



MODERN DENTISTRY in the NEWS

Five Facts of Texas Dental Regulation

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Texas law and regulations give the government extensive regulatory authority in the dental arena. Texas Legislators need not increase the regulatory power of government, as some have suggested.

1

Texas law is clear – only licensed dentists may practice dentistry.

For well over a decade, the Texas State Board of Dental Examiners (TSBDE) has had authority to prevent dentists and dental groups from engaging in contracts that allow a person who is not a dentist to influence or interfere with a dentist's professional judgment.

2

Texas law specifically permits Dental Support Organizations (DSOs).

The Texas Dental Practice Act expressly permits dentists to contract with DSOs for management services just as physicians can contract with management service organizations (MSOs) to provide non-clinical practice support. DSOs provide common administrative services such as supply procurement, accounting, and marketing; MSOs provide similar services to physicians. In both cases, the licensed dentist and physician is freed up from time-consuming administrative tasks and able to devote more time to the care of their patients.

3

TSBDE has extensive authority to ensure that dentists and dental group practices do not enter into arrangements that interfere, influence or control dentists' independent professional judgment.

The TSBDE has existing authority to:

- Require dentists to provide copies of all DSO contracts.
- Prohibit actions that constitute control or influence over dentists' independent judgment.
- Work with the Attorney General to investigate and prosecute any unlicensed practice of dentistry.
- Impose penalties including: suspension, probation or termination of licenses; administrative penalties; cease and desist orders; subpoena power; and, through the Attorney General, injunctions and civil penalties.

4

The Attorney General is specifically empowered to investigate and prosecute anyone who violates Texas law by interfering with dentists' independent judgment.

It is a felony to practice dentistry without a license, including by influencing, controlling or interfering with a dentist's professional judgment. The Attorney General is specifically empowered to prosecute violators of the Texas dental statutes and bring the full force of law down on anyone who would endanger patient safety by attempting to interfere with dentists' clinical judgment or by practicing dentistry without a license.

5

Texas needs stronger enforcement – not more burdensome regulation.

No amount of additional regulation will operate to remove bad actors from the marketplace without stronger enforcement of the laws already on the books. TSBDE already has extensive authority – rather than add to it via new legislation or regulations, what is needed is the full and active exercise by the TSBDE of its already extensive authority. Such a common-sense approach would result in the efficient regulation of Texas' dental marketplace and the protection of Texas dental patients without the imposition of any unnecessary and costly regulations.