

AN ACT

relating to the regulation of the practice of dentistry; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 258, Occupations Code, is amended by adding Section 258.0511 to read as follows:

Sec. 258.0511. ACCESS TO DENTAL RECORDS. (a) An owner, shareholder, partner, or executive officer of a clinic or other entity that provides dental services for the public shall designate a license holder as the dental custodian of records to provide records to the board or a dentist who has provided dental treatment and to comply with other law regulating dental patient records.

(b) On demand, the dental custodian of records shall 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.

(c) The board shall adopt rules regarding the designation and duties of a dental custodian of records.

(d) Section 264.101 applies to a violation of this section.

SECTION 2. Subchapter D, Chapter 264, Occupations Code, is amended by adding Section 264.152 to read as follows:

Sec. 264.152. CRIMINAL PENALTY: DENTAL RECORDS ACCESS.

(a) A person commits an offense if the person violates Section

1 258.0511.

2 (b) Notwithstanding Section 264.151, an offense under this  
3 section is a Class B misdemeanor.

4 (c) If it is shown at the trial of an offense under this  
5 section that the defendant was previously convicted under this  
6 section, the offense is a Class A misdemeanor.

7 SECTION 3. Chapter 254, Occupations Code, is amended by  
8 adding Section 254.018 to read as follows:

9 Sec. 254.018. EXPERT TESTIMONY. A member of the board may  
10 not serve as an expert witness in a suit involving a health care  
11 liability claim against a dentist for injury to or death of a  
12 patient unless the member receives approval from the board or an  
13 executive committee of the board to serve as an expert witness.

14 SECTION 4. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3876 was passed by the House on May 8, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3876 on May 24, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3876 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor