

A Guide to Teledentistry in Texas

Texas Oral Health Coalition, Inc.

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Texas Oral
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www.txohc.org

A GUIDE TO TELEDENTISTRY IN TEXAS

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Teledentistry dental service means a health care service delivered by a dentist, or a health professional acting under the delegation and supervision of a dentist, acting within the scope of the dentist’s or health professional’s license or certification to a patient at a different physical location than the dentist or health professional using telecommunications or information technology.

[TOC, Section §111.001\(2-a\)](#)

Teledentistry Services

Teledentistry services are allowable in Texas as of September 1, 2021 and are defined in [Title 3, Subtitle A, Chapter 111, §111.001\(4\)](#) of the Texas Occupations Code (TOC) as health care services delivered by a dentist or not more than five health professionals who are not dentists acting under the delegation and supervision of a dentist acting within the scope of the dentist's or health professional's license or certification to a patient at a different physical location than the dentist or health professional using telecommunications or information technology.

[Texas HHSC | DSHS, Interim Guidance for the Use of Telemedicine, Teledentistry, and Telehealth for HIV Core and Support Services](#)

Teledentistry itself is not a specific service but rather a method of delivering care.

GENERAL REQUIREMENTS

Teledentistry must adhere to Texas Administrative Code (TAC) and Texas Occupations Code (TOC) requirements.

1. Texas licensed dental and dental hygiene providers providing clinical or other care must operate within the scope of their licenses.
2. Dentists must maintain a signed informed consent form for teledentistry before services are provided. [Fillable PDF Template](#).
3. Safeguards must be established to ensure confidentiality/privacy in accordance with state and federal laws (HIPAA) – [Sample Questions to Ask Teledentistry Vendors](#).
4. Dentists who provide teledentistry dental services must adopt protocols to prevent fraud and abuse through the use of teledentistry dental services.
5. Demonstrated competency in the electronic platform by all staff members involved in the operation of the system and provision of services.
6. Appropriate management of information and documentation for teledentistry services.



Documentation Requirements for Telemedicine

During delivery of telemedicine, teledentistry, or telehealth services, the documentation of services rendered must be the same as for a comparable in-person service. The service should be **documented in the patient or client's record** with **evaluation, analysis, diagnosis, and explanation** of the treatment provided by the distant site provider.

Patient Assessment via Synchronous Teledentistry Tips from Dr. Scott Howell, DMD, MPH

Teledent

GUIDANCE FOR REPORTING 'TELEDENTISTRY' EVENTS:

Document the encounter in Electronic Dental Records (or hard-copy record) including all 'Clinical Note' requirements:

- Establish note taking protocol that includes:
 1. Documenting informed consent was collected.
 2. Document patient information such as chief complaint, symptoms and medical history.
 3. Take images of identified problems in performing clinical observations.
 4. Conduct an assessment based on the patient information provided.
 5. Provide recommendation[s] to patient including follow-up evaluation and/or treatment recommendations;
 6. Complete the report by providing a digital signature. (Refer to TAC Title 22 §108.8(c) and TAC Title 22 §115.6)
- **Prescriptions should be entered in the [dental] clinical notes and other databases as would occur in a normal [direct patient / provider] clinical encounter.**

[IHS COVID-19 Interim Guidance for Coding Teledentistry Events](#)

Conducting a Virtual Visit Checklist A Step-By-Step Guide for Holding Teledentistry Visits

RevenueWell

Standard of Care for Teledentistry Services

A dental health professional providing a dental care service or procedure as a teledentistry service, is subject to the standard of care that would apply to the provision of the same dental care service or procedure in an in-person setting.

PATIENTS' RIGHTS:

Dental patients whose care is rendered or coordinated using teledentistry modalities have the right to expect:

1. That any dentist delivering, directing or supervising services using teledentistry technologies will be licensed in the state where the patient receives services, or be providing these services as otherwise authorized by that state's dental board.
2. Access to the licensure and board certification qualifications of the oral health care practitioner who is providing the care in advance of the visit.
3. That the delivery of services through teledentistry technologies will follow evidence-based practice guidelines, to the degree they are available, as a means of ensuring patient safety, quality of care and positive health outcomes.
4. That they will be informed about the identity of the providers collecting or evaluating their information or providing treatment, and of any costs they will be responsible for in advance of the delivery of services.
5. That relevant patient information will be collected prior to performing services using teledentistry technologies and methods including medical, dental, and social history, and other relevant demographic and personal information.
6. That the provision of services using teledentistry technologies will be properly documented and the records and documentation collected will be provided to the patient upon request.
7. That services provided using teledentistry technologies and methods include care coordination as a part of a dental home and that the patient's records be made available to any entity that is serving as the patient's dental home.
8. That the patient will be actively involved in treatment decisions, will be able to choose how they receive a covered service, including considerations for urgency, convenience and satisfaction and without such penalties as higher deductibles, co-payments or coinsurance relative to that of in-person services.
9. That the dentist shall determine the delivery of services using teledentistry technologies and all services are performed in accordance with applicable laws and regulations addressing the privacy and security of patients' private health information.

[ADA Policy on Teledentistry](#)

When teledentistry practice guidelines are not available, evidence-based guidelines for in-person visits should be substituted.

QUALITY OF CARE:

The dentist is responsible for, and retains the authority for ensuring, the safety and quality of services provided to patients using teledentistry technologies and methods. Services delivered via teledentistry should be consistent with in-person services, and the delivery of services utilizing these modalities must abide by laws addressing privacy and security of a patient's dental/medical information.

