



## SOLICITATION OF INFORMAL COMMENTS March 26, 2026

The Texas State Board of Dental Examiners (TSBDE), in collaboration with the Texas Regulatory Efficiency Office (TREO), is seeking stakeholder feedback on the recommended updates to TSBDE's rules in order to reduce and eliminate regulatory burdens for licensees.

TREO reviews state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. Housed within the Office of the Governor and established on September 1, 2025, by Senate Bill 14, TREO is assisting TSBDE to identify outdated and redundant regulations and create best practices to make the rulemaking process more efficient.

Stakeholders and members of the public may submit informal input until **March 26, 2026**, by mail to the Board's General Counsel at 1801 Congress Avenue, Suite 8.600, Austin, Texas, 78701, by fax to (512) 649-2482, or by email to [stakeholders@tsbde.texas.gov](mailto:stakeholders@tsbde.texas.gov). Mailed comments should be received on or before March 26, 2026. Information regarding Board proceedings and the laws and rules related to dentistry are available at [www.tsbde.texas.gov](http://www.tsbde.texas.gov).

This solicitation of informal comments does not serve as an official comment period or rulemaking as required by Texas law or Board rules. Consideration of any rulemaking topics will occur at a future meeting of the Board held pursuant to Texas Government Code Chapter 551 (Texas Open Meetings Act), and all Board rulemakings will be conducted pursuant to Texas Government Code Chapter 2001 (Texas Administrative Procedure Act).

TSBDE requests input on the following TREO recommendations:

### I. TSBDE Rule 103.9

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 103, Section 103.9 - Military Limited Volunteer License</a>
<b>Rule Heading</b>	Military Limited Volunteer License
<b>Recommended Agency Action</b>	Amend to broaden eligibility beyond military-affiliated dental hygienists to all out-of-state dental hygienists in good standing who wish to

Field	Detail
	volunteer at indigent clinics, as the military nexus provides no additional safety rationale. Reduce continuing education requirements to 50% of standard for volunteer-only licensees. Add clear definition of 'primarily treats indigent patients' (e.g., 51% threshold)

## II. TSBDE Rule 101.13

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 101, Section 101.13 - Military Limited Volunteer License</a>
<b>Rule Heading</b>	Military Limited Volunteer License
<b>Recommended Agency Action</b>	Amend to eliminate duplicative continuing education requirements for MLVL holders by accepting home-state CE compliance verification, clarify the 'primarily treats indigent patients' standard with a quantifiable threshold (e.g., 51%+ of patients uninsured or below 200% FPL), and streamline renewal by implementing automatic renewal contingent on maintained home-state licensure. These changes remove barriers to volunteer participation while maintaining patient safety through existing home-state oversight mechanisms.

## III. TSBDE Rule 101.5

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 101, Section 101.5 - Staggered Dental Registrations</a>
<b>Rule Heading</b>	Staggered Dental Registrations
<b>Recommended Agency Action</b>	Amend to eliminate mailed renewal notices in favor of electronic notifications (email/text), simplify the initial period calculation to a standard 24-month period with birth-month expiration, and integrate the §254.019(b) information requirements directly into

Field	Detail
	the online renewal workflow. These changes align with TSBDE's digital-first approach and reduce administrative complexity for both licensees and staff.

#### IV. TSBDE Rule 107.63

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 107, Section 107.63 - Informal Disposition and Mediation</a>
<b>Rule Heading</b>	Informal Disposition and Mediation
<b>Recommended Agency Action</b>	<p>Expand rescheduling request window from 5 to 10 business days and adopt a 'good cause' standard.</p> <p>Delegate final dismissal authority to panels for unanimous merit-lacking complaints. These changes reduce scheduling complexity, travel costs, and administrative burden while maintaining due process protections.</p>

#### V. TSBDE Rule 100.12

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 100, Section 100.12 - Advisory Committee on Dental Anesthesia</a>
<b>Rule Heading</b>	Advisory Committee on Dental Anesthesia
<b>Recommended Agency Action</b>	Amend to streamline the appointment process by consolidating the multi-step nomination/confirmation procedures into a simplified board-approval process, explicitly authorize virtual meetings to reduce travel costs and time burdens, consolidate the three separate reporting deadlines into a single annual cycle, and relax the membership composition requirements to allow broader representation across sedation levels and practice areas while maintaining expertise. These changes preserve the committee's core safety

Field	Detail
	oversight function while significantly reducing administrative overhead.

#### VI. TSBDE Rule 114.2

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 114, Section 114.2 - Registration of Dental Assistants</a>
<b>Rule Heading</b>	Registration of Dental Assistants
<b>Recommended Agency Action</b>	Allow electronic display of certificates and accept photocopies or digital credentials to reduce administrative burden.

