

By: Perry

S.B. No. 792

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the practice of dentistry and the provision of  
3 teledentistry dental services.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Chapter 111, Occupations Code, is  
6 amended to read as follows:

## CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

8 SECTION 2. Section 111.001, Occupations Code, is amended by  
9 amending Subdivisions (1) and (3) and adding Subdivision (2-a) to  
10 read as follows:

11 (1) "Dentist," "health [~~Health~~] professional," and  
12 "physician" have the meanings assigned by Section [1455.001](#),  
13 Insurance Code.

21 (3) "Telehealth service" means a health service, other  
22 than a telemedicine medical service or a teledentistry dental  
23 service, delivered by a health professional licensed, certified, or  
24 otherwise entitled to practice in this state and acting within the

1 scope of the health professional's license, certification, or  
2 entitlement to a patient at a different physical location than the  
3 health professional using telecommunications or information  
4 technology.

5 SECTION 3. Section [111.002](#), Occupations Code, is amended to  
6 read as follows:

7 Sec. 111.002. INFORMED CONSENT. A treating physician, ~~dentist,~~ or health professional who provides or facilitates the use  
8 of telemedicine medical services, ~~teledentistry dental services,~~  
9 or telehealth services shall ensure that the informed consent of  
10 the patient, or another appropriate individual authorized to make  
11 health care treatment decisions for the patient, is obtained before  
12 telemedicine medical services, ~~teledentistry dental services,~~ or  
13 telehealth services are provided.

15 SECTION 4. Section [111.003](#), Occupations Code, is amended to  
16 read as follows:

17 Sec. 111.003. CONFIDENTIALITY. A treating physician, ~~dentist,~~ or health professional who provides or facilitates the use  
18 of telemedicine medical services, ~~teledentistry dental services,~~  
19 or telehealth services shall ensure that the confidentiality of the  
20 patient's ~~clinical [medical]~~ information is maintained as required  
21 by Chapter [159](#), ~~by Subchapter C, Chapter 258,~~ or ~~by~~ other applicable  
22 law.

24 SECTION 5. Section [111.004](#), Occupations Code, is amended  
25 to read as follows:

26 Sec. 111.004. RULES. (a) The Texas Medical Board, in  
27 consultation with the commissioner of insurance, as appropriate,

1 may adopt rules necessary to:

2                   (1) ensure that patients using telemedicine medical  
3 services receive appropriate, quality care;

4                   (2) prevent abuse and fraud in the use of telemedicine  
5 medical services, including rules relating to the filing of claims  
6 and records required to be maintained in connection with  
7 telemedicine medical services;

8                   (3) ensure adequate supervision of health  
9 professionals who are not physicians and who provide telemedicine  
10 medical services; and

11                  (4) establish the maximum number of health  
12 professionals who are not physicians that a physician may supervise  
13 through a telemedicine medical service.

14                  (b) The State Board of Dental Examiners, in consultation  
15 with the commissioner of insurance, as appropriate, may adopt rules  
16 necessary to:

17                  (1) ensure that patients using teledentistry dental  
18 services receive appropriate, quality care;

19                  (2) prevent abuse and fraud in the use of  
20 teledentistry dental services, including rules relating to the  
21 filing of claims and records required to be maintained in  
22 connection with teledentistry dental services;

23                  (3) ensure adequate supervision of health  
24 professionals who are not dentists and who provide teledentistry  
25 dental services; and

26                  (4) establish the maximum number of health  
27 professionals who are not dentists that a dentist may supervise

1    through a teledentistry dental service.

2            SECTION 6. The heading to Section 111.005, Occupations  
3 Code, is amended to read as follows:

4            Sec. 111.005. PRACTITIONER-PATIENT            RELATIONSHIP            FOR  
5 TELEMEDICINE MEDICAL SERVICES OR TELEDENTISTRY DENTAL SERVICES.

