

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 220

(Senator Kelley)

Finance

Health and Government Operations

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Maryland Medical Assistance Program - Coverage of Dental Services - Repeal of  
Contingency

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This bill repeals language that makes Medicaid's provision of dental services to adults with incomes at or below 133% of the federal poverty level (FPL) contingent on specified findings of the Maryland Dental Action Coalition (MDAC). **The bill takes effect June 1, 2019.**

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Fiscal Summary

**State Effect:** None. Repealing the contingency does not affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** Chapter 721 of 2017 authorized MDAC to study the annual cost of emergency room visits to treat dental conditions of adults, including whether it is advisable to provide Medicaid dental services for adults with incomes at or below 133% FPL. Under Chapter 721, if MDAC determined that provision of Medicaid dental services for adults was advisable, the bill authorized Medicaid, beginning January 1, 2019, subject to the limitations of the State budget and as permitted by federal law, to provide dental services for adults with incomes at or below 133% FPL.

An April 2017 bill review letter from the Attorney General to the Governor expressed concern that Chapter 721 violates the doctrine that prohibits a legislative body delegating

its law-making functions to any other branch of government or entity. The letter noted that any findings of MDAC should be treated as recommendations only, and the General Assembly should pursue separate legislation if it chooses to expand the Medicaid program.

In December 2017, MDAC submitted a [report](#) to the Governor and the General Assembly, which concluded that it was advisable to expand Medicaid benefits to include dental services for adults with incomes at or below 133% FPL in order to redirect current spending to treat emergency and chronic dental conditions to basic coverage for adults.

Subsequent legislation, Chapter 621 of 2018, required the Maryland Department of Health (MDH) to apply to the federal Centers for Medicare and Medicaid Services (CMS) for an amendment to the State's § 1115 HealthChoice Demonstration Waiver to implement a pilot program to provide limited dental coverage for adult Medicaid recipients. MDH may limit participation in the pilot program to Medicaid recipients who are (1) dually eligible for Medicaid and Medicare and for whom MDH may obtain federal matching funds and (2) of a certain age. The total number of participants in the pilot program may also be limited. MDH may also limit the pilot program to certain geographic regions of the State.

MDH submitted the waiver amendment application to CMS in July 2018, requesting the authority to implement an adult dental pilot statewide. Specifically, the pilot will provide dental services to dually eligible Medicaid participants (those eligible for both Medicaid and Medicare) between 21 and 64 years of age. The basic benefit package will include diagnostic, preventative, and limited restorative and extraction services with an overall cap on expenditures per person.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2019  
sb/ljm Third Reader - March 1, 2019

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