
By: **Senators Lawlah, Hogan, Kasemeyer, Van Hollen, and Hoffman**
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Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **Medical Assistance and Other State Programs - Dental Services**

3 FOR the purpose of requiring ~~certain managed care organizations to provide access by~~
4 ~~its enrollees to certain dental services to increase utilization of dental services in~~
5 ~~accordance with certain utilization targets established by the Department of~~
6 ~~Health and Mental Hygiene in an Oral Health Care Plan~~ to issue a request for
7 proposals for the administration of dental services for recipients of the Maryland
8 Medical Assistance Program for the purpose of making a certain comparison
9 between managed care organizations and dental managed care organizations;
10 requiring the Department to provide certain access to program recipients to
11 dental services in accordance with certain utilization targets of the Department;
12 requiring that dental services for pregnant women be included as a benefit
13 under a certain program under the Maryland Medical Assistance Program;
14 requiring the Department, in cooperation with representatives of the dental
15 community care community, dental managed care organizations, and managed
16 care organizations in the State, to make a certain assessment, develop and
17 implement a certain strategy, and establish a certain plan for a certain period
18 that sets certain utilization targets for dental services; requiring a certain plan
19 to include a certain assessment process and a certain statewide follow-up
20 survey; requiring the Department to collaborate with representatives of the
21 dental community care community, dental managed care organizations, and
22 managed care organizations in the State concerning the design and
23 implementation of a certain assessment process and survey; requiring the
24 Department, subject to the State budget, to establish an Office of Oral Health in
25 the Department with certain responsibilities, including the establishment of
26 certain demonstration projects for certain high-risk children in certain State
27 programs; requiring the Department to submit a certain annual report to the
28 General Assembly; requiring the Department to ensure a certain equivalency in

1 the provision of dental services to certain enrollees of a managed care
 2 organization or a dental managed care organization; requiring the Department,
 3 on or before a certain date, to apply to the federal Health Care Financing
 4 Administration for a special waiver to qualify for additional federal funds on a
 5 certain basis; defining ~~a certain term~~ certain terms; and generally relating to
 6 the provision of dental services under certain State programs.

7 BY repealing and reenacting, with amendments,
 8 Article - Health - General
 9 Section 15-101 and 15-103(b)(9)
 10 Annotated Code of Maryland
 11 (1994 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,
 13 Article - Health - General
 14 Section 15-103(b)(9)
 15 Annotated Code of Maryland
 16 (1994 Replacement Volume and 1997 Supplement)

17 BY adding to
 18 Article - Health - General
 19 Section 15-103.2
 20 Annotated Code of Maryland
 21 (1994 Replacement Volume and 1997 Supplement)

22 BY adding to
 23 Article - Health - General
 24 Section 15-103(b)(2)(v)
 25 Annotated Code of Maryland
 26 (1994 Replacement Volume and 1997 Supplement)

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

29 **Article - Health - General**

30 15-101.

31 (a) In this title the following words have the meanings indicated.

32 (A-1) "DENTAL MANAGED CARE ORGANIZATION" MEANS A PRE-PAID DENTAL
 33 PLAN THAT RECEIVES FEES TO MANAGE DENTAL SERVICES.

34 ~~(A-1)~~ (A-2) "DENTAL SERVICES" MEANS DIAGNOSTIC, EMERGENCY,
 35 PREVENTIVE, AND THERAPEUTIC SERVICES FOR ORAL DISEASES.

1 (b) "Enrollee" means a program recipient who is enrolled in a managed care
2 organization.

3 (c) "Facility" means a hospital or nursing facility including an intermediate
4 care facility, skilled nursing facility, comprehensive care facility, or extended care
5 facility.

6 (d) (1) "Historic provider" means a health care provider, as defined in §
7 19-1501 of this article who, on or before June 30, 1995, had a demonstrated history of
8 providing services to program recipients, as defined by the Department in
9 regulations.

10 (2) "Historic provider", to the extent the provider meets the
11 requirements in paragraph (1) of this subsection, shall include:

12 (i) A federal or State qualified community health center;

13 (ii) A provider with a program for the training of health care
14 professionals, including an academic medical center;

15 (iii) A hospital outpatient program, physician, or advanced practice
16 nurse that is a Maryland Access to Care (MAC) provider;

17 (iv) A local health department;

18 (v) A hospice, as defined in Title 19, Subtitle 9 of this article;

19 (vi) A pharmacy; and

20 (vii) Any other historic provider designated in accordance with
21 regulations adopted by the Department.

22 (e) "Managed care organization" means:

23 (1) A certified health maintenance organization that is authorized to
24 receive medical assistance prepaid capitation payments; or

25 (2) A corporation that:

26 (i) Is a managed care system that is authorized to receive medical
27 assistance prepaid capitation payments;

28 (ii) Enrolls only program recipients; and

29 (iii) Is subject to the requirements of § 15-102.4 of this title.

