

House Bill 1661 and Substitute Dentist

House Bill (HB) 1661, 84th Legislature, Regular Session, 2015, directs the Health and Human Services Commission (HHSC) to adopt rules ensuring the same standards that apply to a physician who bills Medicaid for services provided by a substitute physician also apply to a dentist who bills Medicaid for services provided by substitute dentists. HHSC sought clarification from the Centers for Medicare and Medicaid Services (CMS) as to whether or not Section 1902(a)(32)(C) of the Social Security Act relating to substitute physicians can be applied to dentists. CMS recently informed HHSC that Section 1902(a)(32)(C) of the Act, dealing with practitioners who provide a service pursuant to an employment relationship, only applies to physicians.

At this time, Texas Medicaid programs may not apply Section 1902(a)(32)(C) to substitute dentists. In an effort to comply with HB 1661 and address concerns brought forward by providers, HHSC plans to request a waiver from CMS to allow for the use of the substitute dentists for the reciprocal and locum tenens arrangement in Medicaid managed care. HHSC will advise stakeholders of any progress on this request.