

The State Board of Dental Examiners (Board) proposes this repeal of 22 TAC §108.5, concerning patient abandonment. The proposed repeal will be replaced with a new rule to address the steps a dentist must take to avoid patient abandonment and to protect patient records when leaving a practice or location.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed repeal is in effect, the proposed repeal does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed repeal is in effect, the public benefit anticipated as a result of this proposed repeal will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed repeal does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed repeal.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed repeal does not create or eliminate a government program; (2) implementation of the proposed repeal does not require the creation or elimination of employee positions; (3) the implementation of the proposed repeal does not require an increase or decrease in future appropriations; (4) the proposed repeal does not require an increase in fees paid to the agency; (5) the proposed repeal does not create a new regulation; (6) the proposed repeal does repeal an existing regulation; (7) the proposed repeal does not increase or decrease the number of individuals subject to it; and (8) the proposed repeal does not positively or adversely affect the state's economy.

COST TO REGULATED PERSONS: This proposed repeal does not impose a cost on a regulated person and, therefore, is not subject to Tex. Gov't. Code §2001.0045.

Comments on the proposed repeal may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to [official\\_rules\\_comments@tsbde.texas.gov](mailto:official_rules_comments@tsbde.texas.gov) for 30 days following the date that the proposed repeal is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This repeal is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No other statutes, articles or codes are affected by this proposal.

Legal counsel for the Board has reviewed the proposed repeal and has found it to be within the Board's authority to adopt.

<rule>

§108.5. Patient Abandonment.

DRAFT