

BILL ANALYSIS

Senate Research Center

H.B. 3507
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Health & Human Services
5/9/2001
Engrossed

DIGEST AND PURPOSE

According to the Centers for Disease Control and Prevention, tooth decay is one of the most infectious diseases among children, and the longer an oral disease is left untreated, the more complex and damaging it can become. Unfortunately, Texas is currently suffering a severe shortage of dentists and dental hygienists (dental professionals). Expanding student loan repayment programs as incentives for newly licensed dental professionals who practice in medically underserved communities may help alleviate the burden on rural dental professionals. Also, authorizing a dentist to delegate dental procedures to a dental hygienist or authorizing a dental hygienist to perform preventative oral care procedures and screening outside the office may decrease the amount of time a dentist needs to spend with each patient, and thus expand access to dental care. Teledentistry could also supplement dental care to rural and medically underserved areas. The House Committee on General Investigating found some evidence of fraud in the Texas Health Steps Dental Services Program and recommended various changes to help eliminate abuse of the system. H.B. 3507 sets forth provisions related to student loan repayment, delegation, alternative training for dental hygienists, and teledentistry, and implements the recommendations of the House committee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 4.04 (Section 265.004, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. DENTAL SERVICES UNDER THE MEDICAL ASSISTANCE PROGRAM

SECTION 1.01. Amends Chapter 32B, Human Resources Code, by adding Section 32.053, as follows:

Sec. 32.053. DENTAL SERVICES. Defines “dental necessity.” Prohibits a dental service or product from being provided under the medical assistance program (program) unless there is a dental necessity for the service or product. Sets forth certain requirements of Health and Human Services Commission (HHS) in providing dental services under the program. Sets forth certain requirements of HHS in setting reimbursement rates for dental services under the program. Requires HHS to develop the minimum standard described by this section in cooperation with the State Board of Dental Examiners.

SECTION 1.02. Requires a state agency, if the agency determines before implementing any provision of this article that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and authorizes the affected agency to delay implementing that provision until the waiver or authorization is granted.

ARTICLE 2. REGULATION OF TELEDENTISTRY

SECTION 2.01. Authorizes a licensed dentist, for the purposes of this article, to delegate orally, in

writing, or through advanced audio and video telecommunications services a service, task, or procedure to a dental hygienist who is under the supervision and responsibility of the dentist under certain circumstances.

SECTION 2.02. (a) Defines “dental professional,” “student,” and “teledentistry dental services.”

(b) Requires the commissioner of human services (commissioner) to appoint a program administrator to administer a pilot program that uses teledentistry and other methods of delivering dental services to provide dental services to students in one public school district in this state.

(c) Requires the program administrator to establish an advisory committee to assist the program administrator in developing and implementing the pilot program.

(d) Sets forth certain requirements of the program administrator in developing the program.

(e) Requires the program administrator to adopt certain procedures.

(f) Authorizes only a teledentistry dental service initiated or provided by a licensed dentist in this state to be reimbursed under the Medicaid program. Requires Medicaid reimbursement for a teledentistry dental service to be for a comparable in-person dental service. Prohibits a request for reimbursement from being denied solely because an in-person consultation between a dentist or other dental professional and a patient did not occur. Requires reimbursement for a dental hygienist for service to be made through the supervising dentist.

(g) Requires a dental hygienist to act under the remote supervision of a local dentist. Requires both the dentist and the hygienist to be located within the boundaries of the school district served by the pilot program.

(h) Requires images and assessment information to be sent by the dental hygienist to the supervising dentist either live or by means of store and forward technology. Authorizes a dentist, after the dentist has reviewed the required information, to authorize the provision of preventative services by the dental hygienist located at the school.

(i) Authorizes a dental hygienist participating in the pilot program to initiate screening and assessment services and, under the supervision of a dentist, to perform any procedure the hygienist is authorized under law to perform.

(j) Prohibits a teledentistry dental service from being provided if an in-person consultation with a dentist is reasonably available to a student. Requires dentists and other dental professionals participating in the pilot program to make a good faith effort to identify and coordinate with existing providers to preserve and protect existing dental care systems and dental relationships.

(k) Requires the program administrator to establish a control group not to exceed 1,000 students to provide a benchmark for measuring the performance of the pilot program. Requires each student in the control group to be examined by a dentist, in person, at the end of the program to evaluate the effectiveness of teledentistry dental services provided during the program. Requires the examining dentist to practice in a dental office located outside the boundaries of the school district served by the pilot program.

(l) Requires the program administrator to use the results of the pilot program to make certain determinations.

(m) Requires a dental professional who provides teledentistry dental services to ensure that the informed consent of the student or a person authorized to provide consent for the student is

obtained before teledentistry dental services are provided.

(n) Requires students participating in the pilot program to be referred to local dentists for restorative care and monitored to ensure that restorative services are provided.

(o) Requires the program administrator, not later than December 31, 2002, to submit a report to the legislature containing certain information.

(p) Provides that this article expires and the advisory committee is abolished December 31, 2002.

SECTION 2.03. Requires the commissioner to appoint a program administrator for the teledentistry pilot program not later than the 30th day after the effective date of this article. Requires the program administrator to appoint an advisory committee and to begin implementing the teledentistry pilot program not later than the 30th day after the date the program administrator is appointed.

