

WSR 22-02-073

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed January 5, 2022, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-20-069.

Title of Rule and Other Identifying Information: WAC 182-535-1270 Oral health connections pilot project.

Hearing Location(s): On February 8, 2022, at 10:00 a.m. The health care authority (HCA) remains closed in response to the coronavirus disease 2019 (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend the virtual public hearing, you must register in advance for this public hearing https://zoom.us/webinar/register/WN_lxrodXpRxCFb9iBSr0GHw. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: Not sooner than February 9, 2022.

Submit Written Comments to: HCA rules coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by February 8, 2022.

Assistance for Persons with Disabilities: Contact HCA rules coordinator, phone 360-725-1306, fax 360-586-9727, telecommunication[s] relay service 711, email arc@hca.wa.gov, by January 21, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending these rules to extend the program through December 31, 2023, or until pilot funds are completely dispersed, whichever comes first. Additionally, the agency is removing age limits and dual eligibility exclusions. The enhanced rate will now include an additional adult prophylaxis, an additional fluoride varnish application, two periodic exams, and two silver diamine fluoride treatment.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Pixie Needham, P.O. Box 45506, Olympia, WA 98504-5506, 360-725-9967.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose any costs on businesses.

January 5, 2022

OTS-3505.2

AMENDATORY SECTION (Amending WSR 18-24-077, filed 11/30/18, effective 1/1/19)

WAC 182-535-1270 Oral health connections pilot project. (1) The oral health connections pilot project is effective for dates of service from January 1, 2019, through December 31, ~~((2021))~~ 2023, or until pilot funds are exhausted, whichever comes first.

(2) The purpose of the oral health connections pilot project is to test the effect that enhanced oral health services have on the overall health of diabetic or pregnant medicaid clients receiving services in Cowlitz, Spokane, and Thurston counties.

(3) To be eligible for the oral health connections pilot project, a client must ~~((be))~~:

- ~~(a) ((Age twenty one to sixty four;~~
- ~~(b) Pregnant, diabetic, or both))~~ Be diabetic and age 21 or older; or
- (b) Be pregnant and 16 years of age or older; and
- (c) Be receiving services under subsection (6) of this section in Cowlitz, Spokane, or Thurston counties; and
- (d) Be referred by a nondental primary health care provider, managed care organization, or a designated community organization to a qualified oral health connections pilot project dental provider. For the purposes of this section, a designated community organization is defined as an auxiliary group or groups that partner with the agency and Arcora foundation to implement the oral health connections pilot project or provide an attestation showing the client has been diagnosed with diabetes or pregnancy, or both.

(4) A client who qualifies for the oral health connections pilot project due to pregnancy may continue receiving services through the duration of the maternity cycle as defined in WAC 182-533-0315, but must ~~((actually))~~ be pregnant at the start of services.

(5) The following are excluded from the oral health connections pilot project:

- (a) Family planning only ~~((and TAKE CHARGE))~~ programs under chapter 182-532 WAC; and
- (b) Medical care services (MCS) program under WAC 182-508-0005 ~~((and~~
- ~~(c) Clients who are enrolled in both medicaid and medicare))~~.

(6) Under the oral health connections pilot project, the medicaid agency pays an enhanced rate for the following services:

- (a) One comprehensive oral exam, per client, per provider in a five-year period;
- (b) One periodic exam, per client, per provider, every six months;
- (c) One complete series of intraoral radiographic images per client in a three-year period;
- ~~((e))~~ (d) Four bitewing X-rays (radiographs) once per client in a ~~((twelve-month))~~ 12-month period;

- ~~((d))~~ (e) One adult prophylaxis, per client, every six months;
(f) Periodontal scaling and root planing - Four or more teeth per quadrant, once per quadrant per client in a two-year period;
~~((e))~~ (g) Periodontal scaling and root planing - Three or more teeth per quadrant, once per quadrant per client in a two-year period;
~~(and~~
~~(f))~~ (h) Up to three additional periodontal maintenance visits in a ~~(twelve-month)~~ 12-month period. At least ~~(ninety)~~ 90 days must elapse following periodontal scaling and root planing or at least ~~(ninety)~~ 90 days must elapse following initial periodontal maintenance, and then every ~~(ninety)~~ 90 days afterwards for a total of three additional periodontal maintenance visits per eligible client in a ~~(twelve-month)~~ 12-month period;
(i) One fluoride varnish application, per client, every six months; and
(j) One silver diamine fluoride treatment, per tooth, per client, every six months.
(7) The services listed in subsection (6) of this section are the only services the agency pays at the enhanced rate. The agency pays for all other covered dental services at the standard rate.
(8) To receive the enhanced rate, dental providers must:
(a) Be enrolled to participate in the oral health connections pilot project;
(b) Meet the qualifications in WAC 182-535-1070;
(c) Provide the services in Cowlitz, Spokane, or Thurston counties; and
(d) Complete training designed specifically for the oral health connections pilot project.
(9) The agency assigns a special identifier to providers who complete the training in subsection (8)(d) of this section which allows them to receive the enhanced rate.

[Statutory Authority: RCW 41.05.021, 41.05.160, and 2017 c 1. WSR 18-24-077, § 182-535-1270, filed 11/30/18, effective 1/1/19.]