

1 AN ACT

2 relating to the regulation of the practice of dentistry; providing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 258, Occupations Code, is
6 amended by adding Section 258.0511 to read as follows:

7 Sec. 258.0511. ACCESS TO DENTAL RECORDS. (a) An owner,
8 shareholder, partner, or executive officer of a clinic or other
9 entity that provides dental services for the public shall designate
10 a license holder as the dental custodian of records to provide
11 records to the board or a dentist who has provided dental treatment
12 and to comply with other law regulating dental patient records.

13 (b) On demand, the dental custodian of records shall give
14 access to the board and produce for the board all records or other
15 evidence related to the investigation or prosecution of an alleged
16 violation of this subtitle or another law regulating the practice
17 of dentistry in this state.

18 (c) The board shall adopt rules regarding the designation
19 and duties of a dental custodian of records.

20 (d) Section 264.101 applies to a violation of this section.

21 SECTION 2. Subchapter D, Chapter 264, Occupations Code, is
22 amended by adding Section 264.152 to read as follows:

23 Sec. 264.152. CRIMINAL PENALTY: DENTAL RECORDS ACCESS.

24 (a) A person commits an offense if the person violates Section

1 258.0511.

2 (b) Notwithstanding Section 264.151, an offense under this
3 section is a Class B misdemeanor.

4 (c) If it is shown at the trial of an offense under this
5 section that the defendant was previously convicted under this
6 section, the offense is a Class A misdemeanor.

7 SECTION 3. Chapter 254, Occupations Code, is amended by
8 adding Section 254.018 to read as follows:

9 Sec. 254.018. EXPERT TESTIMONY. A member of the board may
10 not serve as an expert witness in a suit involving a health care
11 liability claim against a dentist for injury to or death of a
12 patient unless the member receives approval from the board or an
13 executive committee of the board to serve as an expert witness.

14 SECTION 4. This Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 3876 was passed by the House on May 8, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3876 on May 24, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3876 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Ratsey Spaw

Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7 PM O'CLOCK

JUN 15 2007

Roger M. ...
Secretary of State