

**MEDICAID DENTAL WAIVER AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill amends the Medical Assistance Act.

**Highlighted Provisions:**

This bill:

- ▶ requires the Department of Health and Human Services to request authorization to provide dental services to Medicaid-eligible adults not already eligible for dental services; and
- ▶ makes technical amendments.

**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 2020, Chapter 225

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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:

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

(1) (a) Before June 30, 2016, the department shall ask CMS to grant waivers from federal statutory and regulatory law necessary for the Medicaid program to provide dental services in the manner described in Subsection (2)(a).

(b) Before June 30, 2018, the department shall submit to CMS a request for waivers, or an amendment of existing waivers, from federal law necessary for the state to provide dental services, in accordance with Subsections (2)(b)(i) and (d) through [(g)] (f), to an individual described in Subsection (2)(b)(i).

(c) Before June 30, 2019, the department shall submit to [the Centers for Medicare and

33 ~~Medicaid Services]~~ CMS a request for waivers, or an amendment to existing waivers, from  
34 federal law necessary for the state to:

35 (i) provide dental services, in accordance with Subsections (2)(b)(ii) and (d) through  
36 ~~[(g)] (f)~~, to an individual described in Subsection (2)(b)(ii); and

37 (ii) provide the services described in Subsection ~~[(2)(h)] (2)(g)~~.

38 (d) On or before June 30, 2023, the department shall submit to CMS a request for  
39 waivers, or an amendment of existing waivers, from federal law necessary for the state to  
40 provide dental services, in accordance with Subsections (2)(b)(iii) and (d) through (f), to an  
41 individual described in Subsection (2)(b)(iii).

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

45 (b) Notwithstanding Subsection (2)(a):

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

48 (A) qualifies for the health coverage improvement program described in Section  
49 26-18-411; and

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

53 (ii) if a waiver is approved under Subsection (1)(c)(i), the department shall provide  
54 dental services to an individual who is an aged individual as defined in 42 U.S.C. Sec.  
55 1382c(a)(1)~~[-];~~ and

56 (iii) if a waiver is approved under Subsection (1)(d), the department shall provide  
57 dental services to an individual who is:

58 (A) not described in Subsection (2)(a);

59 (B) not described in Subsection (2)(b)(i);

60 (C) not described in Subsection (2)(b)(ii);

61 (D) 18 years old or older; and

62 (E) eligible for the program.

63 (c) To the extent possible, services to individuals described in Subsection (2)(a) shall

64 be provided through the University of Utah School of Dentistry and the University of Utah  
65 School of Dentistry's associated statewide network.

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

68 (i) by contracting with an entity that:

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

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

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

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

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

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

81 (f) Each fiscal year, the University of Utah School of Dentistry shall, in compliance  
82 with state and federal regulations regarding intergovernmental transfers, transfer funds to the  
83 program in an amount equal to the program's non-federal share of the cost of providing services  
84 under this section through the school during the fiscal year.

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

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

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

89 (A) providing the coverage described in this Subsection [~~(2)(h)~~] (2)(g); and

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

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

94 (i) through [~~fee for service~~] fee-for-service reimbursement until July 1, 2018; and

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

97 (i) Subject to appropriations by the Legislature, and as determined by the department,  
98 the scope, amount, duration, and frequency of services provided under this section may be  
99 limited.

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

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

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

109 (d) If the waivers requested under Subsection (1)(d) are granted, the Medicaid program  
110 shall begin providing dental services to the population described in Subsection (2)(b)(iii)  
111 within 90 days after the day on which the waivers are granted.

112 (4) If the federal share of the cost of providing dental services under this section will be  
113 less than 65% during any portion of the next fiscal year, the Medicaid program shall cease  
114 providing dental services under this section no later than the end of the current fiscal year.