[ADA Policy on Teledentistry](#)

TELEDENTISTRY INFORMED CONSENT

A treating physician, dentist, or health professional who provides or facilitates the use of telemedicine medical services, teledentistry dental services, or telehealth services shall ensure that the informed consent of the patient, or another appropriate individual authorized to make health care treatment decisions for the patient, is obtained before telemedicine medical services, teledentistry dental services, or telehealth services are provided.

A dentist who delegates a teledentistry dental service shall ensure that the informed consent of the patient includes disclosure to the patient that the dentist has delegated the service.

[*TOC Sec. §111.002. Informed Consent*](#)

A dentist can obtain informed consent either synchronously or asynchronously. Informed consents should indicate place of service.

A Teledentistry Informed Consent Must Contain:

- Delegating dentist's name, Texas license number, credentials, qualifications, contact information and practice location.
- Additionally, the name, Texas license number, credentials and qualification of all dental hygienists and dental assistants involved in the patient's care.
- This information must be publicly displayed and provided in writing to the patient.
- A dentist who delegates a teledentistry dental service must ensure that the informed consent of the patient includes disclosure to the patient that the dentist delegated the service.

[*TAC Rule §108.16 \(f\) Informed Consent*](#)

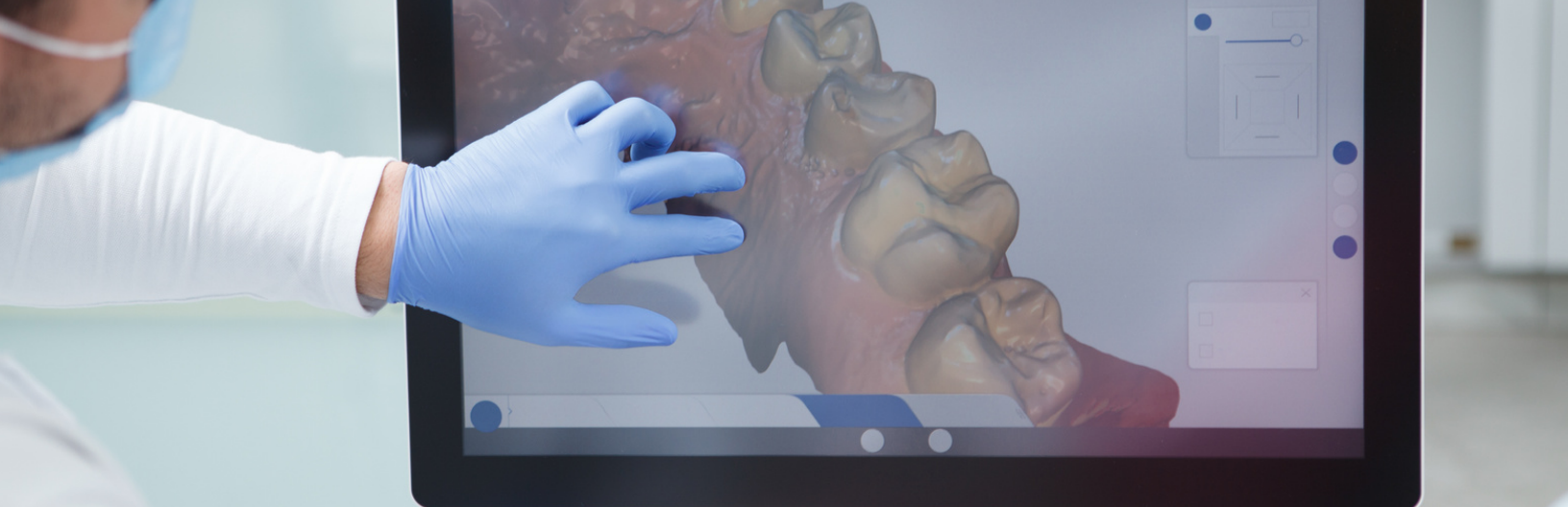
[Teledentistry Informed Consent Fillable PDF Template](#)

PRACTITIONER-PATIENT INTERACTION

Asynchronous store and forward technology, including asynchronous store and forward technology in conjunction with synchronous audio interaction between the practitioner and the patient in another location, as long as the practitioner uses clinical information from:

- clinically relevant photographic or video images, including diagnostic images; or
- (the patient's relevant clinical records, such as the relevant medical or dental history, laboratory and pathology results, and prescriptive histories;
- or another form of audiovisual telecommunication technology that allows the practitioner to comply with the standard of care described in Section 111.007.

[*TOC §111.005 \(a\)\(3\)\(B\)*](#)



TELEDENTISTRY BILLING & CODING

Teledentistry is a means of delivering patient care and oral health education to people at a remote location or coordinating care providers in the service of patient care. With the development of teledentistry, patients are able to receive healthcare information, dental evaluations and diagnosis from a variety of providers, all through digital communication. This is bridging the gap between doctors and patients and providing the opportunity for more patients to seek dental care more conveniently.

The two modalities for teledentistry are synchronous and asynchronous. The synchronous approach is a real time, two-way interaction between a patient and a provider, or between providers themselves, usually accomplished through video. The asynchronous method typically is used to transfer patient data (radiographs, intraoral imaging, video, charting) to a dentist to provide patient evaluation and diagnosis remotely. Like synchronous modalities, it can also be used to connect providers collaboratively in the service of patient care, for instance by getting specialist clinical input, or collaboration between medical and dental providers.

[Mouthwatch - Coding for Teledentistry.](#)

The CDT codes you bill are PROCEDURE codes not insurance codes.

The Two CDT Codes for Teledentistry

When providing services via teledentistry, one of the following codes must be reported/documented.

D9995 teledentistry – synchronous; real-time encounter. (Reported in addition to other procedures (e.g., diagnostic) delivered to the patient on the date of service.)

