

**MEDICAID DENTAL WAIVER AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Steve Eliason

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**LONG TITLE****§→ [Committee Note:**~~———— The Health and Human Services Interim Committee recommended this bill.~~~~———— Legislative Vote: 13 voting for 0 voting against 5 absent] ←§~~**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 Medicaid Services]~~ CMS a request for waivers, or an amendment to existing waivers, from federal law necessary for the state to:

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

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

(d) On or before ~~§→ [June 30, 2023]~~ January 1, 2024 ←§ , 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)(iii) and (d) through (f), to an  
individual described in Subsection (2)(b)(iii).

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

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

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

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

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

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

dental services to an individual who is an aged individual as defined in 42 U.S.C. Sec. 1382c(a)(1)[-]; and

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

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

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

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

**§→ (D) not pregnant; ←§**

**§→ [(D) 18] (E) 21 ←§** years old or older; and

**§→ [(E) eligible for the program] (F) eligible for full services through the Medicaid program ←§** .

(c) To the extent possible, services to individuals described in Subsection (2)(a) shall be provided through the University of Utah School of Dentistry and the University of Utah School of Dentistry's associated statewide network.

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

(i) by contracting with an entity that:

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

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

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

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

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

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

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