6            SECTION 7. Sections 111.005(a) and (b), Occupations Code,  
7 are amended to read as follows:

8            (a) For purposes of Section 562.056, a valid  
9 practitioner-patient relationship is present between a  
10 practitioner providing a telemedicine medical service or a  
11 teledentistry dental service and a patient receiving the  
12 [~~telemedicine medical~~] service as long as the practitioner complies  
13 with the standard of care described in Section 111.007 and the  
14 practitioner:

15            (1) has a preexisting practitioner-patient  
16 relationship with the patient established in accordance with rules  
17 adopted under Section 111.006;

18            (2) communicates, regardless of the method of  
19 communication, with the patient pursuant to a call coverage  
20 agreement established in accordance with:

21            (A) Texas Medical Board rules with a physician  
22 requesting coverage of medical care for the patient; or

23            (B) State Board of Dental Examiners rules with a  
24 dentist requesting coverage of dental care for the patient; or

25            (3) provides the telemedicine medical services or  
26 teledentistry dental services through the use of one of the  
27 following methods, as long as the practitioner complies with the

1 follow-up requirements in Subsection (b), and the method allows the  
2 practitioner to have access to, and the practitioner uses, the  
3 relevant clinical information that would be required in accordance  
4 with the standard of care described in Section [111.007](#):

5 (A) synchronous audiovisual interaction between  
6 the practitioner and the patient in another location;

7 (B) asynchronous store and forward technology,  
8 including asynchronous store and forward technology in conjunction  
9 with synchronous audio interaction between the practitioner and the  
10 patient in another location, as long as the practitioner uses  
11 clinical information from:

12 (i) clinically relevant photographic or  
13 video images, including diagnostic images; or

14 (ii) the patient's relevant clinical  
15 [medical] records, such as the relevant medical or dental history,  
16 laboratory and pathology results, and prescriptive histories; or

17 (C) another form of audiovisual  
18 telecommunication technology that allows the practitioner to  
19 comply with the standard of care described in Section [111.007](#).

20 (b) A practitioner who provides telemedicine medical  
21 services or teledentistry dental services to a patient as described  
22 in Subsection (a)(3) shall:

23 (1) provide the patient with guidance on appropriate  
24 follow-up care; and

25 (2) if the patient consents and the patient has a  
26 primary care physician or a regular dentist, provide to the  
27 patient's primary care physician or regular dentist, as

1 appropriate, within 72 hours after the practitioner provides the  
2 services to the patient, a clinical [medical] record or other  
3 report containing an explanation of the treatment provided by the  
4 practitioner to the patient and the practitioner's evaluation,  
5 analysis, or diagnosis, as appropriate, of the patient's condition.

6 SECTION 8. Section 111.006, Occupations Code, is amended by  
7 adding Subsection (c) to read as follows:

8       (c) The State Board of Dental Examiners and the Texas State  
9 Board of Pharmacy shall jointly adopt rules that establish the  
10 determination of a valid prescription in accordance with Section  
11 111.005, as that section applies to teledentistry dental services.  
12 Rules adopted under this subsection must allow for the  
13 establishment of a practitioner-patient relationship by a  
14 teledentistry dental service provided by a practitioner to a  
15 patient in a manner that complies with Section 111.005(a)(3). The  
16 State Board of Dental Examiners and the Texas State Board of  
17 Pharmacy shall jointly develop and publish on each respective  
18 board's Internet website responses to frequently asked questions  
19 relating to the determination of a valid prescription issued in the  
20 course of the provision of teledentistry dental services.

21 SECTION 9. Section 111.007, Occupations Code, is amended to  
22 read as follows:

23       Sec. 111.007. STANDARD OF CARE FOR TELEMEDICINE MEDICAL  
24 SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES.  
25 (a) A health professional providing a health care service or  
26 procedure as a telemedicine medical service, a teledentistry dental  
27 service, or a telehealth service is subject to the standard of care

1 that would apply to the provision of the same health care service or  
2 procedure in an in-person setting.

3 (b) An agency with regulatory authority over a health  
4 professional may not adopt rules pertaining to telemedicine medical  
5 services, teledentistry dental services, or telehealth services  
6 that would impose a higher standard of care than the standard  
7 described in Subsection (a).

8 SECTION 10. Chapter 111, Occupations Code, is amended by  
9 adding Section 111.009 to read as follows:

10 Sec. 111.009. CERTAIN PRESCRIPTIONS PROHIBITED. (a) In  
11 this section, "controlled substance" and "prescribe" have the  
12 meanings assigned by Section 481.002, Health and Safety Code.

13 (b) A dentist may not prescribe a controlled substance to a  
14 patient as a teledentistry dental service.

15 SECTION 11. Section 251.003, Occupations Code, is amended  
16 by adding Subsection (d) to read as follows:

17 (d) For purposes of this subtitle, a person located in  
18 another state practices dentistry in this state if the person  
19 through the use of any medium, including an electronic medium,  
20 performs an act that constitutes the practice of dentistry on a  
21 patient in this state.

22 SECTION 12. Chapter 254, Occupations Code, is amended by  
23 adding Section 254.0035 to read as follows:

24 Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS.  
25 The board shall adopt rules governing a call coverage agreement  
26 between dentists.

27 SECTION 13. Section 258.001, Occupations Code, is amended

1 to read as follows:

2                   Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not  
3 delegate:

4                   (1) an act to an individual who, by board order, is  
5 prohibited from performing the act;

6                   (2) any of the following acts to a person not licensed  
7 as a dentist or dental hygienist:

8                   (A) the removal of calculus, deposits, or  
9 accretions from the natural and restored surfaces of exposed human  
10 teeth and restorations in the human mouth;

11                  (B) root planing or the smoothing and polishing  
12 of roughened root surfaces or exposed human teeth; or

13                  (C) any other act the delegation of which is  
14 prohibited by board rule;

15                  (3) any of the following acts to a person not licensed  
16 as a dentist:

17                  (A) comprehensive examination or diagnosis and  
18 treatment planning;

19                  (B) a surgical or cutting procedure on hard or  
20 soft tissue;

21                  (C) the prescription of a drug, medication, or  
22 work authorization;

23                  (D) the taking of an impression for a final  
24 restoration, appliance, or prosthesis;

25                  (E) the making of an intraoral occlusal  
26 adjustment;

27                  (F) direct pulp capping, pulpotomy, or any other

1 endodontic procedure;

2 (G) the final placement and intraoral adjustment

3 of a fixed or removable appliance; or

4 (H) the placement of any final restoration; or

5 (4) the authority to an individual to administer a

6 local anesthetic agent, inhalation sedative agent, parenteral

7 sedative agent, or general anesthetic agent, including the

8 authority to administer an anesthetic or sedative agent as a

9 teledentistry dental service as that term is defined by Section

10 111.001, if the individual is not licensed as:

11 (A) a dentist with a permit issued by the board

12 for the procedure being performed, if a permit is required;

13 (B) a certified registered nurse anesthetist

14 licensed by the Texas Board of Nursing, only if the delegating

15 dentist holds a permit issued by the board for the procedure being

16 performed, if a permit is required; or

17 (C) a physician anesthesiologist licensed by the

18 Texas Medical Board.

19 SECTION 14. Subchapter A, Chapter 258, Occupations Code, is

20 amended by adding Section 258.004 to read as follows:

21 Sec. 258.004. COLLABORATIVE PRACTICE WITH DENTAL

22 HYGIENIST. (a) In this section, "collaborative practice

23 agreement" means a written practice agreement and protocols for the

24 practice of dental hygiene.

25 (b) A dental hygienist may practice dental hygiene under a

26 collaborative practice agreement with a dentist if the dental

27 hygienist has been engaged in the practice of dental hygiene for at

1    least one year with a minimum of 2,000 practice hours.

2            (c) A dental hygienist may enter into a collaborative  
3    practice agreement to practice dental hygiene in any setting  
4    authorized by law for the practice of dental hygiene.

5            (d) A collaborative practice agreement must include  
6    protocols:

7              (1) describing the practice of dental hygiene for:

8                (A) medically compromised patients;

9                (B) specific medical conditions;

10              (C) patients with needs related to age; and

11              (D) patients with complex medical histories;

12              (2) prescribing standards for specific dental hygiene  
13    procedures, including intervals for the performance of those  
14    procedures;

15              (3) prescribing intervals at which a supervising  
16    dentist must examine a patient;

17              (4) describing the services that the dental hygienist  
18    may provide, the procedures that the dental hygienist may perform,  
19    the practice settings in which the services may be provided and the  
20    procedures may be performed, and any limitations on the services  
21    and procedures;

22              (5) describing case selection criteria, assessment  
23    guidelines, and imaging frequency guidelines for patients by age  
24    and in relation to specific procedures;

25              (6) prescribing procedures for obtaining informed  
26    consent from patients and for creating and maintaining patient  
27    records;

1                   (7) establishing a plan for the dentist to review  
2                   patient records created and maintained by the dental hygienist;  
3                   (8) establishing a plan for the management of medical  
4                   emergencies in each setting in which the dental hygienist  
5                   practices;

6                   (9) establishing a quality assurance plan for the  
7                   dentist to monitor care provided by the dental hygienist, including  
8                   review of patient care, referrals, and charts;

9                   (10) describing the medications that may be  
10                   administered and dispensed by the dental hygienist and the specific  
11                   circumstances under which the medications may be administered and  
12                   dispensed;

13                   (11) describing any requirements for consultation  
14                   with the dentist before providing care to patients with specific  
15                   medical conditions or complex medical histories; and

16                   (12) establishing a plan, which includes clinical  
17                   resources and referrals, for situations in which a patient requires  
18                   treatment that exceeds the capabilities or scope of practice of the  
19                   dental hygienist.

20                   (e) A collaborative practice agreement may include  
21                   provisions to allow the practice of dental hygiene without:

22                   (1) prior examination of the patient by a dentist; and  
23                   (2) the presence of a supervising dentist.

24                   (f) A collaborative practice agreement must be:

25                   (1) signed by the dentist, the dental hygienist, and,  
26                   if applicable, a representative of the facility, program, or  
27                   organization in which the practice of dental hygiene takes place;

1                   (2) reviewed annually by the dentist and the dental  
2 hygienist who are parties to the collaborative practice agreement;  
3 and

4                   (3) made available to the board and other interested  
5 parties on request.

6                   (g) Not more than two collaborative practice agreements  
7 between a dentist and a dental hygienist may be in effect at a time.

8                   (h) Notwithstanding any rule adopted under Section  
9 111.004(b)(4), a dentist may have a collaborative practice  
10 agreement with not more than six dental hygienists at the same time.  
11 The board may grant an exception to the requirements of this  
12 subsection for the practice of dental hygiene in a public health  
13 setting.

14                   (i) Before providing any service authorized by a  
15 collaborative practice agreement, the dental hygienist must  
16 provide the patient with a written statement advising the patient  
17 that the dental hygiene services performed are not a substitute for  
18 examination by a dentist.

19                   (j) If a dental hygienist operating under a collaborative  
20 practice agreement makes a referral for further dental procedures,  
21 the dental hygienist must complete a referral form approved by the  
22 board and provide a copy of the form to the dentist who is a party to  
23 the collaborative practice agreement.

24                   SECTION 15. Section 262.001, Occupations Code, is amended  
25 by adding Subdivision (3) to read as follows:

26                   (3) "Teledentistry dental service" has the meaning  
27 assigned by Section 111.001.

1 SECTION 16. Section 262.151(a), Occupations Code, is  
2 amended to read as follows:

3 (a) A licensed dentist may delegate orally or in writing a  
4 service, task, or procedure to a dental hygienist who is under the  
5 supervision and responsibility of the dentist, if:

6 (1) the dental hygienist is licensed to perform the  
7 service, task, or procedure;

8 (2) the supervising dentist:

9 (A) examines the patient, including an  
10 examination performed as a teledentistry dental service:

11 (i) [(A)] at the time the service, task, or  
12 procedure is performed by the dental hygienist; or

13 (ii) [(B)] during the 12 calendar months  
14 preceding the date of performance of the service, task, or  
15 procedure by the dental hygienist; or

16 (B) enters into a collaborative practice  
17 agreement with the dental hygienist, as described by Section  
18 258.004, that includes a provision allowing the dental hygienist to  
19 practice dental hygiene without prior examination of the patient by  
20 the dentist; and

21 (3) the dental hygienist does not:

22 (A) diagnose a dental disease or ailment;

23 (B) prescribe a treatment or a regimen;

24 (C) prescribe oror orderor dispense  
25 medication; or

26 (D) except as authorized by the supervising  
27 dentist in a collaborative practice agreement described by Section

5 SECTION 17. Sections 262.1515(a), (b), and (c), Occupations  
6 Code, are amended to read as follows:

7                   (a) A licensed dentist may delegate a service, task, or  
8 procedure, pursuant to this section, to a dental hygienist, without  
9 complying with Section [262.151\(a\)\(2\)](#) if:

10 (1) the dental hygienist has at least two years'  
11 experience in the practice of dental hygiene; and

12 (2) the service, task, or procedure is performed in  
13 one of the following locations:

14 (A) a medical facility, including:

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(vi) a mental hospital licensed under

(vii) a community health center as defined by Section 136.002, Human Resources Code:

(viii) a mobile dental facility operating  
under a permit issued by the board; and

(ix) an outpatient clinic;

(B) a primary or secondary school [school-based established under Subchapter B, Chapter 38, Education]

(C) a Head Start program facility;

(D) a secure correctional facility as defined by  
nal Code:

(E) the

15 or who is receiving or is eligible to receive:

(i) home and community-based waiver services under the Medicaid program;

(ii) hospice services; or

(iii) other home care services; or

(F) any other facility approved by board rule [~~community health center as defined by Section 136.002, Human Resources Code~~].

