

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 439

By: Bergstrom

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6 AS INTRODUCED

7 An Act relating to diagnostic x-ray systems; amending
8 59 O.S. 2021, Section 328.15, as last amended by
9 Section 2, Chapter 46, O.S.L. 2024 (59 O.S. Supp.
10 2024, Section 328.15), which relates to powers and
11 duties of the Board of Dentistry; requiring the Board
12 to enforce certain state and federal laws; amending
13 63 O.S. 2021, Section 1-1503, which relates to
14 diagnostic x-ray systems; providing certain
15 exception; giving certain power and duty to the
16 Board; requiring the Board to submit certain data to
17 the State Department of Health; limiting certain fee
18 schedule; updating statutory language; and providing
19 an effective date.

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

21 SECTION 1. AMENDATORY 59 O.S. 2021, Section 328.15, as
22 last amended by Section 2, Chapter 46, O.S.L. 2024 (59 O.S. Supp.
23 2024, Section 328.15), is amended to read as follows:

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

1 B. The Board is authorized and empowered to:

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

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

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

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

14 5. Within limits prescribed in the State Dental Act, set fees
15 and administrative penalties to be imposed and collected by the
16 Board as provided by rules;

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

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

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

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

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

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

14 12. Recognize the parameters and standards of care established
15 and approved by the American Dental Association or another
16 nationally recognized medical or dental association that establishes
17 guidelines for health care as it relates to dentistry. The Board
18 shall have the sole authority to determine scope of practice of
19 licensees considering these standards and guidelines;

20 13. Formulate, adopt, and promulgate rules, pursuant to Article
21 I of the Administrative Procedures Act, as may be necessary to
22 implement and enforce the provisions of the Oklahoma Dental
23 Mediation Act and to enforce all state and federal laws pertaining
24 to the use of diagnostic x-ray systems or other sources of radiation

1 used for treatment purposes that occur in a dental office including,
2 but not limited to, the Diagnostic X-Ray Facility Act;

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

5 15. Promote the dental health and the education of dental
6 health of the people of this state;

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

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

13 18. Enter into contracts;

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

22 20. Receive or accept the surrender of a license, permit, or
23 certificate granted to any person by the Board as provided in
24 Section 328.44b of this title; and
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1 21. Take all other actions necessary to implement and enforce
2 the State Dental Act.

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

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

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

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

18 SECTION 3. This act shall become effective January 1, 2026.

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