serve as an agent to advise the University of Oklahoma College of Dentistry, clinics, and communities on developing and operating externship programs which emphasize the provision of dental care and services to the underserved rural and metropolitan areas of Oklahoma, and those dependent upon the state for dental care and services;

4. To promulgate rules regarding procedure, standards, and criteria to be employed in evaluating applicants to the Program, and the awarding and disbursal of funds to successful applicants;

5. To determine the specific level of funding needed to administer the Oklahoma Dent-Care Loan Assistance Repayment Program and to recommend to the Governor and the Legislature the total funds needed to carry out the purposes of the Program;

6. To employ a director, an administrative assistant, and any staff personnel necessary to administer the funding for the Program and to contract with other state agencies and institutions to conduct and to perform specified services, functions, and aspects in administering the funds of the Authority or for developing programs and promoting community and institutional participation in obtaining the goals of the Authority as set forth in the Oklahoma Dental Manpower Authority Act; and

7. To promulgate rules in accordance with the Administrative Procedures Act with regard to performance criteria for the Program, evaluation of performance of participating dentists, and requirements for Program compliance.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.87 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Dental Manpower Authority Act shall pertain to dentists who are licensed by and are residents of the State of Oklahoma.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.88 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Dental Manpower Authority may enter into contractual arrangements with any qualified dentist whereby the participating dentist agrees to practice and provide dental care and services to those dependent upon the state for dental care through Medicaid, or agrees to practice in a designated underserved area of the state in accordance with all applicable rules of the Authority

and with the laws of this state. If a participating dentist elects to serve Medicaid recipients, it shall be agreed that twenty-five percent (25%) of the practice of the dentist be dedicated to those patients eligible for Medicaid benefits under the laws of this state.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.89 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is created in the State Treasury a revolving fund for the Oklahoma Dental Manpower Authority to be designated the "Oklahoma Dental Manpower Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Dental Manpower Authority. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Dental Manpower Authority for the purposes as set forth in the Oklahoma Dental Manpower Authority Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed by the Authority as prescribed by law with the Director of State Finance for approval and payment.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.90 of Title 59, unless there is created a duplication in numbering, reads as follows:

If a participant of the Oklahoma Dent-Care Loan Assistance Repayment Program does not fully comply with the provisions of the contract, the rules promulgated by the Oklahoma Dental Manpower Authority, or the provisions of the Oklahoma Dental Manpower Authority Act, the person shall be subject to the following penalties after notice and opportunity for hearing in accordance with the Administrative Procedures Act:

1. The participating dentist shall refund the amount, as determined by the Authority, of all funds which have been paid;
2. Interest at the rate of six percent (6%) from the date of disbursement shall be assessed on all funds received by the participating dentist; and
3. The participating dentist shall be liable for any other liquidated damages as specified in the contract, as well as all costs incurred by the state as a result of collection efforts, including, but not limited to, attorney fees.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 328.91 of Title 59, unless there is created a duplication in numbering, reads as follows:

All staff positions of the Oklahoma Dental Manpower Authority, including the director and administrative assistant, shall be unclassified and shall not be subject to the jurisdiction of the Oklahoma Merit System of Personnel Administration, except as provided for by law.

SECTION 20. This act shall become effective July 1, 2002.

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 House of Representatives the 22nd day of May, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2002.

Presiding Officer of the Senate