23 (b) The patient may [must] be referred as needed to a  
24 licensed dentist after the completion of a service, task, or  
25 procedure performed under Subsection (a).

26 (c) A dental hygienist may [only] perform delegated tasks or  
27 procedures with respect to a patient for not more than 12 [six]

1 months unless:

2 (1) the patient has been examined by a dentist in  
3 compliance with Section 262.151(a)(2)(A);

4 (2) a dentist reviews the patient's dental records,  
5 including a review performed as a teledentistry dental service, and  
6 determines that the dental hygienist may continue to provide  
7 services to the patient; or

8 (3) a dentist otherwise provides teledentistry dental  
9 services to the patient and determines that the dental hygienist  
10 may continue to provide services to the patient [262.151(a)(2)].

11 SECTION 18. Section 562.056(c), Occupations Code, is  
12 amended to read as follows:

13 (c) For purposes of this section and Section 562.112, a  
14 valid practitioner-patient relationship is present between a  
15 practitioner providing telemedicine medical services or  
16 teledentistry dental services and the patient receiving the  
17 [telemedicine medical] services if the practitioner has complied  
18 with the requirements for establishing such a relationship in  
19 accordance with Section 111.005.

20 SECTION 19. Section 531.001, Government Code, is amended by  
21 adding Subdivision (6-a) to read as follows:

22 (6-a) "Teledentistry dental service" has the meaning  
23 assigned by Section 111.001, Occupations Code.

24 SECTION 20. The heading to Section 531.0216, Government  
25 Code, is amended to read as follows:

26 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF  
27 TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL

1    SERVICE PROVIDERS,    AND    TELEHEALTH    SERVICE    PROVIDERS    UNDER  
2    MEDICAID.

3                SECTION 21.    Sections [531.0216\(a\), \(b\), \(c\), \(d\), \(e\), and](#)  
4    (f), Government Code, are amended to read as follows:

5                (a)    The executive commissioner by rule shall develop and  
6    implement a system to reimburse providers of services under  
7    Medicaid for services performed using telemedicine medical  
8    services, teledentistry dental services, or telehealth services.

9                (b)    In developing the system, the executive commissioner by  
10   rule shall:

11                (1)    review programs and pilot projects in other states  
12   to determine the most effective method for reimbursement;

13                (2)    establish billing codes and a fee schedule for  
14   services;

15                (3)    consult with the Department of State Health  
16   Services to establish procedures to:

17                (A)    identify clinical evidence supporting  
18   delivery of health care services using a telecommunications system;  
19   and

20                (B)    annually review health care services,  
21   considering new clinical findings, to determine whether  
22   reimbursement for particular services should be denied or  
23   authorized;

24                (4)    establish a separate provider identifier for  
25   telemedicine medical services providers, teledentistry dental  
26   services providers, telehealth services providers, and home  
27   telemonitoring services providers; and

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5 (c) The commission shall encourage health care providers  
6 and health care facilities to participate as telemedicine medical  
7 service providers, teledentistry dental service providers, or  
8 telehealth service providers in the health care delivery system.  
9 The commission may not require that a service be provided to a  
10 patient through telemedicine medical services, teledentistry  
11 dental services, or telehealth services when the service can  
12 reasonably be provided by a physician or a dentist, if appropriate,  
13 through a face-to-face consultation with the patient in the  
14 community in which the patient resides or works. This subsection  
15 does not prohibit the authorization of the provision of any service  
16 to a patient through telemedicine medical services, teledentistry  
17 dental services, or telehealth services at the patient's request.

18 (d) Subject to Sections 111.004 and [Section] 153.004,  
19 Occupations Code, the executive commissioner may adopt rules as  
20 necessary to implement this section. In the rules adopted under  
21 this section, the executive commissioner shall:

22 (1) refer to the site where the patient is physically  
23 located as the patient site; and

24 (2) refer to the site where the physician, dentist, or  
25 health professional providing the telemedicine medical service,  
26 teledentistry dental service, or telehealth service is physically  
27 located as the distant site.

