

SUBJECT: Revisions to statutes governing dentists

COMMITTEE: Public Health — committee substitute recommended

VOTE: 7 ayes — Berlango, Hirschi, Coleman, Delisi, Glaze, Janek, Maxey
0 nays
1 absent — Davila

SENATE VOTE: On final passage, April 17 — 31-0

WITNESSES: For — Jerry Long, Texas Dental Association
Against — None
On — Paul Colbert, Texas Dental Hygienist Association; Marcia Kaylakie; Karen Tuel

BACKGROUND : In 1995, the 74th Legislature passed SB 18 by Moncrief reestablishing the State Board of Dental Examiners, which was abolished when the 73rd Legislature failed to approve sunset legislation authorizing its continuation.

DIGEST: CSSB 877 would make a number of revisions regarding licensing, complaints and hearing processes to conform some of the provisions of SB 18 to existing law.

The bill would allow dentists to work under a trade or corporate name rather than having to display their individual names, as is currently required. These dental organizations would have to report to the state board information about the corporation's contract or agreement, the manner in which fees were billed to a client and the provider paid, and information about the nature of the arrangement provided to shareholders.

Licensed dentists could maintain any number of offices in the state, provided that they assumed full responsibility and liability for the dental services rendered and that they complied with board requirements. Dentists could be employed by nonprofit organizations, organizations providing

services to underserved populations for no fee or a reduced fee, or clinics serving individuals with HIV or AIDS.

Dentists and dental hygienists would have to prove that they were graduates of an accredited college of dentistry or dental hygiene school. Dentists who did not graduate from an accredited dental school also would have to prove that they had completed an accredited training program.

The bill would allow an unlicensed dental assistant to perform one or more delegated dental acts under the direct supervision of a dentist. Direct supervision would mean that the dentist was in the office when the procedure was performed. The dentist would have to accept responsibility for the assistant's actions.

CSSB 877 also would revise the state board's hearings process to conform to the Administrative Procedures Act.

It would allow the board to share investigation files and records with another state regulatory agency or federal law enforcement agency during the course of a joint investigation.

The board could refuse to offer a certificate of registration to anyone who had violated or aided another person in violating a law regulating the practice of dentistry. This certification requirement would apply to anyone holding at least a 20 percent or greater ownership interest in a dental laboratory.

Dental labs would have to show the board that at least one employee working on the premises of the dental lab had completed at least 12 hours of continuing education and was a certified dental technician.

The bill would amend the Health and Safety Code to allow a licensing authority to increase surcharges to fund peer assistance programs from \$5 to \$10.

CSSB 877 would take effect September 1, 1997. The board would have to adopt rules required under the bill by December 1, 1997.

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NOTES: The committee substitute added provisions authorizing dentists to be employed by nonprofit clinics and clinics serving patients with HIV and AIDS.