

## Chapter 219

## (House Bill 1146)

AN ACT concerning

~~**Maryland Medical Assistance Program – Adult and Pediatric Maryland Department of Health and Maryland Health Care Commission – Dental Services – Review of Reimbursement Rates Survey and Regional Needs Assessment**~~

FOR the purpose of requiring the Maryland Department of Health, ~~on or before a certain date and on a certain basis, to review billed charges and reimbursement rates for adult and pediatric dental services; requiring the Department to use the data gathered to revise the rates for adult and pediatric dental services provided under the Maryland Medical Assistance Program, to ensure that the reimbursement rates paid are sufficient to ensure access to care for Program recipients, and to ensure that the rates paid exceed a certain percentage of commercial rates or charges, in consultation with a certain entity, to conduct a survey of hospitals to identify the availability of hospital operating resources for dentist use; requiring the Department and the Maryland Health Care Commission, jointly and in consultation with certain entities, to conduct a regional needs assessment for dental procedures that require anesthesia or moderate sedation; requiring the Department and the Commission, jointly and in consultation with a certain entity, to develop regional plans to ensure the availability of certain operating space for the performance of certain dental procedures; and generally relating to adult and pediatric dental services.~~

~~BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 15–103.5  
Annotated Code of Maryland  
(2019 Replacement Volume and 2022 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That ~~the Laws of Maryland read as follows:~~

~~**Article – Health – General**~~

~~15–103.5:~~

~~(a) For the calendar year prior to the report date under subsection (b) of this section, the Department shall review the rates paid to providers under the federal Medicare fee schedule and compare the rates under the Medicare fee schedule to the fee for service rates paid to similar providers for the same services under the Maryland Medical Assistance Program and the rates paid to managed care organization providers for the same services under the Maryland Medical Assistance Program.~~

~~(b) On or before January 1, 2010, and each January 1 thereafter, the Department shall report, in accordance with § 2-1257 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on:~~

~~(1) The review and comparison under subsection (a) of this section;~~

~~(2) Whether the fee for service rates and managed care organization provider rates will exceed the rates paid under the Medicare fee schedule for the period covered by the review required under subsection (a) of this section;~~

~~(3) An analysis of the fee for service reimbursement rates paid in other states and how those rates compare with those in the State;~~

~~(4) A schedule for bringing the State's fee for service reimbursement rates to a level that assures that all health care providers are reimbursed adequately to provide access to care; and~~

~~(5) An analysis of the estimated costs of implementing the schedule and any proposed changes to the fee for service reimbursement rates for the Maryland Medical Assistance Program and the Maryland Children's Health Program.~~

~~(c) (1) ON OR BEFORE DECEMBER 1, 2023, AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL:~~

~~(i) REVIEW THE BILLED CHARGES AND REIMBURSEMENT RATES PAID BY ALL COMMERCIAL PAYORS TO MEDICAL AND DENTAL PROVIDERS FOR ADULT AND PEDIATRIC DENTAL SERVICES; AND~~

~~(ii) COMPARE THE CHARGE DATA AND RATES PAID BY ALL PAYORS AS DESCRIBED IN ITEM (i) OF THIS PARAGRAPH TO THE RATES PAID FOR THE SAME SERVICES UNDER THE PROGRAM.~~

~~(2) THE REVIEW CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL EXAMINE THE RATES PAID FOR ALL ADULT AND PEDIATRIC SERVICES, INCLUDING RATES UNDER THE PROGRAM'S PROFESSIONAL SERVICES FEE SCHEDULE RELATED TO PROVIDING ANESTHESIA FOR DENTAL PROCEDURES.~~

~~(d) THE DEPARTMENT SHALL:~~

~~(1) USE THE DATA GATHERED FROM THE REVIEW REQUIRED UNDER SUBSECTION (c) OF THIS SECTION TO REVISE THE REIMBURSEMENT RATES FOR ADULT AND PEDIATRIC DENTAL SERVICES PAID UNDER THE PROGRAM;~~

~~(2) ENSURE THAT THE REIMBURSEMENT RATES PAID UNDER THE PROGRAM FOR ADULT AND PEDIATRIC DENTAL SERVICES ARE SUFFICIENT TO ENSURE ACCESS TO CARE FOR PROGRAM RECIPIENTS; AND~~

~~(3) ENSURE THAT THE RATES PAID UNDER THE PROGRAM FOR ADULT AND PEDIATRIC DENTAL SERVICES TO ALL MEDICAL AND DENTAL PROVIDERS ARE NOT LESS THAN 60 PERCENT OF:~~

~~(I) THE AVERAGE COMMERCIAL RATES FOR ALL PAYORS; OR~~

~~(II) THE BENCHMARK CHARGES FOR CODES FOR WHICH AVERAGE PAYMENTS CANNOT BE DETERMINED.~~

(a) The Maryland Department of Health, in consultation with the Maryland Hospital Association, shall conduct a survey of hospitals to identify the availability of hospital operating room resources for dentist use including:

(1) the number of dentists credentialed at each hospital;

(2) the average time each hospital takes to credential a dentist;

(3) the number of operating room minutes made available to credentialed dentists at each hospital;

(4) the percentage of available operating room minutes used by credentialed dentists over the immediately preceding 12-month period; and

(5) any stipends paid for anesthesiology services related to the use of operating rooms by credentialed dentists.

(b) The Maryland Department of Health and the Maryland Health Care Commission, jointly and in consultation with the Maryland Hospital Association and the Maryland Ambulatory Surgery Association, shall conduct a regional needs assessment for dental procedures that require anesthesia or moderate sedation that shall consider:

(1) the survey on capacity conducted by the Maryland Hospital Association;

(2) available information that can be used to assess capacity for dental procedures in ambulatory surgery centers;

(3) estimated startup and operating expenses for configuring and operating an operating room for dental procedures; and

(4) the ability of ambulatory surgery centers to pay stipends to anesthesiologists related to dental procedures.

(c) The Maryland Department of Health and the Maryland Health Care Commission, jointly and in consultation with the Maryland Hospital Association, shall develop regional plans to ensure the availability of appropriate operating room space for the performance of dental procedures for Maryland Medical Assistance Program recipients.

(d) On or before December 1, 2023, the Maryland Department of Health and the Maryland Health Care Commission, jointly and in consultation with the Maryland Hospital Association, shall submit a report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, that includes:

- (1) the results of the survey conducted under subsection (a) of this section;
- (2) the results of the needs assessment conducted under subsection (b) of this section; and
- (3) the regional plans developed under subsection (c) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2023~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, April 24, 2023.**