

BILL ANALYSIS

Senate Research Center
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S.B. 792
By: Perry
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many Texans in rural settings continue to have inadequate access to general and specialty oral healthcare. They must travel long distances to see a dentist, and even longer distances for specialists. This travel often requires residents to take a day off work or from school to make the round trip to meet with their dentist in-person for a routine dental cleaning, examination, or consultation with a specialist.

In the 2017 legislative session, the house of representatives and the senate unanimously passed S.B. 1107, addressing telemedicine and telehealth services; however, dentistry was not included in the legislation.

S.B. 792 allows for dentists and dental professionals to communicate, collaborate, and share patient information, allowing rural residents additional access to healthcare professionals. It would also help reduce the number of visits and travel time to see a dental specialist in a more urban area. This is a proven practical effective solution to increasing access and removing barriers to critical services. S.B. 792 will bring care to those who are currently underserved.

S.B. 792 amends the current telehealth statute to include teledentistry, dentists and dental hygienists and gives authority to the Texas State Board of Dental Examiners to promulgate rules. The bill would allow for a dentist to supervise a dental hygienist in an alternate site other than the dental office, bringing care directly to patients in alternate settings.

As proposed, S.B. 792 amends current law relating to the practice of dentistry and the provision of teledentistry dental services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 5 (Section 111.004, Occupations Code), SECTION 8 (Section 111.006, Occupations Code), and SECTION 12 (Section 254.0035, Occupations Code), of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 21 (Section 531.0216, Government Code), SECTION 23 (Section 513.02161, Government Code), and SECTION 25 (Section 531.02162, Government Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 111, Occupations Code, to read as follows:

CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

SECTION 2. Amends Section 111.001, Occupations Code, by amending Subdivisions (1) and (3) and adding Subdivision (2-a), as follows:

(1) Defines "dentist," in addition to "health professional" and "physician."

(2-a) Defines "teledentistry dental service."

(3) Redefines "telehealth service" to include a teledentistry dental service.

SECTION 3. Amends Section 111.002, Occupations Code, as follows:

Sec. 111.002. INFORMED CONSENT. Requires a treating physician, dentist, or health professional who provides or facilitates the use of telemedicine medical services, teledentistry dental services, or telehealth services to ensure that the informed consent of the patient, or another appropriate individual authorized to make health care treatment decisions for the patient, is obtained before telemedicine medical services, teledentistry dental services, or telehealth services are provided.

SECTION 4. Amends Section 111.003, Occupations Code, as follows:

Sec. 111.003. CONFIDENTIALITY. Requires a treating physician, dentist, or health professional who provides or facilitates the use of telemedicine medical services, teledentistry dental services, or telehealth services to ensure that the confidentiality of the patient's clinical, rather than medical, information is maintained as required by Chapter 159 (Physician-Patient Communication), by Subchapter C (Dental Privilege), Chapter 258, or by other applicable law.

SECTION 5. Amends Section 111.004, Occupations Code, as follows:

Sec. 111.004. RULES. (a) Creates this subsection from existing text.

(b) Authorizes the State Board of Dental Examiners (TSBDE), in consultation with the commissioner of insurance, as appropriate, to adopt rules necessary to:

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

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

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

(4) establish the maximum number of health professionals who are not dentists that a dentist may supervise through a teledentistry dental service.

SECTION 6. Amends the heading to Section 111.005, Occupations Code, to read as follows:

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

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

(a) Provides that for purposes of Section 562.056 (Practitioner-Patient Relationship Required), a valid practitioner-patient relationship is present between a practitioner providing a telemedicine medical service or a teledentistry dental service and a patient receiving the service, rather than receiving the telemedicine medical service, as long as the practitioner complies with the standard of care described in Section 111.007 (Standard of Care for Telemedicine Medical Services and Telehealth Services) and the practitioner:

(1) makes no changes to this subdivision;

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

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

(B) TSBDE rules with a dentist requesting coverage of dental care for the patient; or

(3) provides the telemedicine medical services or teledentistry dental services through the use of one of the following methods, as long as the practitioner complies with the follow-up requirements in Subsection (b), and the method allows the practitioner to have access to, and the practitioner uses, the relevant clinical information that would be required in accordance with the standard of care described in Section 111.007:

(A) makes no changes to this paragraph;

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

(i) makes no changes to this subparagraph;

(ii) the patient's relevant clinical, rather than medical, records, such as the relevant medical or dental history, laboratory and pathology results, and prescriptive histories; or

(C) makes no changes to this paragraph.

