

1 **DENTAL HYGIENIST AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Christine F. Watkins**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to Medicaid reimbursement for dental hygienists.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires the Department of Health to reimburse a dental hygienist directly for
14 certain services provided through the Medicaid program;
- 15 ▶ creates a deadline for the department to begin reimbursing dental hygienists
16 directly;
- 17 ▶ creates a reporting requirement; and
- 18 ▶ provides a sunset date for the provisions of this bill.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **26-18-2.6**, as last amended by Laws of Utah 2017, Chapter 22

26 **63I-2-226**, as last amended by Laws of Utah 2018, Chapters 38 and 281



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

29 Section 1. Section **26-18-2.6** is amended to read:

30 **26-18-2.6. Dental benefits -- Direct reimbursement for dental hygienists.**

31 (1) (a) Except as provided in Subsection (8), the division shall establish a competitive
32 bid process to bid out Medicaid dental benefits under this chapter.

33 (b) The division may bid out the Medicaid dental benefits separately from other
34 program benefits.

35 (2) The division shall use the following criteria to evaluate dental bids:

36 (a) ability to manage dental expenses;

37 (b) proven ability to handle dental insurance;

38 (c) efficiency of claim paying procedures;

39 (d) provider contracting, discounts, and adequacy of network; and

40 (e) other criteria established by the department.

41 (3) The division shall request bids for the program's benefits:

42 (a) in 2011; and

43 (b) at least once every five years thereafter.

44 (4) The division's contract with dental plans for the program's benefits shall include
45 risk sharing provisions in which the dental plan must accept 100% of the risk for any difference
46 between the division's premium payments per client and actual dental expenditures.

47 (5) The division may not award contracts to:

48 (a) more than three responsive bidders under this section; or

49 (b) an insurer that does not have a current license in the state.

50 (6) (a) The division may cancel the request for proposals if:

51 (i) there are no responsive bidders; or

52 (ii) the division determines that accepting the bids would increase the program's costs.

53 (b) If the division cancels the request for proposals under Subsection (6)(a), the
54 division shall report to the Health and Human Services Interim Committee regarding the
55 reasons for the decision.

56 (7) Title 63G, Chapter 6a, Utah Procurement Code, shall apply to this section.

57 (8) (a) The division may:

58 (i) establish a dental health care delivery system and payment reform pilot program for

59 Medicaid dental benefits to increase access to cost effective and quality dental health care by
60 increasing the number of dentists available for Medicaid dental services; and

61 (ii) target specific Medicaid populations or geographic areas in the state.

62 (b) The pilot program shall establish compensation models for dentists and dental
63 hygienists that:

64 (i) increase access to quality, cost effective dental care; and

65 (ii) use funds from the Division of Family Health and Preparedness that are available to
66 reimburse dentists for educational loans in exchange for the dentist agreeing to serve Medicaid
67 and under-served populations.

68 (c) The division may amend the state plan and apply to the Secretary of Health and
69 Human Services for waivers or pilot programs if necessary to establish the new dental care
70 delivery and payment reform model. The division shall evaluate the pilot program's effect on
71 the cost of dental care and access to dental care for the targeted Medicaid populations.

72 (9) (a) As used in this Subsection (9), "dental hygienist" means an individual who is
73 licensed as a dental hygienist under Section 58-69-301.

74 (b) The department shall reimburse a dental hygienist in accordance with Subsection
75 (9)(c) beginning on the earlier of:

76 (i) January 1, 2022; or

77 (ii) 30 days after the date on which the replacement of the department's Medicaid
78 Management Information System software is complete.

79 (c) The department shall reimburse a dental hygienist directly for a service provided
80 through the Medicaid program if:

81 (i) the dental hygienist requests to be reimbursed directly; and

82 (ii) the dental hygienist provides the service within the scope of practice described in
83 Section 58-69-801.

84 (d) Before November 30 of each year in which the department reimburses dental
85 hygienists in accordance with Subsection (9)(c), the department shall report to the Health and
86 Human Services Interim Committee, for the previous fiscal year:

87 (i) the number and geographic distribution of dental hygienists who requested to be
88 reimbursed directly;

89 (ii) the total number of Medicaid enrollees who were served by a dental hygienist who

90 was reimbursed under this Subsection (9); and

91 (iii) the total amount reimbursed directly to dental hygienists under this Subsection (9).

92 Section 2. Section **63I-2-226** is amended to read:

93 **63I-2-226. Repeal dates -- Title 26.**

94 (1) Subsection [26-7-8\(3\)](#) is repealed January 1, 2027.

95 [~~(2)~~ Subsection [26-7-9\(5\)](#) is repealed January 1, 2019.]

96 [~~(3)~~ (2) Section [26-8a-107](#) is repealed July 1, 2019.

97 [~~(4)~~ (3) Subsection [26-8a-203\(3\)\(a\)\(i\)](#) is repealed January 1, 2023.

98 [~~(5)~~ (4) Subsection [26-18-2.3\(5\)](#) is repealed January 1, 2020.

99 [~~(6)~~ (5) Subsection [26-18-2.4\(3\)\(e\)](#) is repealed January 1, 2023.

100 (6) Subsection [26-18-2.6\(9\)](#), which addresses reimbursement for dental hygienists, is
101 repealed July 1, 2027.

102 [~~(7)~~ Subsection [26-18-408\(6\)](#) is repealed January 2, 2019.]

103 [~~(8)~~ (7) Subsection [26-18-410\(5\)](#) is repealed January 1, 2026.

104 [~~(9)~~ (8) Subsection [26-18-411\(5\)](#) is repealed January 1, 2023.

105 [~~(10)~~ (9) Subsection [26-18-604\(2\)](#) is repealed January 1, 2020.

106 [~~(11)~~ (10) Subsection [26-21-28\(2\)\(b\)](#) is repealed January 1, 2021.

107 [~~(12)~~ (11) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

108 [~~(13)~~ (12) Subsection [26-33a-106.5\(6\)\(c\)\(iii\)](#) is repealed January 1, 2020.

109 [~~(14)~~ (13) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
110 Program, is repealed July 1, 2027.

111 [~~(15)~~ (14) Subsection [26-50-202\(7\)\(b\)](#) is repealed January 1, 2020.

112 [~~(16)~~ (15) Subsections [26-54-103\(6\)\(d\)\(ii\)](#) and [\(iii\)](#) are repealed January 1, 2020.

113 [~~(17)~~ (16) Subsection [26-55-107\(8\)](#) is repealed January 1, 2021.

114 [~~(18)~~ (17) Subsection [26-56-103\(9\)\(d\)](#) is repealed January 1, 2020.

115 [~~(19)~~ (18) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

116 [~~(20)~~ (19) Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.

117 [~~(21)~~ (20) Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.