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# Brush Up on what **Went Down** at the **85th**

Inside:  
**7 ISSUES**  
that affect your  
patients and your  
profession.

## 1 TSBDE Sunset Review

The Texas State Board of Dental Examiners (TSBDE) was one of 31 agencies under Sunset review in the 85th Legislative Session. Reviews generally occur every 12 years and are designed to determine if a state agency's functions remain necessary and, if so, to create efficiencies and ease administrative burdens.

No single legislative effort has the potential to affect dentistry more than the Sunset review of the TSBDE. The review—and influencing the outcome of it—were the TDA's top priorities in the 85th Legislative Session.

The initial Sunset legislation—Senate Bill 313—was problematic, with many intended and unintended consequences. TDA worked with lawmakers and stakeholders throughout the session to amend the bill and, although issues remain, the end result fortifies the dental board's anesthesia regulations, streamlines dental assistant certifications, provides clear enforcement tools, and increases stakeholder input on rule proposals. TDA efforts ensured the legislation was data-driven and prevented the bill from becoming a vehicle for special interest efforts.

TDA spent countless hours and political capital to help shape Senate Bill 313 into a law that balances regulations for dentists and enhances safety for patients.

## 2 Access To Dental Care

Increasing access to dental care is always a top priority of the TDA. This session, the TDA partnered with lawmakers to create limited charitable dental and dental hygiene licenses for military personnel (House Bill 2007). Licensees may only practice at clinics treating indigent patients and may not receive compensation for their services.

Accessing appropriate dental care from a dentist is very important for Texans living in state facilities. TDA supported Senate Bill 1565, which simplifies the dental consent process for facility residents needing immediate dental care when consent can't be obtained from the patient or authorized relative.

Improving access to dental care also includes supporting public health initiatives that educate Texans about how to protect their dental health and overall health. The TDA, along with members of a statewide public health coalition, advocated successfully for the passage of Senate Bill 489, which mandates education on e-cigarettes as part of the health education curriculum for public middle schools and high schools.

Unfortunately, state budget challenges eliminated funding for the Dental Education Loan Repayment Program. TDA believes that this program is an important part of encouraging dentists to practice in rural and underserved areas of the state and will try to reinstate the program's funding in the 86th Legislative Session.

## 3 Medicaid Dental Program

In the wake of significant reductions to the state budget, TDA protected the majority of Medicaid dental funding. During the legislative interim,

the state will study the policy and procedures associated with anesthetizing Medicaid enrolled children. The state will also study the delivery of Medicaid dental services to adults with disabilities.

Senate Bill 894 addresses the deficiencies existing with the state's audit processes for dental managed care organizations (DMOs). TDA supported House Bill 2379, which clarifies the DMOs role in detecting potential waste, fraud and abuse in the Medicaid program.

Transparency and accountability are key components of the state's Medicaid and CHIP dental programs. Due to the TDA's advocacy efforts, dentists will have additional opportunities to monitor the state's actions by the passage of House Bill 630, which requires Texas Health and Human Services to broadcast their open meetings live on the internet and to archive the proceedings for 2 years.

## 4 Scope Expansion

As in previous legislative sessions, there were attempts to expand the scope of practice of non-dentists. The TDA defeated legislative proposals that would have paved the way for a mid-level dental provider in Texas by putting pain control in the hands of lesser-trained and lesser-educated individuals.

## 5 Prescription Monitoring

TDA stands with other health care prescribers, manufacturers, wholesalers, and pharmacists in efforts to reduce opioid abuse. During the 85th Legislative Session, TDA joined the Texas Medical Association and other stakeholders to advocate for data-driven solutions to reduce opioid abuse

## Major Provisions

- ☑ Continues the agency for another 12 years.
- ☑ Modifies the board's size, reducing it from 15 members to 11 members—6 dentists, 3 hygienists, and 2 public members.
- ☑ Maintains dentists' abilities to anesthetize patients in the dental office.
- ☑ Clarifies the TSBDE's authority to regulate and inspect anesthesia permit holders.
- ☑ Retains and simplifies dentists' abilities to provide portable anesthesia services.
- ☑ Requires additional training for dentists administering anesthesia to children and high-risk patients and requires capnography during the administration of Level 4 anesthesia.
- ☑ Authorizes the board to establish minimum emergency preparedness standards and ensures dentists with anesthesia permit(s) maintain written emergency plans and have automated external defibrillators.
- ☑ Eliminates the inefficient patchwork of certificate programs for dental assistants by deregulating coronal polishing and pit & fissure sealant certificates, but maintaining the x-ray and nitrous oxide monitoring certificates.
- ☑ Removes outdated licensing and enforcement processes that have not kept up with best practices.

in Texas. TDA successfully advocated to delay the implementation date for mandatory querying of the prescription monitoring program (PMP) to September 1, 2019 (House Bill 2561). This gives the legislature time to study prescribing and dispensing practices for controlled substances before requiring prescribers to query the PMP each time they write a controlled substance prescription. Additionally, the TDA supported House Bill 1178, which makes the intentional theft of a controlled substance a third-degree felony.

## 6 Lawsuit Protection

To help protect dentists from lawsuits alleging non-compliance with state disability laws, TDA secured passage of House Bill 1463. The bill reduces the impact of such lawsuits by requiring a claimant to provide notice to a dentist before filing a lawsuit, so the dentist has an opportunity to correct the alleged violation of state law before legal intervention occurs.

## 7 Dental School Funding

TDA partnered with the dental schools in an attempt to modify the funding methodology for school clinic operations. Budgetary constraints prevented the legislature from addressing this effort and TDA will likely work alongside the schools on this issue again next session.

TDA supports the mission of state-funded, university-based dental schools, which is to educate students to serve their patients and communities. With the creation of any new dental school, the historical legislative support, including financial support, should be maintained for the existing dental schools in Texas.

Thanks to the support of our dedicated members, the Texas Dental Association maintains a strong advocacy program on behalf of dentistry in Texas. Are you a member? We'd be honored to have you join us in strengthening our efforts. For more information about becoming a TDA member, please call 512-443-3675.