

1-1 By: Nelson S.B. No. 364
1-2 (In the Senate - Filed January 30, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 5, 2007, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; March 5, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the licensing and regulation of dentists, dental
1-9 hygienists, dental assistants, and dental laboratories; providing
1-10 penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 256.105, Occupations
1-13 Code, is amended to read as follows:

1-14 (a) Each dentist, dental hygienist, and owner or manager of
1-15 a dental laboratory licensed or registered with the board shall
1-16 timely notify the board of:

1-17 (1) any change of address of the person's place of
1-18 business; ~~and~~

1-19 (2) any change of employers for the dentist or dental
1-20 hygienist and any change of owners or managers for the dental
1-21 laboratory; and

1-22 (3) any change of the person's mailing address.

1-23 SECTION 2. Section 257.001, Occupations Code, is amended by
1-24 adding Subsection (d) to read as follows:

1-25 (d) An initial license issued under this subtitle expires on
1-26 the 30th day after the date the license is issued if the holder of
1-27 the license fails to pay the required license fee on or before that
1-28 date.

1-29 SECTION 3. Section 264.151, Occupations Code, is amended to
1-30 read as follows:

1-31 Sec. 264.151. CRIMINAL PENALTIES [~~PENALTY~~]. (a) A person
1-32 commits an offense if the person violates Section 256.001 [~~this~~
1-33 ~~subtitle~~]. An offense under this subsection is a felony of the third
1-34 degree. Each day of a violation is a separate offense.

1-35 (b) A person commits an offense if the person violates
1-36 Section 256.052. An offense under this subsection [~~section~~] is a
1-37 Class A misdemeanor. If it is shown at the trial of an offense under
1-38 this subsection that the defendant was previously convicted of an
1-39 offense for a violation of Section 256.052, the offense is a felony
1-40 of the third degree.

1-41 (c) A person commits an offense if the person violates
1-42 Subchapter D, Chapter 262. An offense under this subsection is a
1-43 Class A misdemeanor. Each day of a violation is a separate offense
1-44 [A violation under this section does not include a violation to
1-45 which Section 262.203 applies].

1-46 (d) A person commits an offense if the person is a dentist or
1-47 dental hygienist and violates an injunction or cease and desist
1-48 order issued under Subchapter B. An offense under this subsection
1-49 is a Class A misdemeanor. If it is shown at the trial of an offense
1-50 under this subsection [~~section~~] that the defendant was previously
1-51 convicted of an offense for a violation of an injunction or cease
1-52 and desist order issued under Subchapter B [~~under this section or if~~
1-53 ~~the offense involves practicing without an appropriate board~~
1-54 ~~license], the offense is a felony of the third degree.~~

1-55 [~~(e)~~] Each day of a violation is a separate offense.

1-56 SECTION 4. Section 265.005, Occupations Code, is amended by
1-57 adding Subsections (m), (n), and (o) to read as follows:

1-58 (m) A dental assistant who holds a certificate of
1-59 registration issued under this section shall display the person's
1-60 current certificate of registration in each office in which the
1-61 person makes dental x-rays. If the person makes dental x-rays at
1-62 more than one location, the person may display a duplicate of the
1-63 original registration certificate obtained from the board on
1-64 payment of a duplicate certificate fee set by the board.

2-1 (n) A dental assistant who holds a certificate of
2-2 registration issued under this section shall timely notify the
2-3 board of:

2-4 (1) any change of address of the person's place of
2-5 business;

2-6 (2) any change of employers; and

2-7 (3) any change of the person's mailing address.

2-8 (o) An initial certificate of registration issued under
2-9 this section expires on the 30th day after the date the certificate
2-10 is issued if the holder of the certificate fails to pay the required
2-11 certificate fee on or before that date.

2-12 SECTION 5. Subsection (a), Section 266.101, Occupations
2-13 Code, is amended to read as follows:

2-14 (a) The council shall review each application for
2-15 registration or renewal of registration to determine if the
2-16 applicant meets the requirements of this chapter. [~~The council~~
2-17 ~~shall provide to the board a list of applicants eligible for~~
2-18 ~~registration.~~]

2-19 SECTION 6. Subchapter D, Chapter 266, Occupations Code, is
2-20 amended by adding Section 266.155 to read as follows:

2-21 Sec. 266.155. INITIAL REGISTRATION CERTIFICATE FEE. An
2-22 initial registration certificate issued under this subchapter
2-23 expires on the 30th day after the date the registration certificate
2-24 is issued if the holder of the registration certificate fails to pay
2-25 the required registration certificate fee on or before that date.

2-26 SECTION 7. Section 266.303, Occupations Code, is amended by
2-27 amending Subsection (c) and adding Subsections (d) and (e) to read
2-28 as follows:

2-29 (c) An offense for a violation of Section 266.301(c) [~~or~~
2-30 ~~(d)~~] is a Class C misdemeanor. If it is shown on the trial of an
2-31 offense under this section that the defendant has previously been
2-32 convicted for an offense for a violation of Section 266.301(c)
2-33 [under this subsection], the offense is a Class A misdemeanor.

2-34 (d) An offense for a violation of Section 266.301(d) is a
2-35 Class B misdemeanor. If it is shown on the trial of an offense under
2-36 this section that the defendant has previously been convicted of an
2-37 offense for a violation of Section 266.301(d), the offense is a
2-38 Class A misdemeanor.

2-39 (e) Each day of a violation is a separate offense.

2-40 SECTION 8. Section 262.203, Occupations Code, is repealed.

2-41 SECTION 9. (a) The changes in law made by this Act by the
2-42 repeal of Section 262.203, Occupations Code, and the amendment of
2-43 Sections 264.151 and 266.303, Occupations Code, apply only to an
2-44 offense committed on or after the effective date of this Act. For
2-45 purposes of this section, an offense is committed before the
2-46 effective date of this Act if any element of the offense occurs
2-47 before that date.

2-48 (b) An offense committed before the effective date of this
2-49 Act is covered by the law in effect when the offense was committed,
2-50 and the former law is continued in effect for that purpose.

2-51 SECTION 10. The changes in law made by this Act by the
2-52 enactment of Subsection (d), Section 257.001, Subsection (o),
2-53 Section 265.005, and Section 266.155, Occupations Code, apply only
2-54 to a license, certificate of registration, or registration
2-55 certificate initially issued on or after the effective date of this
2-56 Act. A license, certificate of registration, or registration
2-57 certificate initially issued before the effective date of this Act
2-58 is governed by the law in effect on the date the license,
2-59 certificate of registration, or registration certificate is
2-60 issued, and the former law is continued in effect for that purpose.

2-61 SECTION 11. This Act takes effect September 1, 2007.

2-62 * * * * *