

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 25, 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.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB792, Committee Report 1st House, Substituted: 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	(\$305,654)	\$305,654	4.0
2021	(\$280,654)	\$280,654	4.0
2022	(\$280,654)	\$280,654	4.0
2023	(\$280,654)	\$280,654	4.0
2024	(\$280,654)	\$280,654	4.0

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 require the Health and Human Services Commission (HHSC) to reimburse certain providers under Medicaid for teledentistry dental services. TSBDE and HHSC would be authorized to adopt rules for teledentistry regarding the quality of care and prevention of abuse and fraud.

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.

TSBDE estimates the practice of teledentistry will increase complaints by 16%, and would require 1.0 FTE for a dental hygienist to support the dental review panel in reviewing standard of care complaints, 1.0 FTE for an investigator to address an increase in complaints, and \$114,691 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.

To implement the provisions of the bill, the agency notes it would require updates to its regulatory database to store new information related to teledentistry practice. The agency would require 1.0 additional FTE for a systems analyst, \$80,958 in fiscal year 2020 and each subsequent fiscal year, and a one-time cost of \$25,000 for database upgrades in fiscal year 2020.

The estimated total cost to comply with the provisions of the bill would be \$305,654 in General Revenue in fiscal year 2020 and \$280,654 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 indicates that the provisions of the bill could be implemented using existing resources. This analysis assumes that there would not be a significant increase in utilization of Medicaid dental services or a significant increase in enrollment of dental providers

into the Medicaid program as a result of implementing the provisions of the bill. This analysis assumes HHSC and the Office of the Inspector General could implement the provisions 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