

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.7, pertaining to exemption from registration for certain military service members and military spouses. The purpose of the proposal is to implement House Bill 5629 and Senate Bill 1818, 89th Legislature, Regular Session (2025), which amended Texas Occupations Code Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses with the following changes: (1) defines good standing; (2) removes the three-year limit to practice as long as the applicant is stationed at a military installation; (3) allows for an authorization to practice if the applicant holds a current registration issued by another state that is similar in scope of practice to the registration in this state and is in good standing with that state's licensing authority; and (4) requires the Board to process applications within 10 business days. The proposal also clarifies that a registration is issued to dental assistants, not a license.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule 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 rule is in effect, the public benefit anticipated as a result of this rule will be an increase in the number of military affiliated applicants receiving authorizations to practice in this state.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule 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 rule.

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 rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule increases the number of individuals subject to the rule's applicability by changing the substantially equivalent registration requirements to similar scope of practice as a registration issued by the Board; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule 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 for 30 days following the date that the proposed rule 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 rule 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, and under Chapter 55, Texas Occupations Code.

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

<rule>

§114.7. Exemption from Registration [~~Licensure~~] for Certain Military Service Members and Military Spouses.

(a) Definition. "Good standing" is defined in §55.0042, Texas Occupations Code.

(b) [~~(a)~~] The executive director of the Texas State Board of Dental Examiners must authorize a qualified military service member or military spouse to perform delegated permitted duties as a dental assistant in Texas without obtaining a registration in accordance with §55.0041(a), Texas Occupations Code. This authorization to perform delegated permitted duties is valid during the time the military service member or, with respect to a military spouse, the military service member to whom the military spouse is married is stationed at a military installation in Texas. [~~but is not to exceed three years.~~]

(c) [(b)] In order to receive authorization to perform delegated permitted duties, the military service member or military spouse must:

(1) hold a registration similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority;

(2) submit an application to the board that includes:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for the applicable registration in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held an applicable registration.

~~[(1) hold an active registration to perform delegated permitted duties as a dental assistant in another state, territory, Canadian province, or country that:]~~

~~[(A) has registration requirements that are determined by the board to be substantially equivalent to the requirements for registration in Texas; and]~~

~~[(B) is not subject to any restriction, disciplinary order, probation, or investigation;]~~

~~[(2) notify the board of the military service member or military spouse's intent to perform delegated permitted duties in Texas on a form prescribed by the board; and]~~

~~[(3) submit proof of the military service member or military spouse's residency in this state, a copy of the military service member or military spouse's military identification card, and proof of the military service member's status as an active duty military service member as defined by §437.001(1), Texas Government Code (relating to Definitions).]~~

(d) The board has sole discretion in determining whether an applicant's out-of-state registration is similar in scope to a registration issued by the board.

(e) [(e)] While authorized to perform delegated permitted duties as a dental assistant in Texas, the military service member or military spouse shall comply with all other laws and regulations applicable to the practice of dentistry in Texas.

(f) [(d)] The board has 10 business days [30 days] from the date a military service member or military spouse submits the information required by subsection (c) [(b)] of this section to notify the applicant that:

(1) the board recognizes the applicant's out-of-state registration;

(2) the application is incomplete; or

(3) the board is unable to recognize the applicant's out-of-state registration because the board does not issue a registration similar in scope of practice to the applicant's registration.

~~[(1) verify that the member or spouse is active and in good standing in a jurisdiction that has registration requirements that are substantially equivalent to the registration requirements in Texas; and]~~

~~[(2) issue an authorization recognizing the registration as the equivalent registration in this state.]~~

(g) [(e)] In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the business or occupation under the authority of this section until the third anniversary of the date the spouse submitted the application required by subsection (c) of this section. ~~[received the authorization described by subsection (d) of this section.]~~ A similar event includes the death of the military service member or the military service member's discharge from the military.

(h) [(f)] This section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.