30 (f) "Ombudsman program" means a program that assists enrollees in
31 resolving disputes with managed care organizations in a timely manner and that is
32 responsible, at a minimum, for the following functions:

1 (1) Investigating disputes between enrollees and managed care
2 organizations referred by the enrollee hotline;

3 (2) Reporting to the Department:

4 (i) The resolution of all disputes;

5 (ii) A managed care organization's failure to meet the Department's
6 requirements; and

7 (iii) Any other information specified by the Department;

8 (3) Educating enrollees about:

9 (i) The services provided by the enrollee's managed care
10 organization; and

11 (ii) The enrollee's rights and responsibilities in receiving services
12 from the managed care organization; and

13 (4) Advocating on behalf of the enrollee before the managed care
14 organization, including assisting the enrollee in using the managed care
15 organization's grievance process.

16 (g) "Primary mental health services" means the clinical evaluation and
17 assessment of services needed by an individual and the provision of services or
18 referral for additional services as deemed medically appropriate by a primary care
19 provider.

20 (h) "Program" means the Maryland Medical Assistance Program.

21 (i) "Program recipient" means an individual who receives benefits under the
22 Program.

23 (j) "Specialty mental health services" means any mental health services other
24 than primary mental health services.

25 15-103.

26 (b) (2) (V) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH,
27 THE BENEFITS REQUIRED BY THE PROGRAM DEVELOPED UNDER PARAGRAPH (1) OF
28 THIS SUBSECTION SHALL INCLUDE DENTAL SERVICES FOR PREGNANT WOMEN.

29 (9) Each managed care organization shall:

30 (i) Have a quality assurance program in effect which is subject to
31 the approval of the Department and which, at a minimum:

32 1. Complies with any health care quality improvement
33 system developed by the Health Care Financing Administration;

- 1
2 State licensure laws and regulations;
- 3
4 by the Department;
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6 enrollee hotline;
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9 be taken at least annually;
- 10
11 input from enrollees;
- 12
13 be submitted to the Secretary; and
- 14
15 performance measurements adopted by the Department for treating enrollees with
16 special needs;
- 17 (ii) Submit to the Department:
- 18
19 established by the Department; and
- 20
21 Employer Data and Information Set (HEDIS), as directed by the Department;
- 22 (iii) Promote timely access to and continuity of health care services
23 for enrollees;
- 24 (iv) Demonstrate organizational capacity to provide special
25 programs, including outreach, case management, and home visiting, tailored to meet
26 the individual needs of all enrollees;
- 27 (v) Provide assistance to enrollees in securing necessary health
28 care services;
- 29 (vi) Provide or assure alcohol and drug abuse treatment for
30 substance abusing pregnant women and all other enrollees of managed care
31 organizations who require these services;
- 32 (vii) Educate enrollees on health care prevention and good health
33 habits;
- 34 (viii) Assure necessary provider capacity in all geographic areas
35 under contract;

1 (ix) Be accountable and hold its subcontractors accountable for
2 standards established by the Department and, upon failure to meet those standards,
3 be subject to one or more of the following penalties:

- 4 1. Fines;
- 5 2. Suspension of further enrollments;
- 6 3. Withholding of all or part of the capitation payment;
- 7 4. Termination of the contract;
- 8 5. Disqualification from future participation in the Program;
- 9 and
- 10 6. Any other penalties that may be imposed by the
11 Department;

12 (x) Subject to applicable federal and State law, include incentives
13 for enrollees to comply with provisions of the managed care organization;

14 (xi) Provide or arrange to provide primary mental health services;

15 (xii) Provide or arrange to provide all Medicaid-covered services
16 required to comply with State statutes and regulations mandating health and mental
17 health services for children in State supervised care:

- 18 1. According to standards set by the Department; and
- 19 2. Locally, to the extent the services are available locally;

20 (xiii) Submit to the Department aggregate information from the
21 quality assurance program, including complaints and resolutions from the enrollee
22 and provider grievance systems, the enrollee hotline, and enrollee satisfaction
23 surveys;

24 (xiv) Maintain as part of the enrollee's medical record the following
25 information:

- 26 1. The basic health risk assessment conducted on
27 enrollment;
- 28 2. Any information the managed care organization receives
29 that results from an assessment of the enrollee conducted for the purpose of any early
30 intervention, evaluation, planning, or case management program;
- 31 3. Information from the local department of social services
32 regarding any other service or benefit the enrollee receives, including assistance or
33 benefits under Article 88A of the Code; and

1 4. Any information the managed care organization receives
 2 from a school-based clinic, a core services agency, a local health department, or any
 3 other person that has provided health services to the enrollee; {and}

4 (xv) Upon provision of information specified by the Department
 5 under paragraph (19) of this subsection, pay school-based clinics for services provided
 6 to the managed care organization's enrollees; ~~AND~~.

7 15-103.2.

8 (A) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE
 9 ADMINISTRATION OF DENTAL SERVICES FOR PROGRAM RECIPIENTS FOR THE
 10 PURPOSE OF COMPARING AND EVALUATING THE PERFORMANCE AND COST OF
 11 DENTAL SERVICES PROVIDED BY A MANAGED CARE ORGANIZATION AND THE
 12 PERFORMANCE AND COST OF DENTAL SERVICES PROVIDED BY A DENTAL MANAGED
 13 CARE ORGANIZATION THAT IS SEPARATE FROM A MANAGED CARE ORGANIZATION.

14 ~~(XVI)~~ (B) THE DEPARTMENT SHALL PROVIDE ACCESS TO
 15 ~~ENROLLEES~~ PROGRAM RECIPIENTS FOR DENTAL SERVICES TO INCREASE
 16 UTILIZATION OF DENTAL SERVICES IN ACCORDANCE WITH UTILIZATION TARGETS
 17 THAT THE DEPARTMENT BY REGULATION ESTABLISHES IN AN ORAL HEALTH CARE
 18 PLAN.

19 (C) THE ACCESS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY BE
 20 THROUGH A MANAGED CARE ORGANIZATION OR A DENTAL MANAGED CARE
 21 ORGANIZATION THAT IS SEPARATE FROM A MANAGED CARE ORGANIZATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
 23 Health and Mental Hygiene, in cooperation with representatives of the dental care
 24 community, dental managed care organizations, and managed care organizations in
 25 the State, shall:

26 (1) assess the availability and accessibility of dentists throughout the
 27 State participating in the Maryland Medical Assistance Program, either on a
 28 fee-for-service basis or through a Medicaid managed care organization;

29 (2) develop and implement a strategy for increasing the participation of
 30 dentists in the Program;

31 ~~(+)~~ (3) establish by regulation a Five Year Oral Health Care Plan that
 32 sets utilization targets for managed care organizations and dental managed care
 33 organizations under the Maryland Medical Assistance Program to measure
 34 demonstrated increases in access by Program enrollees to dental services; and

35 ~~(=)~~ (4) based on the current 14% level of utilization of dental services,
 36 set a utilization target of 30% in the first year of the Plan, with annual increases in
 37 utilization of 10% until a minimum level of utilization of 70% is attained in the fifth
 38 year of the Plan.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Five Year Oral
2 Health Care Plan developed by the Department of Health and Mental Hygiene under
3 Section 2 of this Act shall include:

4 (1) an assessment process with ongoing oversight by the Department to
5 determine if utilization targets are being met and to ensure that corrective action is
6 taken by a managed care organization or a dental managed care organization that
7 fails to meet the utilization targets;

8 (2) a requirement for a statewide follow-up survey to be conducted by
9 the Department in the year 2000 concerning the oral health status of school children
10 in the State.

11 SECTION 4. AND BE IT FURTHER ENACTED, That the Department of
12 Health and Mental Hygiene shall collaborate with representatives of the dental care
13 community, dental managed care organizations, and managed care organizations in
14 the State in the design and implementation of the assessment process and statewide
15 survey required under Section 3 of this Act.

16 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the State
17 budget, the Department of Health and Mental Hygiene shall establish an Office of
18 Oral Health in the Department with responsibility for:

19 (1) promoting the participation of dentists throughout the State in the
20 Maryland Medical Assistance Program;

21 (→) (2) ensuring that managed care organizations and dental managed
22 care organizations provide dental services under the Maryland Medical Assistance
23 Program as required by § ~~15-103(b)(9)(xvi)~~ 15-103.2 of the Health - General Article,
24 as enacted by Section 1 of this Act;

25 (↔) (3) overseeing the assessment process and statewide survey
26 required under Section 3 of this Act; and

27 (↔) (4) establishing one or more demonstration projects for high-risk
28 children in populations for whom dental services are not ordinarily available, such as
29 children in school-based health clinics, Head Start programs, pediatric ambulatory
30 centers, and the Women, Infants, and Children (WIC) Program.

31 SECTION 6. AND BE IT FURTHER ENACTED, That the Department of
32 Health and Mental Hygiene, subject to § 2-1246 of the State Government Article,
33 shall submit a report to the General Assembly annually concerning:

34 (1) the availability and accessibility of dentists throughout the State
35 participating in the Maryland Medical Assistance Program;

36 (→) (2) the outcomes that managed care organizations and dental
37 managed care organizations under the Maryland Medical Assistance Program achieve
38 concerning the utilization targets required by Section 2 of this Act, including:

1 (i) loss ratios that the managed care organizations and dental
2 managed care organizations experience for providing dental services; and

3 (ii) corrective action by managed care organizations and dental
4 managed care organizations to achieve the utilization targets; and

5 ~~(2)~~ (3) the allocation and use of funds authorized by this Act.

6 SECTION 7. AND BE IT FURTHER ENACTED, That the Department of
7 Health and Mental Hygiene shall ensure that dental services equivalent to those
8 provided under the Maryland Medical Assistance Program are provided to any
9 portion of the enrollees of a managed care organization or a dental managed care
10 organization that the State may move to private health insurance.

11 SECTION 8. AND BE IT FURTHER ENACTED, That on or before December 1,
12 1999, the Department of Health and Mental Hygiene shall apply to the federal Health
13 Care Financing Administration for a special waiver to qualify for additional federal
14 matching funds based on the extensive level of dental services needed by children in
15 this State.

16 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1998.