

By: Zerwas

H.B. No. 4679

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the licensing and regulation of dentists, dental  
3 hygienists, dental assistants, and dental laboratories; providing  
4 penalties.

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

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

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

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

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

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

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

19 (d) An initial license issued under this subtitle expires on  
20 the 30th day after the date the license is issued if the holder of  
21 the license fails to pay the required license fee on or before that  
22 date.

23 SECTION 3. Section 262.054(b), Occupations Code, is amended  
24 to read as follows:

1 (b) A member may serve for not more than two consecutive  
2 full terms [~~only one six-year term~~].

3 SECTION 4. Section 264.151, Occupations Code, is amended to  
4 read as follows:

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

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

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

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

1 ~~license~~], the offense is a felony of the third degree.

2 [~~e~~] Each day of a violation is a separate offense.

3 SECTION 5. Section 265.005, Occupations Code, is amended by  
4 adding Subsections (m), (n), and (o) to read as follows:

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

12 (n) A dental assistant who holds a certificate of  
13 registration issued under this section shall timely notify the  
14 board of:

15 (1) any change of address of the person's place of  
16 business;

17 (2) any change of employers; and

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

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

23 SECTION 6. Section 266.101(a), Occupations Code, is amended  
24 to read as follows:

25 (a) The council shall review each application for  
26 registration or renewal of registration to determine if the  
27 applicant meets the requirements of this chapter. [~~The council~~

1 ~~shall provide to the board a list of applicants eligible for~~  
2 ~~registration.]~~

3 SECTION 7. Subchapter D, Chapter 266, Occupations Code, is  
4 amended by adding Section 266.155 to read as follows:

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

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

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

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

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

24 SECTION 9. Section 262.203, Occupations Code, is repealed.

25 SECTION 10. (a) The changes in law made by this Act by the  
26 repeal of Section 262.203, Occupations Code, and the amendment of  
27 Sections 264.151 and 266.303, Occupations Code, apply only to an

1 offense committed on or after the effective date of this Act. For  
2 purposes of this section, an offense is committed before the  
3 effective date of this Act if any element of the offense occurs  
4 before that date.

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

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

18 SECTION 12. This Act takes effect September 1, 2009.