D9996 teledentistry – asynchronous; information stored and forwarded to dentist for subsequent review. (Reported in addition to other procedures (e.g., diagnostic) delivered to the patient on the date of service.)

Teledentistry itself is not a specific service but rather a method of delivering care. When discussing the CDT codes for teledentistry, it's important to know these codes are used in conjunction with another code, typically an exam.

[Mouthwatch - Coding for Teledentistry.](#)

A patient's record must indicate when teledentistry is used and which modality (synchronous or asynchronous) was used. For submission to dental insurance, the teledentistry code should be listed under "Record of Services Provided" along with all other services rendered on this date of service. In addition to adding the CDT code, you must also complete the "Place of Service" portion (line 38 on an [ADA claim form](#)). The place of **service code for telehealth is 02**, which shows health services and health related services are provided or received, through telecommunication technology.

[Mouthwatch – Coding for Teledentistry](#)

Any individual may provide any photography or digital imaging to a Texas licensed dentist or Texas licensed dental hygienist for the sole and limited purpose of screening, assessment, or examination.

TAC, Title 22, Part 5, Chapter 108, Subchapter A, Rule §108.16 (e) (5)

TYPES OF TELEDENTISTRY VISITS

- Patient to Dentist
- Hygienist to Dentist
- Medical Provider to Dentist
- Allied Health Provider to Dentist
- Dentist to Specialist

Either one or the other teledentistry code is reported in addition to other procedures delivered to the patient on the date of service.

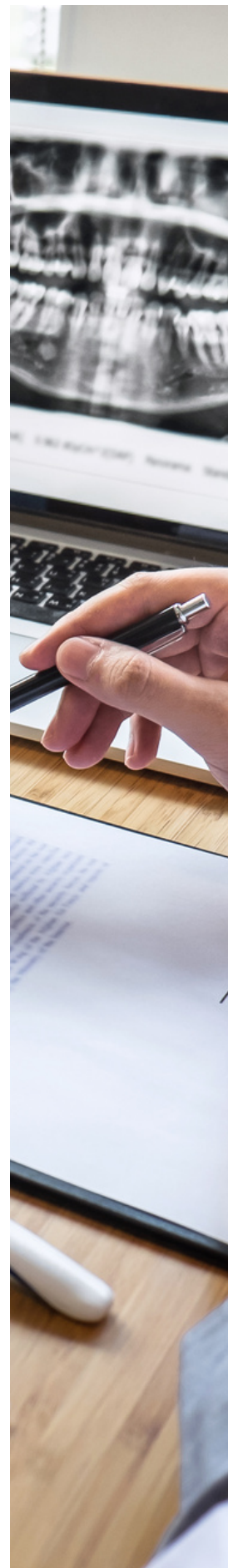
[D9995 and D9996 – ADA Guide to Understanding and Documenting Teledentistry Events](#)

How to Use Teledentistry Codes

"Frequently when using teledentistry, there is more than one provider involved but it's important to know which provider will submit the code. **The dentist that performs the oral evaluation, makes a diagnosis and creates a treatment plan will be the provider that reports the teledentistry CDT code.**

As an example, a hygienist may offer mobile preventative care while having a collaborative dentist who performs an oral evaluation remotely, while the hygienist performs a prophylaxis and fluoride treatment onsite. In this example, the dentist would submit CDT codes D0120 and D9996 for their exam and to report that teledentistry was used in this exam. The hygienist would report CDT codes D1110 and D1206 to report the prophylaxis and fluoride treatment performed on site.

[Mouthwatch – Coding for Teledentistry](#)





Teledentistry Applications

- **Limited Evaluation and Triage:** This application is useful during a crisis or pandemic scenario. If a provider does not have access to a dental clinic or patients' clinical records, they can use teledentistry to complete triage, screen, or complete a limited evaluation. This application helps determine if a patient's needs are non-urgent or emergent.
- **Hygiene Assessment:** Recall and preventive appointments can easily be completed using teledentistry. This increases the organization's capacity for a high level of hygiene care, thus allowing the dentists to focus on diagnosis and restorative care. Additionally, if the dentist is not available, preventive care does not stall or halt.
- **Satellite Office Coverage:** This application uses teledentistry in a different location from the organization's main office. Reasons for opening a satellite operation vary but may include reaching an underserved area, expanding market share, or increasing quality of life factors for staff.
- **Patient Consultations:** For added convenience, this application includes follow up consultations between a patient and the dental team member or a more in-depth discussion about treatment plan options. This service serves multiple needs in relation to COVID-19 such as reducing in-person contact, eliminating use of PPE, reducing the amount of people in a space at any one time, and allowing the provider to communicate with the patient in a setting where they are comfortable.
- **Outreach:** Teledentistry is an important element in comprehensive community outreach programs. Most often implemented in school or nursing home settings, participants receive a complete examination and treatment plan, utilizing dental staff at their highest scope to more efficiently meet the needs of the patients.
- **Specialist Referral:** Navigating the healthcare system can be difficult. Teledentistry assists patients by allowing providers to transfer data to specialists for additional consultation.
- **Medical-Dental Integration:** Inter-professional systems of care are crucial to filling the gaps in our healthcare system. Teledentistry is an effective way of integrating a dental team member within medical systems to increase access to dental care.

IMPORTANT

- For asynchronous teledentistry, the dentist should use the date they evaluate the data for billing.
- Document time, date and persons on teledentistry visit: Stand-alone teledentistry visit, or linked to in-office visit, after initial limited examination.