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6 (f) Not later than December 1 of each even-numbered year,  
7 the commission shall report to the speaker of the house of  
8 representatives and the lieutenant governor on the effects of  
9 telemedicine medical services, teledentistry dental services,  
10 telehealth services, and home telemonitoring services on Medicaid  
11 in the state, including the number of physicians, dentists, health  
12 professionals, and licensed health care facilities using  
13 telemedicine medical services, teledentistry dental services,  
14 telehealth services, or home telemonitoring services, the  
15 geographic and demographic disposition of the physicians,  
16 dentists, and health professionals, the number of patients  
17 receiving telemedicine medical services, teledentistry dental  
18 services, telehealth services, and home telemonitoring services,  
19 the types of services being provided, and the cost of utilization of  
20 telemedicine medical services, teledentistry dental services,  
21 telehealth services, and home telemonitoring services to Medicaid.

22 SECTION 22. The heading to Section 531.02161, Government  
23 Code, is amended to read as follows:

24 Sec. 531.02161. TELEMEDICINE, TELEDENTISTRY, TELEHEALTH,  
25 AND HOME TELEMONITORING TECHNOLOGY STANDARDS.

26 SECTION 23. Section 531.02161(b), Government Code, is  
27 amended to read as follows:

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7 SECTION 24. The heading to Section 531.02162, Government  
8 Code, is amended to read as follows:

9                   Sec. 531.02162. MEDICAID SERVICES PROVIDED THROUGH  
10 TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND  
11 TELEHEALTH SERVICES TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

12 SECTION 25. Sections 531.02162(b) and (c), Government Code,  
13 are amended to read as follows:

14 (b) The executive commissioner by rule shall establish  
15 policies that permit reimbursement under Medicaid and the child  
16 health plan program for services provided through telemedicine  
17 medical services, teledentistry dental services, and telehealth  
18 services to children with special health care needs.

19 (c) The policies required under this section must:

20 (1) be designed to:

21 (A) prevent unnecessary travel and encourage  
22 efficient use of telemedicine medical services, teledentistry  
23 dental services, and telehealth services for children with special  
24 health care needs in all suitable circumstances; and

25 (B) ensure in a cost-effective manner the  
26 availability to a child with special health care needs of services  
27 appropriately performed using telemedicine medical services.

1 teledentistry dental services, and telehealth services that are  
2 comparable to the same types of services available to that child  
3 without the use of telemedicine medical services, teledentistry  
4 dental services, and telehealth services; and

5 (2) provide for reimbursement of multiple providers of  
6 different services who participate in a single session of  
7 telemedicine medical services, teledentistry dental services,  
8 and telehealth services, or any combination of those services,  
9 session for a child with special health care needs, if the  
10 commission determines that reimbursing each provider for the  
11 session is cost-effective in comparison to the costs that would be  
12 involved in obtaining the services from providers without the use  
13 of telemedicine medical services, teledentistry dental services,  
14 and telehealth services, including the costs of transportation and  
15 lodging and other direct costs.

16 SECTION 26. Subchapter B, Chapter 531, Government Code, is  
17 amended by adding Section 531.02172 to read as follows:

18 Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL  
19 SERVICES. The commission by rule shall require each health and  
20 human services agency that administers a part of the Medicaid  
21 program to provide Medicaid reimbursement for teledentistry dental  
22 services provided by a dentist licensed to practice dentistry in  
23 this state or a dental hygienist licensed to practice dental  
24 hygiene in this state. The commission shall require reimbursement  
25 for a teledentistry dental service at the same rate as the Medicaid  
26 program reimburses for a comparable in-person dental service. A  
27 request for reimbursement may not be denied solely because an

1 in-person dental service between a dentist and a patient did not  
2 occur.

3 SECTION 27. The heading to Section [62.157](#), Health and  
4 Safety Code, is amended to read as follows:

5 Sec. 62.157. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY  
6 DENTAL SERVICES, AND TELEHEALTH SERVICES FOR CHILDREN WITH SPECIAL  
7 HEALTH CARE NEEDS.

8 SECTION 28. Sections [62.157](#)(a) and (b), Health and Safety  
9 Code, are amended to read as follows:

10 (a) In providing covered benefits to a child with special  
11 health care needs, a health plan provider must permit benefits to be  
12 provided through telemedicine medical services, teledentistry  
13 dental services, and telehealth services in accordance with  
14 policies developed by the commission.

