

## **BILL ANALYSIS**

HB 3876  
By: Menendez  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The State Board of Dental Examiners (board) regulates licensed dentists but has little to no jurisdiction over dental clinics or dental organizations that employ dentists to perform dental services. The board has encountered difficulty in obtaining patient treatment records from some dental organizations. Dentists who are no longer employed by a dental organization have also encountered problems obtaining their own patient records from their former employers. The inability to obtain patient records from dental organizations prevents the board from properly investigating complaints filed by members of the public and prevents formerly employed dentists from properly answering questions raised regarding the care rendered to dental patients.

HB 3876 will require a dental organization to designate a dental license holder as a dental custodian of records who will be responsible for providing records to the board and to any dentist who has patient records that are maintained by the dental organization. The bill also provides civil and criminal penalties for the failure to designate a dental custodian and for the failure to provide records as required.

HB 3876 improves the ability of the board to obtain records from dental clinics or dental organizations in order to properly investigate claims alleging violations of the Dental Practice Act and the board's rules. The bill also ensures that dentists maintain the ability to obtain access to their patient records that are maintained by a dental clinic or dental organization.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 1 of this bill.

### **ANALYSIS**

HB 3876 requires an owner, shareholder, partner, or executive officer of a clinic or other entity that provides dental services for the public to designate a license holder as the dental custodian of records to provide records to the State Board of Dental Examiners (board) or a dentist who has provided dental treatment and to comply with other law regulating dental patient records.

HB 3876 requires that on demand, the dental custodian of records give access to the board and produce for the board all records or other evidence related to the investigation or prosecution of an alleged violation of this subtitle or another law regulating the practice of dentistry in this state.

HB 3876 requires that the board adopt rules regarding the designation and duties of a dental custodian of records. The bill also provides civil and criminal penalties for the failure to designate a dental custodian and for the failure to provide records as required.

### **EFFECTIVE DATE**

September 1, 2007.