

**SUBJECT:** Peace officers commissioned by the Board of Dental Examiners

**COMMITTEE:** Law Enforcement — committee substitute recommended

**VOTE:** 4 ayes — Driver, Garza, Hupp, Hegar  
0 nays  
3 absent — Burnam, Y. Davis, Keel

**WITNESSES:** For — Gary D. Morgan, Dental Laboratory Association of Texas  
Against — None

**BACKGROUND:** Code of Criminal Procedure, art. 2.12 establishes 33 categories of peace officers. Occupations Code, sec. 254 outlines the powers and duties of the State Board of Dental Examiners.

**DIGEST:** CSHB 875 would expand the list of authorized peace officers to include officers commissioned by the Board of Dental Examiners. The board could commission as a peace officer an employee who had been certified by the Commission on Law Enforcement Officer Standards and Education. A peace officer commissioned under this provision would have the powers, privileges, and immunities of a peace officer while carrying out relevant duties.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS SAY:** By allowing the Board of Dental Examiners to license its investigators as peace officers, CSHB 875 would increase efficiency in government while protecting public health and safety in an area of increasing concern. Often, dental technicians with some training pose as licensed dentists and set up offices in strip retail centers. Practicing dentistry without a license is a growing problem across the state, particularly in Harris and Bexar counties and particularly where many patients speak limited or no English.

Currently, if board investigators encounter cases of people performing dentistry without a license or operating an unregistered dental laboratory, the investigators must take their cases to local district attorneys and get in line with others awaiting arrest warrants. Meanwhile, the public's health and safety remains at risk.

Last year's Sunset Advisory Commission report on the Board of Dental Examiners recommended expanding the board's remedies for dealing with the practice of dentistry without a license. SB 263 by Nelson, the board's sunset bill already enacted and sent to the governor this session, would authorize the board to use cease-and-desist orders with regard to unlicensed dentists and unregistered dental labs. Operating the latter is a third-degree felony.

CSHB 875 would extend the same authority to the board as the Legislature has given to the Board of Pharmacy and the Board of Medical Examiners, which act in a similar capacity. Board investigators routinely face dangerous situations that involve fraud and illegal drug activity, for which they deserve the authority of a peace officer.

This bill would save state resources by enabling the board to investigate fully and close a case on its own without automatically requiring the assistance of local law enforcement. It also would entitle the board to receive additional training through federal grant dollars at no cost to the state. This training would aid the board in complying with its sunset provisions.

**OPPONENTS  
SAY:**

The Legislature should not expand the categories of authorized peace officers further. Current law already specifies 33 groups of peace officers. The ever-growing number and variety of people commissioned as peace officers make it difficult for the public to distinguish who is a law enforcement official and who is not. Extending full peace officer authority to employees commissioned by the Board of Dental Examiners would add to public confusion.

**NOTES:**

The committee substitute modified the filed version of HB 875 by deleting language that would have prohibited a peace officer licensed under the bill from carrying a firearm or making arrests.