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Testimony in Support of HB 547

Medical Assistance – Dental Prophy & Exams

House Health & Government Operations Committee

Tuesday February 9, 2021

Madam Chair, Madam Vice Chair, and members of the House Health & Government Operations Committee, thank you for the opportunity to provide written today in support of HB 547. My name is Charles Doring and I am general dentist in Rockville Maryland. Along with providing dental care in an office setting, I also provide portable dentistry and I am on the medical staff of several nursing homes in Montgomery County. I am also the Legislative Affairs Committee Chair for the Maryland State Dental Association, recently named to the Provider Advisory Board of the Maryland Health Smiles (Medicaid), and I am also a member of the Deans Faculty at our dental school, the University of Maryland School of Dentistry (UMSOD).

HB 547 Medical Assistance - Dental Prophy & Exams is a great bill that the Maryland Dental Association and I strongly supports. Nine years ago I worked with Senator Nancy King to pass a similar bill that states insurance companies must pay benefits for covered preventive services as long as the last service was greater than 120 days prior. This is helpful for students, expecting mothers, and individuals and families of those being deployed when benefits have been denied in the past due to frequency. Unfortunately, life does not operate on a 6-month schedule of availability. Last year, I had this very same issue with a Medicaid patient. A Medicaid medically compromised grade school child present to my office 5 months and 3 weeks post her last dental cleaning in another office. Preventive care benefits were denied by the program administrator, Skygen. When Senator King and I inquired to the contractor and the Maryland Department of Health, we were told by the Department of Health that Medicaid is exempt for it is not insurance (see accompanying letter). This bill corrects this loophole and allows preventive services some flexibility in scheduling. The bill should be cost neutral for it does not add to the annual maximum for preventive services but should cut staff time in the process of handling rejected claims.

For these reasons, I ask for a favorable report on HB 547.

Sincerely,

Charles A. Doring DDS

Maryland Healthy Smiles
Grievance/Appeals
P. O. Box 393
Milwaukee, WI 53201

Dear Skygen Dental Consultant:

I am filing an authorized written appeal on behalf of the family of Maryland Healthy Smiles patient [REDACTED]

Written consent from her guardian father is attached. This appeal deals with the issue concerning the intent of Maryland Law, concerning the frequency of covered preventive dental services. This is an issue that I have previously disclosed to the Maryland Health Department, the Director of the Maryland Office of Oral Health, the Maryland State Dental Association, Skygen Representative Latia Mitchner, Maryland State Delegate Bonnie Cullison and Maryland State Senator Nancy King. I feel that Maryland Healthy Smiles administrator, Skygen, is not following Maryland Law that went into effect 10/1/12 with the passage of SB 849, legislation that was sponsored by Senator Nancy King. First, I will explain the law then, I will relate the law to my appeal.

The bill was entitled "Health Insurance-Dental Preventive Care-Coverage". Senator King was concerned when patients presented to the dental office for a covered preventive dental benefit (ie: dental cleaning) but the prior dental visit was just shy of 6 months. In my office, this has occurred when a civilian has been deployed overseas, child presenting before the start of school term, a female in their last trimester of pregnancy, may not be available after child birth for preventive services, and patient's undergoing medical procedures (ie: organ transplants) need prior dental clearance before surgery.

2012 SB 849 states:

(b) A carrier that provides coverage for dental preventive care one or more times during a plan year shall provide coverage if:

- (1) Benefits are available; and
- (2) Any other requirements for the coverage of the dental preventive care are met.

(c) If the dental preventive care is covered more than one time during the plan year, the dental preventive care:

- (1) May be provided at intervals of not less than 120 days; and
- (2) May not exceed the number of times covered by the policy or contract.

Senator King has always been a strong advocate for preventive medical and dental care. The intent of the law is to cover those instances, where preventive care is required past 120 days

from last visit but, may not be readily available after a 6 month time. The purpose of the law is clear, timely preventive care prevents a lot of problems later down the road. The Maryland Healthy Smiles programs administered by Skygen should be good stewards of preventive oral care and provide preventive dental benefits as directed in the intent of this law.

My office Maryland Healthy Smiles coordinator Mrs. Antonia McRoy informed me that we recently had a Maryland Healthy Smiles Claim that was denied when an adolescent [REDACTED], a patient with down syndrome initially presented to our dental office for preventive care just prior to the start of school in early September (date of service 9/4/19). Her father brought her in just 10 days prior to the previous 6 month dental care at her former dental office (previous date of service 3/14/19). I could have re-scheduled her at a time where her Dad would have had to take her out of school, but she needed the care and I wanted to do the most appropriate care for her and her family.

I am appealing this case for the benefit of all the patients who need timely preventive dental care, when appropriate, not based on a 6 month benefit period. Maryland Healthy Smiles is a great program that helps those who need the utmost in dental care. I feel the rules for frequency of preventive care should conform to Maryland Law. Please contact myself or Mrs. McRoy at my office, if you require any additional information.

Sincerely,

Charles Doring, DDS, MAGD

cc: Mr. [REDACTED] (father)

cc: with personal information removed:

Senator Nancy King

Senator Clarence Lam

Delegate Bonnie Cullison

Dr. Debony Hughes, Director Maryland Office of Oral Health

Ms. Clare Seibert, Maryland Department of Health

Ms. Katie Neral, Maryland Department of Health

Maryland State Dental Association

Maryland Dental Action Coalition



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

January 15, 2020

Dr. Charles Doring
North Bethesda Dental Associates
11400 Rockville Pike, Suite 509
Rockville, MD 20852-3024

Dear Dr. Doring:

Thank you for your correspondence to Senator Nancy King regarding the frequency of coverage for preventive dental care for the Maryland Healthy Smiles Dental Program. Senator King has asked the Maryland Department of Health (MDH) to review your concern.

MDH recognizes your commitment to Medicaid recipients and your efforts in helping Senator King pass the 2012 SB 849 legislation. MDH has reviewed the information you sent, and determined that the Dental Benefits Administrator, SKYGEN USA, is not in violation of 2012 SB 849. This legislation does not apply to the Medicaid Program; therefore, this legislation does not apply to preventive care covered by the Maryland Healthy Smiles Dental Program. MDH does allow for Medicaid-eligible children to receive dental preventive care at frequencies less than six months under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program as long as they are medically necessary according to COMAR 10.09.05, Dental Services.

Thank you for your continued support and dedicated service to members of the Maryland Healthy Smiles Dental Program. If you have additional questions or concerns, do not hesitate to contact Katie Neral, Deputy Director of the Medicaid Acute Care Administration, at 410-767-3459 or katie.neral@maryland.gov.

Sincerely,

Dennis R. Schrader
Chief Operating Officer and Medicaid Director