

BILL ANALYSIS

C.S.H.B. 1491
By: Branch
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

One of ways in which the Texas Dental Association helps to improve access to oral health care in Texas is through its support of charitable dental activities. For example, the Texas Dental Association Smiles Foundation relies heavily on the contributions of time and volunteer services of dentists to coordinate Texas Mission of Mercy and Fluoride Fest, through which the foundation has provided millions of dollars in charitable dental care to patients across Texas.

The Texas Dental Association seeks to increase the number of dentists participating in these types of programs and, according to interested parties, out-of-state dentists and some dentists who are no longer practicing in Texas have occasionally expressed interest in volunteering their time and services at charitable dental events in Texas. However, there is not currently a mechanism in law to permit an out-of-state dentist or a dentist who has ceased practice in Texas temporary licensure to participate in specific charitable events in Texas. Interested parties assert that such a mechanism would help increase access to dental care for needy Texans and be especially beneficial for charitable events near state borders, some of which may even result in permanent doctor-patient relationships, as needy recipients will often visit from neighboring states to receive dental care. These parties further assert that such licenses will allow dentists in neighboring states to fulfill their altruistic aims and contribute to the many charitable opportunities afforded by Texas that may not be present in their home state.

C.S.H.B. 1491 seeks to create a mechanism by which certain dentists in good standing can apply for temporary charitable licenses to provide uncompensated dental care in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 1491 amends the Occupations Code to require the State Board of Dental Examiners to grant a temporary license for a dentist whose practice consists only of voluntary charity care, as defined by board rule, to a reputable dentist who meets certain requirements for the issuance of a dental license to an out-of-state applicant and who has ceased practicing dentistry in Texas, or in another state that the board has determined has licensing requirements that are substantially similar to the requirements of Texas, not more than two years before the date the dentist applies for a license under the bill's provisions and was licensed in good standing at the time the dentist ceased practicing dentistry or who is currently licensed in another state that the board has determined has licensing requirements that are substantially similar to the licensing requirements of this state.

C.S.H.B. 1491 requires a dentist issued a temporary license under the bill's provisions to confine the dentist's practice to voluntary charity care, to practice only in a geographic area specified by the license, and to practice only for the period specified by the license. The bill requires the

board to take disciplinary action against a dentist issued a temporary license under the bill's provisions for a violation of the Dental Practice Act or board rules in the same manner as against a licensed dentist.

C.S.H.B. 1491 requires the board to adopt rules as necessary to implement the bill's provisions not later than January 1, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1491 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 256, Occupations Code, is amended by adding Section 256.1016 to read as follows:

Sec. 256.1016. TEMPORARY LICENSE FOR CHARITABLE PURPOSE. (a) In this section, "voluntary charity care" has the meaning assigned by board rule under Section 256.102.

(b) The board shall grant a temporary license for a dentist whose practice consists only of voluntary charity care to a reputable dentist who:

(1) meets the requirements of Sections 256.101(a)(3), (4), and (5);

(2) ceased practicing dentistry in another state not more than two years before the date the dentist applies for a license under this section; and

(3) was licensed in good standing as a dentist in another state at the time the dentist ceased practicing dentistry in that state, if the board determines the licensing requirements of that state are substantially equivalent to the requirements of this subtitle.

(c) A dentist issued a license under this section shall:

(1) confine the dentist's practice to voluntary charity care;

(2) practice only in a geographic area

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 256, Occupations Code, is amended by adding Section 256.1016 to read as follows:

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(b) The board shall grant a temporary license for a dentist whose practice consists only of voluntary charity care to a reputable dentist

who meets the requirements of Sections 256.101(a)(3), (4), and (5) and who:

(1) ceased practicing dentistry in this state, or in another state that the board has determined has licensing requirements that are substantially similar to the requirements of this state, not more than two years before the date the dentist applies for a license under this section and was licensed in good standing at the time the dentist ceased practicing dentistry; or

(2) is currently licensed in another state that the board has determined has licensing requirements that are substantially similar to the requirements of this state.

(c) A dentist issued a license under this section shall:

(1) confine the dentist's practice to voluntary charity care;

(2) practice only in a geographic area

specified by the license; and
(3) practice only for the period specified by the license.
(d) The board shall adopt rules as necessary to implement this section.

SECTION 2. The State Board of Dental Examiners shall adopt rules as necessary to implement Section 256.1016, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

specified by the license; and
(3) practice only for the period specified by the license.
(d) The board shall adopt rules as necessary to implement this section.

(e) The board shall take disciplinary action against a dentist licensed under this section for a violation of this subtitle or board rules in the same manner as against a dentist licensed under Subchapter A.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.