

FAQ: AB 667 – Topical Fluoride legislation:

Purpose of the legislation:

This bill clarifies existing law by specifying that any person may apply fluoride varnish and other topical fluoride treatments in a public health setting or as part of a state or local government program, in accordance with a prescription and protocol established by a physician or dentist. The bill is intended to expand access to fluoride treatments by eliminating any perceived limitations on who can apply them.

This law is effective January 1, 2010.

Is an individual prescription required or can varnish be prescribed on a population-level?

Fluoride varnish can be prescribed by a dentist or physician on a population or individual level. The law ensures that varnish is in line with other forms of topical fluoride currently used in public health settings.

Who can apply varnish and in what settings?

This law allows anyone working in a public health setting to apply fluoride varnish (or other topical fluoride) in accordance with a prescription and protocol established by a dentist or physician. All dental and medical professionals, as well as non-healthcare individuals such as teachers, parents, Promotoras, and community health workers can apply varnish.

Clarification was made in the California Business and Professions Code for dental assistants to ensure they were legally able to apply varnish. The purpose of the law is to increase access to preventive agents and reduce the costs associated with administering them.

Will programs be required to allow non-healthcare providers to apply topical fluoride, including fluoride varnish?

No. The supervising dentist or physician has the authority to prescribe how varnish will be applied and by whom. Non-healthcare providers will only be utilized if they are available and if the supervising dentist/physician is comfortable utilizing them.

Who can bill for varnish application? How many times per year will I be reimbursed for applying varnish?

Fee for service physicians who are Medicaid providers can apply and receive reimbursement for fluoride varnish three times in a 12 month period for children under six years of age. Dentists and RDHAPs who are Denti-Cal providers may apply and receive reimbursement for varnish once in a six month period without prior authorization for children under the age of 21.

Application and reimbursement schedules will vary for other types of insurance.

Dentists and physicians can NOT bill Medicaid (Medi-Cal / Denti-Cal) or other third party payers for varnish applied at home.

Does this bill expand who can bill Medi-Cal for the application of fluoride varnish?

No. Dentists and RDHAPs who are Denti-Cal providers and physicians who are Medi-Cal providers may bill for fluoride varnish application – either applied by themselves or their designated staff.

What are the application protocols for fluoride varnish required by this legislation?

The legislation does not specify application protocol (application technique, frequency of application, etc.). Providers should rely on existing protocols.

It is the responsibility of the dentist/physician prescribing fluoride to ensure that those applying it are trained and understand the protocol. Training modules designed for healthcare providers (short demonstration videos and train-the-trainer programs) are available and can be used for non-healthcare providers as well.

What regulations are required to implement this bill?

No regulations are required to implement this law. The California Department of Health Care Services and the Department of Public Health are not required to do anything to implement the provisions of the law; implementation activity will be at the community program and provider level.

Does this bill only apply to school-based programs?

No. The law is applicable to any public health program targeting children or adults.

Does varnish need to be FDA approved as a cavity prevention modality before it can be prescribed?

The FDA has approved fluoride varnish for use as a desensitizer. Using varnish for caries prevention is considered an “off-label” use. FDA approval is not required for off-label use of products, but a prescription is still required.

Does the law allow anyone to apply topical fluorides other than fluoride varnish, ie. fluoride gels, rinses, etc.?

Yes, other forms of topical fluoride can be applied by non-healthcare workers, but require a dentist or physician to prescribe and establish the protocol for the application. The intent of the bill was to specifically address varnish, but a dentist or physician is able to determine, and is responsible for, the substances he or she prescribes for administration.