Legislatively Speaking

Now that we’ve all had a chance to recuperate from 4th of July festivities, it’s time to turn our attention to the political fireworks happening in Texas. At the forefront is a notice from the “The Big Three”—Governor Abbot, Lt. Governor, Patrick, and House Speaker Straus—to state agencies asking for “restraint” as they prepare budgets.¹

The joint letter from The Big Three told agency leadership to submit legislative appropriation requests with 4% reductions as a “starting point for budget deliberations.”² This is not unexpected. The oil and gas industry slump is contributing to a budget shortfall, not a surplus like we had in 2015. However, lawmakers did outline exceptions to the 4% cut which included funding for public schools, border security, child protective services, and behavioral health services.

The good news at this point for dentistry is that the exceptions list also includes maintaining funding for current benefits, eligibility, and projected case load growth for Medicaid and the Children’s Health Insurance Program (CHIP).

The Big Three’s directive marks the beginning of the state’s budget process for the next 2 years, and by all accounts it’s going to be a very bumpy ride. The TDA is already in discussions with health agency officials to protect budget allocations for Medicaid and CHIP dental services, and will maintain this advocacy through the 84th Legislative Session.

State Board Buzz

The TSBDE published new rules that go into effect July 11, 2016. Many of the new rules are technical and govern the dental board’s procedures for grievances, hearings, and appeals. The TDA reviewed and commented on draft versions of the rules.

The TSBDE clarified its process for suspending licenses and registrations in emergency situations; methods for disposing of filed complaints; procedures and a new penalty fee schedule for alternative informal assessments of administrative penalties; and requirements for registering non-profit corporations.

Additionally, the dental board outlined specific roles and responsibilities for agency staff in the compliance division. The TDA commented that the new rule improved the division’s ability to effectively monitor compliance with the many actions taken by the board. The new rule improves the board’s ability to protect the health and safety of the public by ensuring that the board’s actions are “meaningful and consistently enforced.”

The Political Action

The 2016 general election is less than 5 months away and candidates are campaigning all over the state. DENPAC recently approved funds for many of these legislative hopefuls and key contact dentist are out delivering that support.

Do you know a legislator or legislative candidate? Are you passionate about politics? TDA is always looking for dentists who are committed to the advancement of TDA issues and who would like to serve as a liaison to one or more elected or appointed policymakers. If you are interested in becoming a key contact, please email us at denpac@tda.org.

². State leaders ask agencies to cut budgets by 4 percent. Texas Tribune. June 1, 2016.
Sunset Review

The Texas Sunset Advisory Commission held its first hearing on the Texas State Board of Dental Examiners (TSBDE) on June 23, 2016. There were over 12 hours of testimony with 4 hours of dental testimony. Dr Matt Roberts, chair, Texas Dental Association’s (TDA) Council on Legislative & Regulatory Affairs, testified that TDA’s focus on improving patient safety and protection in all Texas dental practices formed the basis for its responses to sunset staff recommendations.

The TDA advocated that dentists are the head of the team, must own dental practices, and must make all clinical decisions without undue influence from non-dentists. The TDA called for a strong, robust dental board with a majority of dentist representation. The TDA also advocated for maintaining dental assistant education requirements for certain duties, and authorizing the dental board to inspect dentist anesthesia permit holders and require them to maintain written emergency management plans.

To access the hearing, visit www.sunset.texas.gov and select Meetings > Recent Meetings > June 23, 2016 > Webcast. The dental board testimony begins at approximately 6:32:15.

The Commission will hold a second hearing later this summer to vote on which dental board recommendations to bring to the full legislature. As the sunset process moves forward, the TDA continues working closely with key legislative decision makers as the voice of dentistry in Texas.

Regulatory Reminder

TDA-supported Senate Bill 195 eliminates the requirement for a dentist to have a separate controlled substances registration with the state of Texas, effective September 1, 2016. Going forward, dentists will only need a federal Drug Enforcement Administration (DEA) registration to legally prescribe drugs in Texas.

Starting September 1, 2016, controlled substances registration will become part of the regular dental license renewal. Dentists applying for and renewing their dental licenses will pay the new $13 fee and attest to the dental board that they have an active/current DEA registration. Dentists will not receive a separate controlled substances registration certificate.

The Texas State Board of Pharmacy (TSBP) will be taking over the Prescription Pad Program in September. Contact the TSBP directly, www.pharmacy.texas.gov, with questions about prescription pads. Dentists can continue to use their DPS issued prescription pads as there is no expiration date.

Questions

If you have questions regarding legislative or regulatory issues, please contact TDA Senior Policy Manager Diane Rhodes at 512-443-3675 or diane@tda.org. If you have questions regarding political action or dental advocacy, please contact DENPAC Manager Leigh Ann Montague at 512-443-3675 or lmontague@tda.org.

Important Dates

July 26, 2016
Medicaid and Children’s Health Insurance Program Updates
1:00 PM
Health and Human Services Commission
Brown-Healy Building, Public Hearing Room
4900 North Lamar Blvd
Austin, TX

August 12, 2016
TSBDE Board Meeting
8:30 AM
William P. Hobby Jr Building
Health Professions Council Conference Room
333 Guadalupe St
Tower 2, Suite 225
Austin, TX

September 13, 2016
Senate Health and Human Services Committee Hearing
9:00 AM
Texas Capitol, Senate Chamber
Webcast: capitol.state.tx.us > Legislative Activity > Video Broadcasts > Senate > Senate Committee on Health & Human services

October 16, 2016
Section 1557 Affordable Care Act Compliance Date

January 10, 2017
85th Texas Legislature Convenes

February 1, 2017
Medicare Opt-Out Compliance Deadline

February 22, 2017
TDA Legislative Day

Texas Dentists Care

The Texas Dental Association (TDA) and the Special Health Resources for Texas, Inc. (SHRT), a community health center in east Texas, are keeping east Texans healthy and out of emergency rooms for dental care.

According to Chief Executive Officer Kim Nesvig, the center’s recent federal New Access Point funding was instrumental in expanding dental services in Texarkana, providing the resources to retain a dentist, Dr Josh Talley and his clinical support staff.

“SHRT is very unique in that we are able to provide a variety of dental services, everything from exams and cleanings to dentures and root canals, on a sliding fee scale so that no one goes without access to care. It’s very rewarding when you give someone back their smile, especially when they haven’t seen a dentist in years,” said Dr Talley.

SHRT also has a referral agreement with Dr Andy Mack, an oral surgeon in Longview for oral surgery services. Nesvig commented, “The arrangement has proven invaluable to many of our patients whose dental issues require oral surgery. In the past, we had to transport patients needing oral surgery to Baylor, which meant an entire day spent traveling and waiting, for both patients and our staff. We really appreciate Dr Mack’s contribution.”

The efforts of Drs Talley and Mack show the TDA's ongoing commitment to community health centers as essential parts of Texas’ dental safety net and as important allies in the Association’s goal to help all Texans attain their best oral health by access to a dentist.

So far for this year, SHRT’s Texarkana dental clinic has treated 166 patients and the Longview clinic has treated 882. That’s a total of 1048 east Texas residents that might have ended up in an emergency room seeking treatment for routine dental pain. By offering comprehensive dental care, SHRT and its TDA-member dentists are providing patients with appropriate and effective dental treatment that is significantly less expensive than that available in a hospital. That’s a win for the patient and the community.