



## **NOTICE OF STAKEHOLDER MEETING**

### **22 TEX. ADMIN. CODE 108.5**

Staff of the Texas State Board of Dental Examiners (Board) will convene a stakeholder meeting to provide interested persons an opportunity to address Staff regarding 22 Texas Administrative Code (TAC) Chapter 108, Subchapter A, Rule 108.5, Patient Abandonment.

Rule 108.5 addresses a dentist's responsibilities to a patient upon a dentist's decision to terminate his or her treatment of a patient.

Staff will convene a stakeholder meeting regarding this rule on:

**Tuesday, January 26, 2016, at 2:00 p.m.**

**Tower 3, Room 102**

**William P. Hobby Jr. Building**

**333 Guadalupe Street**

**Austin, Texas, 78701**

Stakeholders may also submit informal input by email to [stakeholders@tsbde.texas.gov](mailto:stakeholders@tsbde.texas.gov).

Should the Board vote to propose an amendment to Rule 108.5 in the future, the proposal would be published in the *Texas Register* for a formal public comment period.

Persons who have special communication or other accommodation needs who are planning to attend the stakeholder meeting should contact Cristabel Bodden, at [cbodden@tsbde.texas.gov](mailto:cbodden@tsbde.texas.gov) or (512) 305-9332. Arrangements should be made as far in advance as possible.

# Texas Administrative Code

<a href="#">TITLE 22</a>	EXAMINING BOARDS
<a href="#">PART 5</a>	STATE BOARD OF DENTAL EXAMINERS
<a href="#">CHAPTER 108</a>	PROFESSIONAL CONDUCT
<a href="#">SUBCHAPTER A</a>	PROFESSIONAL RESPONSIBILITY
<a href="#">RULE §108.5</a>	Patient Abandonment

(a) A dentist, without reasonable cause, shall not abandon a dental patient. Once a dentist has undertaken a course of treatment, the dentist, absent reasonable cause, shall not discontinue that treatment without giving the patient adequate notice and the opportunity to obtain the services of another dentist. A dentist shall exercise the level of care necessary to prevent jeopardizing the patient's oral health during this process.

(b) Under this section, a dentist shall give a minimum of 30 days written notice of his/her intent to discontinue undertaken treatment. Notice shall be either hand-delivered to the patient or sent via certified mail, return receipt requested to the patient's last known address, with the dentist retaining a copy of the notice letter in the patient's file along with proof of service. Adequate notice shall include the following:

- (1) a short description of the patient's current status, including the patient's current diagnosis and a summary of the patient's current treatment plan;
- (2) a short description of the patient's present and future needs;
- (3) an explanation regarding the consequences of non-treatment;
- (4) a recommendation that the patient continue care with another dentist; and
- (5) a clear statement emphasizing that the dentist is available to provide any emergency treatment necessary to prevent patient harm during the 30-day period.

(c) A dentist shall remain reasonably available to render any emergency treatment necessary under (b) (5) of this section for up to 30 days from the date of such notice.

**Source Note:** The provisions of this §108.5 adopted to be effective February 20, 2001, 26 TexReg 1494; amended to be effective April 14, 2002, 27 TexReg 2826

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# **STAKEHOLDER MEETING**

## **22 TEX. ADMIN. CODE 108.5**

### **January 26, 2016**

#### **BACKGROUND**

Board staff frequently receives questions related to dentists leaving, selling, or changing the location at which they practice dentistry. These considerations implicate questions related to patient abandonment and appropriate notification of the termination of patient treatment.

Current rule 108.5, Patient Abandonment, requires a dentist to provide written notice to patients of a dentist's intent to discontinue treatment. This rule generally addresses the termination of a patient's treatment, but it does not specifically address specialty practices and large practices in which multiple dentists may treat one patient, and may transfer to different branches of the practice.

At the June 26, 2014, Board meeting, the Board proposed new rule 108.15, Notification of Discontinuance of Practice, which would have provided additional guidance to licensees. Based on the input received during the public comment period required by the Administrative Procedures Act, the Board voted to withdraw the rule proposal and take no action at that time.

However, the appropriate termination of the dentist-patient relationship and appropriate notification of such termination remains a concern of the Board, so Board staff is convening a stakeholder meeting to renew discussion of these issues.

In addition to any issues raised by stakeholders at the scheduled stakeholder meeting, Board staff is specifically interested in discussing the following questions:

- What constitutes termination of the dentist-patient relationship?
- Who should receive notification?
- Who is responsible for providing notification of termination of dentist-patient relationship?
- What information should be included in the notification?
- How should the notification be transmitted?
- On what timeframe should notification be provided?