

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 15, 2019**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
 Legislative Budget Board

**IN RE:** **SB792** by Perry (Relating to the practice of dentistry and the provision of teledentistry dental services.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB792, As Introduced: an impact of \$0 through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	\$0
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2019
2020	(\$362,325)	\$362,325	5.0
2021	(\$337,325)	\$337,325	5.0
2022	(\$337,325)	\$337,325	5.0
2023	(\$337,325)	\$337,325	5.0
2024	(\$337,325)	\$337,325	5.0

## **Fiscal Analysis**

The bill would amend the Occupations Code, Government Code, Health and Safety Code, Human Resources Code, and Insurance Code as they relate to the practice of dentistry and the provision of teledentistry services.

Under the provisions of the bill, certain dentists and dental hygienists would have the authority to practice teledentistry dental services. The bill would require the Board of Dental Examiners (TSBDE) to adopt rules to regulate the practice of teledentistry by March 1, 2020.

The bill would require TSBDE and the Board of Pharmacy to jointly adopt rules related to prescribing practices in teledentistry by March 1, 2020 and publish responses to frequently asked questions about these rules on their respective websites. The bill would prohibit the prescribing of controlled substances in teledentistry.

The bill would expand the authority of dental hygienists to practice dental hygiene in different settings without prior examination by a dentist under a collaborative practice agreement with a dentist. The bill would set requirements for collaborative practice agreements.

Except as otherwise specified, the bill would take effect September 1, 2019.

## **Methodology**

Under the provisions of the bill, dentists and dental hygienists would be authorized to practice teledentistry. The TSBDE would be required to adopt rules regarding the practice of teledentistry and investigate complaints related to teledentistry. There are approximately 31,000 active dentist and dental hygienist licensees.

To implement the provisions of the bill, TSBDE anticipates an increased workload for its legal division to draft new rules, review agreements, and review complaints. TSBDE estimate that it would require 1.0 full-time equivalent position (FTE) for a legal assistant and \$63,417 in fiscal year 2020 and each subsequent fiscal year.

TSBDE estimates the practice of teledentistry will increase complaints by 16%, and this analysis assumes the agency would require 1.0 FTE for a dental hygienist to support the dental review panel in reviewing standard of care complaints, 2.0 FTEs for investigators to address the increase in complaints, and \$219,936 in fiscal year 2020 and each subsequent fiscal year.

TSBDE anticipates that the practice of teledentistry will attract more applicants for dentist and dental hygienist licensure and increase the complexity of new and renewal applications for dentist and dental hygienist licenses. This analysis assumes the agency will require 1.0 FTE for a licensing and permit specialist and \$53,972 in fiscal year 2020 and each subsequent fiscal year. The agency notes it would require updates to its regulatory database to store new information related to teledentistry practice for a one-time cost of \$25,000 in fiscal year 2020 .

The estimated total cost to comply with the provisions of the bill would be \$362,325 in General Revenue in fiscal year 2020 and \$337,325 in each subsequent fiscal year. This analysis assumes that any increased cost to TSBDE, which is statutorily required to generate sufficient revenue to cover its costs of operations, would be offset by an increase in fee generated revenue.

The Board of Pharmacy and Health and Human Services Commission indicate that the provisions of the bill could be implemented using existing resources.

## **Technology**

The agency anticipates a one-time cost in fiscal year 2020 of \$25,000 for upgrades to the regulatory database.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 504 Texas State Board of Dental Examiners, 515 Board of Pharmacy, 529 Health and Human Services Commission

**LBB Staff:** WP, AKi, SGr, ESt