

## **BILL ANALYSIS**

Senate Research Center  
79R7472 MSE-D

S.B. 610  
By: Nelson  
Health & Human Services  
3/9/2005  
Committee Report (Amended)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Board of Dental Examiners (board) has identified various administrative needs pertaining to its licensing, enforcement, and legal functions. S.B. 610 improves the ability of the board to protect the public by providing guidance on the specific criminal convictions which would require the suspension and revocation of a license, increasing the ability of the state to prosecute violations, extending the timeframe associated with hearings on cases of temporary licensure suspension, and repealing a provision that allows for the expunging of dismissed complaints. It also allows the board to accept examination results from multiple examining boards, and provides new licensees the ability to practice for 30 days based on written confirmation from the board prior to receiving the registration certificate, and provides a licensee with a 10-day grace period to renew an unexpired license.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Board of Dental Examiners is modified in SECTION 2 (Section 255.006, Occupations Code) and SECTION 9 (Section 255.006, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 251.004(a), Occupations Code, to include amongst individuals who do not practice dentistry as provided by Section 251.003 (Practice of Dentistry), a dentist or a dental hygienist who is not licensed in this state and who is taking the dental clinical examination offered in this state by an examining body designated by the State Board of Dental Examiners (board), rather than the Western Regional Examining Board.

SECTION 2. Amends Section 255.006(d), Occupations Code, to delete the establishment of procedures by which a board employee may expunge certain complaints from the records of the board from the requirements of rules adopted under this subsection.

SECTION 3. Amends Section 256.103, Occupations Code, by adding Subsection (c), to authorize a person to practice without displaying the person's current registration certificate for not more than 30 days after the date the person receives from the board written confirmation that the person's original license was issued.

SECTION 4. Amends Section 257.002(b), Occupations Code, to authorize a person who is otherwise eligible to renew a license to renew an unexpired license without monetary penalty by paying the required renewal fee to the board not later than the 10th day after, rather than before, the expiration date of the license. Prohibits a person from engaging in activities that require a license until the license has been renewed. Deletes text referring to a person whose license has expired.

SECTION 5. Amends Sections 263.004(b) and (c), Occupations Code, as follows:

(b) Prohibits the board from temporarily suspending a license or permit under this section except under certain circumstances.

(c) Requires the State Office of Administrative Hearings to hold a hearing not later than the 30th, rather than 14th, day after the date the license or permit holder is suspended unless the license or permit holder requests a continuance.

SECTION 6. Amends Sections 263.006(a) and (b), Occupations Code, to require the board to suspend a license holder's license issued under this subtitle on proof, rather than if it determines at an administrative hearing, that the person has been initially convicted of or is subject to an initial finding by the trier of fact of guilt of certain offenses. Deletes text pertaining to a felonies under Chapter 481 (Texas Controlled Substances Act) or 483 (Dangerous Drugs), Health and Safety Code, and Section 485.033 (Inhalant Paraphernalia), Health and Safety Code. Requires the board, on final conviction for said offenses, to revoke the person's license.

SECTION 7. Amends Section 264.151, Occupations Code, by adding Subsection (f) to provide that the venue for the prosecution of an offense under this section (Penalties and Enforcement Provisions: Criminal Penalty) is in Travis County or in the county in which the offense occurred.

SECTION 8. Amends Section 266.303, Occupations Code, by adding Subsection (d) to provide that the venue for the prosecution of an offense under this section (Regulation of Dental Laboratories: Criminal Penalties) is in Travis County or in the county in which the offense occurred.

SECTION 9. Repealer: Section 255.006(d-2), Occupations Code (pertaining to the board adopting rules to ensure that a complaint is not dismissed without appropriate consideration).

SECTION 10. (a) Makes application of Section 256.103, Occupations Code, as amended by this Act, prospective.

(b) Makes application of Section 263.006, Occupations Code, as amended by this Act, prospective.

(c) Makes application of Section 257.002, Occupations Code, as amended by this Act, prospective.

(d) Makes application of Section 263.004, Occupations Code, as amended by this Act, prospective.

(e) Makes application of Sections 264.151 and 266.303, Occupations Code, as amended by this Act, prospective.

SECTION 11. Effective date: September 1, 2005.

## **LIST OF COMMITTEE AMENDMENTS**

### Committee Amendment No. 1

(1) Amends the introduced version of S.B. 610 in SECTION 4 of the bill by replacing the text of Section 257.002(b), Occupations Code, to authorize a person who is otherwise eligible to renew a license to renew an unexpired license without monetary penalty by paying the required renewal fee to the board not later than the 10th day after, rather than before, the expiration date of the license. Prohibits a person from engaging in activities that require a license until the license has been renewed. Deletes text referring to a person whose license has expired.