

Oklahoma Statutes Citationized

📁 Title 59. Professions and Occupations

📁 Chapter 7 - Dentistry

📁 Part 1 - The State Dental Act

Section 328.1 - Short Title - Composition of Act

A. Part 1 of Chapter 7 of this title shall be known and may be cited as the "State Dental Act".

B. All statutes hereinafter enacted and codified in Part 1 of Chapter 7 of this title shall be considered and deemed part of the State Dental Act.

Added by Laws 1970, SB 632, c. 173, § 1, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 1, eff. November 1, 1996.

Section 328.2 —Declarations

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 dental assistants and/or dental nurses 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 the fabrication of dental appliances in dental laboratories by dental laboratory technicians shall be liberally construed to carry out these objects and purposes.

Added by Laws 1970, SB 632, c. 173, § 2, emerg. eff. July 1, 1970.

Section 328.3 – Definitions

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

Historical Data Laws 1970, SB 632, c. 173, § 3, emerg. eff. July 1, 1970; Amended by Laws 1998, SB 448, c. 377, § 1, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 1999, SB 296, c. 280, § 1, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 1, emerg. eff. May 5, 2003 ([superseded document available](#)); Amended by Laws 2005, HB 1337, c. 377, § 1, eff. November 1, 2005 ([superseded document available](#)); Amended by Laws 2006, SB 1509, c. 21, § 1, eff. November 1, 2006; Amended by Laws 2006, HB 2458, c. 106, § 1, eff. November 1, 2006 ([superseded document available](#)); Laws 2006, SB 1509, c. 21, § 1, eff. November 1, 2006, repealed by Laws 2007, HB 2195, c. 1, § 44, emerg. eff. February 22, 2007 ([superseded document available](#)).

Section 328.7 - Board of Dentistry - Creation - Members – Terms

A. Pursuant to Section 39 of Article V of the Oklahoma Constitution, there is hereby created the Board of Dentistry which shall be an agency of state government. The Board shall adopt a seal, sue and be sued in its own name, and implement and enforce the provisions of the State Dental Act.

B. 1. The Board shall consist of eight dentist members, one dental hygienist member and two members who shall represent the public. One dentist member shall be elected by the dentists residing in each of the eight geographical districts established by subsection D of this section. The residence of the dentist members shall be determined by the primary location listed on the dentists' licenses. The dental hygienist member shall be elected at-large by the dental hygienists residing in this state who are legally licensed to practice dental hygiene therein. The two public representative members shall be appointed by the Governor, subject to confirmation by the Senate. No public representative member may be a dentist, dental hygienist, dental assistant, dental laboratory technician, or holder of a permit to operate a dental laboratory, or be related within the third degree of consanguinity or affinity to any such person.

2. Before assuming duties on the Board, each member shall take and subscribe to the oath of office or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in the Article.
 3. Each member of the Board shall hold office for a term of three (3) years and until a successor in office is elected and qualified. Board members shall not serve for more than three (3) consecutive terms. To be eligible to be elected to and serve on the Board, a dentist or dental hygienist must have been licensed to practice in this state for at least five (5) years, and for the five (5) years prior to the date of counting the ballots, not have been subject to a penalty imposed by the Board or its predecessor board.
- C. 1. a. Nominations for dentist members of the Board shall be by petition signed by at least ten dentists residing in the district to be represented by the nominee.
- b. Nominations for the dental hygienist member of the Board shall be by petition signed by at least ten dental hygienists residing in this state.
2. The elections shall be by secret ballot. The ballots shall be mailed by the Board to those entitled to vote at least thirty (30) days prior to the date of counting of the ballots and shall be returned by mail to the office of the Board, then opened and counted at a meeting of the Board. In other respects, elections shall be conducted as provided by the rules of the Board.
 3. a. Only dentists residing in a district shall be entitled to vote to elect the Board member from that district.
 - b. Only dental hygienists residing and licensed in this state shall be entitled to vote to elect the dental hygienist Board member.
- D. For the purpose of nominating and electing dentist members of the Board, this state shall be divided into eight geographical districts, which shall consist of the following counties within the following districts:
- District No. 1: Cimarron, Texas, Beaver, Harper, Woods, Alfalfa, Grant, Kay, Ellis, Woodward, Major, Garfield, Noble, Dewey, Blaine, Kingfisher and Logan.
- District No. 2: Tulsa and Creek.
- District No. 3: Roger Mills, Custer, Beckham, Washita, Harmon, Greer, Kiowa, Caddo, Jackson and Tillman.
- District No. 4: Canadian, Grady, McClain, Comanche, Cotton, Stephens, Jefferson, Garvin, Murray, Carter and Love.
- District No. 5: Oklahoma.
- District No. 6: Lincoln, Cleveland, Pottawatomie, Seminole, Okfuskee, Hughes, Pontotoc, Coal, Johnston, Marshall and Bryan.
- District No. 7: Mayes, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore, Atoka, Pushmataha, Choctaw and McCurtain.
- District No. 8: Osage, Payne, Washington, Nowata, Craig, Ottawa, Rogers, Delaware and Pawnee.
- E. 1. Dentist members of the Board may be recalled and removed from the Board in a special recall election to be conducted by the Board upon receipt of a written recall petition signed by at least twenty percent (20%) of the dentists residing in the district represented by the member who is the subject of the recall petition. Only dentists residing in the affected district may vote in the special recall election.
2. The dental hygienist member of the Board may be recalled and removed from the Board in a special recall election to be conducted by the Board upon receipt of a written recall petition signed by at least twenty percent (20%) of the licensed dental hygienists residing in this state. Only dental hygienists residing and licensed in this state shall be entitled to vote in the special recall election.
 3. Special recall elections shall be by secret ballot. The ballots shall be mailed by the Board to those entitled to vote at least thirty (30) days prior to the date of counting the ballots and shall be returned by mail to the office of the Board, then opened and counted at a meeting of the Board. In other respects, special recall elections shall be conducted as provided by the rules of the Board. If a majority of the votes cast in the special recall election are in favor of recalling the Board member, the member shall be removed from the Board effective on the date the results of the special recall election are certified by the Board.
- F. 1. A vacancy among the dentist members of the Board shall be filled by a special election in the district of the vacancy for the unexpired term within sixty (60) days after the vacancy occurs.
2. A vacancy of the dental hygienist member on the Board shall be filled by a special election in this state for the unexpired term within sixty (60) days after the vacancy occurs.
 3. Nominations shall be made and special elections shall be conducted in the same manner as provided in subsection C of this section. If no one is nominated within forty-five (45) days from date of vacancy, the vacancy shall be filled by appointment by the Board. A vacancy among the public representative members of the Board shall be filled by appointment by the Governor, subject to confirmation by the Senate.