PERSONNEL REQUIREMENTS & SCOPE OF PRACTICE

Practice of Teledentistry

1. A dentist, dental hygienist, or dental assistant who delivers teledentistry services to a patient located in Texas must hold an active Texas license or registration issued by the Board.
2. The practitioner must establish a practitioner-patient relationship with the patient.
3. A dentist may simultaneously delegate to and supervise through a teledentistry dental service not more than five health professionals who are not dentists.
4. The dentist must maintain complete and accurate dental records as set out in §108.8.

[TAC - Rule §108.16](#)

TOC Title 3, Subtitle D, Chapter 262, Sec 262.152. Performance of Delegated Duties. (a) Except as provided in TOC §262.1515

NOTE: *There are noted differences for dental hygienists practicing under Sec. 262.1515 vs practicing dental hygiene using teledentistry under Sec 262.152. Below is for Sec. 262.152 – Teledentistry only.*

Alternate Settings for Teledentistry

Dental hygienists shall practice dental hygiene in an alternate setting, including a **nursing home, the patient's home, a school, a hospital, a state institution, a public health clinic, or another institution**, under the supervision of a supervising dentist.

[TOC Sec. §262.152](#)

Mobile Dental Facilities

Every mobile dental facility, and, except as provided herein, every portable dental unit operated in Texas by any entity must have a permit as provided by this title (relating to Mobile Dental Facilities)...

To obtain a permit to operate a mobile dental facility or a portable dental unit, shall apply to the State Board of Dental Examiners (SBDE) for a permit on a form provided by the Board and pay an application fee in an amount set by the Board. A governmental or educational entity may obtain a single permit, respectively, for all facilities; or all units listed on an application.

[TAC 22 §108.40 through §108.43](#)



Dental Assistant's Scope of Practice

Please review Title 22, Part 5, Chapter 114, Rule §114.1 in TAC and Title 3, Subtitle D, Chapter 265 in TOC for additional details regarding scope of practice for dental assistants.

The clinical tasks that a registered dental assistant can perform under general supervision are limited to:

[TOC §265.001](#)

1. the making of dental x-rays in compliance with the Occupations Code, §265.005; and
2. the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist in accordance with the Occupations code, §265.003 (a-1).

Existing patient means a patient that the supervising dentist has examined in the twelve (12) months prior to the interim treatment. A treating dentist who delegates the provision of interim treatment of a minor emergency condition to a dental assistant shall schedule a follow-up appointment with the patient within 30 days.

[TAC §114.1](#)

The clinical tasks that a non-registered dental assistant can perform under general supervision are limited to:

[TOC §265.003](#)

1. the making of dental x-rays in compliance with Occupations Code, §265.001(d). and
2. the provision of interim treatment of a minor emergency dental condition to an existing patient of the treating dentist.

Notwithstanding Subsection (a)(1), a dental assistant who is hired as a dental assistant for the first time and who has not previously been issued a registration to make dental x-rays may make dental x-rays without complying with this chapter until the first anniversary of the date the dental assistant is hired.

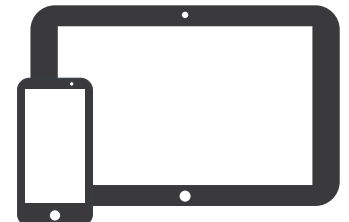
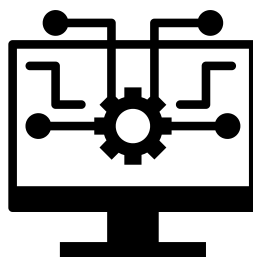
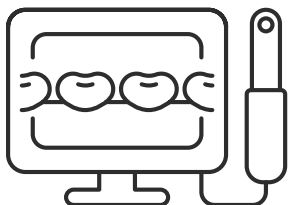
[TOC §265.001\(d\)](#)

IMPORTANT!

Neither registered dental assistants, or unregistered dental assistants are authorized to provide dental services via teledentistry in alternate settings.

A dental assistant may take x-rays and administer interim minor emergency treatment under general supervision in the dental office.

Refer to TOC §265.003





ISSUANCE OF PRESCRIPTIONS

The validity of a prescription issued as a result of a teledentistry dental service is determined by the same standards that would apply to the issuance of the prescription in an in-person setting.

This rule does not limit the professional judgment, discretion or decision-making authority of a licensed practitioner. A licensed practitioner is expected to meet the standard of care and demonstrate professional practice standards and judgment, consistent with all applicable statutes and rules when issuing, dispensing, delivering, or administering a prescription medication as a result of a teledentistry dental service.

A valid prescription must be:

- issued for a legitimate dental purpose by a practitioner as part of patient-practitioner relationship as set out in Texas Occupations Code §111.005; and
- meet all other applicable laws and rules before prescribing, dispensing, delivering or administering a dangerous drug or controlled substance.

Any prescription drug orders issued as the result of a teledentistry dental service, are subject to all regulations, limitations, and prohibitions set out in the federal and Texas Controlled Substances Act, Texas Dangerous Drug Act and any other applicable federal and state law.

[TAC Rule §108.16 \(g\) \(1-3\)](#)

Limitation on Certain Prescriptions

In this subsection, the following definitions apply:

- "Controlled substance", "opiate", and "prescribe" have the meanings assigned by Texas Health and Safety Code §481.002.
- "National holiday" means a day described by Texas Government Code §662.003(a).

When prescribing a controlled substance to a patient as a teledentistry dental service, a dentist must not prescribe more than is necessary to supply a patient for:

- if the prescription is for an opiate, a two-day period; or
- if the prescription is for a controlled substance other than an opiate, a five-day period.

For each day in a period described that is a Saturday, Sunday, or national holiday, the period is extended to include the next day that is not a Saturday, Sunday, or national holiday.

[TAC Rule §108.16 \(h\) \(1-3\)](#)



WHICH HIPAA LAWS APPLY TO DENTISTS?

