

By: Menendez

H.B. No. 3876

A BILL TO BE ENTITLED

AN ACT

relating to access to the dental records of a dental clinic or organization; 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. This Act takes effect September 1, 2007.