Historical Data Laws 1970, SB 632, c. 173, § 7, emerg. eff. July 1, 1970; Amended by Laws 1979, HB 1300, c. 58, § 1, emerg. eff. April 10, 1979; Amended by Laws 1985, HB 1164, c. 178, § 30, emerg. eff. July 1, 1985; Amended by Laws 1996, HB 1880, c. 2, § 2, eff. November 1, 1996; Amended by Laws 1997, HB 2090, c. 108, § 2, eff. November 1, 1997 ([superseded document available](#)); Amended by Laws 1999, SB 296, c. 280, § 2, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2000, HB 1351, c. 283, § 4, eff. November 1, 2000 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 1, eff. November 1, 2012 ([superseded document available](#)).

Section 328.10 - Election of Officers - Meetings - Reimbursement of Expenses

A. The Board of Dentistry shall organize annually at the last regularly scheduled meeting of the Board before the beginning of each fiscal year, by electing from among its members a president, a first vice-president, a second vice-president, and a secretary-treasurer. The duties of each officer shall be prescribed in the rules of the Board. The term of office of the persons elected president, vice-presidents and secretary-treasurer shall be for the following fiscal year and until their successors are elected and qualified.

B. The Board shall hold regularly scheduled meetings during each quarter of the year at a time and place determined by the Board and may hold such special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. The Board may appoint an individual to be the principal administrative officer of the Board and may confer upon that person the title selected by the Board, based upon the person's education, background, experience and ability. The principal administrative officer shall be responsible for the performance of administrative functions delegated by the Board.

D. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

E. All members of the Board and such employees, as determined by the Board, shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

F. The responsibilities and rights of any member or employee of the Board who acts within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.

G. Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

Historical Data Added by Laws 1970, SB 632, c. 173, § 10, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 3, eff. November 1, 1996.

Section 328.15 - Authority and Powers of Board

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, 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 and, when appropriate, issue permits authorizing dental assistants to perform expanded duties;
11. Establish continuing education requirements for dentists, dental hygienists, 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. 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 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.

Historical Data Laws 1970, SB 632, c. 173, § 15, emerg. eff. July 1, 1970; Amended by Laws 1981, SB 182, c. 216, § 1; Amended by Laws 1983, SB 305, c. 304, § 34, emerg. eff. July 1, 1983; Amended by Laws 1996, HB 1880, c. 2, § 4, eff. November 1, 1996; Amended by Laws 1998, SB 448, c. 377, § 2, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 2, emerg. eff. May 5, 2003 ([superseded document available](#)); Amended by Laws 2005, HB 1337, c. 377, § 2, eff. November 1, 2005 ([superseded document available](#)); Amended by Laws 2006, HB 2458, c. 106, § 2, eff. November 1, 2006 ([superseded document available](#)); Amended by Laws 2010, HB 2395, c. 413, § 16, emerg. eff. July 1, 2010 ([superseded document available](#)); Amended by Laws 2011, SB 574, c. 262, § 1, emerg. eff. July 1, 2011 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 2, eff. November 1, 2012 ([superseded document available](#)).

Section 328.15A - Board Investigators - Authority

A. Investigators for the Board shall be authorized to:

1. Perform such services as are necessary in the investigation of criminal activity or preparation of administrative actions; and
2. Investigate and inspect records of all licenses in order to determine whether licensees are in compliance with applicable narcotics and dangerous drug laws and regulations.

B. Board investigators certified as peace officers by the Council on Law Enforcement Education and Training shall have statewide jurisdiction to perform the duties authorized by subsection A of this subsection. Such investigators shall have the powers now or hereafter vested in law to peace officers.

C. Upon retirement, a Board investigator shall be entitled to receive the continued custody and possession of the sidearm and badge he or she carried immediately prior to retirement.

Historical Data Added by Laws 2011, SB 574, c. 262, § 7, emerg. eff. July 1, 2011.

Section 328.15B - Board of Dentistry Executive Director

The Board of Dentistry shall employ an Executive Director. The Executive Director shall be authorized to:

1. Employ and maintain an office staff;
2. Employ one or more investigators who may be certified peace officers who shall be commissioned with all the powers and authority of peace officers of this state;
3. Enter into contracts on behalf of the Board; and
4. Perform other duties on behalf of the Board as needed or directed.

Historical Data Added by Laws 2012, SB 1690, c. 270, § 3, eff. November 1, 2012.

Section 328.17 - Committees and Examining Boards for Dental Specialists and Hygienists - Advisory Board on Laboratories

A. The Board of Dentistry shall have power to appoint one dental hygienist in an advisory capacity to sit with the Board to:

1. Assist the Board in the administration and enforcement of the dental hygienist provisions of the State Dental Act; and
2. Be present only at a Board meeting when the agenda of the meeting includes matters pertinent to the administration and enforcement of the dental hygiene provision of the State Dental Act.

B. The appointment shall be made from a list of names submitted to the Board by the dental hygienists of this state.

C. The appointment shall be for a period of two (2) years or until a successor is appointed.

Historical Data Laws 1970, SB 632, c. 173, § 17, emerg. eff. July 1, 1970; Amended by Laws 2003, HB 1445, c. 172, § 3, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.19 - Acts Constituting Practice of Dentistry - Acts Not Prevented

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 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.

Historical Data Laws 1970, SB 632, c. 173, § 19, emerg. eff. July 1, 1970; Amended by Laws 1999, SB 296, c. 280, § 3, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 4, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.21 - Registration and Display of Licenses and Certificates

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.

