

# THE ROOT

YOUR SOURCE FOR DENTAL LEGISLATION, REGULATION, AND ADVOCACY | January 11-15, 2021

## Capitol Chatter

Leaders of both chambers have already made it clear that this will be a significantly pared-down session, with far less legislation being considered. Legislative priorities will be passing the budget and redistricting. This is in addition to the challenges brought by COVID-19 that lawmakers will have to address. The legislature will have to decide whether to permanently extend certain COVID-19 regulatory restrictions, along with considering how much power Governor Greg Abbott wielded during the COVID-19 disaster response and whether executive power during a disaster response should be limited.

Given the delay in Texas receiving the needed census data for redistricting due to the pandemic, the Texas Legislative Council announced on January 7, 2021, that a Summer special session may have to be called for redistricting to give the federal Census Bureau additional time to address data concerns and release accurate state level redistricting data for Texas. However, Governor Abbott determines if and when a special session is called.<sup>1</sup>

The House elected Representative Dade Phelan (R–Beaumont) to replace outgoing Speaker Dennis Bonnen (R–Angleton) who did not seek re-election. Representative Phelan garnered extensive support in the House before opening day. We should soon learn House committee assignments.

On the Senate side, we expect the committees to remain primarily the same as in 2019. In December, Lt. Governor Patrick announced that he appointed Senator Eddie Lucio, Jr (D–Brownsville) to replace Senator Juan “Chuy” Hinojosa (D–McAllen) as vice chairman on the Senate Finance Committee.

## Legislatively Speaking

On January 12, 2021, the Senate and House gaveled in the 87th Legislative Session. For the next 140 days, the Texas Dental Association’s legislative team will be actively advocating on the behalf of membership as legislators duke it out in that “Big Pink Building” in Austin. Don’t worry, we will pass our activities and progress to you in regular updates of The Root.

Opening day marks the first time that all 181 legislators will be under the same roof since the pandemic began. Both the Texas Senate and Texas House of Representatives released opening day protocols and will continue refining policies and procedures for how the session will be conducted during COVID-19. Legislators will vote on these policies and procedures in addition to proposed rule changes.

The Capitol is open to the public Monday through Friday until 6 pm. It is closed on weekends for cleaning. There are no public tours, groups, or sponsored event space. Face masks are required and free voluntary COVID testing is available. Even though the session has barely started, over 1,300 bills have already been filed. To give you some context about how difficult it is for a legislator to pass a bill, approximately 7,300 bills were filed in 2019, and of those, more than 5,800 died. The Texas legislative process is set up that way by design—bills often die and rarely pass. Currently, TDA is tracking over 30 bills potentially impacting dentistry.



## Capitol Chatter *Cont'd.*

Committee assignments are very important because the committees and their chairs determine the fate of most legislation during a session. Committees generally wait until the session's 30th day to hear bills (unless the bill concerns the state budget, or the topic of the bill has been designated an emergency by the governor), but the sooner committee assignments are announced, the faster bills are considered and move through the legislative process.

The state's budget is always the most pressing issue, and the only one required by the Texas Constitution to be addressed within the 140-day session. Due to historic declines in revenue from the pandemic and an ill-timed collapse in oil prices, lawmakers are facing shortfall compared to starting the session with a surplus. However, there was some good news in November. Comptroller Glenn Hegar announced in November during that there will be more money to work with than he previously thought.<sup>2</sup>

Texas is in unprecedented circumstances, the pandemic impacted Texas' economy more deeply than any event ever before. Texas began 2020 with a positive balance for general purposes spending and state revenue collections were ahead of schedule. But after the pandemic, revenue declined and is still in a declining entering 2021 and revenue collections have not caught-up to pre-pandemic rates. Although the state is predicting revenue growth in 2021, the economic damage done by the pandemic created a state budget hole that will take time to dig out of. Comptroller Hegar added that the budget forecast remains uncertain given that the final impact of the pandemic is difficult to gauge.

Comptroller Hegar estimates that the legislature will have \$1 billion shortfall; \$112.53 billion will be available for 2022-23 biennium, a slight decrease from past session.<sup>3</sup> Although the legislature is going to have to make some tough budget decisions, Comptroller Hegar does not consider this outcome as bleak as 2011.



We need your **perspective** at the Capitol.