In circumstances in which HIPAA does apply to dentists, qualifying dentists and dental practices have to comply with the Privacy Rule, the Security Rule, and – if a data breach exposes unsecured Protected Health Information – the Breach Notification Rule.

[HIPAA Journal - HIPAA Rules for Dentists](#)

The HIPAA Security Rule for Dentists

The HIPAA Security Rule is primarily comprised of three sets of “requirements” – technical requirements, physical requirements, and administrative requirements. The technical requirements cover how patient information should be communicated electronically (for example unencrypted email is not allowed, nor is SMS or Skype). The technical requirements also detail the processes and controls that have to be implemented in order to protect PHI when it is at rest or in transit.

The physical HIPAA regulations for dental offices concern the security of computer systems and the environment in which computer systems are situated. Responsibilities included in the physical HIPAA regulations for dental offices include establishing a faculty plan and a contingency plan in the event of an emergency and implementing validation procedures to restrict physical access to PHI stored on the computer systems.

The administrative HIPAA rules for dentists require that a Security Officer is appointed to select and implement compliant software systems. Security Officers are also responsible for developing “best practice” policies, training dental office employees on security awareness, and monitoring activity on systems containing PHI. Privacy and Security Officers are also responsible for ensuring HIPAA compliance by employees and Business Associates.

[HIPAA Journal - HIPAA Rules for Dentists](#)

HIPAA and Teledentistry Platforms

A HIPAA-compliant teledentistry platform is essential for regulatory compliance and dental risk management. Under both state and federal law, you are obligated to maintain the privacy and security of patient information. As a covered entity under HIPAA laws, your compliance with both the privacy and security rules is not optional. In addition, the majority of all states have some type of consumer privacy protection laws that apply to any business, including dental offices that maintain electronic personally identifiable information (PII).

How to select a platform

When it comes to selecting a teledentistry platform, search for HIPAA-compliant platforms. From there, include only established HIPAA-compliant platforms that meet the specific regulatory needs of a dental practice versus a business-oriented program that may or may not provide a business associate agreement or be fully HIPAA compliant. Insisting that all teledentistry platforms under consideration be HIPAA compliant ensures two key things:

- First, that you are not merely “piecemealing” your televisits, i.e., cobbling together different programs for each component of a bona fide televisit. In this scenario, think data security risk and potential HIPAA breach.
- Second, and just as important, is that the vendor is HIPAA compliant and that they understand their legal obligations under the HITECH Act of 2009. HIPAA-compliant vendors must follow the provisions of the security rule just like a dental practice. In other words, they must have security policies, provide team training, and conduct a security risk analysis—among other requirements.

[Dental Economics - How to Select a HIPAA-compliant Teledentistry Solution](#)

[12 Questions to Ask Teledentistry Companies](https://www.mouthwatch.com/12-questions-to-ask-teledentistry-companies/)

<https://www.mouthwatch.com/12-questions-to-ask-teledentistry-companies/>

[MouthWatch](#)

Read more about HIPAA, the HIPAA Privacy Rule and the HIPAA Security Rule on the Department of Health and Human Services' website (<https://www.hhs.gov/hipaa/index.html>).

Read the Texas Medical Records Privacy Act (TMRPA) in the Texas Health and Safety Code (<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.181.htm>).

Texas Medical Records Privacy Act (TMRPA)

The Texas Medical Records Privacy Act (TMRPA), or the “Texas privacy act”, came into effect on September 1, 2019. The Texas privacy act is said to be similar to the Health Insurance Portability and Accountability Act (HIPAA), in that it was introduced to safeguard Protected Health Information (PHI), which relates to the “past, present or future health of an individual; the provision of healthcare to an individual; or the payment for the provision of healthcare to an individual”.

The Texas privacy act has also adopted the term “covered entity”, which includes hospitals, insurance providers, health maintenance organizations, clearing-houses and other service providers that handle PHI.

[Lepide - A Guide to the Texas Medical Records Privacy Act](#)

How Does the Texas Medical Records Privacy Act Differ from HIPAA?

There are a number of areas where Texas Medical Records Privacy Act (TMRPA) differs from HIPAA. Firstly, TMRPA applies to a broader range of entities. HIPAA tends to focus more on healthcare service providers, whereas TMRPA applies to “any person who engages in the practice of assembling, collecting, analyzing, using, evaluating, storing, or transmitting PHI”.

Secondly, TMRPA prohibits the re-identification of information that has been de-identified.

Thirdly, TMRPA has introduced stricter rules when it comes to the use of PHI for sales and marketing purposes.

[Lepide - A Guide to the Texas Medical Records Privacy Act](#)



TELEDENTISTRY IN TEXAS FAQ

Can new patients be established virtually?

Yes

Are dentists required to do a comprehensive exam in-person on all new patients to become a patient of record before teledentistry can be utilized?

No, refer to TAC §108.7(4), "at a minimum, a limited physical examination should be performed and reviewed annually." Each dentist shall conduct their practice in a manner consistent with that of a reasonable and prudent dentist would do pursuant to TAC §108.7(1).

Can someone transmit a picture from their phone to the dentist?

Yes, pictures can be stored in their electronic dental records. Any individual may provide any photography or digital imaging to a Texas licensed dentist or Texas licensed dental hygienist for the sole and limited purpose of screening, assessment, or examination.

Does the photo need to be sent to a secure email or secure portal for the dentist to view?

Yes, please refer to HIPAA guidelines and the Texas Medical Records Privacy Act. Dentists should have a secure email address and/or a secure portal for patients to upload their images.

Are providers required to have written informed consent and get verbal consent for teledentistry visits?

Yes

Is e-signing allowed in Texas for informed consents and other forms?