Historical Data Laws 1970, SB 632, c. 173, § 21, emerg. eff. July 1, 1970; Amended by Laws 1981, SB 182, c. 216, § 2; Amended by Laws 1999, SB 296, c. 280, § 5, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 5, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.22 - Specialist License

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

2. No dentist or out-of-state dentist shall represent himself or herself to the public as a specialist, nor practice as a specialist, unless the individual:

- a. has successfully completed an advanced dental specialty educational program accredited by the Commission on Dental Accreditation of the American Dental Association, and
- b. has been issued a dental specialty license by the Board.

B. 1. Except as authorized in subsection C of this section, an applicant for a dental specialty license must satisfactorily pass an examination for dental specialty practice, as provided in the rules of the Board.

2. An applicant for a dental specialty license who fails the examination shall be entitled to retake the examination upon such terms and conditions as may be established by the rules of the Board.

C. 1. The Board may issue a dental specialty license by credentialing, without examination in the dental specialty, to an out-of-state dentist who:

- a. is in good standing with the dental licensing agency of the state or states in which the out-of-state dentist has been issued a license to practice dentistry,
- b. has successfully completed an advanced dental specialty educational program accredited by the Commission on Dental Accreditation of the American Dental Association, and
- c. has been issued a dental specialty license by the dental licensing agency of another state or has received board certification from a national dental specialty board recognized by the Commission on Dental Accreditation of the American Dental Association and the rules of the Board.

2. In conducting an investigation of an out-of-state dentist who has applied for a dental specialty license pursuant to this subsection, the Board may require of the applicant disclosure of the same background information as is required of an applicant for a license to practice dentistry in this state. If the Board determines that the out-of-state dentist is competent to practice a dental specialty, and after the out-of-state dentist passes an examination on the contents and interpretation of the State Dental Act and the rules of the Board, the out-of-state dentist may be issued a dental specialty license by the Board.

3. The Board may require:

a. an applicant for a dental specialty license 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.

D. Upon payment of a fee established by the rules of the Board, any applicant who meets the requirements of this section shall be entitled to be issued a dental specialty license by the Board.

E. Out-of-state dentists to whom dental specialty licenses have been issued by the Board, but who have not been licensed in this state to practice dentistry, shall limit their practice in this state to the practice of the specialty for which they hold a dental specialty license.

Historical Data Laws 1970, SB 632, c. 173, § 22, emerg. eff. July 1, 1970; Amended by Laws 1998, SB 448, c. 377, § 3, eff. November 1, 1998 ([superseded document available](#)).

Section 328.23 - Licensing of Dentists from Other States or Territories - Certificate for Member Removing to Another State or Territory

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.

Historical Data Laws 1970, SB 632, c. 173, § 23, emerg. eff. July 1, 1970. Amended by Laws 1996, HB 1880, c. 2, § 6, eff. November 1, 1996; Amended by Laws 1998, SB 448, c. 377, § 4, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 4, eff. November 1, 2012 ([superseded document available](#)).

Section 328.23a - Volunteer License to Treat Indigent and Needy - Retired Dentists

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

1. Issued by the Board of Dentistry to eligible persons;

2. Issued without the payment of an application fee, license fee or renewal fee;

3. Issued or renewed without any continuing education requirements for a period less than one (1) fiscal year; and

4. Issued for one fiscal year or part thereof.

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

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

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

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

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

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

D. Dental assistants and dental technicians shall not be required to obtain a volunteer license. Volunteers in a volunteer initiative who are not dentists or dental hygienists shall be named and provided on a list to the Board by the entity hosting the volunteer initiative. The Board shall provide written documentation to the host entity designating all persons who may participate in the volunteer initiative, including authorization of the timetable requested by the host entity for granting licensure exemption.

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

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

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

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

Historical Data Added by Laws 2003, HB 1140, c. 138, § 3, eff. November 1, 2003; Amended by Laws 2009, HB 1059, c. 192, § 2, eff. November 1, 2009 ([superseded document available](#))

Section 328.24 - Dental Hygienists from Other States - Certificate of Ability - Certificate for Member Removing to Another State or Territory

A. 1. The Board of Dentistry may issue a license to practice dental hygiene, without examination, to an out-of-state dental hygienist who has been engaged in the active practice of dental hygiene in another state or territory for at least two (2) years immediately preceding application, upon presentation to the Board of a certificate from the Board of Dental Examiners or a like dental hygiene licensing agency of that state or territory, 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 or territory from which the applicant presents a license to practice dental hygiene shall have required the applicant to meet professional education, competency, and other eligibility standards equivalent to the standards required by the Board for issuance of a license by examination to practice dental hygiene 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 dental hygiene.

3. The Board may require:

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

b. that the state or territory from which the applicant presents credentials afford substantially equivalent licensure by credentialing to dental hygienists of this state.

B. Any dental hygienist 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 dental hygienist is in good standing with the Board.

Historical Data Laws 1970, SB 632, c. 173, § 24, emerg. eff. July 1, 1970; Amended by Laws 2000, HB 1351, c. 283, § 4, eff. November 1, 2000 ([superseded document available](#))

Section 328.25 - Temporary Certificate of Ability to Practice Dental Hygiene

A. The Board of Dentistry may issue a temporary license to practice dental hygiene, without examination, to an out-of-state dental hygienist who has been engaged in the active practice of dental hygiene in another state or territory during the two (2) years immediately preceding application upon presentation to the Board of a certificate from the Board of Dental Examiners or a like dental hygiene licensing agency of that state or territory, certifying 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 or territory from which the applicant presents a license to practice dental hygiene shall have required the applicant to meet professional education, competency, and other eligibility standards equivalent to the standards required by the Board for issuance of a license by examination to practice dental hygiene in this state.

B. A holder of a temporary license to practice dental hygiene shall have the same rights and privileges and be governed by the State Dental Act and the rules of the Board in the same manner as a holder of a permanent license to practice dental hygiene. A temporary license to practice dental hygiene shall expire as of the date of the next dental hygiene clinical examination required by the Board.

Historical Data Laws 1970, SB 632, c. 173, § 25, emerg. eff. July 1, 1970; Amended by Laws 2000, HB 1351, c. 283, § 5, eff. November 1, 2000 ([superseded document available](#)).

Section 328.26 - Issuance of Dental Intern or Resident Permit

A. The Board of Dentistry may, without examination, issue a dental intern or resident permit to a graduate of an approved dental school or college, who is otherwise qualified, upon request of 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 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 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 permit will be employed.