(b) Requires a practitioner who provides telemedicine medical services or teledentistry dental services to a patient as described in Subsection (a) (3) to provide the patient with guidance on appropriate follow-up care, and if the patient consents and the patient has a primary care physician or a regular dentist, provide to the patient's primary care physician or regular dentist, as appropriate, within 72 hours after the practitioner provides the services to the patient, a clinical record, rather than medical record, or other report containing an explanation of the treatment provided by the practitioner to the patient and the practitioner's evaluation, analysis, or diagnosis, as appropriate, of the patient's condition.

SECTION 8. Amends Section 111.006, Occupations Code, by adding Subsection (c), as follows:

(c) Requires TSBDE and the Texas State Board of Pharmacy (TSBP) to jointly adopt rules that establish the determination of a valid prescription in accordance with Section 111.005 (Practitioner-Patient Relationship for Telemedicine Medical Services), as that section applies to teledentistry dental services. Requires rules adopted under this subsection to allow for the establishment of a practitioner-patient relationship by a teledentistry dental service provided by a practitioner to a patient in a manner that complies with Section 111.005 (a) (3). Requires TSBDE and TSBP to jointly develop and publish on each respective board's Internet website responses to frequently asked questions relating to the determination of valid prescription issued in the course of the provision of teledentistry dental services.

SECTION 9. Amends Section 111.007, Occupations Code, as follows:

Sec. 111.007. New heading: STANDARD OF CARE FOR TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) Provides that a health professional providing a health care service or procedure as a telemedicine medical service, a teledentistry

dental service, or a telehealth service is subject to the standard of care that would apply to the provision of the same health care service or procedure in an in-person setting.

(b) Prohibits an agency with regulatory authority over a health professional from adopting rules pertaining to telemedicine medical services, teledentistry dental services, or telehealth services that would impose a higher standard of care than the standard described in Subsection (a).

SECTION 10. Amends Chapter 111, Occupations Code, by adding Section 111.009, as follows:

Sec. 111.009. CERTAIN PRESCRIPTIONS PROHIBITED. (a) Defines "controlled substance" and "prescribe."

(b) Prohibits a dentist from prescribing a controlled substance to a patient as a teledentistry dental service.

SECTION 11. Amends Section 251.003, Occupations Code, by adding Subsection (d), to provide that for purposes of this subtitle, a person located in another state practices dentistry in this state if the person through the use of any medium, including an electronic medium, performs an act that constitutes the practice of dentistry on a patient in this state.

SECTION 12. Amends Chapter 254, Occupations Code, by adding Section 254.0035, as follows:

Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS. Requires TSBDE to adopt rules governing a call coverage agreement between dentists.

SECTION 13. Amends Section 258.001, Occupations Code, as follows:

Sec. 258.001. IMPERMISSIBLE DELEGATIONS. Prohibits a dentist from delegating to an individual the authority to administer a local anesthetic agent, inhalation sedative agent, parenteral sedative agent, or general anesthetic agent, including the authority to administer an anesthetic or sedative agent as a teledentistry dental service as that term is defined by Section 111.001 (Definitions), if the individual is not licensed as one of certain health professionals. Makes no other changes to this section.

SECTION 14. Amends Subchapter A, Chapter 258, Occupations Code, by adding Section 258.004, as follows:

Sec. 258.004. COLLABORATIVE PRACTICE WITH DENTAL HYGIENIST. (a) Defines "collaborate practice agreement."

(b) Authorizes a dental hygienist to practice dental hygiene under a collaborative practice agreement with a dentist if the dental hygienists has been engaged in the practice of dental hygiene for at least one year with a minimum of 2,000 practice hours.

(c) Authorizes a dental hygienist to enter into a collaborative practice agreement to practice dental hygiene in any setting authorized by law for the practice of dental hygiene.

(d) Requires a collaborative practice agreement to include protocols:

