

1-1 By: Nelson S.B. No. 632
1-2 (In the Senate - Filed February 22, 2005; March 1, 2005,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 21, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 21, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 632 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the requirements for issuance of a dental x-ray
1-11 certificate to a dental assistant.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 258.054, Occupations Code, is amended by
1-14 adding Subsection (c) to read as follows:

1-15 (c) A dentist may not authorize a dental assistant to make a
1-16 dental x-ray unless the dental assistant holds an x-ray certificate
1-17 issued under Section 265.005.

1-18 SECTION 2. Section 265.005, Occupations Code, is amended to
1-19 read as follows:

1-20 Sec. 265.005. X-RAY CERTIFICATE. (a) A dental assistant
1-21 may not make dental x-rays unless the dental assistant holds a
1-22 certificate of registration issued by the board under this section.

1-23 (b) To qualify for a certificate of registration, a dental
1-24 assistant must pay a fee in an amount determined by the board and:

1-25 (1) pass an examination administered under this
1-26 section after completing a course [by the board] covering:

1-27 (A) the procedure for making dental x-rays;

1-28 (B) jurisprudence; and

1-29 (C) infection control; or

1-30 (2) complete a course and pass an examination
1-31 [administered by the board] covering the subject described by
1-32 Subdivision (1)(B) and be certified as a dental assistant by the
1-33 Dental Assisting National Board if the board determines that the
1-34 requirements for certification by that board are sufficient to
1-35 protect the public.

1-36 (c) ~~[The board shall set the registration fee for a dental~~
1-37 ~~assistant who qualifies under Subsection (b)(1) in an amount~~
1-38 ~~greater than the amount of the registration fee for a dental~~
1-39 ~~assistant who qualifies under Subsection (b)(2).~~

1-40 ~~[(d)] The course and [portion of the] examination described~~
1-41 ~~by Subsection (b)(1) [(b)(1)(B)] must be tailored to a dental~~
1-42 ~~assistant's responsibilities and role in a dental office.~~

1-43 ~~(d) [(e) The board shall develop the examination or~~
1-44 ~~contract with another person the board determines has the expertise~~
1-45 ~~and resources to develop the examination.] The board shall [may]~~
1-46 ~~create an advisory committee consisting of dental industry~~
1-47 ~~professionals and educators to advise the board in adopting rules~~
1-48 ~~under Subsection (e).~~

1-49 (e) The board by rule shall set:

1-50 (1) objectives for [developing] the examination and
1-51 course under Subsection (b)(1); and

1-52 (2) procedures to ensure the examination's integrity.

1-53 (f) The course and examination under Subsection (b)(1)
1-54 shall comply with board rules and be developed and administered by:

1-55 (1) a school or program accredited by the Commission
1-56 on Dental Accreditation of the American Dental Association, if the
1-57 board determines that the accreditation requirements are
1-58 sufficient to protect the public; or

1-59 (2) a dental industry professional organization.

1-60 (g) The board, in consultation with the advisory committee,
1-61 shall develop a program to ensure that courses and examinations
1-62 developed or administered under this section comply with board
1-63 rules [the board or by a testing service under an agreement with the

board].

(h) [~~(g)~~] A certificate of registration issued under this section must be renewed annually.

(i) [~~(h)~~] The board by rule shall develop a mandatory continuing education program for holders of certificates of registration. The board may not require a person to complete more than 12 hours of continuing education annually. The curriculum must cover dental assistant duties [~~standards of care, procedures for infectious disease control, and the requirements of this subtitle~~].

(j) A person may not renew a certificate of registration unless the person complies with the continuing education requirements. The person may fulfill continuing education requirements through board-approved self-study, interactive computer courses, or lecture courses.

SECTION 3. (a) The State Board of Dental Examiners shall study the feasibility of providing through the Internet the course and examination described by Subdivision (1), Subsection (b), Section 265.005, Occupations Code, as amended by this Act.

(b) As part of the study, the State Board of Dental Examiners shall consider:

(1) the effect of increasing accessibility to the course or examination through the Internet;

(2) the cost benefit to the person taking the course or examination through the Internet; and

(3) potential breaches of security caused by offering the course or examination through the Internet, including whether the identity of the person taking the course and examination may be verified.

(c) Not later than November 1, 2006, the State Board of Dental Examiners shall report on the results of the study to the lieutenant governor and the speaker of the house of representatives.

SECTION 4. Section 265.005, Occupations Code, as amended by this Act, applies only to a certificate of registration renewed on or after the effective date of this Act. A certificate renewed before the effective date of this Act is governed by the law that existed at the time of renewal, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2006.

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