

**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**

**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).

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

34 (c) Before June 30, 2019, the department shall submit to ~~[the Centers for Medicare and~~  
35 ~~Medicaid Services]~~ CMS a request for waivers, or an amendment to existing waivers, from  
36 federal law necessary for the state to:

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

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

40 (d) On or before January 1, 2024, the department shall submit to CMS a request for  
41 waivers, or an amendment of existing waivers, from federal law necessary for the state to  
42 provide dental services, in accordance with Subsections (2)(b)(iii) and (d) through (f), to an  
43 individual described in Subsection (2)(b)(iii).

44 (2) (a) To the extent funded, the department shall provide dental services to only blind  
45 or 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 (A) qualifies for the health coverage improvement program described in Section  
51 [26-18-411](#); and

52 (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 Facilities;  
54 ~~[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\(a\)\(1\)](#)~~[-];~~ and

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

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

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

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

63 (D) not pregnant;

64 (E) 21 years old or older; and

65 (F) eligible for full services through the Medicaid program.

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

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

71 (i) by contracting with an entity that:

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

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

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

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

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

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

84 (f) Each fiscal year, the University of Utah School of Dentistry shall, in compliance  
85 with state and federal regulations regarding intergovernmental transfers, transfer funds to the

86 program in an amount equal to the program's non-federal share of the cost of providing services  
87 under this section through the school during the fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

112 (d) If the waivers requested under Subsection (1)(d) are granted, the Medicaid program  
113 shall begin providing dental services to the population described in Subsection (2)(b)(iii)

114 within 90 days after the day on which the waivers are granted.

115           (4) If the federal share of the cost of providing dental services under this section will be  
116 less than [~~65~~] 55% during any portion of the next fiscal year, the Medicaid program shall cease  
117 providing dental services under this section no later than the end of the current fiscal year.