15 (b) The policies must provide for:

16 (1) the availability of covered benefits  
17 appropriately provided through telemedicine medical services, teledentistry  
18 dental services, and telehealth services that are  
19 comparable to the same types of covered benefits provided without  
20 the use of telemedicine medical services, teledentistry dental  
21 services, and telehealth services; and

22 (2) the availability of covered benefits for different  
23 services performed by multiple health care providers during a  
24 single [~~telemedicine medical services and telehealth services~~]  
25 session of telemedicine medical services, teledentistry dental  
26 services, telehealth services, or any combination of those  
27 services, if the executive commissioner determines that delivery of

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1 the covered benefits in that manner is cost-effective in comparison  
2 to the costs that would be involved in obtaining the services from  
3 providers without the use of telemedicine medical services, teledentistry dental services, and telehealth services, including  
4 the costs of transportation and lodging and other direct costs.

5  
6 SECTION 29. Section 62.1571, Health and Safety Code, is  
7 amended to read as follows:

8 Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND  
9 TELEDENTISTRY DENTAL SERVICES. (a) In providing covered benefits  
10 to a child, a health plan provider must permit benefits to be  
11 provided through telemedicine medical services and teledentistry  
12 dental services in accordance with policies developed by the  
13 commission.

14 (b) The policies must provide for:

15 (1) the availability of covered benefits  
16 appropriately provided through telemedicine medical services and  
17 teledentistry dental services that are comparable to the same types  
18 of covered benefits provided without the use of telemedicine  
19 medical services and teledentistry dental services; and

20 (2) the availability of covered benefits for different  
21 services performed by multiple health care providers during a  
22 single session of telemedicine medical services, teledentistry  
23 dental services, or both services, if the executive commissioner  
24 determines that delivery of the covered benefits in that manner is  
25 cost-effective in comparison to the costs that would be involved in  
26 obtaining the services from providers without the use of  
27 telemedicine medical services or teledentistry dental services,

1 including the costs of transportation and lodging and other direct  
2 costs.

3        (c) [ (d) ] In this section, "teledentistry dental service"  
4 and "telemedicine medical service" have [has] the meanings  
5 [meanings] assigned by Section [531.001](#), Government Code.

6        SECTION 30. Section [32.024](#), Human Resources Code, is  
7 amended by adding Subsection (11) to read as follows:

8            (11) The executive commissioner shall establish a separate  
9 provider type for dental hygienists for purposes of enrollment as a  
10 provider of and reimbursement under the medical assistance program.

11        SECTION 31. Section [843.002](#)(24), Insurance Code, is amended  
12 to read as follows:

13            (24) "Provider" means:

14                (A) a person, other than a physician, who is  
15 licensed or otherwise authorized to provide a health care service  
16 in this state, including:

17                    (i) a chiropractor, registered nurse,  
18 pharmacist, optometrist, [or] acupuncturist, or dental hygienist;  
19 or

20                    (ii) a pharmacy, hospital, or other  
21 institution or organization;

22                    (B) a person who is wholly owned or controlled by  
23 a provider or by a group of providers who are licensed or otherwise  
24 authorized to provide the same health care service; or

25                    (C) a person who is wholly owned or controlled by  
26 one or more hospitals and physicians, including a  
27 physician-hospital organization.

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1 SECTION 32. Section [1301.001](#)(1-a), Insurance Code, is  
2 amended to read as follows:

3 (1-a) "Health care provider" means a practitioner,  
4 institutional provider, or other person or organization that  
5 furnishes health care services and that is licensed or otherwise  
6 authorized to practice in this state. ~~[The term includes a~~  
7 ~~pharmacist and a pharmacy.]~~ The term does not include a physician.

8 The term includes:

9 (A) a pharmacist;  
10 (B) a pharmacy; and  
11 (C) a dental hygienist.

12 SECTION 33. Section [1451.101](#), Insurance Code, is amended by  
13 amending Subdivision (1) and adding Subdivision (1-a) to read as  
14 follows:

15 (1) "Dental hygienist" has the meaning assigned by  
16 Section [256.051](#), Occupations Code.

17 (1-a) "Health insurance policy" means a policy,  
18 contract, or agreement described by Section [1451.102](#).

19 SECTION 34. Subchapter C, Chapter [1451](#), Insurance Code, is  
20 amended by adding Section 1451.128 to read as follows:

21 Sec. 1451.128. SELECTION OF DENTAL HYGIENIST. An insured  
22 may select a dental hygienist to provide the services scheduled in  
23 the health insurance policy that are within the scope of the dental  
24 hygienist's license.

25 SECTION 35. The heading to Chapter [1455](#), Insurance Code, is  
26 amended to read as follows:

27 CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

1 SECTION 36. Section 1455.001, Insurance Code, is amended by  
2 amending Subdivisions (1) and (3) and adding Subdivision (1-a) to  
3 read as follows:

4 (1) "Dentist" means a person licensed to practice  
5 dentistry in this state under Subtitle D, Title 3, Occupations  
6 Code.

