

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### Senate Bill 648

FISCAL  
NOTE

BY SENATORS TAKUBO, MANN, MARONEY, PREZIOSO,  
STOLLINGS, WELD, BALDWIN, CLINE, HARDESTY,  
LINDSAY, PALUMBO, PLYMALE, UNGER, AND ROBERTS

[Introduced January 29, 2020; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §9-5-12a, relating to providing dental coverage for adult Medicaid recipients;  
 3 providing limitations; and designating the Department of Health and Human Resources as  
 4 the responsible department to implement these provisions.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-12a. Medicaid program; dental care.**

1 (1) The Legislature finds that:

2 (a) Medical and social research demonstrate dental care is vitally important for everyone  
 3 and significantly affects overall health, employability and social inclusion, Dental diseases are  
 4 caused by bacterial infections spread through contact with saliva, without treatment are  
 5 progressive in nature, and pose a serious threat to public health; and

6 (b) Lack of dental care is a recognized indicator of greater likelihood of chronic illnesses  
 7 and poor health outcomes; and

8 (c) Preventive dental care and early treatment to maintain health have been shown to be  
 9 a more financially efficient form of care resulting in reduced expenditures to treat other chronic  
 10 and serious conditions; and

11 (d) Many West Virginians, including those residents enrolled in Medicaid, who live in rural  
 12 areas, or are experiencing a disability are frequently unable to find or see a dentist or pay for  
 13 dental care; and

14 (e) West Virginians with disabilities, of whom approximately 50 percent are insured by  
 15 Medicaid, have been disparately impacted by the lack of coverage and furthermore have  
 16 additional difficulties as many dental practices are not inclusive of people experiencing disabilities;  
 17 and

18 (f) The Department of Health and Human Resources is responsible for funding, promotion  
 19 of access and quality, maintaining healthcare infrastructure—especially in rural areas, and

20 payment policies that influence the behavior of providers and determine their financial viability;

21 and

22 (g) Dental patients now struggle to have complete health and providers are less likely to  
23 participate in Medicaid when denied the ability to resolve oral disease; and

24 (h) Similarly situated states who reduced their adult dental coverage under Medicaid  
25 reported increases in dental-related Emergency Department visits and costs for adults while at  
26 the same time experiencing a significant drop in children's dental-related Emergency Department  
27 visits after dental coverage became an Essential Health Benefit for children; and

28 (i) Hospital Emergency Departments are not trained nor equipped to definitively resolve  
29 dental diseases and often provide only palliative care and/or antibiotics for temporary relief of  
30 chronic and acute bacterial infections; and

31 (j) West Virginians have increasingly turned to opioids to self-manage painful oral  
32 diseases; and

33 (k) West Virginians who successfully complete treatment for opioid misuse are suffering  
34 in their inability to get adequate dental care to improve their chances of employment after  
35 rehabilitation.

36 (2) The department shall extend Medicaid coverage to adults covered by the Medicaid  
37 program for dental services This coverage is limited to \$1000 each budget year. Recipients must  
38 pay for services over the \$1000 yearly limit. Medically necessary emergency services, dentures,  
39 and partials are exempt from the \$1000 limit. No provision in this article shall restrict the  
40 department in exercising new options provided by or to be in compliance with new federal  
41 legislation that further expands eligibility for dental care for adult recipients.

42 (3) The department is responsible for the implementation and program design for a dental  
43 care system to reduce the continuing harm and continuing impact on the healthcare system in  
44 West Virginia. The dental health system design shall include oversight, quality assurance  
45 measures, case management, and patient outreach activities. The department shall assume

46 responsibility for claims processing in accordance with established fee schedules and financial  
47 aspects of the program necessary to receive available federal dollars and to meet federal rules  
48 and regulations. The department shall promulgate emergency rules pursuant to the provisions of  
49 §29A-3-15 of this code.

50 (4) Beginning January 1, 2021, the department shall provide no less than \$1000 for the  
51 reimbursement rates under the Medicaid program for dental care for adults.

NOTE: The purpose of this bill is to expand the Medicaid program to include dental coverage for adult recipients, to establish an amount of coverage available, to identify the responsible state department and to provide emergency rule-making authority.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.