

**MEDICAID DENTAL COVERAGE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill makes changes to the Medicaid adult dental services waiver program.

**Highlighted Provisions:**

This bill:

▶ directs the Department of Health to apply for a waiver from the federal government to:

- expand Medicaid dental coverage to elderly Medicaid patients; and
- provide coverage for porcelain and porcelain-to-metal crowns to certain Medicaid patients; and

▶ adds the University of Utah School of Dentistry's associated statewide network to the list of providers for adult dental services in the Medicaid program.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-18-413**, as last amended by Laws of Utah 2018, Chapter 78

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-18-413** is amended to read:

29           **26-18-413. Medicaid waiver for delivery of adult dental services.**

30           (1) (a) Before June 30, 2016, the department shall ask the United States Secretary of  
31 Health and Human Services to grant waivers from federal statutory and regulatory law  
32 necessary for the Medicaid program to provide dental services in the manner described in  
33 Subsection (2)(a).

34           (b) Before June 30, 2018, the department shall submit to the Centers for Medicare and  
35 Medicaid Services a request for waivers, or an amendment of existing waivers, from federal  
36 law necessary for the state to provide dental services, in accordance with Subsections (2)(b)(i)  
37 and (d) through (g), to an individual described in Subsection (2)(b)(i).

38           (c) Before June 30, 2019, the department shall submit to the Centers for Medicare and  
39 Medicaid Services a request for waivers, or an amendment to existing waivers, from federal  
40 law necessary for the state to:

41           (i) provide dental services, in accordance with Subsections (2)(b)(ii) and (d) through  
42 (g) to an individual described in Subsection (2)(b)(ii); and

43           (ii) provide the services described in Subsection (2)(h).

44           (2) (a) To the extent funded, the department shall provide services to only blind or  
45 disabled individuals, as defined in 42 U.S.C. Sec. 1382c(a)(1), who are 18 years old or older  
46 and eligible for the program.

47           (b) Notwithstanding Subsection (2)(a)[;]:

48           (i) if a waiver is approved under Subsection (1)(b), the department shall provide dental  
49 services to an individual who:

50           [~~(i)~~] (A) qualifies for the health coverage improvement program described in Section  
51 26-18-411; and

52           [~~(i)~~] (B) is receiving treatment in a substance abuse treatment program, as defined in  
53 Section 62A-2-101, licensed under Title 62A, Chapter 2, Licensure of Programs and  
54 Facilities[;]; and

55           (ii) if a waiver is approved under Subsection (1)(c)(i), the department shall provide

56 dental services to an individual who is an aged individual as defined in 42 U.S.C. Sec.  
57 1382c(a)(1).

58 (c) To the extent possible, services to individuals described in Subsection (2)(a)  
59 [~~within Salt Lake County~~] shall be provided through the University of Utah School of Dentistry  
60 and the University of Utah School of Dentistry's associated statewide network.

61 (d) The department shall provide the services to individuals described in Subsection  
62 (2)(b):

63 (i) by contracting with an entity that:

64 (A) has demonstrated experience working with individuals who are being treated for  
65 both a substance use disorder and a major oral health disease;

66 (B) operates a program, targeted at the individuals described in Subsection (2)(b), that  
67 has demonstrated, through a peer-reviewed evaluation, the effectiveness of providing dental  
68 treatment to those individuals described in Subsection (2)(b);

69 (C) is willing to pay for an amount equal to the program's non-federal share of the cost  
70 of providing dental services to the population described in Subsection (2)(b); and

71 (D) is willing to pay all state costs associated with applying for the waiver described in  
72 Subsection (1)(b) and administering the program described in Subsection (2)(b); and

73 (ii) through a fee-for-service payment model.

74 (e) The entity that receives the contract under Subsection (2)(d)(i) shall cover all state  
75 costs of the program described in Subsection (2)(b).

76 (f) Each fiscal year, the University of Utah School of Dentistry shall transfer money to  
77 the program in an amount equal to the program's non-federal share of the cost of providing  
78 services under this section through the school during the fiscal year.

79 (g) During each general session of the Legislature, the department shall report to the  
80 Social Services Appropriations Subcommittee whether the University of Utah School of  
81 Dentistry will have sufficient funds to make the transfer required by Subsection (2)(f) for the  
82 current fiscal year.

83 (h) If a waiver is approved under Subsection (1)(c)(ii), the department shall provide  
84 coverage for porcelain and porcelain-to-metal crowns if the services are provided:

85 (i) to an individual who qualifies for dental services under Subsection (2)(b); and

86 (ii) by an entity that covers all state costs of:

87 (A) providing the coverage described in this Subsection (2)(h); and

88 (B) applying for the waiver described in Subsection (1)(c)(ii).

89 ~~(h)~~ (i) Where possible, the department shall ensure that services described in  
90 Subsection (2)(a) that are not provided by the University of Utah School of Dentistry or the  
91 University of Utah School of Dentistry's associated network are provided:

92 (i) through fee for service reimbursement until July 1, 2018; and

93 (ii) after July 1, 2018, through the method of reimbursement used by the division for  
94 Medicaid dental benefits.

95 ~~(i)~~ (j) Subject to appropriations by the Legislature, and as determined by the  
96 department, the scope, amount, duration, and frequency of services may be limited.

97 (3) The reporting requirements of Section 26-18-3 apply to the waivers requested under  
98 Subsection (1).

99 (4) (a) If the waivers requested under Subsection (1)(a) are granted, the Medicaid  
100 program shall begin providing dental services in the manner described in Subsection (2) no  
101 later than July 1, 2017.

102 (b) If the waivers requested under Subsection (1)(b) are granted, the Medicaid program  
103 shall begin providing dental services to the population described in Subsection (2)(b) within 90  
104 days from the day on which the waivers are granted.

105 (c) If the waivers requested under Subsection (1)(c)(i) are granted, the Medicaid  
106 program shall begin providing dental services to the population described in Subsection  
107 (2)(b)(ii) within 90 days after the day on which the waivers are granted.

108 (5) If the federal share of the cost of providing dental services under this section will be  
109 less than 65% during any portion of the next fiscal year, the Medicaid program shall cease

110 providing dental services under this section no later than the end of the current fiscal year.