

BILL ANALYSIS

S.B. 364
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 364 updates the language for criminal penalties and license renewal policies for professionals licensed by the State Board of Dental Examiners. The bill states that the practice of dentistry without a license is a third degree felony; conforms language regarding Class A misdemeanors with the Penal Code; clarifies the renewal requirements for dentists, dental hygienists, and dental assistants; and removes language calling for a paper roster of approved dental laboratories, as this is currently done electronically.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

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 (board) to timely notify the board of any change in the person's mailing address.

SECTION 2. Amends Section 257.001, Occupations Code, by adding Subsection (d), as follows:

(d) Provides that an initial license 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 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, rather than this subtitle. Provides that the offense is a felony of the third degree and each day of a violation is a separate offense.

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

(c) Provides that a person commits an offense if the person violates Subchapter D, Chapter 262; an offense under this subsection is a Class A misdemeanor, and 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 applies.

(d) Provides that a person commits an offense if the person is a dentist or hygienist and violates an injunction or cease and desist order issued under Subchapter B. Provides that an offense under this subsection is a Class A misdemeanor. Provides that if it is shown at the trial for an offense under this subsection, rather than under this section, that a defendant has been previously convicted for violation of an injunction or cease and desist order issued under

Subchapter B, it is a felony of the third degree. Provides that each day of a violation is a separate offense. Deletes existing text relating to the offense involving practicing without an appropriate board.

SECTION 4. 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 a person who makes dental x-rays at more than one location to display a duplicate of the original registration certificate obtained from the board on payment of a duplicate certificate fee set by the board.

(n) Requires a dental assistant who holds a certificate of registration issued under this section to timely notify the board of any changes to certain employment and personal information.

(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 5. Amends Section 266.101(a), Occupations Code, as follows:

(a) Deletes existing text requiring the council to provide the board a list of applicants eligible for registration.

SECTION 6. Amends Subchapter D, Chapter 226, 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 fee on or before that date.

SECTION 7. Amends Section 266.303, Occupations Code, by amending Subsection (c) and adding Subsections (d) and (e), as follows:

(c) Makes conforming changes.

(d) Provides that an offense for a violation of Section 266.301 (d) is a Class B misdemeanor. Provides that, if it is shown on the trial for an offense under this section that the defendant has previously been convicted of an offense for a violation of Section 266.301 (d), then it is a Class A misdemeanor.

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

SECTION 8. Repeals 262.203, CRIMINAL PENALTY, Occupations Code.

SECTION 9. Makes application of the repeal of Section 262.203, and the amendment of Sections 264.151 and 266.303 of this Act prospective. 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, and is to be covered by the law in effect when the offense is committed.

SECTION 10. Makes application of the changes in law made by this Act by the enactment of Sections 257.001(d), 265.005(o), and 266.155, Occupations Code, prospective.

EFFECTIVE DATE

September 1, 2007.