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

Historical Data Laws 1970, SB 632, c. 173, § 26, emerg. eff. July 1, 1970; Amended by Laws 1990, SB 866, c. 51, § 121, emerg. eff. April 9, 1990; Amended by Laws 1996, HB 1880, c. 2, § 7, eff. November 1, 1996; Amended by Laws 2012, SB 1690, c. 270, § 5, eff. November 1, 2012 ([superseded document available](#)).

Section 328.27 - Faculty Permits

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.

Historical Data Added by Laws 1970, SB 632, c. 173, § 27, emerg. eff. July 1, 1970; Amended by Laws 1999, SB 296, c. 280, § 6, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2005, HB 1337, c. 377, § 3, eff. November 1, 2005 ([superseded document available](#)); Amended by Laws 2011, SB 574, c. 262, § 2, emerg. eff. July 1, 2011 ([superseded document available](#)).

Section 328.28a - Applicants - Criminal Background Check

- A. 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 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.

Historical Data Added by Laws 2012, SB 1690, c. 270, § 6, eff. November 1, 2012.

Section 328.29 - Unlawful Practices for Dental Hygienists

- A. It shall be unlawful for any dental hygienist to:
 - 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 is in the practice of dental hygiene;
 - 2. Place his or her name in any city, commercial or other directory;
 - 3. Place his or her name in the classified section of a telephone directory;
 - 4. Offer free dental service or examination as an inducement to gain patronage;
 - 5. Claim the use of any secret or patented methods or treatments;
 - 6. Employ or use solicitors to obtain patronage;
 - 7. Pay or accept commission in any form or manner as compensation for referring patients to any person for professional services;
 - 8. In any way advertise as having ability to diagnose or prescribe for any treatment;
 - 9. Publish any schedule or comparative prices or fees for his or her services;
 - 10. Claim or infer superiority over other dental hygienists;
 - 11. Perform any services in the mouth other than those which are hereafter authorized by the Board of Dentistry pursuant to authority conferred by the State Dental Act;
 - 12. Attempt to conduct a practice of dental hygiene in any place or in any manner other than as authorized by Section 328.34 of this title;
 - 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 was formerly employed; or
 - 14. Fail to keep prominently displayed in the office of the dentist for whom he or she is employed his or her license and annual renewal certificate.
- B.
 - 1. Any person committing an offense against any of the provisions of this section, including, but not limited to, duly promulgated rules of the Board shall, upon conviction thereof, be subjected to such penalties as are provided in the State Dental Act.
 - 2. A writ of injunction without bond shall be made available to the Board of Dentistry for the enforcement of the State Dental Act.
- C. It shall not be a violation of the State Dental Act for a dental hygienist to 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 name.

Historical Data Laws 1970, SB 632, c. 173, § 29, emerg. eff. July 1, 1970; Amended by Laws 2003, HB 1443, c. 171, § 1, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.29a - Revocation or Suspension Dental Assistant Permit - Discipline by Probation or Censure, Public or Private

A. The Board of Dentistry shall have the power, after a hearing, to revoke or suspend a permit of a dental 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 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. 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 involved by registered mail to the last-known business address of the dental assistant and the employing dentist of the dental assistant.

C. The decision shall be final unless the dental 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 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;
3. Being, by reason of persistent inebriety or addiction to drugs, incompetent to continue to function as a dental assistant;
4. Functioning outside the supervision of a dentist;
5. Performing any function prohibited by Chapter 15 of the Oklahoma Administrative Code; or
6. Failure to secure an annual registration as specified in Section 328.41 of Title 59 of the Oklahoma Statutes.

Historical Data Added by Laws 2005, HB 1337, c. 377, § 4, eff. November 1, 2005.

Section 328.31 - Types of Trade Names Prohibited - Registration with Board - Issuance of Certificates - Enforcement Actions

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 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.

Historical Data Added by Laws 1970, SB 632, c. 173, § 31, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 8, eff.

Section 328.31a - Use of Trade Names with Practice of Dentistry

A. One dentist or multiple dentists may use a trade name in connection with the practice of dentistry provided that:

1. The use of the trade name shall not be false, fraudulent or misleading;
2. The name of the dentist or dentists actually providing the dental services to the patient shall appear on all billing invoices or statements sent to the patient and on all receipts if any are given to the patient;
3. Treatment records shall be maintained for each patient that clearly identify the dentist or dentists who performed all dental services for the patient; and
4. When one dentist or multiple dentists make an advertisement in the trade name or the trade name is included in an advertisement, a copy of the advertisement, including but not limited to any electronic form of the advertising, shall be kept by the dentist or dentists for three (3) years from the first publication date of the advertisement.

B. The Board of Dentistry shall promulgate rules regulating advertisements in which one dentist or multiple dentists use a trade name.

Section 328.32 - Grounds for Penalties

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 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 dentistry in an unsafe or unsanitary manner or place;
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 full-time dental hygienists for each dentist actively practicing in the same dental office who will supervise the dental hygienists;
24. 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. Authorizing or aiding a dental hygienist, dental 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. Willfully disclosing confidential information;
27. 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. Prescribing or administering any drug or treatment without having established a valid dentist-patient relationship;
29. Using or administering nitrous oxide gas in a dental office in an inappropriate or unauthorized manner;
30. 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. 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. Being dishonest in a material way with a patient;
33. Failing to retain all patient records 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;

34. 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. 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. 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. 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. 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. 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.

Historical Data Laws 1970, SB 632, c. 173, § 32, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 10, eff. November 1, 1996; Amended by Laws 1998, SB 448, c. 377, § 5, eff. November 1, 1998 ([superseded document available](#)); Amended by Laws 2000, HB 1351, c. 283, § 6, eff. November 1, 2000 ([superseded document available](#)); Amended by Laws 2011, SB 574, c. 262, § 3, emerg. eff. July 1, 2011 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 7, eff. November 1, 2012 ([superseded document available](#)).

Section 328.33 - Revocation or Suspension of Certificate of Ability of a Dental Hygienist

- 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.