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**LEGISLATIVE DAY 2021**

WED., FEB. 17, 2021  
VIRTUAL  
DETAILS TO COME

 **TDA**  
TEXAS DENTAL  
ASSOCIATION

## Regulatory Reminder

### Electronic Prescribing Mandate

As of January 1, 2021, the e-prescribing mandate requires electronic prescribing of all controlled substances (CII–CV) by all Texas dentists, unless a waiver is granted. For more information on all controlled substance topics, including waivers issued by the Texas State Board of Dental Examiners, log into [tda.org](http://tda.org) > advocacy > regulations > compliance tools > controlled substances.

### Controlled Substance Continuing Education (CE) Opportunities

TDA recently entered an exciting partnership with the UTHealth School of Dentistry at Houston's PACE Center to bring virtual CE opportunities to member dentists.

Dr Art Jeske will teach a series of 6 live-interactive webinars combining all dentists' controlled substance CE requirements into a single 4-hour course. The TSBDE will count the 2 hours of CE required for DEA permit holders towards the 4 hours of CE required for all dentists providing direct patient care starting January 1, 2021.<sup>4,5</sup>

## Register Now for January 22, 2021 Course

“Controlled Substances and Texas Dentists: Ethically Prescribe, Monitor and Apply Standards of Care to Successfully Manage Pain”

### Live, Interactive Webinar

**Date and Time:** January 22, 2021 from 8:30 AM to 12:45 PM

**Course Fee:** \$180 dentist or allied dental personnel.

**Registration:** [go.uth.edu/PrescribingJanuaryTDA](http://go.uth.edu/PrescribingJanuaryTDA)

**Remember:** Dentists may also count the 4 hours toward the 24 hours of CE required for biennial license renewal.

### Additional Dates:

#### March 26, 2021

Live Interactive Webinar 8:30 AM

<http://go.uth.edu/PrescribingMarchTDA>

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#### April 16, 2021

In-person & Live Interactive Webinar | 8:30 AM

<http://go.uth.edu/PrescribingAprilTDA>

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#### May 21, 2021

Live Interactive Webinar | 8:30 AM

<http://go.uth.edu/PrescribingMayTDA>

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#### July 9, 2021

In-person & Live Interactive Webinar | 8:30 AM

<http://go.uth.edu/PrescribingJulyTDA>

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#### August 20, 2021

Live Interactive Webinar | 8:30 AM

<http://go.uth.edu/PrescribingAugustTDA>

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## TDAid for Medicaid



### TDA Advocating for Medicaid Dentists to Access Operating Room Time

TDA continues its work with the legislature and the Health and Human Services Commission (HHSC) to help dentists gain access to operating rooms in both Medicaid hospitals and ambulatory surgical centers (ASCs). TDA is using all available advocacy options to address this important concern.

### Bill Watch

TDA tracks and monitors all bills related to the dental profession. Future issues of *The Root* will provide TDA members with a list of all priority bills filled to date.



## State Board Buzz



### Newly Adopted Rules

The following rules were adopted by the Texas State Board of Dental Examiners (TSBDE) and became effective December 31, 2020.

### Continuing Education

The dental board amended the continuing education (CE) rules for dentists, dental hygienists and registered dental assistants to include the human trafficking CE requirement from House Bill 2059 passed by the 86th Texas Legislature. The bill mandates human trafficking prevention training for all health care practitioners prior to license/ registration renewal.

Dental professionals are among the 68,345 Texans working in the 10-health care-related professions regulated by the state who need to take this CE. The legislature recognized the important role that dentists, dental hygienists, and registered dental assistants can have in helping to identify and intervene in human trafficking.

Courses taken to meet this requirement must be approved by HHSC's Executive Commissioner. Right now, there are 14 HHSC approved CE courses. For a list of available approved courses, go to <https://hhs.texas.gov/sites/default/files/documents/services/safety/human-trafficking/hhs-approved-human-trafficking-training.pdf>. Five of the 14 courses are free.

Remember to keep a copy of your CE certificate as proof you completed the required training, in the event you are audited for CE completion by the Texas State Board of Dental Examiners.

### Electronic Prescribing Waiver

The dental board adopted this new rule to comply with House Bill 2174 passed based by the 86th Texas Legislature. The bill mandates that the dental board create electronic prescribing waivers that may be renewed annually if the dentist prescriber is experiencing: (1) economic hardship; (2) technological limitations not reasonably within the control of the prescriber; or (3) other exceptional circumstances demonstrated by the prescriber.

