

By: Kolkhorst

H.B. No. 2919

A BILL TO BE ENTITLED

AN ACT

relating to the provision of orthodontic services under the Medicaid program.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0271 to read as follows:

Sec. 32.0271. PROVIDERS OF ORTHODONTIC SERVICES. (a) Orthodontic services designated as Level I or Level II by the department under the medical assistance program, regardless of whether under a fee-for-service or managed care model, must be provided by a dentist licensed in this state who:

(1) has completed a residency in pediatric dentistry;

(2) has completed at least 200 hours of clinical continuing dental education in orthodontics; or

(3) is board certified or eligible to become board certified by a specialty orthodontic board recognized by the American Dental Association.

(b) Orthodontic services designated as Level III or Level IV by the department under the medical assistance program, regardless of whether under a fee-for-service or managed care model, must be provided by a dentist licensed in this state who is board certified or eligible to become board certified by a specialty orthodontic board recognized by the American Dental Association.

(c) The department may waive a requirement under this

1 section in rural areas with limited access to orthodontic care.

2 SECTION 2. (a) The Health and Human Services Commission
3 shall, in a contract between the commission and a managed care
4 organization under Chapter 533, Government Code, that is entered
5 into or renewed on or after the effective date of this Act, require
6 that the managed care organization comply with Section 32.0271,
7 Human Resources Code, as added by this Act.

8 (b) The Health and Human Services Commission shall seek to
9 amend contracts entered into with managed care organizations under
10 Chapter 533, Government Code, before the effective date of this Act
11 to require those managed care organizations to comply with Section
12 32.0271, Human Resources Code, as added by this Act. To the extent
13 of a conflict between that section and a provision of a contract
14 with a managed care organization entered into before the effective
15 date of this Act, the contract provision prevails.

16 SECTION 3. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 4. This Act takes effect September 1, 2013.