Historical Data Laws 1970, SB 632, c. 173, § 33, emerg. eff. July 1, 1970; Amended by Laws 2003, HB 1443, c. 171, § 2, emerg. eff. May 5, 2003, ([superseded document available](#)).

Section 328.34 - Employment of Dental Hygienists - Scope of Activities

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 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 advanced 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.

Historical Data Laws 1970, SB 632, c. 173, § 34, emerg. eff. July 1, 1970; Amended by Laws 2003, HB 1443, c. 171, § 3, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.36 - Permit to Operate Dental Laboratory

A. 1. Any person, firm, corporation, partnership or other legal entity who desires to operate a dental laboratory in this state shall file with the Board of Dentistry, on a form prescribed by the Board, an application for a permit to operate a dental laboratory and pay the fee established by the rules of the Board. The application shall include the name and address of each person, firm, corporation, partnership or other legal entity who owns an interest in or will operate the dental laboratory. Upon receipt of the application and fee, the Board shall determine the qualifications of the applicant and may grant a permit to the applicant to operate a dental laboratory.

2. Except as provided in subsection C of this section, no person, firm, corporation, partnership or other legal entity shall operate a dental laboratory in this state without having obtained a permit from the Board. The Board may inspect any dental laboratory prior to the issuance of any permit.

B. Any change in ownership, operation or location of a dental laboratory shall immediately be communicated to the Board, which shall endorse upon the permit, without further fee, the change in ownership, operation or location.

C. Nothing in the State Dental Act shall be construed to:

1. Prohibit a dentist from owning or operating a private, noncommercial dental laboratory in a dental office for the dentist's use in the practice of dentistry;

2. Require a dentist to obtain a permit from the Board for the operation of a dental laboratory in the office of the dentist unless dental laboratory technology is provided to persons other than the dentist at that location; or

3. Require a dentist to issue a laboratory prescription for dental laboratory technology to be performed by an employee of, in the office of, and for a patient of, the dentist.

D. The dental laboratory shall make available to the prescribing dentist, Board, or agent or employee of the Board:

1. A list of all materials in the composition of the final appliance;

2. The location where the appliance was fabricated, including the name, address, telephone number and Food and Drug Administration registration number, if applicable, of the person or entity performing the work; and

3. A description of all disinfection methods used in the fabrication of the appliance.

E. No permit shall be required for a licensed dentist in the State of Oklahoma, the licensed dentist's dental practice on-site dental lab, the licensed dentist's physical practice, or the licensed dentist's CAD or CAM technology used for fabricating dental prostheses including crowns, bridges and other dental restorations. If the licensed dentist provides dental prostheses for other licensed dentists in the State of Oklahoma, then the dental laboratory portion of the practice shall be required to have a permit as it is functioning as a commercial dental laboratory.

Historical Data Added by Laws 1970, SB 632, c. 173, § 36, emerg. eff. July 1, 1970; Amended by Laws 1981, HB 1181, c. 79, § 1; Amended by Laws 1996, HB 1880, c. 2, § 11, eff. November 1, 1996; Amended by Laws 1999, SB 296, c. 280, § 7, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2010, HB 2593, c. 129, § 1, eff. November 1, 2010 ([superseded document available](#)).

Section 328.36a - Laboratory Prescriptions

A. A dentist may utilize a dental laboratory technician and a dental laboratory to perform or provide dental laboratory technology. Except as provided in subsection C of Section 328.36 of this title, a dentist who utilizes the services of a

dental laboratory technician or dental laboratory shall furnish a laboratory prescription for each patient for whom a work product is prescribed.

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

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

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

1. The name and address of the dental laboratory;
 2. The patient's name and/or identifying number. In the event such identifying number is used, the name of the patient shall be written on a copy of the prescription retained by the dentist;
 3. A description of the work to be completed with diagrams, if applicable;
 4. A description of the type of materials to be used;
 5. The actual date on which the authorization or prescription was written or completed;
 6. The signature in ink or by electronic method of the dentist issuing the prescription and the state license number and address of such dentist; and
 7. A section to be completed by the dental laboratory and returned to the issuing dentist that shall disclose all information and certify that the information is accurate by including the signature of a reasonable part of the primary contractor.
- E. The Board shall make readily available a sample form on the Board's website for use by any licensee at no cost.
- F. A dentist may produce, transfer and retain copies of the form electronically.

Historical Data Added by Laws 1970, SB 632, c. 173, § 20, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 5, eff. November 1, 1996; Renumbered from [59 O.S. § 328.20](#) by Laws 1999, SB 296, c. 280, § 4, eff. November 1, 1999; Amended by Laws 1999, SB 296, c. 280, § 11, eff. November 1, 1999; Amended by Laws 2011, SB 574, c. 262, § 4, emerg. eff. July 1, 2011 ([superseded document available](#)).

Section 328.39 - Rules of Conduct for Dental Laboratories and Technicians - Acts Prohibited

The following acts or occurrences by a dental laboratory technician 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. Publishing a false, fraudulent or misleading advertisement or statement;
2. Performing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section [328.36](#) of this title;
3. Performing dental laboratory technology without a laboratory prescription of a dentist, except as provided in subsection C of Section [328.36](#) of this title;
4. Failing to return a prescribed work product to the prescribing dentist or the dental office of the dentist;
5. Refusing to allow a member of the Board or an agent or employee of the Board to inspect laboratory prescriptions or dental restorations, appliances or other devices that are being constructed, reproduced or repaired;
6. Possessing dental equipment not necessary for performing dental laboratory technology;
7. Being dishonest in a material way with a dentist; or
8. Violating or attempting to violate the provisions of the State Dental Act or the rules of the Board, as a principal, accessory or accomplice.

Historical Data Added by Laws 1970, SB 632, c. 173, § 39, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 12, eff. November 1, 1996; Amended by Laws 1999, SB 296, c. 280, § 8, eff. November 1, 1999 ([superseded document available](#)).