TDA knows that many dentists are not significant controlled substance prescribers, and we worked with the dental board to create a limited-waiver process for dentists prescribing fewer than 25 controlled substance prescriptions in a year. Visit [tda.org](http://tda.org) > advocacy > regulations > compliance tools > controlled substances for a link to the waiver application and details on how to apply.

## Important Dates

### January 12, 2021

Opening Day 87th Regular Legislative Session

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### February 17, 2021

TDA Virtual Legislative Day  
Details Forthcoming

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### March 11, 2021

TSBDE Committee Meetings  
Details Forthcoming

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### March 12, 2021

TSBDE Board Meeting  
Details Forthcoming

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## TDA SoundByte Podcast

Episode 7, to be released soon, is a roundtable discussion with TDA’s Council on Legislative, Regulatory & Governmental Affairs Chair Dr Matt Roberts, Public Affairs Director Jess Calvert, and Senior Policy Manager Diane Rhodes, covering TDA’s COVID-19 response and what is on deck for dentistry during the 87th Legislative Session.

If you have not already done so, you can also listen to back episodes of the TDA SoundByte podcast, where we take “bytes” out of topics that are on Texas dentists’ minds.

**Episode 1:** The 86th Legislature

**Episode 2:** Patient Overpayments and Credit Balances: What Dentists Don’t Know Can Hurt Them

**Episode 3:** Dentists Using Botox and Dermalfillers: Not Every Dentist Can Use Them for Cosmetic Purposes

**Episode 4:** New Controlled Substance Regulations

**Episode 5:** The Truth About New Dental X-ray Equipment Regulations!

**Episode 6:** The Inside Scoop on State Board Anesthesia Inspections

The TDA SoundByte Podcast is available on [tda.org](http://tda.org), Apple Podcasts/iTunes, Spotify, Google Podcasts, Google Play Music, Stitcher, iHeartRadio, and other podcast apps.

The TDA SoundByte Podcast is available at [tda.org](http://tda.org) > Publications & Media > TDA SoundByte Podcast, and on Apple Podcasts/iTunes, Spotify, Google Podcasts, Google Play Music, Stitcher, iHeartRadio, and other podcast apps.



## Questions

If you have questions regarding legislative or regulatory issues, please contact TDA Senior Policy Manager Diane Rhodes at 512-443-3675 ext. 122 or [drhodes@tda.org](mailto:drhodes@tda.org), or DENPAC Coordinator/Policy Analyst Staci Rives at 512-443-3675 ext. 123 or [srives@tda.org](mailto:srives@tda.org).

## References

1. With Census Bureau delays, Texas Legislative Council says a special session might be called in summer for redistricting. KXAN. January 7, 2021.
2. Despite staggering pandemic losses, Texas budget forecast better than expected, state comptroller says. Texas Tribune. November 30, 2020.
3. Texas Comptroller of Public Accounts. Press Conference. January 10, 2021.
4. 22 Texas Administrative Code §104.1(2)(B), Requirement
5. 22 Texas Administrative Code §111.1(b), Additional Continuing Education Required

## What is 2 weeks of dentistry worth?

This Spring, TDA worked directly with Governor Abbott and his team to reopen dental practices. As a result, Texas dental offices could fully reopen **2 weeks earlier** than the initial plan.

That's 2 weeks of income. Two weeks of providing your patients the full range of care. Two weeks of being there for your community. Whatever 2 weeks is worth to you, **the dollar amount is high. And the human value is incalculable.**

**And it wasn't free. TDA advocacy & DENPAC made it possible.**

Think what might happen if we weren't here for you and your patients. And imagine what we can achieve with your support.

**Invest in DENPAC now**  
**at [tda.org/denpac](http://tda.org/denpac).**



Contributions or gifts to political action committees are not deductible as charitable contributions for federal tax purposes. Contributions to the Texas Dental Association Political Action Committee are voluntary and may be used to support state candidates and office holders. You may refuse to contribute without reprisal, and the Texas Dental Association and its local component societies will neither favor nor disadvantage anyone based on the amount or failure to make contributions. According to Texas state law, political action committees may only accept contributions from individuals, professional corporations, and professional associations. State law requires political action committees to request and make best efforts to report the name, mailing address, occupation, and employer for each individual whose contributions aggregate in excess of \$100 in a calendar year.

