

BILL ANALYSIS

Senate Research Center
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S.B. 1534
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The mission and purpose of the Texas State Board of Dental Examiners (TSBDE) is to protect the public health and safety, and promote high quality and safe dental care by providing enforcement, licensing, peer assistance, and related information services to licensees and the public. TSBDE has a complaint and investigations process in which TSBDE receives and reviews complaints against its license holders, including dentists and dental hygienists. Upon receipt of a complaint, TSBDE first determines if it has jurisdiction over the subject matter of the complaint. Once jurisdiction is determined, TSBDE begins investigating the complaint to determine whether evidence of any violations exists. If evidence of a violation exists, then the TSBDE legal division determines if the evidence is sufficient to proceed with a disciplinary action.

For any allegations regarding the standard of care received by a patient the dental review panel will determine if the standard of care was violated. If the dental review panel and subsequently the full board determine the standard of care was violated, formal disciplinary action is taken by the board against the dentist or other license holder under TSBDE's jurisdiction. The disciplinary action may include removal of license, probation, continuing education, a monetary sanction and other penalties.

For allegations that are not related to patient care, such as dental record keeping and other clerical or administrative matters, the board has a different option for disciplinary action, a remedial plan, which typically includes requirements of continuing education and monetary sanctions. Currently, if TSBDE formally utilizes a remedial plan against a dentist or dental hygienist, it permanently remains on that dentist's or dental hygienist's public record with TSBDE as are the disciplinary actions wherein the board determines the patient care violated the standard of care.

The Texas Medical Board (TMB) has the same remedial plan option for physicians who have committed a minor administrative violation, including posting the remedial plan on the physician's public record on the TMB website.

However, in 2019 the Texas Legislature decided to allow TMB to remove the remedial plan from the physician's public record if after five years the physician successfully completed the requirements of the remedial plan and has not committed the same minor administrative violation during the five-year period since the remedial plan was issued by TMB.

Accordingly, S.B. 1534 seeks to provide TSBDE the same authority to remove the public posting of a remedial plan issued against a dentist or dental hygienist.

PURPOSE

S.B. 1534 amends the Occupations Code to allow TSBDE the option of removing the public posting of a remedial plan issued against a dentist or a dental hygienist by the board.

EFFECTIVE DATE

This Act takes effect September 1, 2021.

As proposed, S.B. 1534 amends current law relating to remedial plans issued by the State Board of Dental Examiners to address complaints against dentists and dental hygienists.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 263.0077, Occupations Code, by amending Subsection (d) and adding Subsection (f-1), as follows:

(d) Prohibits the State Board of Dental Examiners (TSBDE) from issuing a remedial plan to resolve a complaint against a license holder if the license holder has entered into a remedial plan with TSBDE in the preceding five years. Deletes existing text prohibiting TSBDE from issuing a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with TSBDE for the resolution of a different complaint filed under Subtitle D (Dentistry).

(f-1) Authorizes TSBDE, on or after the fifth anniversary of the date a remedial plan is issued under this section, to remove from the board's public Internet website any public information regarding the dentist or dental hygienist with respect to the plan and the complaint resolved by the plan, unless:

(1) the complaint was related to the delivery of health care; or

(2) 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.

SECTION 2. Makes application of Section 263.0077, Occupations Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.