Sunset Review

The mission and performance of the TSBDE is under review by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed and to explore ways to ensure that the agency's funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future. Click here for more information on the Sunset review process and learn how you can contribute.

New TSBDE Website

We launched our new website on September 30th! A few of our goals with the new website were to make it easier to navigate and more user friendly. The homepage is uncluttered and the drop down menus allow you to navigate to the page you are looking for without clicking through multiple pages. Visit our new website whenever you are looking for information on renewals, continuing education, current issues, upcoming Board meetings and laws and rules applicable to the practice of dentistry in Texas.

August Board Meeting Update

The Board met on August 14, 2015, in Austin and considered several rule proposals related to new laws from the 84th Legislative Session. The Board voted to propose amendments to the following three rules:

1. **Rule 114.5. Coronal Polishing Certificate.** The proposed amendment allows dental assistants to obtain education in coronal polishing at dental or dental hygiene schools in addition to dental assisting programs.

2. **Rule 102.1. Fee Schedule.** The proposed amendment removes the professional fee that the Board had been previously charging and reduces other licensure fees.
Rule 101.6. Licensing of Military Members, Veterans, and Spouses. The proposed new rule incorporates requirements set out in new legislation which will expedite the licensing process for military applicants.

Staff also gave the Board members an update on the stakeholder meeting that was held on August 7, 2015, concerning specialty advertising. Staff had provided the stakeholders with a list of questions concerning specialty advertising and are awaiting feedback from the stakeholders on this topic.

The proposed rules will be published in the Texas Register and open to public comment. If you'd like to submit a public comment to the Board, please email the comment to rulecomments@tsbde.texas.gov. If you have any questions about the proposed rules, please call the Legal Division at 512-475-0982.

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**Annual Renewal Fee Changes**

Annual renewal fees for dentists, dental hygienists and dental labs changed on September 1, 2015. There are no fee changes for renewing a Registered Dental Assistant Certificate or a Pit and Fissure Sealant Certificate at this time.

**Dentists Anesthesia Permit Holders:** Dentists holding a Nitrous Oxide Conscious Sedation Permit and/or a Level 1, Level 2, Level 3, or Level 4 Permit pay a $10 anesthesia permit renewal fee at the time the license is renewed annually.

**Dentists:**
- Annual Renewal Fee: $217 ($227 - If you hold an Anesthesia Permit)
- Faculty Annual Renewal Fee: $161 ($171 - If you hold an Anesthesia Permit)

**Hygienists:**
- Annual Renewal Fee: $106
- Faculty Annual Renewal Fee: $89

**Dental Labs:**
- Annual Renewal Fee: $136

**Dental Assistants:**
- No changes at this time.

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**Patient Records**

One of the most common complaints we receive is from patients having difficulty getting their records from a treating dentist. Often very tense conversations occur between a dentist’s staff and the patient over the issue. Most patients simply want a copy of their dental records for their own personal records or, in some cases, to transfer their care to another provider, and they are willing to pay any copying fees necessary to get them.

TSBDE Rules are clear about who owns the records. Rule 108.8(d) establishes that “dental records are sole property of the dentist who performs the dental service.” The dentist owns the record, that’s simple enough to explain to a complainant, but what if they just want copies of their records? Is a dentist required to provide copies of records to patients? If so, when, and what conditions or restrictions, if any, may they require before copies are provided? Rule 108.8 answers all those questions for us (and more). Rule 108.8(d) states (emphasis added) “Copies of dental records shall be made available to a dental patient in accordance with this section.” Skip down to section (g) in the rule for more answers. Rule 108.8(g) states, “A dentist shall furnish copies of dental records to a patient who requests his or her dental records.” Under section (g), you’ll find a short list of the only allowable fees a dentist may charge for providing records. The only exceptions allowed to these fees are if a duplication service is used to
make the copies. A dentist may charge only the fee of the duplication service charges and it must be verifiable by invoice from the service. Nowhere in the rules does it allow a dentist to withhold copies of dental records from a patient who refuses to sign a release of any kind nor does it allow a dentist to withhold records from a patient who has an unpaid balance on their accounts.

TSBDE Rule 108.8 is full of detailed information about dental records requirements, some of which we will discuss in future articles. But for our discussion today, if you have a patient who requests copies of their records, and they are willing to pay the applicable copying fees, you must release those copies to the patient within 30 days from their request. Any withholding of records, including withholding those records until a patient signs a release form or pays an unpaid balance on an account, may result in a TSBDE complaint and subsequent investigation. The only reason a dentist may refuse to provide records to a patient is for failure to pay the copying fees for those records. Often, during the course of a simple “failure to provide records to the patient” investigation, we find other violations in the records. It’s in the dentist’s best interest to release a copy of records and to educate their staff in what TSBDE rules are regarding release of patient records.

Dental Review Panel
We are looking to add dentists with at least 10 years of experience to the Dental Review Panel. The Dental Review Panel was created during the 83rd Legislative Session to assist the TSBDE with complaints and investigations related to professional competency. Members of the Dental Review Panel act as expert dentist reviewers. They typically work on 1 to 4 cases per month and are compensated approximately $150 per case. Please click here for the application form and to learn more about the requirements. Applications will be reviewed and candidates will be appointed by the Board at its next scheduled meeting.