

SENATE AMENDMENTS

2nd Printing

By: Menendez, Brown of Brazos

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.

ADOPTED

MAY 22 2007

Lotay Spaw
Secretary of the Senate

By: Menendez/Nichols

H.B. No. 3876

Substitute the following for H.B. No. 3876:

By: Robert Nichols

C.S.H.B. No. 3876

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of the practice of dentistry; providing
3 penalties.

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

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

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

13 (b) On demand, the dental custodian of records shall give
14 access to the board and produce for the board all records or other
15 evidence related to the investigation or prosecution of an alleged
16 violation of this subtitle or another law regulating the practice
17 of dentistry in this state.

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

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

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

23 Sec. 264.152. CRIMINAL PENALTY: DENTAL RECORDS ACCESS.

24 (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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 15, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3876** by Menendez (Relating to the regulation of the practice of dentistry; providing penalties.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to require each entity which provides dental services to the public to designate a dental custodian to provide the Board of Dental Examiners access to all records related to an investigation or prosecution of an alleged violation; providing penalties.

Based on information provided from the Board of Dental Examiners, it is assumed that costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.

The bill would take effect September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 504 Texas State Board of Dental Examiners

LBB Staff: JOB, CL, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3876** by Menendez (Relating to access to the dental records of a dental clinic or organization; providing penalties.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to require each entity which provides dental services to the public to designate a dental custodian to provide the Board of Dental Examiners access to all records related to an investigation or prosecution of an alleged violation; providing penalties.

Based on information provided from the Board of Dental Examiners, it is assumed that costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.

The bill would take effect September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 504 Texas State Board of Dental Examiners

LBB Staff: JOB, CL, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Dianne White Delisi, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3876 by Menendez (Relating to access to the dental records of a dental clinic or organization; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to require each entity which provides dental services to the public to designate a dental custodian to provide the Board of Dental Examiners access to all records related to an investigation or prosecution of an alleged violation; providing penalties.

Based on information provided from the Board of Dental Examiners, it is assumed that costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.

The bill would take effect September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 504 Texas State Board of Dental Examiners

LBB Staff: JOB, CL, AH