

BILL ANALYSIS

Senate Research Center

S.B. 610
By: Nelson
Health & Human Services
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Board of Dental Examiners (board) has identified various administrative needs pertaining to its licensing, enforcement, and legal functions. S.B. 610 improves the ability of the board to protect the public by providing guidance on the specific criminal convictions which would require the suspension and revocation of a license, increasing the ability of the state to prosecute violations, extending the timeframe associated with hearings on cases of temporary licensure suspension, and repealing a provision that allows for the expunging of dismissed complaints. It also allows the board to accept examination results from multiple examining boards, and provides new licensees the ability to practice for 30 days based on written confirmation from the board prior to receiving the registration certificate, and provides a licensee with a 10-day grace period to renew an unexpired license.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Dental Examiners is modified in SECTION 2 (Section 255.006, Occupations Code), of this bill.

Rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 9 (Section 265.005, Occupations Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 251.004(a), Occupations Code, to include amongst individuals who do not practice dentistry as provided by Section 251.003 (Practice of Dentistry), a dentist or a dental hygienist who is not licensed in this state and who is taking the dental clinical examination offered in this state by an examining body designated by the State Board of Dental Examiners (board), rather than the Western Regional Examining Board.

SECTION 2. Amends Section 255.006(d), Occupations Code, to delete the establishment of procedures by which a board employee may expunge certain complaints from the records of the board from the requirements of rules adopted under this subsection.

SECTION 3. Amends Section 256.102, Occupations Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Creates an exception as provided by Subsection (f).

(f) Authorizes a dentist on retired status to perform an activity regulated under this subtitle if the dentist's practice consists only of voluntary charity care, as defined by board rule. Requires the board's rules under this subsection to prescribe the scope of practice permitted for the retired dentist, the retired dentist's authority to prescribe and administer drugs, and any continuing education requirements applicable to the dentist.

SECTION 4. Amends Section 256.103, Occupations Code, by adding Subsection (c), to authorize a person to practice without displaying the person's current registration certificate for not more than 30 days after the date the person receives from the board written confirmation that the person's original license was issued.

SECTION 5. Amends Section 258.054, Occupations Code, by adding Subsection (c), as follows:

(c) Prohibits a dentist from authorizing a dental assistant to make a dental x-ray unless the dental assistant holds an x-ray certificate issued under Section 265.005.

SECTION 6. Amends Sections 263.004(b) and (c), Occupations Code, as follows:

(b) Prohibits the board from temporarily suspending a license or permit under this section except under certain circumstances.

(c) Requires the State Office of Administrative Hearings to hold a hearing not later than the 30th, rather than 14th, day after the date the license or permit holder is suspended unless the license or permit holder requests a continuance.

SECTION 7. Amends Sections 263.006(a) and (b), Occupations Code, to require the board to suspend a license holder's license issued under this subtitle on proof, rather than if it determines at an administrative hearing, that the person has been initially convicted of or is subject to an initial finding by the trier of fact of guilt of certain offenses. Deletes text pertaining to a felonies under Chapter 481 (Texas Controlled Substances Act) or 483 (Dangerous Drugs), Health and Safety Code, and Section 485.033 (Inhalant Paraphernalia), Health and Safety Code. Requires the board, on final conviction for said offenses, to revoke the person's license.

SECTION 8. Amends Section 265.004(b), Occupations Code, to require a applicant, to qualify for a (pit and fissure sealant) certificate, to meet certain standards.

SECTION 9. Amends Section 265.005, Occupations Code, as follows:

(a) Makes no changes to this subsection.

(b) Requires a dental assistant, to qualify for a certificate of registration, to pay a fee in an amount determined by the board and meet certain qualifications.

(c) Deletes existing Subsection (c) and creates this subsection from Subsection (d). Requires the course and examination, rather than the portion of the examination, described by Subsection (b)(1), rather than (b)(1)(B), to be tailored to a dental assistant's responsibilities and role in a dental office.

(d) Authorizes a course and examination described by Subsection (b) to be offered through self-study, interactive computer course, or lecture courses and to be offered through the Internet. Requires the course and examination to comply with rules adopted under Subsection (f) and be approved by the board.

(e) Requires, rather than authorizes, the board to create an advisory committee consisting of dentists, dental assistants, and dental assistant educators, rather than dental industry professionals, to advise the board in adopting rules under Subsection (f).

(f) Requires the board to set certain objectives and procedures by rule.

(g) Requires the course and examination under Subsection (b)(1) to comply with board rules. Authorizes any school or program accredited by the Commission on Dental Accreditation of the American Dental Association or any dental industry professional organization to offer a course and examination that complies with board rules.

(h) Requires the board, in consultation with the advisory committee, to develop a program to ensure that courses and examinations developed or administered under this section comply with board rules. Deletes existing text relating to course examination administering procedures.

(i) Prohibits the board from requiring a person who has successfully completed the course and examination required under Subsection (b) to complete an additional course or examination to renew the registration, except as otherwise provided by this subsection. Authorizes the board to require a person to complete a new course and examination if the

person fails to renew the person's certificate of registration before the second anniversary of the date the certificate expired.

(j) Redesignates (h) as (j). Requires the curriculum to cover dental assistant duties. Deletes certain curriculum requirements.

(k) Authorizes the person to fulfill continuing education requirements through board-approved self-study, interactive computer course, or lecture courses.

(l) Authorizes a dental assistant who is hired as a dental assistant for the first time and who has not previously been issued a certificate under this section to make dental x-rays without complying with this section until the first anniversary of the date on which the dental assistant is hired.

SECTION 10. Repealer: Section 255.006(d-2), Occupations Code (pertaining to the board adopting rules to ensure that a complaint is not dismissed without appropriate consideration).

SECTION 11. (a) Makes application of Section 256.103, Occupations Code, as amended by this Act, prospective.

(b) Makes application of Section 263.006, Occupations Code, as amended by this Act, prospective.

(c) Makes application of Section 263.004, Occupations Code, as amended by this Act, prospective.

SECTION 12. Requires the board, not later than March 1, 2006, to adopt the rules required by Section 256.102(f), Occupations Code, as added by this Act.

SECTION 13. Requires the board, not later than July 1, 2006, to adopt the rules required by Section 265.005(f), Occupations Code, as added by this Act.

SECTION 14. Provides that compliance with Section 265.005, Occupations Code, as amended by this Act, is required only for a certificate of registration issued or renewed on or after September 1, 2006, except as provided by this section and Section 15 of this Act. Authorizes the board, if it determines that additional time is necessary to implement the new course and examination system under Section 265.005, Occupations Code, as amended by this Act, to extend the time required for compliance under this section to January 1, 2007.

SECTION 15. (a) Provides that this section applies only to a dental assistant who qualified for registration with the board under former 22 T.A.C. Section 115.10 before September 1, 2004, by successfully completing the examination described by Subdivision (3), Subsection (e) of that section.

(b) Provides that Section 258.054, Occupations Code, as amended by this Act, does not apply to a dental assistant until on and after September 1, 2007.

(c) Provides that a dental assistant is not required to obtain a certificate of registration under Section 265.005, Occupations Code, as amended by this Act, before September 1, 2007. Requires a dental assistant, before September 1, 2007, to comply with the former law, and the former law is continued in effect for that purpose; or Section 265.005, Occupations Code, as amended by this Act.

SECTION 16. Effective date: September 1, 2005.