Section 328.39a - Grounds for Penalties to Holders of Permit

The following acts or occurrences by a holder of a permit to operate a dental laboratory 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. Publishing a false, fraudulent or misleading advertisement or statement;
2. Providing dental laboratory technology at a location for which no permit to operate a dental laboratory has been issued by the Board, except as provided in subsection C of Section 328.36 of this title;
3. Providing dental laboratory technology without a laboratory prescription of a dentist, except as provided in subsection C of Section 328.36 of this title;
4. Failing to return a prescribed work product to a prescribing dentist or the dental office of the dentist;
5. Refusing to allow a member of the Board or an agent or employee of the Board to inspect laboratory prescriptions or dental restorations, appliances or other devices that are being constructed, reproduced or repaired;
6. Failing to retain an original laboratory prescription received from a prescribing dentist for a period of three (3) years from the date of the laboratory prescription, except that the failure to retain a document shall not be a violation of the State Dental Act if the owner of the dental laboratory shows that the document was lost, destroyed, or removed by another, without the consent of the owner;
7. Possessing dental equipment not necessary for performing dental laboratory technology;
8. Failing to pay fees as required by the State Dental Act or the rules of the Board;
9. Operating a dental laboratory without displaying, at the primary place of operation, a permit issued by the Board for the operation of the dental laboratory and the current renewal certificate;
10. Being dishonest in a material way with a dentist;
11. 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
12. 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.

Historical Data Laws 1996, HB 1880, c. 2, § 13, eff. November 1, 1996; Amended by Laws 1999, SB 296, c. 280, § 9, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 8, eff. November 1, 2012 ([superseded document available](#)).

Section 328.41 - Annual Registration for Dentists and Dental Hygienists

- A. On or before the first day of January of each year, every dentist, dental hygienist and other licensee or permit holder 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 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 to pay the annual renewal fee within two (2) months after January 1, the Board shall notify the dentist or dental hygienist in writing by certified mail to the last-known mailing address of the dentist or dental hygienist, as reflected in the records of the Board.
- C. Any dentist or dental hygienist whose license 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 does not apply for renewal of the license and pay the required fees within one (1) year after the license has expired, then the dentist or dental hygienist shall be required to file an application for and take the examination provided for in the State Dental Act 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.

Historical Data Laws 1970, SB 632, c. 173, § 41, emerg. eff. July 1, 1970; Amended by Laws 1999, SB 296, c. 280, § 10, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 6, emerg. eff. May 5, 2003 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 9, eff. November 1, 2012 ([superseded document available](#)).

Section 328.42 - State Dental Fund - Creation

There is hereby created in the State Treasury a revolving fund for the Board of Dentistry to be designated as "The State Dental Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the State Dental Act. All monies accruing to the credit of this fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the State Dental Act. Expenditures from this fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Historical Data Laws 1970, SB 632, c. 173, § 42, emerg. eff. July 1, 1970; Amended by Laws 1979, HB 1020, c. 47, § 36, emerg. eff. April 9, 1979; Amended by Laws 1996, HB 1880, c. 2, § 14, eff. November 1, 1996; Amended by Laws 2012, HB 3079, c. 304, § 263 ([superseded document available](#)).

Section 328.43a - Filing of Complaint - Review Panels - Recommendations

A. Any person may file a written and signed complaint with the Board of Dentistry, alleging that the respondent has sought to practice or has illegally practiced dentistry or dental hygiene, has violated the provisions relating to dental assistants, or has otherwise violated the provisions of the State Dental Act or the rules of the Board, and the facts upon which the allegations are based. The complaint shall be directed by the president of the Board to two specific Board members for investigation and review. The review panel, in its discretion, may notify the respondent of the complaint at any time prior to its dismissal of the complaint or making a recommendation to the Board. If the Board initiates an individual proceeding under paragraph 1 of subsection D of this section, the respondent of the individual proceeding shall be provided a copy of the recommendation and any exculpatory information as required by the Administrative Procedures Act.

B. The Board members who review a complaint shall constitute a review panel. A review panel shall confer and shall conduct or cause to be conducted any investigation of the allegations in the complaint as it reasonably determines may be needed to establish, based on the evidence available to the panel, whether it is more likely than not that:

1. A violation of the provisions of the State Dental Act or the rules of the Board has occurred; and
2. The person named in the complaint has committed the violation.

C. In conducting its investigation, a review panel may seek evidence, take statements, take and hear evidence, and administer oaths and affirmations. A review panel may also use Board attorneys and investigators appointed by the Board to seek evidence.

D. 1. If a review panel determines, based on the evidence available to the panel, that it is more likely than not that a violation of the provisions of the State Dental Act or the rules of the Board has occurred and that the respondent has more likely than not committed the violation, the review panel may recommend in writing to the Board that the Board initiate an individual proceeding, pursuant to Article II of the Administrative Procedures Act, against the respondent.

2. The Board shall determine whether to accept or reject the recommendation that an individual proceeding be initiated.

3. If the Board determines that the recommendation should be accepted, a formal Statement of Complaint shall be filed within ten (10) days of the action of the Board.

4. The individual proceeding shall be conducted according to the rules of the Board and the requirements of the Administrative Procedures Act. The members of the review panel shall be excluded from participating as Board members in an individual proceeding initiated by the Board based upon their recommendation.

5. The review panel may decide to enter into a public or private settlement agreement with the respondent. A public or private settlement agreement:

- a. shall specify the provisions of the State Dental Act or the rules of the Board which such person is alleged to have violated,
- b. shall provide that such person agrees not to violate the provisions of the State Dental Act or the rules of the Board in the future,
- c. may contain any of the penalties specified in Section 328.44a of this title, and
- d. may contain any other provisions agreeable to the review panel and the person involved.

A private settlement agreement shall remain part of the investigation file, and may be disclosed or used against the respondent only if the respondent violates the settlement agreement or if ordered by a court of competent jurisdiction. All settlement agreements shall be reported to the Board. The Board may require that a private settlement agreement be made a public settlement agreement. A respondent may withdraw from the settlement agreement if the Board determines a private settlement agreement shall be made public.