Yes

Must teledentistry be conducted via audio & video, or can you use audio only?

A dentist may use asynchronous store and forward technology in conjunction with synchronous audio interaction with the patient as long as the practitioner uses clinical information from clinical photographs or video images, including diagnostic images or the patient's clinical records, or another form audiovisual telecommunication technology. Refer to TOC §111.007 (A-C)

If the dentist has a mobile dentistry permit is the dental hygienist required to have a permit as well if they are providing preventive services in alternate settings under Section 262.152?

Mobile and teledentistry are two different issues that need to be separated, and not confused with one another. A mobile permit is attached to a dentist or organization under TAC §108.42(a) not the hygienist. A hygienist is not required to obtain a mobile permit.

Are dental assistants allowed to work alongside hygienists in alternate settings?

No

TELEDENTISTRY IN TEXAS FAQ

What duties can a dental hygienist perform if using teledentistry in the field?

Same scope of practice as in-office. Refer to TAC §115.2. If the hygienist is providing preventive services the dentist may need a mobile dentistry permit. Refer to TAC §108.40-108.43.

Are dental hygienists practicing teledentistry in alternative settings able to receive direct reimbursement for services provided?

No, only the dentist is able to bill and receive payment from 3rd party payors or patients themselves.

Can dental assistants take x-rays in alternate settings under general supervision?

No, dental assistants are not allowed to work in alternate settings under general supervision.

In the state of TX, if we have a hygiene patient that is due for a periodic exam, can that be done through teledentistry?

Yes, the dentist can decide whether the hygienist can perform the periodic exam through teledentistry.

What can a hygienist do and not do if the Dr. is not in the building?

Please refer to sections 262.151, 262.1515, 262.152(b) of the Dental Practice Act.

If the supervising dentist has a dental practice and volunteers to be the dentist at a nonprofit clinic, does the dentist need a mobile dental permit since he's working in two facilities?

No. The dentist needs an active Texas dental license to practice.

If the dentist no longer maintains a private practice and only volunteers in one facility does he still need a mobile permit?

No. The dentist needs an active Texas dental license to practice.

What can a hygienist do or not do in alternate settings? (dental office of supervising dentist, or a nursing home, patient's home, a school, a hospital, a state institution, a public health clinic, or another institution).

Please refer to sections 262.151, 262.1515, 262.152(b) of the Dental Practice Act.

Could a hygienist operating under this section (262.1515), provide preventive services for six months then find a supervising dentist and do a teledental exam?

Yes

If you should have additional questions you may contact the Texas State Board of Dental Examiners (TSBDE) directly at 512-463-6400 or visit <https://tsbde.texas.gov/>.



TEXAS MEDICAID & HEALTHCARE PARTNERSHIP A STATE MEDICAID CONTRACTOR

TELEMEDICINE AND TELEHEALTH BENEFIT INFORMATION EFFECTIVE SEPTEMBER 1, 2022

Note: Telehealth includes teledentistry services.

Overview of Benefit Changes

- Major changes to the benefit information include the following:
- Described and defined audio-only services
- Clarified that coverage of behavioral health (BH) audio-only services is not optional for health plans
- Added language regarding when audio-only services may be authorized for use
- Added language regarding the use of the 93 and FQ modifiers
- Reorganization of information about specific telemedicine and telehealth services within the Texas Medicaid Provider Procedures Manual handbooks

Definitions of Terminology

Telemedicine and telehealth services have the meaning assigned by Texas Occupations Code §111.001. The following are definitions of terms used in telemedicine and telehealth services:

- **Telecommunications** - the exchange of information by electronic and electrical means
- **Platform** - the technology, system, software, application, modality, or other method through which a health professional remotely interfaces with a client when providing a health care service or procedure as a telemedicine medical service or telehealth service
- **Audiovisual technology**- synchronous audiovisual technology or store-and-forward technology in conjunction with synchronous audio-only technology
- **Synchronous audiovisual technology** - an interactive, two-way audio and video telecommunications platform that meets the privacy requirements of the Health Insurance Portability and Accountability Act (HIPAA)
- **Synchronous audio-only technology, also called synchronous telephone (audio-only) technology** - an interactive, two-way audio telecommunications platform, including telephone technology, that uses only sound and meets the privacy requirements of HIPAA
- **Store-and-forward technology** - a telecommunications platform that stores and transmits, or grants access to, a client's clinical information for review by a health professional at a different physical location from the client
- **In person (or in-person)** - within the physical presence of another person

Services Provided through Synchronous Audio-Only Technology

Synchronous telephone (audio-only) technology between the provider and the client in another location may be used to provide telemedicine and telehealth services within fee-for-service (FFS) Medicaid. Providers must ensure both the covered service and the delivery method are authorized by the Texas Health and Human Services Commission (HHSC).

Telemedicine and telehealth services provided through synchronous telephone (audio-only) technology must be billed with the appropriate modifier (93 or FQ), unless the procedure code indicates telephone (audio-only) delivery in the code description.

