

By: Nelson

S.B. No. 364

A BILL TO BE ENTITLED

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AN ACT

relating to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.

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

SECTION 1. Subsection (a), Section 256.105, Occupations Code, is amended to read as follows:

(a) Each dentist, dental hygienist, and owner or manager of a dental laboratory licensed or registered with the board shall timely notify the board of:

(1) any change of address of the person's place of business; ~~and~~

(2) any change of employers for the dentist or dental hygienist and any change of owners or managers for the dental laboratory; and

(3) any change of the person's mailing address.

SECTION 2. Section 257.001, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) An initial license issued 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. Section 264.151, Occupations Code, is amended to read as follows:

1           Sec. 264.151. CRIMINAL PENALTIES [~~PENALTY~~]. (a) A person  
2 commits an offense if the person violates Section 256.001 [~~this~~  
3 ~~subtitle~~]. An offense under this subsection is a felony of the  
4 third degree. Each day of a violation is a separate offense.

5           (b) A person commits an offense if the person violates  
6 Section 256.052. An offense under this subsection [~~section~~] is a  
7 Class A misdemeanor. If it is shown at the trial of an offense under  
8 this subsection that the defendant was previously convicted of an  
9 offense for a violation of Section 256.052, the offense is a felony  
10 of the third degree.

11           (c) A person commits an offense if the person violates  
12 Subchapter D, Chapter 262. An offense under this subsection is a  
13 Class A misdemeanor. Each day of a violation is a separate offense  
14 [~~A violation under this section does not include a violation to~~  
15 ~~which Section 262.203 applies~~].

16           (d) A person commits an offense if the person is a dentist or  
17 dental hygienist and violates an injunction or cease and desist  
18 order issued under Subchapter B. An offense under this subsection  
19 is a Class A misdemeanor. If it is shown at the trial of an offense  
20 under this subsection [~~section~~] that the defendant was previously  
21 convicted of an offense for a violation of an injunction or cease  
22 and desist order issued under Subchapter B [~~under this section or if~~  
23 ~~the offense involves practicing without an appropriate board~~  
24 ~~license~~], the offense is a felony of the third degree.

25           [~~(e)~~] Each day of a violation is a separate offense.

26           SECTION 4. Section 265.005, Occupations Code, is amended by  
27 adding Subsections (m), (n), and (o) to read as follows:

1       (m) A dental assistant who holds a certificate of  
2 registration issued under this section shall display the person's  
3 current certificate of registration in each office in which the  
4 person makes dental x-rays. If the person makes dental x-rays at  
5 more than one location, the person may display a duplicate of the  
6 original registration certificate obtained from the board on  
7 payment of a duplicate certificate fee set by the board.

8       (n) A dental assistant who holds a certificate of  
9 registration issued under this section shall timely notify the  
10 board of:

11               (1) any change of address of the person's place of  
12 business;

13               (2) any change of employers; and

14               (3) any change of the person's mailing address.

15       (o) An initial certificate of registration issued under  
16 this section expires on the 30th day after the date the certificate  
17 is issued if the holder of the certificate fails to pay the required  
18 certificate fee on or before that date.

19       SECTION 5. Subsection (a), Section 266.101, Occupations  
20 Code, is amended to read as follows:

21       (a) The council shall review each application for  
22 registration or renewal of registration to determine if the  
23 applicant meets the requirements of this chapter. [~~The council~~  
24 ~~shall provide to the board a list of applicants eligible for~~  
25 ~~registration.~~]

26       SECTION 6. Subchapter D, Chapter 266, Occupations Code, is  
27 amended by adding Section 266.155 to read as follows:

1           Sec. 266.155. INITIAL REGISTRATION CERTIFICATE FEE. An  
2 initial registration certificate issued under this subchapter  
3 expires on the 30th day after the date the registration certificate  
4 is issued if the holder of the registration certificate fails to pay  
5 the required registration certificate fee on or before that date.

6           SECTION 7. Section 266.303, Occupations Code, is amended by  
7 amending Subsection (c) and adding Subsections (d) and (e) to read  
8 as follows:

9           (c) An offense for a violation of Section 266.301(c) [~~or~~  
10 ~~(d)~~] is a Class C misdemeanor. If it is shown on the trial of an  
11 offense under this section that the defendant has previously been  
12 convicted for an offense for a violation of Section 266.301(c)  
13 [under this subsection], the offense is a Class A misdemeanor.

14           (d) An offense for a violation of Section 266.301(d) is a  
15 Class B misdemeanor. If it is shown on the trial of an offense under  
16 this section that the defendant has previously been convicted of an  
17 offense for a violation of Section 266.301(d), the offense is a  
18 Class A misdemeanor.

19           (e) Each day of a violation is a separate offense.

20           SECTION 8. Section 262.203, Occupations Code, is repealed.

21           SECTION 9. (a) The changes in law made by this Act by the  
22 repeal of Section 262.203, Occupations Code, and the amendment of  
23 Sections 264.151 and 266.303, Occupations Code, apply only to an  
24 offense committed on or after the effective date of this Act. For  
25 purposes of this section, an offense is committed before the  
26 effective date of this Act if any element of the offense occurs  
27 before that date.

1           (b) An offense committed before the effective date of this  
2 Act is covered by the law in effect when the offense was committed,  
3 and the former law is continued in effect for that purpose.

4           SECTION 10. The changes in law made by this Act by the  
5 enactment of Subsection (d), Section 257.001, Subsection (o),  
6 Section 265.005, and Section 266.155, Occupations Code, apply only  
7 to a license, certificate of registration, or registration  
8 certificate initially issued on or after the effective date of this  
9 Act. A license, certificate of registration, or registration  
10 certificate initially issued before the effective date of this Act  
11 is governed by the law in effect on the date the license,  
12 certificate of registration, or registration certificate is  
13 issued, and the former law is continued in effect for that purpose.

14           SECTION 11. This Act takes effect September 1, 2007.