6. A public or private settlement agreement must receive final review and approval by the Board if it contains any of the following penalties specified in Section 328.44a of this title:

- a. suspension of a license or permit issued by the Board,
- b. revocation of a license or permit issued by the Board,
- c. issuance of a censure,
- d. placement on probation,

- e. restriction of the services that can be provided by a dentist or a dental hygienist, or
 - f. an administrative penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00) per violation.
- E. If a review panel does not make the determination specified in subsection D of this section, the panel shall dismiss the complaint and direct the principal administrative officer of the Board to give written notification of the dismissal to the person who filed the complaint and to the respondent. Although evidence against a respondent does not warrant formal proceedings, a review panel may issue a confidential letter of concern to a respondent when there are indications of possible misconduct by the respondent that could lead to serious consequences or formal action.
- F. A review panel may act without complying with the Oklahoma Open Meeting Act.
- G. The Board of Dentistry, its employees, independent contractors, appointed committee members and other agents shall keep confidential all information obtained in the following circumstances:
- 1. During an investigation into allegations of violations of the State Dental Act, including but not limited to:
 - a. any review or investigation made to determine whether to allow an applicant to take an examination, or
 - b. whether the Board shall grant a license, certificate, or permit;
 - 2. In the course of conducting an investigation;
 - 3. Reviewing investigative reports provided to the Board by a registrant; and
 - 4. Receiving and reviewing examination and test scores.
- H. Any information obtained and all contents of any investigation file shall be exempt from the provisions of the Oklahoma Open Records Act. Except for the approval of private settlement, a final order issued by the Board shall be subject to the Oklahoma Open Records Act.
- I. Information obtained by the Board or any of its agents shall be considered competent evidence, subject to the rules of evidence, in a court of competent jurisdiction for:
- 1. Matters directly related to actions of the Board; or
 - 2. Matters where criminal charges are filed in a municipal, district or federal court action.
- All other information and investigation records where complaints have not been found to be actionable in either an administrative, civil or criminal matter shall not be open to the public.
- Information obtained by the Board or its agents shall not be admissible as evidence in any other type of civil or criminal action.

Historical Data Laws 1996, HB 1880, c. 2, § 15, eff. November 1, 1996; Amended by Laws 1997, HB 2090, c. 108, § 6, eff. November 1, 1997 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 7, emerg. eff. May 5, 2003 ([superseded document available](#)); Amended by Laws 2005, HB 1337, c. 377, § 5, eff. November 1, 2005 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 10, eff. November 1, 2012 ([superseded document available](#)).

Section 328.44a - Issuance of Order Imposing Penalties

- 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, 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, 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.

Historical Data Added by Laws 1996, HB 1880, c. 2, § 16, eff. November 1, 1996; Amended by Laws 2003, HB 1445, c. 172, § 8, emerg. eff. May 5, 2003 ([superseded document available](#)); Amended by Laws 2005, HB 1337, c. 377, § 6, eff. November 1, 2005 ([superseded document available](#)); Amended by Laws 2011, SB 574, c. 262, § 5, emerg. eff. July 1, 2011 ([superseded document available](#)).

Section 328.44b - Right to Surrender License, Permit, or Certificate

A. A holder of a license, a permit, or certificate granted by the Board shall have the right to surrender the license, permit, or certificate, in writing, notarized, to the Board if the holder is in good standing with the Board as determined, in its discretion, by the Board. The Board shall accept such surrender in writing after approval at a regular or special Board meeting with the statement that the holder is in good standing with the Board. Any holder who has surrendered a license, permit, or certificate issued by the Board and who shall apply for a license, permit, or certificate after surrender shall be subject to all statutes and rules of the Board applicable at the time of the new application.

B. A holder of a license, permit, or certificate shall not be considered to be in good standing if an investigation of a complaint is pending against the holder. The Board shall not accept a surrender until a complaint is dismissed by the review panel, a settlement agreement is entered or the Board determines that an individual proceeding shall be initiated pursuant to Section 328.43a of Title 59 of the Oklahoma Statutes.

C. If a holder of a license, permit, or certificate wishes to surrender the license, permit, or certificate during the pendency of an initial proceeding, the Board may accept or reject the surrender, in its discretion. The acceptance must be in writing after approval by the Board at a regular or special Board meeting. Any acceptance shall contain the statement that the acceptance is pending disciplinary action. No person who surrenders a license, permit, or certificate to the Board during a pending disciplinary action shall be eligible for reinstatement for a period of five (5) years from the date the surrender is accepted by the Board.

D. The Board shall retain jurisdiction over the holder of any license, permit, or certificate for all disciplinary matters pending at the time surrender is sought by the holder.

E. All surrenders of licenses, permits, or certificates, whether the holder is or is not in good standing, shall be reported to the national practitioner data bank with the notation in good standing or pending disciplinary action.

Historical Data Added by Laws 2005, HB 1337, c. 377, § 7, eff. November 1, 2005.

Section 328.48 - Annual Statement of Receipts and Expenditures

It shall be the duty of the Board of Dentistry, annually, to have prepared a statement showing the total amount of receipts and expenditures of the Board for the preceding twelve (12) months. The statement shall be properly certified under oath by the president and secretary-treasurer of the Board to the Governor of this state.

Historical Data Laws 1970, SB 632, c. 173, § 48, emerg. eff. July 1, 1970; Amended by Laws 2003, HB 1445, c. 172, § 9, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.49 - Enforcement of Act - Unlawful Acts - Penalties for Violations - Criminal and Civil Actions

A. The Board of Dentistry shall be responsible for the enforcement of the provisions of the State Dental Act against all persons who are in violation thereof, including, but not limited to, individuals who practice or attempt to practice dentistry or dental hygiene without proper authorization from the Board.

B. 1. It shall be unlawful for any person, except a licensed dentist, to:

- a. practice or attempt to practice dentistry,
- b. hold oneself out to the public as a dentist or as a person who practices dentistry, or
- c. employ or use the words "Doctor" or "Dentist", or the letters "D.D.S." or "D.M.D.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dentist.

2. It shall be unlawful for any person, except a registered dental hygienist, to:

- a. practice or attempt to practice dental hygiene,
- b. hold oneself out to the public as a dental hygienist or as a person who practices dental hygiene, or
- c. employ or use the words "Registered Dental Hygienist", or the letters "R.D.H.", or any modification or derivative thereof, when such use is intended to give the impression that the person is a dental hygienist.

3. It shall be unlawful for any person to:

- a. give false or fraudulent evidence or information to the Board in an attempt to obtain any license or permit from the Board, or
- b. aid or abet another person in violation of the State Dental Act.

4. Each day a person is in violation of any provision of this subsection shall constitute a separate criminal offense and, in addition, the district attorney may file a separate charge of medical battery for each person who is injured as a result of treatment performed in violation of this subsection.

