

- SUBJECT:** Requiring rules that allow billing for services of substitute dentists
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 11 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas
- 0 nays
- WITNESSES:** For — Jose Cazares, Texas Academy of General Dentistry; (*Registered, but did not testify*: Miryam Bujanda, Methodist Healthcare Ministries; Tyler Rudd, Texas Academy of Pediatric Dentistry; Rick Black, Texas Dental Association; Jim Foster)
- Against — None
- On — (*Registered, but did not testify*: Laurie VanHoose, Health and Human Services Commission)
- BACKGROUND:** Health and Human Services Commission (HHSC) rules, under 1 Texas Administrative Code (TAC), part 15, sec. 354.1060, contain the definitions of a substitute physician, a locum tenens arrangement, and reciprocal arrangements as allowed in the Medicaid program.
- Under a locum tenens arrangement, which must be in writing, a substitute physician can assume the practice of a billing physician for up to 90 days under certain circumstances, or longer if the physician has been called or ordered into active duty as a reserve member of the armed forces. Reciprocal arrangements, which do not have to be in writing, allow a substitute physician to cover for a billing physician on an occasional basis, limited to a continuous period of up to 14 days.
- Under guidelines issued by the Texas Medicaid & Healthcare Partnership, a group of contractors that helps the HHSC administer Texas Medicaid, a substitute physician must be enrolled in Texas Medicaid.

**DIGEST:** HB 1661 would require, to the extent allowed by federal law, the executive commissioner of the Health and Human Services Commission to adopt rules ensuring that the same standards that apply to a physician who bills the medical assistance program for services provided by a substitute physician, such as Medicaid services, also would apply to a dentist who bills for services provided by a substitute dentist. These rules would have to be adopted as soon as practicable after the bill took effect.

The bill would direct a state agency needing a waiver or authorization from a federal agency to implement a provision of the bill to request that waiver or authorization. The affected state agency could delay implementation of affected provisions in the bill until the agency received the waiver or authority.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS SAY:** HB 1661 appropriately would require the Health and Human Services Commission (HHSC) to allow dentists the same flexibility as physicians to bill for Medicaid services provided by a substitute. Dentists who must be absent from their practices for reasons including prolonged illness, military service, or pregnancy should be able to maintain continuity of care for their patients by allowing a substitute dentist to practice on their behalf.

The Texas Medicaid dental program served more than 2 million unique clients in fiscal 2014, and dental providers reported more than 4.5 million encounters with clients during that time for their services, according to the HHSC. Medicaid currently requires dentists to be re-credentialed for a specific address before they can serve another dentist's patients there, which can be a time-consuming process. Patients who receive dental services under Medicaid might have to change providers or go without services if their designated provider was not available over a period of days or weeks.

The bill would require HHSC to create rules with the same restrictions that apply to physicians who use a substitute. Physicians currently can make reciprocal arrangements on an occasional basis and for up to 14 continuous days. They also can utilize a locum tenens agreement for up to 90 days, or longer under certain circumstances involving service in the armed forces. These limitations have worked well for billing physicians who use substitutes. Dentists should have the same opportunity to bill for the Medicaid services provided by a substitute, subject to the same limitations.

OPPONENTS  
SAY:

No apparent opposition.