

ASSEMBLY BILL NO. 223—ASSEMBLYWOMAN NEAL

FEBRUARY 21, 2019

Referred to Committee on Health and Human Services

SUMMARY—Requires the Department of Health and Human Services to seek a federal waiver to allow certain dental care for persons with diabetes to be included in the State Plan for Medicaid. (BDR 38-544)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public welfare; requiring the Department of Health and Human Services to seek a federal waiver to allow certain dental care for persons with diabetes to be included in the State Plan for Medicaid; making an appropriation to pay for the provision of such care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal law authorizes a state to apply for and obtain a waiver of
2 certain requirements concerning the Medicaid program for an experimental, pilot or
3 demonstration project that is likely to assist in promoting the goals of that program.
4 (42 U.S.C. § 1315) **Section 1** of this bill requires the Department of Health and
5 Human Services to apply for such a waiver to include in the State Plan for
6 Medicaid coverage for certain dental care for persons with diabetes who are at least
7 21 years of age. **Section 2** of this bill makes a conforming change. **Sections 3 and**
8 **4** of this bill require a health maintenance organization or managed care
9 organization that provides health care services through managed care to recipients
10 of Medicaid to provide to such a recipient who is eligible to receive dental coverage
11 pursuant to **section 2** of his or her eligibility for such care. **Section 5** of this bill
12 appropriates money to the Department to carry out the waiver. **Section 6** of this bill
13 requires the Department to: (1) use effective purchasing methods, including
14 collaborating with other public and nonprofit entities that provide health coverage
15 to negotiate lower prices for services, when implementing the waiver; and (2)
16 submit to the 81st Session of the Legislature a report concerning the
17 implementation of the waiver.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Department shall apply to the Secretary of Health and*
4 *Human Services for a waiver granted pursuant to 42 U.S.C. §*
5 *1315 to authorize the Department to include in the State Plan for*
6 *Medicaid coverage for the dental care described in this section for*
7 *persons with diabetes who are at least 21 years of age. To the*
8 *extent authorized by the waiver, such dental care must consist of*
9 *an initial oral evaluation and, if that evaluation determines, in*
10 *accordance with the criteria for periodontal disease prescribed by*
11 *the American Academy of Periodontology or its successor*
12 *organization, that:*

13 (a) *The person does not have periodontal disease:*

14 (1) *Dental prophylaxis for adults, an oral evaluation and*
15 *glycosylated hemoglobin testing once every 180 days;*

16 (2) *A comprehensive periodontal evaluation annually; and*

17 (3) *Filling of cavities, as necessary.*

18 (b) *The person has periodontal disease:*

19 (1) *Up to four quadrants of periodontal scaling and root*
20 *planing every 36 months or, if periodontal scaling and root*
21 *planing are determined to be unnecessary in accordance with the*
22 *guidelines prescribed by the American Dental Association or its*
23 *successor organization, dental prophylaxis for adults every 180*
24 *days;*

25 (2) *One periodontal maintenance procedure every 91 days;*

26 (3) *Glycosylated hemoglobin testing every 90 days; and*

27 (4) *Filling of cavities, as necessary.*

28 2. *The Director shall collaborate with the Division of Public*
29 *and Behavioral Health of the Department when carrying out the*
30 *provisions of this section.*

31 3. *As used in this section, “dental prophylaxis” means the use*
32 *of dental tools and polishing procedures to remove plaque, tartar*
33 *and stains from the portion of the tooth that extends above the*
34 *gum line.*

35 **Sec. 2.** NRS 232.320 is hereby amended to read as follows:

36 232.320 1. The Director:

37 (a) Shall appoint, with the consent of the Governor,
38 administrators of the divisions of the Department, who are
39 respectively designated as follows:

40 (1) The Administrator of the Aging and Disability Services
41 Division;



1 (2) The Administrator of the Division of Welfare and
2 Supportive Services;

3 (3) The Administrator of the Division of Child and Family
4 Services;

5 (4) The Administrator of the Division of Health Care
6 Financing and Policy; and

7 (5) The Administrator of the Division of Public and
8 Behavioral Health.

9 (b) Shall administer, through the divisions of the Department,
10 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
11 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
12 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
13 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,
14 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
15 and 445A.010 to 445A.055, inclusive, and all other provisions of
16 law relating to the functions of the divisions of the Department, but
17 is not responsible for the clinical activities of the Division of Public
18 and Behavioral Health or the professional line activities of the other
19 divisions.

20 (c) Shall administer any state program for persons with
21 developmental disabilities established pursuant to the
22 Developmental Disabilities Assistance and Bill of Rights Act of
23 2000, 42 U.S.C. §§ 15001 et seq.