ARTICLE 3. ALTERNATIVE TRAINING OF DENTAL HYGIENISTS

SECTION 3.01. Amends Section 256.053, Occupations Code, to require an applicant, to qualify for a license, to provide evidence satisfactory to the State Board of Dental Examiners (board) that the applicant has completed an alternative dental hygiene training program approved by the board that meets the requirements of Section 256.0531.

SECTION 3.02. Amends Chapter 256B, Occupations Code, by adding Section 356.0531, as follows:

Sec. 256.0531. ALTERNATIVE DENTAL HYGIENE TRAINING PROGRAMS. (a) Sets forth the intent of the legislature under this section.

(b) Sets forth certain requirements for an alternative dental hygiene training program.

(c) Requires a hygiene student, prior to commencing clinical training, to have completed no less than two years of full-time employment in a position involving clinical duties with dental patients.

(d) Sets forth certain requirements for a dentist to be qualified to train a hygiene student under this section.

(e) Requires a hygiene student who completes the requirements of a program under this section to satisfactorily pass the examination required for all hygiene license applicants under this chapter.

(f) Authorizes a dental hygienist to train hygiene students under this section under certain circumstances.

(g) Provides that a dentist who supervises a dental hygienist trained under this section has the same liability for acts performed by the hygienist as if the hygienist were trained in a different manner.

(h) Requires the board to implement an alternative dental hygiene training program no later than January 1, 2002.

(i) Requires the board to appoint an advisory committee to advise the board in developing the alternative dental hygiene training program. Sets forth the composition of the advisory committee.

(j) Requires the advisory committee board, in developing the program, to consider the standards adopted by the Commission on Dental Accreditation.

SECTION 3.03. Requires the program, including the clinical training component, to be accredited by the Commission on Dental Accreditation by December 31, 2004, or the program expires.

SECTION 3.04. Prohibits the board from issuing a license to a graduate of an alternative training program under Section 256.0531, Occupations Code, unless the program is accredited by the Commission on Dental Accreditation.

ARTICLE 4. DELEGATION OF CERTAIN ACTS BY DENTISTS

SECTION 4.01. Amends Section 258.002, Occupations Code, to authorize a licensed dentist to delegate, under this section, the application of a pit and fissure sealant to a dental assistant if the dentist is a Medicaid provider. Provides that cleansing of the occlusal and smooth surfaces of the teeth by a dental assistant is allowed immediately prior to and for the sole purpose of preparing the tooth area for the placement of pit and fissure sealants or orthodontic bonding resin and requires this not to be billed as a prophylaxis.

SECTION 4.02. Amends Chapter 262D, Occupations Code, by adding Section 262.1515, as follows:

Sec. 262.1515. DELEGATION OF DUTIES TO DENTAL HYGIENIST PRACTICING IN CERTAIN LONG-TERM CARE FACILITIES AND SCHOOL-BASED HEALTH CENTERS. Authorizes a licensed dentist to delegate a service, task, or procedure, pursuant to this section, to a dental hygienist, without complying with Section 262.151(a)(2) under certain conditions. Requires the patient to be referred to a licensed dentist after the completion of a service, task, or procedure performed under this section. Prohibits a dental hygienist from performing a second set of delegated tasks or procedures until the patient has been examined by a dentist in compliance with Section 262.151(a)(2). Prohibits a dental hygienist from performing any service, task, or procedure under this section without the express authorization of a dentist. Requires the nursing facility or school-based health center to note each delegated service, task, or procedure performed by the dental hygienist under this section in the patient's medical records.

SECTION 4.03. Amends Section 265.003, Occupations Code, to authorize a dental assistant who is no professionally licensed to apply a pit and fissure sealant under the direct supervision, direction, and responsibility of the dentist and only if the assistant is certified to apply a pit and fissure sealant under Section 265.004.

SECTION 4.04. Amends Chapter 265, Occupations Code, by adding Section 265.004, as follows:

Sec. 265.004. PIT AND FISSURE SEALANT CERTIFICATE. Requires the board to issue a pit and fissure sealant certificate to a dental assistant who qualifies under this section. Sets forth the requirements for an applicant to qualify for a certificate. Sets forth the courses the educational program under this section is required to include. Requires the dental assistant to complete at least six hours of continuing education in technical and scientific coursework each year to maintain a certificate under this section. Requires the board to adopt rules as necessary to implement this section, including rules regarding renewal requirements for a certificate issued under this section.

SECTION 4.05. Requires the board, not later than March 1, 2002, to adopt the rules required by Section 265.004, Occupations Code, as added by this Act.

ARTICLE 5. TEMPORARY RECIPROCAL LICENSE

SECTION 5.01. Amends Chapter 262C, Occupations Code, by adding Section 262.1015, as follows:

Sec. 262.1015. TEMPORARY RECIPROCAL LICENSE. Requires the board, upon payment by the applicant of a fee set by the board, to grant a temporary license to practice dentistry to any reputable dentist or a temporary license to practice dental hygiene to any reputable dental hygienist who meets certain requirements. Provides that a license granted under this section expires immediately when a licensee fails to meet the requirements of this section.

ARTICLE 6. REPAYMENT OF DENTAL LOANS

SECTION 6.01. Amends Section 61.904(a), Education Code, to delete existing text which limited repayment assistance to a loan for education at a public or private institution of higher education in this state.

SECTION 6.02. Repealer: Section 61.903, Education Code.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Effective date: September 1, 2001.