

1                                   **MEDICAID DENTAL WAIVER AMENDMENTS**

2   2023 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Evan J. Vickers**

5                                   House Sponsor: Steve Eliason

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7   **LONG TITLE**

8   **Committee Note:**

9           The Health and Human Services Interim Committee recommended this bill.

10           Legislative Vote: 13 voting for 0 voting against 5 absent

11   **General Description:**

12           This bill amends the Medical Assistance Act.

13   **Highlighted Provisions:**

14           This bill:

15           ▸ requires the Department of Health and Human Services to request authorization to  
16 provide dental services to Medicaid-eligible adults not already eligible for dental  
17 services; and

18           ▸ makes technical amendments.

19   **Money Appropriated in this Bill:**

20           None

21   **Other Special Clauses:**

22           None

23   **Utah Code Sections Affected:**

24   AMENDS:

25           **26-18-413**, as last amended by Laws of Utah 2020, Chapter 225

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



28 Section 1. Section **26-18-413** is amended to read:

29 **26-18-413. Medicaid waiver for delivery of adult dental services.**

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

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

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

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

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

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

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

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

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

53 (A) qualifies for the health coverage improvement program described in Section  
54 **26-18-411**; and

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

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

59 dental services to an individual who is an aged individual as defined in 42 U.S.C. Sec.  
60 1382c(a)(1)[-]; and

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

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

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

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

66 (D) 18 years old or older; and

67 (E) eligible for the program.

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

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

73 (i) by contracting with an entity that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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