

DENTAL HYGIENIST AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-18-2.6, as last amended by Laws of Utah 2020, Chapter 225

63I-1-226, as last amended by Laws of Utah 2020, Chapters 19, 154, 172, 181, 221, 232, 303, 347, and 429

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

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

31 **26-18-2.6. Dental benefits.**

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

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

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

37 (a) ability to manage dental expenses;

38 (b) proven ability to handle dental insurance;

39 (c) efficiency of claim paying procedures;

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

41 (e) other criteria established by the department.

42 (3) The division shall request bids for the program's benefits at least once every five
43 years.

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 a request for proposal or a contract that results from a request
54 for proposal described in Subsection (6)(a), the division shall report to the Health and Human
55 Services Interim Committee regarding the 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.

71 (d) The division shall evaluate the pilot program's effect on the cost of dental care and
72 access to dental care for the targeted Medicaid populations.

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

75 (b) The department shall reimburse a dental hygienist for dental services performed in
76 a public health setting and in accordance with Subsection (9)(c) beginning on the earlier of:

77 (i) January 1, 2023; or

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

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

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

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

85 (d) Before November 30 of each year in which the department reimburses dental

86 hygienists in accordance with Subsection (9)(c), the department shall report to the Health and
87 Human Services Interim Committee, for the previous fiscal year:

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

90 (ii) the total number of Medicaid enrollees who were served by a dental hygienist who
91 were reimbursed under this Subsection (9);

92 (iii) the total amount reimbursed directly to dental hygienists under this Subsection (9);

93 (iv) the specific services and billing codes that are reimbursed under this Subsection
94 (9); and

95 (v) the aggregate amount reimbursed for each service and billing code described in
96 Subsection (9)(d)(iv).

97 (e) (i) Except as provided in this Subsection (9), nothing in this Subsection (9) shall be
98 interpreted as expanding or otherwise altering the limitations and scope of practice for a dental
99 hygienist.

100 (ii) A dental hygienist may only directly bill and receive compensation for billing codes
101 that fall within the scope of practice of a dental hygienist.

102 Section 2. Section **63I-1-226** is amended to read:

103 **63I-1-226. Repeal dates, Title 26.**

104 (1) Subsection **26-1-7(1)(f)**, related to the Residential Child Care Licensing Advisory
105 Committee, is repealed July 1, 2024.

106 (2) Subsection **26-1-7(1)(h)**, related to the Primary Care Grant Committee, is repealed
107 July 1, 2025.

108 (3) Section **26-1-7.5**, which creates the Utah Health Advisory Council, is repealed July
109 1, 2025.

110 (4) Section **26-1-40** is repealed July 1, 2022.

111 (5) Section **26-1-41** is repealed July 1, 2026.

112 (6) Section **26-7-10** is repealed July 1, 2025.

113 (7) Subsection **26-7-11(5)**, regarding reports to the Legislature, is repealed July 1,

- 114 2028.
- 115 (8) Section 26-7-14 is repealed December 31, 2027.
- 116 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
117 1, 2025.
- 118 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
119 is repealed July 1, 2026.
- 120 (11) Section 26-10-11 is repealed July 1, 2025.
- 121 (12) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
122 July 1, 2025.
- 123 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is
124 repealed July 1, 2028.
- 125 ~~[(13)]~~ (14) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
126 July 1, 2027.
- 127 ~~[(14) Subsection 26-18-417(3) relating to a report to the Health and Human services~~
128 ~~Interim Committee is repealed July 1, 2020.]~~
- 129 (15) Subsection 26-18-418(2), the language that states "and the Behavioral Health
130 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 131 (16) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating
132 Committee, is repealed July 1, 2021.
- 133 (17) Section 26-33a-117 is repealed on December 31, 2023.
- 134 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 135 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
136 2024.
- 137 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
138 July 1, 2024.
- 139 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 140 (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
141 Committee, is repealed July 1, 2024.

142 (23) Section 26-40-104, which creates the Utah Children's Health Insurance Program
143 Advisory Council, is repealed July 1, 2025.

144 (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
145 Committee, is repealed July 1, 2025.

146 (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
147 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

148 (26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed
149 July 1, 2026.

150 (27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,
151 2026.