- (1) describing the practice of dental hygiene for medically compromised patients, specific medical conditions, patients with needs related to age, and patients with complex medical histories;
- (2) prescribing standards for specific dental hygiene procedures, including intervals for the performance of those procedures;
- (3) prescribing intervals at which a supervising dentist must examine a patient;
- (4) describing the services that the dental hygienist may provide, the procedures that the dental hygienist may perform, the practice settings in which the services may be provided and the procedures may be performed, and any limitations on the services and procedures;
- (5) describing case selection criteria, assessment guidelines, and imaging frequency guidelines for patients by age and in relation to specific procedures;
- (6) prescribing procedures for obtaining informed consent from patients and for creating and maintaining patient records;
- (7) establishing a plan for the dentist to review patient records created and maintained by the dental hygienist;
- (8) establishing a plan for the management of medical emergencies in each setting in which the dental hygienist practices;
- (9) establishing a quality assurance plan for the dentist to monitor care provided by the dental hygienist, including review of patient care, referrals, and charts;
- (10) describing the medications that may be administered and dispensed by the dental hygienist and the specific circumstances under which the medications may be administered and dispensed;
- (11) describing any requirements for consultation with the dentist before providing care to patients with specific medical conditions or complex medical histories; and
- (12) establishing a plan, which includes clinical resources and referrals, for situations in which a patient requires treatment that exceeds the capabilities or scope of practice of the dental hygienist.

(e) Authorizes a collaborative practice agreement to include provisions to allow the practice of dental hygiene without prior examination of the patient by a dentist and without the presence of a supervising dentist.

(f) Requires a collaborative practice agreement to be signed by the dentist, the dental hygienist, and, if applicable, a representative of the facility, program, or organization in which the practice of dental hygiene takes place; be reviewed annually by the dentist and the dental hygienist who are parties to the collaborative practice agreement; and be made available to the board and other interested parties on request.

(g) Provides that not more than two collaborative practice agreements between a dentist and a dental hygienist may be in effect at a time.

(h) Authorizes a dentist, notwithstanding any rule adopted under Section 111.004(b)(4) (related to a requirement that the rules establish the maximum number of health professionals who are not physicians that a physician may supervise through a telemedicine medical service), to have a collaborative practice agreement with not more than six dental hygienists at the same time. Authorizes TSBDE to grant an exception to the requirements of this subsection for the practice of dental hygiene in a public health setting.

(i) Requires the dental hygienist, before providing any service authorized by a collaborative practice agreement, to provide the patient with a written statement advising the patient that the dental hygiene services performed are not a substitute for examination by a dentist.

(j) Requires the dental hygienists, if a dental hygienist operating under a collaborative practice agreement makes a referral for further dental procedures, to complete a referral form approved by TSBDE and provide a copy of the form to the dentist who is a party to the collaborative practice agreement.

SECTION 15. Amends Section 262.001, Occupations Code, by adding Subdivision (3) to define "teledentistry dental service."

SECTION 16. Amends Section 262.151(a), Occupations Code, as follows:

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

(1) makes no changes to this subdivision;

(2) the supervising dentist:

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

(i)-(ii) makes no changes to these subparagraphs; or

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

(3) the dental hygienist does not, except as authorized by the supervising dentist in a collaborative practice agreement described by Section 258.004, administer or dispense medication.

SECTION 17. Amends Sections 262.1515(a), (b), and (c), Occupations Code, as follows:

(a) Authorizes a licensed dentists to delegate a service, task, or procedure, pursuant to this section, to a dental hygienist, without complying with Section 262.151(a)(2) (relating to the delegation of a service, task, or procedure if the supervising dentist examines the patient at the time the service, task, or procedure is performed by the dental hygienist) if the service, task, or procedure is performed in one of the following locations:

(A) a medical facility, including:

(i) a public health clinic conducted by a local health unit, health department, or public health district organized and

recognized under Chapter 121 (Local Public Health Reorganizations Act), Health and Safety Code;

(ii) a general hospital or special, as those terms are defined by Section 241.003 (Definitions), Health and Safety Code, including a hospital maintained or operated by this state;

(iii) creates this subparagraph from existing text, and makes no changes to the text;

(iv) an ambulatory surgical center licensed under Chapter 243 (Ambulatory Surgical Centers), Health and Safety Code;

(v) a birthing center licensed under Chapter 244 (Birthing Centers), Health and Safety Code;

(vi) a mental hospital licensed under Chapter 577 (Private Mental Hospitals and Other Mental Health Facilities), Health and Safety Code;

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

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

(ix) an outpatient clinic;

(B) a primary or secondary school, rather than a school-based health center established under Subchapter B (School-Based Health Centers), Chapter 38 (Health and Safety), Education Code;

(C) a Head Start program facility;

(D) a secure correctional facility as defined by Section 1.07 (Definitions), Penal Code;

(E) the residence of patient who is homebound 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 TSBDE rule, rather than a community health center as defined by Section 136.002 (Definitions), Human Resources Code.

(b) Authorizes, rather than requires, the patient to be referred as needed to a licensed dentist after the completion of a service, task, or procedure performed under Subsection (a).