7 (1-a) "Health professional" means:

8 (A) a physician;

9 (B) an individual who is:

10 (i) licensed or certified in this state to  
11 perform health care services; and

12 (ii) authorized to assist:

13 (a) a physician in providing  
14 telemedicine medical services that are delegated and supervised by  
15 the physician; or

16 (b) a dentist in providing  
17 teledentistry dental services that are delegated and supervised by  
18 the dentist;

19 (C) a licensed or certified health professional  
20 acting within the scope of the license or certification who does not  
21 perform a telemedicine medical service; or

22 (D) a dentist.

23 (3) "Teledentistry dental service," "telehealth  
24 ["Telehealth] service," and "telemedicine medical service" have  
25 the meanings assigned by Section 111.001, Occupations Code.

26 SECTION 37. Section 1455.004, Insurance Code, is amended to  
27 read as follows:

1           Sec. 1455.004. COVERAGE FOR TELEMEDICINE MEDICAL SERVICES, 2           TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) A  
3           health benefit plan may not exclude from coverage a covered health  
4           care service or procedure delivered by a preferred or contracted  
5           health professional to a covered patient as a telemedicine medical  
6           service, a teledentistry dental service, or a telehealth service  
7           solely because the covered health care service or procedure is not  
8           provided through an in-person consultation.

9           (b) A health benefit plan may require a deductible, a  
10          copayment, or coinsurance for a covered health care service or  
11          procedure delivered by a preferred or contracted health  
12          professional to a covered patient as a telemedicine medical  
13          service, a teledentistry dental service, or a telehealth service.  
14          The amount of the deductible, copayment, or coinsurance may not  
15          exceed the amount of the deductible, copayment, or coinsurance  
16          required for the covered health care service or procedure provided  
17          through an in-person consultation.

18           (c) Notwithstanding Subsection (a), a health benefit plan  
19          is not required to provide coverage for a telemedicine medical  
20          service, a teledentistry dental service, or a telehealth service  
21          provided by only synchronous or asynchronous audio interaction,  
22          including:

23                   (1) an audio-only telephone consultation;  
24                   (2) a text-only e-mail message; or  
25                   (3) a facsimile transmission.

26           SECTION 38. Section 1455.006, Insurance Code, is amended to  
27          read as follows:

1 Sec. 1455.006. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES STATEMENT.

2 (a) Each issuer of a health benefit plan shall adopt and display in  
3 a conspicuous manner on the health benefit plan issuer's Internet  
4 website the issuer's policies and payment practices for  
5 telemedicine medical services, teledentistry dental services, and  
6 telehealth services.

7 (b) This section does not require an issuer of a health  
8 benefit plan to display negotiated contract payment rates for  
9 health professionals who contract with the issuer to provide  
10 telemedicine medical services, teledentistry dental services, or  
11 telehealth services.

12 SECTION 39. (a) Not later than March 1, 2020, the State  
13 Board of Dental Examiners and the Texas State Board of Pharmacy  
14 shall jointly adopt rules as required by Section 111.006(c),  
15 Occupations Code, as added by this Act.

16 (b) Not later than March 1, 2020, the State Board of Dental  
17 Examiners shall adopt:

18 (1) rules necessary to implement Chapter 111,  
19 Occupations Code, as amended by this Act;

20 (2) rules as required by Section 254.0035, Occupations  
21 Code, as added by this Act; and

22 (3) rules necessary to implement Section 258.004,  
23 Occupations Code, as added by this Act.

24 SECTION 40. As soon as practicable after the effective date  
25 of this Act, the Health and Human Services Commission shall  
26 establish and implement a separate provider type for dental

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1 hygienists as required by Section [32.024](#)(11), Human Resources Code,  
2 as added by this Act.

3 SECTION 41. If before implementing any provision of this  
4 Act a state agency determines that a waiver or authorization from a  
5 federal agency is necessary for implementation of that provision,  
6 the agency affected by the provision shall request the waiver or  
7 authorization and may delay implementing that provision until the  
8 waiver or authorization is granted.

9 SECTION 42. (a) Except as provided by Subsection (b) of  
10 this section, this Act takes effect September 1, 2019.

11 (b) Sections [1455.004](#) and [1455.006](#), Insurance Code, as  
12 amended by this Act, take effect January 1, 2020.