Additional Guidelines for Telemedicine and Telehealth Services

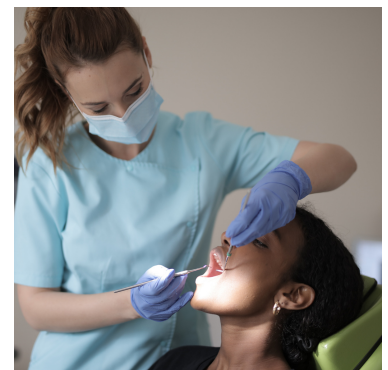
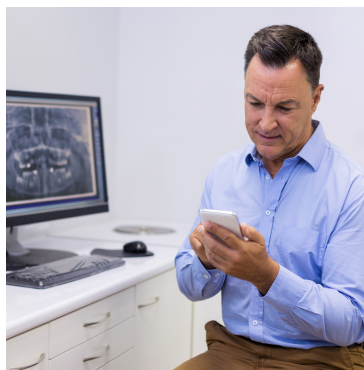
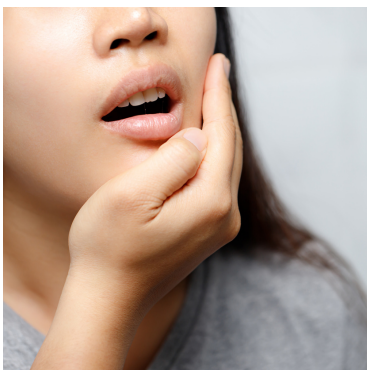
The following delivery methods may be used to provide telemedicine and telehealth services within FFS Medicaid:

- Synchronous audiovisual technology between the distant-site provider and the client in another location
- Synchronous telephone (audio-only) technology between the distant-site provider and the client in another location
- Store-and-forward technology, in conjunction with synchronous telephone (audio-only) technology between the distant-site provider and the client in another location.

Not all Medicaid-covered services are authorized by HHSC for telemedicine or telehealth delivery in FFS. Providers must ensure that HHSC both allows the Medicaid-covered service to be delivered through telemedicine or telehealth and authorizes the delivery method.

For example, if a service is authorized for telemedicine delivery only when using synchronous audiovisual technology, that service may not be delivered using store-and-forward technology, store-and-forward technology in conjunction with synchronous telephone (audio-only) technology, synchronous telephone (audio-only) technology, or asynchronous audio-only technology.

Reminder: Texas Medicaid managed care organizations (MCOs) must consider reimbursement for all medically necessary Medicaid-covered services that are provided using telemedicine or telehealth. Providers should refer to individual MCO policies for additional coverage information.





Conditions for Reimbursement

Telemedicine and telehealth services that may be reimbursed are those that meet the following conditions when delivered using any of the methods noted above:

- Are designated for reimbursement by HHSC
- Meet criteria, including clinical effectiveness, cost-effectiveness, and other criteria, as determined by HHSC
- Are provided by a Texas Medicaid enrolled provider
- Are both in compliance with Chapter 111 of the Texas Occupations Code and within standards established by the respective licensing or certifying board of the professional providing the service
- May not be denied solely because an in-person healthcare service between a provider and client did not occur
- May not be limited by requiring the provider to use a particular technology platform to receive reimbursement for the service
- Other conditions for reimbursement applicable to services provided may vary by service type. Providers may refer to the appropriate Texas Medicaid Provider Procedures Manual handbook for additional information.

Beginning September 1, 2022, procedure codes that are benefits for providers delivering services through telemedicine or telehealth will be outlined in the respective Texas Medicaid Provider Procedures Manual handbooks.

Note: During a Declaration of State of Disaster, HHSC may issue direction to providers regarding the use of telemedicine or telehealth services, including the use of a synchronous telephone (audio-only) platform to provide covered services outside of the allowances described in this article. A Declaration of State of Disaster is when an executive order or proclamation is issued by the governor declaring a state of disaster in accordance with Section 418.014 of the Texas Government Code.

[TMHP - Telemedicine and Telehealth Benefit Information to Be Updated September 1, 2022](#)





TELEMEDICINE AND TELEHEALTH BENEFIT UPDATES FOR TEXAS MEDICAID EFFECTIVE NOVEMBER 1, 2023

Overview of Updates

Updates to benefit information include the following:

- The implementation of a new telehealth patient site facility fee benefit for federally qualified health center (FQHC) and rural health clinic (RHC) providers
- Clarification of current guidelines

Telehealth Patient Site Facility Fee

The facility fee (procedure code Q3014) for telehealth services will be a benefit for patient site FQHC and RHC providers that are enrolled in Texas Medicaid. It will not be a benefit if the patient site is in the client's home.

Procedure code Q3014 may be reimbursed as follows:

- To FQHCs as an add-on procedure code that should not be included in any cost reporting that is used to calculate a Prospective Payment System (PPS) or Alternative Prospective Payment System (APPS) per visit encounter rate
- To RHCs as an add-on procedure code that should not be included in any cost reporting that is used to calculate the RHC AIR (All Inclusive Rate) PPS per visit encounter rate

To receive reimbursement for more than one facility fee for the same client on the same date of service, an FQHC or RHC must submit documentation of medical necessity that the client needed multiple distant-site provider consultations. An FQHC or RHC can use a signed letter from the client's treating health care provider at the FQHC or RHC to document the client's medical need to receive additional facility fee payments for the same client on the same date of service. The letter must state that the client suffered an illness or injury that required additional diagnosis or treatment by a distant-site provider.

If an FQHC or RHC is eligible for the payment of both an encounter fee and a facility fee for the same client on the same date of service, the FQHC or RHC must submit a claim for the facility fee separate from the claim that was submitted for the encounter.

Charges for other services that are performed at the patient site may be submitted separately.

Clarifications for Telemedicine and Telehealth

FQHC practitioners may be employees of the FQHC or contracted with the FQHC. RHC practitioners may be employees of the RHC or contracted with the RHC.

A distant-site provider that is located outside of state lines while rendering services is considered an out-of-state provider.

For more information, call the TMHP Contact Center at 800-925-9126.

