

## **BILL ANALYSIS**

Senate Research Center  
81R7007 BEF-F

S.B. 887  
By: Nelson  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Dental Practice Act contains provisions regarding license renewals and criminal penalties, but they are not clear or consistent. The current law requires a paper roster of approved dental labs. Current law also limits the terms of members of the Texas State Board of Dental Examiners (TSBDE) to only one term, which is inconsistent with how other licensing and regulatory board's function.

As proposed, S.B. 887 amends the renewal process for professionals licensed and certified by TSBDE, and includes criminal penalties for failure to comply with the Dental Practice Act. This bill also amends provisions relating to TSBDE member term limits.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 256.105(a), Occupations Code, to require each dentist, dental hygienist, and owner or manager of a dental laboratory licensed or registered with the State Board of Dental Examiners (TSBDE) to timely notify TSBDE of any change of the person's mailing address. Makes nonsubstantive changes.

SECTION 2. Amends Section 257.001, Occupations Code, by adding Subsection (d), to provide that an initial license issued under this subtitle expires on the 30th day after the date the license is issued if the holder of the license fails to pay the required license fee on or before that date.

SECTION 3. Amends Section 262.054(b), Occupations Code, to authorize a member of TSBDE to serve for not more than two consecutive full terms, rather than only one six-year term.

SECTION 4. Amends Section 264.151, Occupations Code, as follows:

Sec. 264.151. New heading: CRIMINAL PENALTIES. (a) Provides that a person commits an offense if the person violates Section 256.001 (License Required), rather than this subtitle. Provides that an offense under this subsection is a felony of the third degree. Provides that each day of a violation is a separate offense.

(b) Provides that a person commits an offense if the person violates Section 256.052 (License Required). Provides that an offense under this subsection, rather than section, is a Class A misdemeanor. Provides that if it is shown at the trial of an offense under this subsection that the defendant has previously been convicted of an offense for a violation under Section 256.052, the offense is a felony of the third degree.

(c) Provides that a person commits an offense if the person violates Subchapter D (Practice by License Holder), Chapter 262 (Regulation of Dental Hygienists). Provides that an offense under this subsection is a Class A misdemeanor. Provides that each day of a violation is a separate offense. Deletes existing text providing that a violation under this section does not include a violation to which Section 262.203 (Criminal Penalty) applies.

(d) Provides that a person commits an offense if the person is a dentist or dental hygienist and violates an injunction or cease and desist order issued under Subchapter B (Dental Hygiene Advisory Committee). Provides that an offense under this subsection is a Class A misdemeanor. Provides that if it is shown at the trial of an offense under this subsection, rather than section, that the defendant was previously convicted of an offense for a violation of an injunction or cease and desist order issued under Subchapter B, rather than under this section or if the offense involves practicing without an appropriate board license, the offense is a felony of the third degree. Provides that each day of a violation is a separate offense. Makes a nonsubstantive change.

SECTION 5. Amends Section 265.005, Occupations Code, by adding Subsections (m), (n), and (o), as follows:

(m) Requires a dental assistant who holds a certificate of registration issued under this section to display the person's current certificate of registration in each office in which the person makes dental x-rays. Authorizes the person, if the person makes dental x-rays at more than one location, to display a duplicate of the original registration certificate obtained from TSBDE on payment of a duplicate certificate fee set by TSBDE.

(n) Requires a dental assistant who holds a certificate of registration issued under this section to timely notify TSBDE of any change of address of the person's place of business, any change of employers, and any change of the person's mailing address.

(o) Provides that an initial certificate of registration issued under this section expires on the 30th day after the date the certificate is issued if the holder of the certificate fails to pay the required certificate fee on or before that date.

SECTION 6. Amends Section 266.101(a), Occupations Code, to delete existing text requiring the Dental Laboratory Certification Council to provide to TSBDE a list of applicants eligible for registration.

SECTION 7. Amends Subchapter D, Chapter 266, Occupations Code, by adding Section 266.155, as follows:

Sec. 266.155. INITIAL REGISTRATION CERTIFICATE FEE. Provides that an initial registration certificate issued under this subchapter expires on the 30th day after the date the registration certificate is issued if the holder of the registration certificate fails to pay the required registration certificate fee on or before that date.

SECTION 8. Amends Section 266.303, Occupations Code, by amending Subsection (c), and adding Subsections (d) and (e), as follows:

(c) Provides that if it is shown on the trial of an offense under this section that the defendant has previously been convicted for an offense for a violation of Section 266.301(c) (relating to a requirement that a dental laboratory that prepares or repairs a dental prosthetic appliance for a dentist to provide to the dentist in writing certain registration information), rather than under this subsection, the offense is a Class A misdemeanor. Deletes existing text that provides that an offense for a violation of Section 266.301(d) (relating to a prohibition of a dentist knowingly prescribing, ordering, or receiving a dental prosthetic from or to be prepared by an unregistered dental laboratory) is a Class C misdemeanor.

(d) Provides that an offense for a violation of Section 266.301 (d) (relating to prohibiting a dentist from knowingly prescribing, ordering, or receiving a dental prosthetic appliance that is to be prepared or has been prepared by an unregistered dental laboratory) is a Class B misdemeanor. Provides that if it is shown on the trial of an offense under this section that the defendant has previously been convicted of an offense for a violation of Section 266.301(d), the offense is a Class A misdemeanor.

(e) Provides that each day of a violation is a separate offense.

SECTION 9. Repealer: Section 262.203 (Criminal Penalty), Occupations Code.

SECTION 10. (a) Provides that the changes in law made by this Act by the repeal of Section 262.203, Occupations Code, and the amendment of Sections 264.151 and 266.303, Occupations Code, apply only to an offense committed on or after the effective date of this Act. Provides that for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Makes application of this Act prospective.

SECTION 11. Makes application of Sections 257.001(d), 265.005(o), and 266.155, Occupations Code, of this Act prospective.

SECTION 12. Effective date: September 1, 2009.