#### VII. TSBDE Rule 104.1

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 104, Section 104.1 - Continuing Education Requirements</a>
<b>Rule Heading</b>	Continuing Education Requirements
<b>Recommended Agency Action</b>	Amend to reduce mandatory CE hours from 24 to 16 per biennium, expand self-study allowances from 8 to 16 hours, allow OSHA/CPR training to count toward the 24-hour requirement (up to 4 hours), and extend the jurisprudence assessment cycle from 4 to 6 years. These changes align Texas with median state requirements while maintaining clinical competency standards and significantly reducing opportunity costs and direct compliance expenses for licensees.

#### VIII. TSBDE Rule 101.4

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 101, Section 101.4 - Temporary Licensure by Credentials</a>

Field	Detail
<b>Rule Heading</b>	Temporary Licensure by Credentials
<b>Recommended Agency Action</b>	<p>Amend to eliminate the nonprofit employment restriction (subsections (a)(6) and (b)), which is unrelated to competency or patient safety and creates the primary barrier to labor mobility. Enable online application processing to reduce administrative burden.</p> <p>Streamline documentation requirements by accepting single electronic verification from originating state boards rather than requiring both sealed license copies and certified statements.</p>

#### IX. TSBDE Rule 108.6

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 108, Section 108.6 - Report of Patient Death or Injury Requiring Hospitalization</a>
<b>Rule Heading</b>	Report of Patient Death or Injury Requiring Hospitalization
<b>Recommended Agency Action</b>	<p>Amend to streamline reporting timelines and clarify hospitalization definition. The 72-hour death reporting requirement is appropriate for patient safety, but the 30-day hospitalization reporting window could be extended to 45-60 days to reduce administrative burden while maintaining oversight.</p> <p>Simplify the hospitalization definition to reduce interpretive burden on dentists determining what constitutes reportable events.</p>

#### X. TSBDE Rule 100.2

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 100, Section 100.2 - Purpose and Functions</a>
<b>Rule Heading</b>	Purpose and Functions

Field	Detail
<b>Recommended Agency Action</b>	<p>Amend to narrow advertising restriction authority in subsection (b)(6) to explicitly limit restrictions to demonstrably false or misleading claims only, consistent with First Amendment protections.</p> <p>Expand scope-of-practice for hygienists and assistants in underserved areas, and clarify non-dentist ownership rules to permit legitimate business models while protecting clinical independence.</p>

**XI. TSBDE Rule 108.8**

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 108, Section 108.8 - Records of the Dentist</a>
<b>Rule Heading</b>	Records of the Dentist
<b>Recommended Agency Action</b>	<p>Amend to: (1) replace the prescriptive list in subsection (a) with a performance-based standard for record content.</p> <p>(2) eliminate the 15-day TSBDE notification requirement for routine record transfers in favor of annual attestation.</p> <p>(3) add explicit safe harbor for fully digital record retention with specified security standards</p> <p>(4) cross-reference federal controlled substance and patient access requirements rather than restating them. These changes modernize the regulation for electronic record systems, reduce administrative burden on practice transitions, and eliminate redundancy with federal law.</p>

## XII. TSBDE Rule 108.2

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 108, Section 108.2 - Fair Dealing</a>
<b>Rule Heading</b>	Fair Dealing
<b>Recommended Agency Action</b>	Amend to repeal subsection (f) on auxiliary restrictions as duplicative of existing scope-of-practice rules in Chapters 114-115

## XIII. TSBDE Rule 104.2

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 104, Section 104.2 - Continuing Education Providers</a>
<b>Rule Heading</b>	Continuing Education Providers
<b>Recommended Agency Action</b>	<p>Amend to automatically recognize CE providers accredited by ADA CERP, AGD PACE, and CODA without requiring separate TSBDE approval, eliminating duplicative gatekeeping.</p> <p>Replace the closed provider list with objective, transparent standards that providers can meet for automatic approval, with the Board retaining removal authority for cause. Establish a 90-day application decision deadline with automatic approval if the Board fails to act, and eliminate the limited vs. full provider classification system. Implement digital modernization with online application submission, real-time provider list updates, and application status tracking.</p>

#### XIV. TSBDE Rule 108.1

Field	Detail
<b>Rule Citation</b>	<a href="#">Title 22, Part 5, Chapter 108, Section 108.1 - Professional Responsibility</a>
<b>Rule Heading</b>	Professional Responsibility
<b>Recommended Agency Action</b>	Amend to modernize fee-splitting provisions by replacing the blanket prohibition with a disclosure-and-transparency framework that explicitly permits management service agreements and aligns with federal safe harbors. Consolidate provisions 1-5 into a single clear prohibition against facilitating violations of the Act.