C. 1. If a person violates any of the provisions of subsection B of this section, the Board shall refer the alleged violation to the district attorney of the county in which the violation is alleged to have occurred to bring a criminal action in that county against the person. At the request of the Board, district attorney or Attorney General, attorneys employed or contracted by the Board may assist the district attorney or Attorney General in prosecuting charges under the State Dental Act or any

violation of law relating to or arising from an investigation conducted by the Board of Dentistry upon approval of the Board or the Executive Director.

2. Any person who violates any of the provisions of paragraph 1 or 3 of subsection B of this section, upon conviction, shall be guilty of a felony punishable by a fine in an amount not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the county jail for a term of not more than one (1) year or imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by both such fine and imprisonment.

Any person who violates any of the provisions of paragraph 2 of subsection B of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine in an amount not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail for a term of not more than ninety (90) days, or by both such fine and imprisonment. Any second or subsequent violation of paragraph 2 of subsection B of this section, upon conviction, shall be a felony punishable by a fine in an amount not less than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the county jail for a term of not more than one (1) year or imprisonment in the custody of the Department of Corrections for a term of not more than two (2) years, or by both such fine and imprisonment.

D. The Board may initiate a civil action, pursuant to Chapter 24 of Title 12 of the Oklahoma Statutes, seeking a temporary restraining order or injunction, without bond, commanding a person to refrain from engaging in conduct which constitutes a violation of any of the provisions of subsection B of this section. In a civil action filed pursuant to this subsection, the prevailing party shall be entitled to recover costs and reasonable attorney fees.

E. In addition to any other penalties provided herein, any person found guilty of contempt of court by reason of the violation of any injunction prohibiting the unlicensed practice of dentistry now in effect or hereafter entered pursuant to any provision of the State Dental Act or any preceding state dental act, shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, and by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). The court may also require the defendant to furnish a good and sufficient bond in a penal sum to be set by the court, not less than One Thousand Dollars (\$1,000.00), which shall be conditioned upon future compliance in all particulars with the injunction entered, and in the event of failure of the defendant to furnish such bond when so ordered, the defendant shall be confined in the county jail pending compliance therewith. Such bond shall be mandatory as to any person hereafter found guilty of a second contempt of court for violation of any injunction entered pursuant to the State Dental Act, or any preceding state dental act.

Historical Data Laws 1970, SB 632, c. 173, § 49, emerg. eff. July 1, 1970; Amended by Laws 1996, HB 1880, c. 2, § 17, eff. November 1, 1996; Amended by Laws 2003, HB 1445, c. 172, § 10, emerg. eff. May 5, 2003 ([superseded document available](#)); Amended by Laws 2008, HB 2732, c. 358, § 1, eff. November 1, 2008 ([superseded document available](#)); Amended by Laws 2012, SB 1690, c. 270, § 11, eff. November 1, 2012 ([superseded document available](#)).

Section 328.51a - Fee and Charge Schedule

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. 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 Permit for Expanded Duties	\$10.00	\$60.00
i. Permit to Operate a Dental Laboratory	\$20.00	\$60.00
j. General Anesthesia, Permit		
Dentist	\$100.00	\$200.00
k. Conscious Sedation Permit		
Dentist	\$100.00	\$200.00
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
b. Dental Hygienist	\$65.00	\$130.00
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	\$50.00	\$100.00
f. Dental Assistant Permit for Expanded Duties	\$10.00	\$60.00
g. Permit to Operate a Dental Laboratory	\$20.00	\$60.00
h. General Anesthesia Permit		

Dentist	\$100.00	\$200.00
i. Conscious Sedation Permit		
Dentist	\$100.00	\$200.00
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	\$10.00	\$30.00
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	\$7.50
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

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.

Historical Data Added by Laws 1996, HB 1880, c. 2, § 18, eff. November 1, 1996; Amended by Laws 1997, HB 2090, c. 108, § 7, eff. November 1, 1997 ([superseded document available](#)); Amended by Laws 2003, HB 1445, c. 172, § 11, emerg. eff. May 5, 2003 ([superseded document available](#)).

Section 328.53 - Dentists - Professional Malpractice Liability Insurance

- 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. 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.

Historical Data Added by Laws 2011, SB 574, c. 262, § 8, emerg. eff. July 1, 2011; Amended by Laws 2012, SB 1690, c. 270, § 12, eff. November 1, 2012 ([superseded document available](#)).

Section 328.54 - Practice of Dentistry Via the Internet

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

Historical Data Added by Laws 2012, SB 1690, c. 270, § 13, eff. November 1, 2012.

Section 328.55 - Duty to Report Death of Patient

All licensees engaged in the practice of dentistry in this state shall notify the Board within twenty-four (24) hours of the discovery of a death of a patient or an emergency hospital visit causally related to the practice of dentistry by the licensee. A licensee shall submit a complete report to the Board of any fatality or serious injury occurring during the practice of dentistry or the discovery of the death of a patient whose death is causally related to the practice of dentistry by the licensee within thirty (30) days of such occurrence.

Historical Data Added by Laws 2012, SB 1690, c. 270, § 14, eff. November 1, 2012.

Section 328.56 - Unlawful Prescriptions - Duties of Dentists

Every dentist shall have a duty to guard against the illegal diversion and unauthorized or forged prescribing of controlled dangerous substances while practicing dentistry and shall:

1. Notify the Board within twenty-four (24) hours of discovery that an employee or other person, known or unknown, has forged or authorized without the dentist's permission, a prescription via a telecommunications device, electronic prescribing device, written prescription, or otherwise communicated or transferred information with the intent of allowing a person to obtain a controlled dangerous substance in the dentist's name or by any identifiable license number of the dentist;
2. Maintain all written prescription pads in a safe place while practicing dentistry and shall ensure such prescription pads are not directly accessible to patients;
3. Ensure that all prescriptions issued shall clearly identify the name and current address of the issuing dentist; and
4. Not issue a prescription on a prescribing form in a preprinted format that lists the name of another dentist not presently licensed by the Board.

Historical Data Added by Laws 2012, SB 1690, c. 270, § 15, eff. November 1, 2012.