APPENDICES

1. **American Dental Association** - D9995 and D9996 – ADA Guide to Understanding and Documenting Teledentistry Events
<https://txohc.org/wp-content/uploads/2022/08/ADA-Guide-to-Understanding-and-Documenting-Teledentistry-Events.pdf>
2. **Arcora Foundation** - Teledentistry in Washington
<https://arcorafoundation.org/wp-content/uploads/2020/08/Teledentistry-in-WA-1.pdf>
3. **Dental Economics** - How to Select a HIPAA-compliant Teledentistry Solution by Linda Harvey, MS, RDH (August 21, 2022) <https://www.dentaleconomics.com/practice/article/14279301/how-to-select-a-hipaacompliant-teledentistry-solution>
4. **Health and Human Services** - Health Information Privacy
<https://www.hhs.gov/hipaa/index.html>
5. **HIPAA Journal** - HIPAA Rules for Dentists
<https://www.hipaajournal.com/hipaa-rules-for-dentists/>
6. **IHS COVID-19 Interim Guidance for Coding Teledentistry Events**
https://www.ihs.gov/DOH/chiefs/documents/Administrative/duties/IHS_Division_of_Oral_Health_teledentistry%20guidelines_04-14-2020.pdf
7. **Informed Consent Sample with fillable pdf linked below. Dental practices may add their logo.**
<https://txohc.org/download/13185/>
8. **Lepide** - A Guide to the Texas Medical Records Privacy Act by Iain Roberts (September 23, 2022)
<https://www.lepide.com/blog/a-guide-to-the-texas-medical-records-privacy-act/>
9. **Mouthwatch**– Coding for Teledentistry
<https://www.mouthwatch.com/d9995-d9996-coding-for-teledentistry/>
10. **Mouthwatch**- Questions to ask Teledentistry Service
<https://www.mouthwatch.com/12-questions-to-ask-teledentistry-companies/>
11. **RevenueWell** - How to Conduct a Teledentistry Visit Toolkit
<https://www2.revenuewell.com/l/301451/2020-05-08/8g7cd>
12. **Teledent**- Patient Assessment via Synchronous Teledentistry by Dr. Scott Howell, DMD, MPH
Tips to share with staff and patients
<https://txohc.org/wp-content/uploads/2022/08/Guidance-Document-for-Patient-Assessment-via-Synchronous-Teledentistry-Dr.-Scott-Howell.pdf>
13. **Texas 87th Legislature** [HB2056.F.pdf.Enrolled bill](#)
14. **Texas Administrative Code**
Title 22. Examining Boards
Part 5. State Board of Dental Examiners
Chapter 114. Extension Of Duties of Auxiliary Personnel-Dental Assistants
Rule §114.1 Permitted Duties
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=127805&p_tloc=&p_ploc=1&pg=18&p_tac=&ti=22&pt=5&ch=114&rl=2](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=T&app=9&p_dir=N&p_rloc=127805&p_tloc=&p_ploc=1&pg=18&p_tac=&ti=22&pt=5&ch=114&rl=2)
15. **Texas Health and Human Services Department of State Health Services** - Interim Guidance for the Use of Telemedicine, Teledentistry, and Telehealth for HIV Core and Support Services, Including Emergency Guidance for Use During the COVID-19 State Public Health Emergency (PHE)
<https://www.dshs.texas.gov/hivstd/taxonomy/telemedguidance.shtm>
16. **Texas Health and Safety Code**
Title 2. Health
Subtitle I. Medical Records
Chapter 181. Medical Records Privacy
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.181.htm>

APPENDICES

17. **Texas Medicaid & Healthcare Partnership (TMHP)** - Telemedicine and Telehealth Benefit Information to Be Updated September 1, 2022
<https://www.tmhp.com/news/2022-07-15-telemedicine-and-telehealth-benefit-information-be-updated-september-1-2022>
18. **Texas Medicaid & Healthcare Partnership (TMHP)** - Telemedicine and Telehealth Benefit Updates for Texas Medicaid Effective November 1, 2023
<https://www.tmhp.com/news/2023-09-15-telemedicine-and-telehealth-benefit-updates-texas-medicaid-effective-november-1>
19. **Texas Occupations Code (TOC)**
Title 3. Health Professions
Subtitle A. Provisions Applying to Health Professions Generally
Chapter 111. Telemedicine, Teledentistry, And Telehealth
<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.111.htm>
20. **Texas Occupations Code (TOC)**
Title 3. Health Professions
Subtitle D. Dentistry
CHAPTER 258. PRACTICE BY DENTIST
<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.258.htm>
21. **Texas Occupations Code (TOC)**
Title 3. Health Professions
Subtitle D. Dentistry
Chapter 262. Regulation of Dental Hygienists
Subchapter A. General Provisions
<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.262.htm>
22. **Texas Occupations Code (TOC)**
Title 3. Health Professions
Subtitle D. Dentistry
Chapter 265. Regulation of Dental Assistants
<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.265.htm>
23. **Texas Register – Texas Administration Code**
Title 22. Examining Boards
Part 5. State Board of Dental Examiners
Chapter 108 Professional Conduct
Subchapter A. Professional Responsibility
Rule §108.16 Teledentistry
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=5&ch=108&rl=16](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=5&ch=108&rl=16)
24. **Texas Register – Texas Administration Code (TAC)**
Title 22. Examining Boards
Part 5. State Board of Dental Examiners
Chapter 108. Professional Conduct
Subchapter A. Professional Responsibility
Rule §108.7 Minimum Standard of Care, General
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=5&ch=108&rl=7](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=5&ch=108&rl=7)
25. **The Dental Butler** - ADA COVID-19 Coding & Billing Guidance (Teledentistry)
<https://thedentalbutler.com/ada-covid-19-coding-billing-guidance-teledentistry/>



Download the
Teledentistry Guide,
Checklist and Informed
Consent Notice at
[http://bit.ly/TX-
Teledentistry-Guide](http://bit.ly/TX-Teledentistry-Guide).



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