24 (d) Shall, after considering advice from agencies of local
25 governments and nonprofit organizations which provide social
26 services, adopt a master plan for the provision of human services in
27 this State. The Director shall revise the plan biennially and deliver a
28 copy of the plan to the Governor and the Legislature at the
29 beginning of each regular session. The plan must:

30 (1) Identify and assess the plans and programs of the
31 Department for the provision of human services, and any
32 duplication of those services by federal, state and local agencies;

33 (2) Set forth priorities for the provision of those services;

34 (3) Provide for communication and the coordination of those
35 services among nonprofit organizations, agencies of local
36 government, the State and the Federal Government;

37 (4) Identify the sources of funding for services provided by
38 the Department and the allocation of that funding;

39 (5) Set forth sufficient information to assist the Department
40 in providing those services and in the planning and budgeting for the
41 future provision of those services; and

42 (6) Contain any other information necessary for the
43 Department to communicate effectively with the Federal
44 Government concerning demographic trends, formulas for the



1 distribution of federal money and any need for the modification of
2 programs administered by the Department.

3 (e) May, by regulation, require nonprofit organizations and state
4 and local governmental agencies to provide information regarding
5 the programs of those organizations and agencies, excluding
6 detailed information relating to their budgets and payrolls, which the
7 Director deems necessary for the performance of the duties imposed
8 upon him or her pursuant to this section.

9 (f) Has such other powers and duties as are provided by law.

10 2. Notwithstanding any other provision of law, the Director, or
11 the Director's designee, is responsible for appointing and removing
12 subordinate officers and employees of the Department, other than
13 the State Public Defender of the Office of State Public Defender
14 who is appointed pursuant to NRS 180.010.

15 **Sec. 3.** Chapter 695C of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *If the Department of Health and Human Services obtains a*
18 *waiver to provide the dental care described in section 1 of this act,*
19 *a health maintenance organization that provides health care*
20 *services through managed care to recipients of Medicaid must:*

21 *1. Provide written notice to each such recipient who is*
22 *diagnosed with diabetes and is eligible to receive dental care*
23 *pursuant to section 1 of this act of his or her eligibility to receive*
24 *such care; and*

25 *2. Coordinate with any entity necessary to ensure that eligible*
26 *recipients of Medicaid receive the benefits prescribed by that*
27 *section.*

28 **Sec. 4.** Chapter 695G of NRS is hereby amended by adding
29 thereto a new section to read as follows:

30 *If the Department of Health and Human Services obtains a*
31 *waiver to provide the dental care described in section 1 of this act,*
32 *a managed care organization that provides health care services*
33 *through managed care to recipients of Medicaid must:*

34 *1. Provide written notice to each such recipient who is*
35 *diagnosed with diabetes and is eligible to receive dental care*
36 *pursuant to section 1 of this act of his or her eligibility to receive*
37 *such care; and*

38 *2. Coordinate with any entity necessary to ensure that eligible*
39 *recipients of Medicaid receive the benefits prescribed by that*
40 *section.*

41 **Sec. 5.** 1. There is hereby appropriated from the State
42 General Fund to the Department of Health and Human Services for
43 the purpose of carrying out the provisions of section 1 of this act the
44 following sums:



1 For the Fiscal Year 2019-2020 \$7,000,000
 2 For the Fiscal Year 2020-2021 \$7,000,000

3 2. The sums appropriated by this section are available for either
 4 fiscal year. Any remaining balance of those sums must not be
 5 committed for expenditure after June 30, 2021, by the entity to
 6 which the appropriation is made or any entity to which money from
 7 the appropriation is granted or otherwise transferred in any manner,
 8 and any portion of the appropriated money remaining must not be
 9 spent for any purpose after September 17, 2021, by either the entity
 10 to which the money was appropriated or the entity to which the
 11 money was subsequently granted or transferred, and must be
 12 reverted to the State General Fund on or before September 17, 2021.

13 **Sec. 6.** 1. The Department of Health and Human Services
 14 shall use effective purchasing methods when carrying out the
 15 provisions of section 1 of this act. Such methods must include,
 16 without limitation and to the extent practicable, collaborating with
 17 the Department of Administration to negotiate prices for the
 18 purchase of the services described in section 1 of this act for
 19 recipients of Medicaid and other coverage funded by the State.

20 2. On or before January 1, 2021, the Division of Health Care
 21 Financing and Policy of the Department of Health and Human
 22 Services and the Division of Public and Behavioral Health of the
 23 Department shall submit to the Director of the Legislative Counsel
 24 Bureau for transmittal to the next regular session of the Legislature a
 25 report concerning the implementation of section 1 of this act.

26 **Sec. 7.** This act becomes effective on July 1, 2019.



