Clarification of Dental Informed Consent and Treatment Plan Requirements for Deep Sedation or General Anesthesia

Background

HHSC is updating Section 3.2.8 of the *Texas Medicaid Provider Procedures Manual (TMPPM), Children's Services Handbook* to clarify informed consent and treatment plan documentation requirements for dental services provided under deep sedation or general anesthesia.

When a patient's age, disability, medical condition, or inability to cooperate prevents a comprehensive dental exam from being completed before anesthesia, the specific tooth and surface IDs requiring treatment may not be identified until after anesthesia is administered. For services provided under deep sedation or general anesthesia, the final treatment plan may be determined after review of examination findings, radiographs, and clinical information obtained while the client is receiving anesthesia.

Key Details

HHSC is revising Section 3.2.8 of the Children's Services Handbook to clarify how providers should document tooth and surface IDs when they cannot reasonably be determined before deep sedation or general anesthesia. Today, providers may use flexibility in the informed consent documentation to record any risks or hazards associated prior to completing a full exam and radiographs. This approach aligns with 26 Tex. Admin. Code §256.6, which permits informed consent documentation to include applicable alternatives and risks. The revised handbook language will further clarify this option and provide guidance for documenting these circumstances.

Please refer to Section 3, "Texas Health Steps (THSteps) Dental" of the *Texas Medicaid Provider Procedures Manual (TMPPM), Children's Services Handbook* for more information about dental services.

HHSC plans to include the following updated language in the TMPPM's December 1, 2026, release:

> *The written informed consent must identify the tooth and surface IDs associated with the proposed treatment, when these can be reasonably determined before treatment, and must include the disclosures otherwise required by this section and applicable law. When a complete dental examination or diagnostic imaging cannot be reasonably performed prior to deep sedation or general anesthesia due to of the client's age, disability, medical condition, or inability to cooperate, the provider must document the clinical circumstances preventing identification of the specific teeth or surfaces before treatment. In these circumstances, written informed consent must still be obtained before treatment and must describe the anticipated evaluation, the types and scope of dental treatment that may be necessary based on examination findings, and the associated risks, benefits, and alternatives, consistent with applicable law and professional standards. The provider must identify and document the tooth and surface IDs requiring treatment in a timely manner when they can be determined and maintain an accurate record of the treatment performed; however, this flexibility does not waive informed-consent requirements or authorize treatment beyond the scope of the consent obtained.*

Additional Information

The clarification is anticipated to be published in the December 2026 TMPPM release. HHSC will communicate in the case of any changes to the publication date.

Resources

Policy or Operational Documents: Children's Services Handbook, Section 3.2.8, Written Informed Consent and Standards of Care (TMPPM)