(c) Authorizes a dental hygienist to perform, rather than only perform, delegated tasks or procedures with respect to a patient for not more than 12 months, rather than six months, unless:

(1) the patient has been examined by a dentist in compliance with Section 262.151 (a) (2) (A) (relating to the supervising dentist examining the patient at the time the service, task, or procedure is performed), rather than 262.151 (a)(2);

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

(3) a dentist otherwise provides teledentistry dental services to the patient and determines that the dental hygienist is authorized to continue to provide services to the patient.

SECTION 18. Amends Section 562.056(c), Occupations Code, as follows:

(c) Provides that, for purposes of this section and Section 562.112 (Practitioner-Patient Relationship Required), a valid practitioner-patient relationship is present between a practitioner providing telemedicine medical services or teledentistry dental services and the patient receiving the services, rather than the telemedicine medical services, if the practitioner has complied with requirements for establishing such a relationship in accordance with Section 111.005.

SECTION 19. Amends Section 531.001, Government Code, by adding Subdivision (6-a), to define "teledentistry dental service."

SECTION 20. Amends the heading to Section 531.0216, Government Code, to read as follows:

Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL SERVICE PROVIDERS, AND TELEHEALTH SERVICE PROVIDERS UNDER MEDICAID.

SECTION 21. Sections 531.0216(a), (b), (c), (d), (e), and (f), Government Code, as follows:

(a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) by rule to develop and implement a system to reimburse providers of services under Medicaid for services performed using telemedicine medical services, teledentistry dental services, or telehealth services.

(b) Requires the executive commissioner by rule, in developing the system, to:

(1)–(3) makes no changes to these subdivisions.

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

(5) establish a separate modifier for telemedicine medical services, teledentistry dental services, telehealth services, and home telemonitoring services eligible for reimbursement.

(c) Requires HHSC to encourage health care providers and health care facilities to participate as telemedicine medical service providers, teledentistry dental service providers, or telehealth service providers in the health care delivery system. Prohibits HHSC from requiring that a service be provided to a patient through telemedicine medical services, teledentistry dental services, or telehealth services when the service can reasonably be provided by a physician or a dentist, if appropriate, through a face-to face consultation with the patient in the community in which the patient resides or works. Provides that this subsection does not prohibit the authorization of the provision of any service to a patient through telemedicine medical services, teledentistry dental services, or telehealth services at the patient's request.

(d) Authorizes the executive commissioner, subject to Sections 111.004 and 153.004, to adopt rules as necessary to implement this section. Requires the executive commissioner, in the rules adopted under this section to refer to the site where the physician, dentist, or health professional providing the telemedicine medical service, teledentistry dental service, or telehealth service is physically located as the distant site.

(e) Prohibits HHSC from reimbursing a health care facility for telemedicine medical services, teledentistry dental services, or telehealth services provided to a Medicaid recipient unless the facility complies with the minimum standards adopted under Section 531.02161.

(f) Requires HHSC, not later than December 1 of each even-numbered year, to report to the speaker of the house of representatives and the lieutenant governor on the effects of certain services, including teledentistry dental services, on Medicaid in the state. Makes conforming changes.

SECTION 22. Amends the heading to Section 531.02161, Government Code, to read as follows:

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

SECTIONS 23. Amends Section 531.02161(b), Government Code, as follows:

(b) Requires the executive commissioner by rule to establish and adopt minimum standards for an operating system used in the provision of teledentistry dental services, by a health care facility participating in Medicaid, including standards for electronic transmission, software, and hardware.

SECTIONS 24. Amends the heading to Section 531.02162, Government Code, to read as follows:

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

SECTIONS 25. Amends Sections 531.02162(b) and (c), Government Code, as follows:

(b) Requires the executive commissioner by rule to establish policies that permit reimbursement under Medicaid and the child health plan program for services provided through teledentistry dental services to children with special health care needs.

(c) Requires the policies under this section to:

(1) makes a conforming change; and

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

SECTIONS 26. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02172, as follows:

Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL SERVICES. Requires HHSC by rule to require each health and human services agency that administers a part of the Medicaid program to provide Medicaid reimbursement for teledentistry dental services provided by a dentist licensed to practice dentistry in this state or a dental hygienist licensed to practice dental hygiene in this state or a dental hygienist licensed to practice dental hygiene in this state. Requires HHSC to require reimbursement for a teledentistry dental service at the same rate as the Medicaid program reimburses for a comparable in-person dental service. Prohibits a request for reimbursement from being denied solely because an in-person dental service between dentist and a patient did not occur.

