

By: Hernandez Luna

H.B. No. 3220

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dentistry.

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

SECTION 1. Section 251.003, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) For purposes of this subtitle, a person practices dentistry if the person:

(1) represents to the public that the person is a dentist or dental surgeon or uses or permits to be used for the person or another person the title of "Doctor," "Dr.," "Doctor of Dental Surgery," "D.D.S.," "Doctor of Dental Medicine," "D.M.D.," or another description, including the use of the terms "denturist" or "denturism," that, directly or indirectly, represents that the person is able to:

(A) diagnose, treat, or remove stains or concretions from human teeth; or

(B) provide surgical and adjunctive treatment for a disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, oral cavity, alveolar process, gums, jaws, or directly related and adjacent masticatory structures;

(2) performs or offers to perform by any means the:

(A) cleaning of human teeth;

(B) removal of stains, concretions, or deposits

1 from teeth in the human mouth; or

2 (C) diagnosis, treatment, operation, or
3 prescription for a disease, pain, injury, deficiency, deformity, or
4 physical condition of the human teeth, oral cavity, alveolar
5 process, gums, or jaws;

6 (3) prescribes, makes, or causes to be made or offers
7 to prescribe, make, or cause to be made by any means an impression
8 of any portion of the human mouth, teeth, gums, or jaws:

9 (A) to diagnose, prescribe, or treat, or aid in
10 the diagnosis, prescription, or treatment, of a physical condition
11 of the human mouth, teeth, gums, or jaws; or

12 (B) to construct or aid in the construction of a
13 dental appliance, denture, dental bridge, false teeth, dental plate
14 of false teeth, or another substitute for human teeth;

15 (4) owns, maintains, or operates an office or place of
16 business in which the person employs or engages under any type of
17 contract another person to practice dentistry;

18 (5) fits, adjusts, repairs, or substitutes or offers
19 to fit, adjust, repair, or substitute in the human mouth or directly
20 related and adjacent masticatory structures a dental appliance,
21 structure, prosthesis, or denture;

22 (6) aids in the fitting, adjusting, repairing, or
23 substituting or causes to be fitted, adjusted, repaired, or
24 substituted in the human mouth or directly related and adjacent
25 masticatory structures a dental appliance, structure, prosthesis,
26 or denture;

27 (7) without a written prescription or work order

1 signed by a dentist legally practicing dentistry in this state or in
2 the jurisdiction in which the dentist maintains the dentist's
3 office:

4 (A) makes, processes, reproduces, repairs, or
5 relines a full or partial denture, fixed or removable dental bridge
6 or appliance, dental plate of false teeth, artificial dental
7 restoration, or a substitute or corrective device or appliance for
8 the human teeth, gums, jaws, mouth, alveolar process, or any part
9 for another; or

10 (B) offers, undertakes, aids, abets, or causes
11 another person to engage in an activity described by Paragraph (A);

12 (8) directly or indirectly offers, undertakes, or
13 causes another to perform for any person an act, service, or part of
14 an act or service in the practice of dentistry, including:

15 (A) inducing, administering, prescribing, or
16 dispensing anesthesia or an anesthetic drug, medicine, or an agent
17 in any way related to the practice of dentistry;

18 (B) permitting or allowing another to use the
19 person's license or certificate to practice dentistry in this
20 state; or

21 (C) aiding or abetting the practice of dentistry
22 by a person not licensed by the board to practice dentistry;

23 (9) controls, influences, attempts to control or
24 influence, or otherwise interferes with the exercise of a dentist's
25 independent professional judgment regarding the diagnosis or
26 treatment of a dental disease, disorder, or physical condition;

27 [~~or~~]

1 (10) represents that the person is a denturist or uses
2 another title that is intended to convey to the public that the
3 services offered by the person are included within the practice of
4 dentistry; or

5 (11) provides or performs, or offers to provide or
6 perform, a teeth whitening treatment or a product or service
7 related to a teeth whitening treatment.

8 (d) In this subtitle, "teeth whitening treatment" means a
9 chemical or other material, tool, product, service, or procedure
10 intended to whiten human teeth. The term does not include a product
11 sold over the counter to an ultimate consumer.

12 SECTION 2. This Act takes effect September 1, 2011.