

BILL ANALYSIS

S.B. 1534
By: Buckingham
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State Board of Dental Examiners (SBDE) has a complaint review and resolution process to address complaints against license holders, including dentists and dental hygienists. For complaints that are not related to patient care, such as dental record keeping and other clerical or administrative matters, the SBDE issues a remedial plan, which typically includes continuing education requirements and monetary sanctions, to resolve a complaint against a license holder. There are concerns that certain public information regarding the dentist or dental hygienist with respect to the plan is permanently available on the SBDE website. In 2019, the legislature passed legislation that allows the Texas Medical Board (TMB) to remove similar remedial plans from physicians' public records on the TMB website after five years under certain conditions. S.B. 1534 seeks to provide the SBDE the same authority to remove from its website any public information regarding a dentist or dental hygienist with respect to a remedial plan and the complaint resolved by the plan on or after the fifth anniversary of the date the plan is issued unless certain circumstances apply.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1534 amends the Occupations Code to change the condition under which the State Board of Dental Examiners (SBDE) may not issue a remedial plan to resolve a complaint against a license holder under the Dental Practice Act from if the license holder has previously entered into a remedial plan with the SBDE for the resolution of a different complaint filed under that act to if the license holder has entered into a remedial plan with the SBDE in the preceding five years.

S.B. 1534 authorizes the SBDE, on or after the fifth anniversary of the date a remedial plan is issued, to remove from the SBDE public website any public information regarding the dentist or dental hygienist with respect to the plan and the complaint resolved by the plan unless either of the following circumstances apply:

- the complaint was related to the delivery of health care; or
- more than one remedial plan has been issued to resolve complaints alleging the same violation by the dentist or dental hygienist, including a complaint not related to the delivery of health care.

EFFECTIVE DATE

September 1, 2021.