

BILL ANALYSIS

Senate Research Center
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S.B. 533
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Health & Human Services
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DIGEST AND PURPOSE

Currently, the Occupations Code addresses issues regarding practices of the State Board of Dental Examiners (board) and the Dental Hygiene Advisory Committee. As proposed, S.B. 533 clarifies and streamlines certain aspects of the Occupations Code dealing with these agencies, including: allowing the board to contract with more than one regional testing service, thereby allowing more dental professionals to apply and qualify for licensure in Texas; clarifying that a license applicant must complete a CPR course, rather than just attend one; changing the Dental Hygiene Advisory Committee member term of office to one six-year term in order to mirror the term requirements of board members; giving the board the authority to suspend a licensee's anesthesia permit rather than suspending the license to practice; and other changes.

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 252.009, Occupations Code, to require the State Board of Dental Examiners (board) to hold meetings at least twice a year at times and places it determines are most convenient for applicants for examination. Deletes the requirement that notice of the meeting be published in a newspaper selected by the board.

SECTION 2. Amends Section 256.003(c), Occupations Code, to require the board to contract with one or more independent or regional testing services for any required clinical examination. Authorizes the board to contract for or otherwise use licensed dentists to provide assistance to the regional testing service or services if it uses one or more of those services.

SECTION 3. Amends Sections 256.055(b) and (c), Occupations Code, to add certain elements to the list of subjects and operations relating to dentistry and dental hygiene that must be included in the examination. Makes conforming changes.

SECTION 4. Amends Section 256.101, Occupations Code, as follows:

Sec. 256.101. New heading: ISSUANCE OF LICENSE TO CERTAIN OUT-OF-STATE APPLICANTS.

SECTION 5. Amends Section 256.105(a), Occupations Code, to require each owner or manager of a dental laboratory licensed or registered with the board to timely notify the board of any change of address of the person's place of business and any change of employers for the dentist or dental hygienist and any change of owners or managers for the dental laboratory. Deletes references to a dental technician and a dental laboratory.

SECTION 6. Amends Section 257.004, Occupations Code, to require a person holding a dental or

dental hygienist license to attach certain specific information to the person's renewal application. Requires that the proof of completion described by Subsection (a)(1) be issued by the American Heart Association or the American Red Cross and bear the national logo of that entity. Exempts a person from the requirements of Subsection (a) if the person submits proof of foreign residence with the person's renewal application and has not practiced dentistry or dental hygiene in the United States during the year preceding the renewal date. Deletes text regarding a written statement describing the person's physical incapacity executed by an instructor in cardiopulmonary resuscitation approved by the American Heart Association or the American Red Cross.

SECTION 7. Amends Section 262.054, Occupations Code, to limit a member of the Dental Hygiene Advisory Committee to serving one six-year term.

SECTION 8. Amends Section 263.004, Occupations Code, to require the board, if it determines that the continued performance by a person licensed under this subtitle of a procedure for which the person holds a permit issued by the board, would constitute a clear, imminent, or continuing threat to a person's physical health or well-being, to temporarily suspend the person's license or permit, as applicable. Requires the State Office of Administrative Hearings to hold a second hearing on the suspension and on any other action to be taken against the license or permit holder not later than a certain date. Makes conforming changes.

SECTION 9. Provides that, in accordance with Section 311.031(c) (Saving Provisions), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 257.004, Occupations Code, as set out in this Act, gives effect to changes made by Chapter 627, Acts of the 76th Legislature, Regular Session, 1999. Provides that to the extent of any conflict, this Act prevails over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions and corrections in enacted codes.

SECTION 10. (a) Effective date: September 1, 2001, except as provided by Subsection (b) of this section.
(b) Makes application of Section 257.004, Occupations Code, prospective to January 1, 2002.
(c) Provides that Section 262.054, Occupations Code, as amended by this Act, does not prohibit a person who on the effective date of this Act is a member of the Dental Hygiene Advisory Committee and has previously served a six-year term from serving the remainder of the member's term.