

1-1 By: Menendez, Brown of Brazos H.B. No. 3876
1-2 (Senate Sponsor - Nichols)
1-3 (In the Senate - Received from the House May 9, 2007;
1-4 May 10, 2007, read first time and referred to Committee on Health
1-5 and Human Services; May 16, 2007, reported adversely, with
1-6 favorable Committee Substitute by the following vote: Yeas 6,
1-7 Nays 0; May 16, 2007, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 3876 By: Nichols

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the regulation of the practice of dentistry; providing
1-12 penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 258, Occupations Code, is
1-15 amended by adding Section 258.0511 to read as follows:

1-16 Sec. 258.0511. ACCESS TO DENTAL RECORDS. (a) An owner,
1-17 shareholder, partner, or executive officer of a clinic or other
1-18 entity that provides dental services for the public shall designate
1-19 a license holder as the dental custodian of records to provide
1-20 records to the board or a dentist who has provided dental treatment
1-21 and to comply with other law regulating dental patient records.

1-22 (b) On demand, the dental custodian of records shall give
1-23 access to the board and produce for the board all records or other
1-24 evidence related to the investigation or prosecution of an alleged
1-25 violation of this subtitle or another law regulating the practice
1-26 of dentistry in this state.

1-27 (c) The board shall adopt rules regarding the designation
1-28 and duties of a dental custodian of records.

1-29 (d) Section 264.101 applies to a violation of this section.

1-30 SECTION 2. Subchapter D, Chapter 264, Occupations Code, is
1-31 amended by adding Section 264.152 to read as follows:

1-32 Sec. 264.152. CRIMINAL PENALTY: DENTAL RECORDS ACCESS.
1-33 (a) A person commits an offense if the person violates Section
1-34 258.0511.

1-35 (b) Notwithstanding Section 264.151, an offense under this
1-36 section is a Class B misdemeanor.

1-37 (c) If it is shown at the trial of an offense under this
1-38 section that the defendant was previously convicted under this
1-39 section, the offense is a Class A misdemeanor.

1-40 SECTION 3. Chapter 254, Occupations Code, is amended by
1-41 adding Section 254.018 to read as follows:

1-42 Sec. 254.018. EXPERT TESTIMONY. A member of the board may
1-43 not serve as an expert witness in a suit involving a health care
1-44 liability claim against a dentist for injury to or death of a
1-45 patient unless the member receives approval from the board or an
1-46 executive committee of the board to serve as an expert witness.

1-47 SECTION 4. This Act takes effect September 1, 2007.

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