SECTIONS 27. Amends the heading to Section 62.157, Health and Safety Code, to read as follows:

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

SECTIONS 28. Amends Sections 62.157(a) and (b), Health and Safety Code, as follows:

(a) Requires a health care provider, in providing covered benefits to a child with special health care needs, to permit benefits to be provided through teledentistry dental services, in accordance with policies developed by HHSC.

(b) Requires the policies to provide for:

(1) makes conforming changes; and

(2) the availability of covered benefits for different services performed by multiple health care providers during a single session of telemedicine medical services, teledentistry dental services, telehealth services, or any combination of those services, rather than telemedicine medical services and telehealth services, if the executive commissioner determines that delivery of the covered benefits in that manner is cost-effective in comparison to the costs that would be involved in obtaining the services from providers without the use of telemedicine medical services, teledentistry dental services, and telehealth services, including the costs of transportation and lodging and other direct costs.

SECTION 29. Amends Section 62.1571, Health and Safety Code, as follows:

Sec. 62.1571. New heading: TELEMEDICINE MEDICAL SERVICES AND TELEDENTISTRY DENTAL SERVICES. (a) Requires a health plan provider, in providing covered benefits to a child, to permit benefits to be provided through telemedicine medical services and teledentistry dental services in accordance with policies developed by the commission.

(b) Makes conforming changes.

(c) Redesignates Subsection (d) as Subsection (c). Defines "teledentistry dental service," and "telemedicine medical service"

SECTION 30. Amends Section 32.024, Human Resources Code, is by adding Subsection (11) to require the executive commissioner to establish a separate provider type for dental hygienists for purposes of enrollment as a provider of and reimbursement under the medical assistance program.

SECTION 31. Amends Section 843.002(24), Insurance Code, to include dental hygienist in the definition of "provider."

SECTION 32. Amends Section 1301.001(1-a), Insurance Code, to redefine "health care provider" and to provide that the term includes a pharmacist; a pharmacy, and hygienist. Makes nonsubstantive changes.

SECTION 33. Amends Section 1451.101, Insurance Code, by amending Subdivision (1) and adding Subdivision (1-a), as follows:

(1) Defines "dental hygienist."

(1-a) Creates this subsection from existing text.

SECTION 34. Amends Subchapter C, Chapter 1451, Insurance Code, by adding Section 1451.128, as follows:

Sec. 1451.128. SELECTION OF DENTAL HYGIENIST. Authorizes an insured to select a dental hygienist to provide the services scheduled in the health insurance policy that are within the scope of the dental hygienist's license.

SECTION 35. Amends the heading to Chapter 1455, Insurance Code, to read as follows:

CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

SECTION 36. Amends Section 1455.001, Insurance Code, by amending Subdivisions (1) and (3) and adding Subdivision (1-a), as follows:

(1) Defines "dentist," redefines "health professional," and defines "teledentistry dental service."

SECTION 37. Amends Section 1455.004, Insurance Code, as follows:

Sec. 1455.004. New heading: COVERAGE FOR TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES.

(a) Prohibits a health benefit plan from excluding from coverage a covered health care service or procedure delivered by a preferred or contracted health professional to a covered patient as a teledentistry dental service solely because the covered health care service or procedure is not provided through an in-person consultation.

(b) and (c) Makes conforming changes.

SECTION 38. Amends Section 1455.006, Insurance Code, as follows:

Sec. 1455.006. New heading: TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES STATEMENT. (a) Requires each issuer of a health benefit plan to adopt and display in a conspicuous manner on the health benefit plan issuer's Internet website the issuer's policies and payment practices for teledentistry dental services.

(b) Makes a conforming change.

SECTION 39. (a) Requires TSBDE and TSBP to jointly adopt rules as required by Section 111.006(c), Occupations Code, as added by the Act, not later than March 1, 2020.

(b) Requires the State Board of Dental Examiners, not later than March 1, 2020, to adopt:

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

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

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

SECTION 40. Requires HHSC, as soon as practicable after the effective date of this Act, to establish and implement a separate provider type for dental hygienists as required by Section 32.024(11), Human Resources Code, as added by this Act.

SECTION 41. Requires an agency affected by the provision, if before implementing any provision of this Act a state agency determines 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 agency to delay implementing that provision until the waiver or authorization is granted.

SECTION 42. (a) Effective date, except as provided by Subsection (b): September 1, 2019.

(b) Effective date, Sections 1455.004 and 1455.006, Insurance Code, as amended by this Act: January 1, 2020.