

DEPARTMENT OF HEALTH



PROPOSED CHANGES TO REGULATIONS.

Medicaid Enrollment, Coverage, & Payment for Advanced Practice Dental Hygienist & Dental Specialist.

- 7 AAC 105. Medicaid Provider and Recipient Participation.
- 7 AAC 110. Medicaid Coverage; Professional Services.
- 7 AAC 120. Medicaid Coverage; Prescription Drugs and Medical Supplies; Durable Medical Equipment; Prosthetics and Orthotics; Transportation Services.
- 7 AAC 145. Medicaid Payment Rates.
- 7 AAC 160. Medicaid Program; General Provisions.



PUBLIC REVIEW DRAFT
October 9, 2023.

COMMENT PERIOD ENDS: November 27, 2023.

**Please see the public notice for details about how to
comment on these proposed changes.**

Notes to reader:

- 1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
- 2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
- 3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
- 4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
- 5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Title 7. Health and Social Services.

Chapter 105. Medicaid Provider and Recipient Participation.

7 AAC 105.200(a)(1) is amended by adding a new subparagraph to read:

(V) a licensed dental hygienist who holds an advanced practice permit issued by the Board of Dental Examiners under AS 08.32.125;

(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 7/1/2018, Register 226; am 6/2/2019, Register 230; am 4/24/2020, Register 234; am 7/8/2020, Register 235; am 8/27/2021, Register 239; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 105.220(a)(1) is amended to read:

(1) comply with all applicable federal and state laws related to providing medical or medically related services to Medicaid recipients in this state, including laws related to recipient confidentiality, electronic transactions, **scope of practice**, and civil rights;

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(Eff. 2/1/2010, Register 193; am 10/1/2011, Register 199; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

Chapter 110. Medicaid Coverage; Professional Services.

7 AAC 110.140(a)(3) is amended to read:

(3) if practicing orthodontics **or other dental specialty**, have an active certification **or license under AS 08.36.242 and 08.36.243** [FROM THE APPROPRIATE SPECIALTY BOARD RECOGNIZED UNDER AS 08.36.246].

7 AAC 110.140 is amended by adding new subsections to read:

(c) To be eligible for payment under 7 AAC 105 - 7 AAC 160 for providing dental hygiene services, a dental hygienist must

(1) be enrolled as an advanced practice dental hygienist in accordance with 7 AAC 105.210;

(2) be licensed as a dental hygienist under AS 08.32; and

(3) hold an active dental hygienist advanced practice permit under AS 08.32.125.

(d) To be eligible for payment under 7 AAC 105 - 7 AAC 160 for providing dental hygiene services in a group practice, the group must

(1) be enrolled in accordance with 7 AAC 105.210; and

(2) consist of one or more individuals who meet the requirements of (c) of this section. (Eff. 2/1/2010, Register 193; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

7 AAC 110.165 is amended by adding a new section to read:

7 AAC 110.165. Advanced practice dental hygienist services. (a) Payment for dental hygiene services provided under this section to recipients 21 years of age and older reduces the recipient's annual dental limit under 7 AAC 110.145(b) and the associated unused services provisions of 7 AAC 110.145(e).

(b) Prior authorization requirements under 7 AAC 110.145 and 7 AAC 150 apply to services provided under this section.

(c) Services provided under this section count toward service limits under 7 AAC 110.145 and 7 AAC 110.150.

(d) Except as specifically excluded under (f) of this section, the department will pay an advanced practice dental hygienist enrolled under 7 AAC 110.140 for services that are within the individual's scope of practice and identified in the *Fee Schedule: Advanced Practice Dental Hygienist Services*, adopted by reference in 7 AAC 160.900, including

- (1) radiographs necessary for routine dental care;
- (2) preventive care, including
 - (A) prophylaxis, including necessary scaling, polishing, and instructions;
 - (B) topical fluoride application; and
 - (C) anterior removable space maintainer;

(3) under the direct supervision of a licensed dentist, placement of a restoration into a cavity prepared by a dentist enrolled under this chapter and subsequent carving, contouring, and adjustment of the contacts and occlusion of the restoration; and

(4) non-surgical periodontics and local periodontal therapeutic agents, including treatment of pain or acute infection of supporting tissues of the teeth, including gingivitis, periodontitis, and periodontal abscess.

(e) The department will not pay an advanced practice dental hygienist for the noncovered services identified in 7 AAC 110.145(g).

(f) An advanced practice dental hygienist may provide services in the following locations to an individual who is unable to access dental hygiene services in a dental office setting because of age, infirmity, or disability:

- (1) a senior center;
- (2) a hospital;
- (3) a long-term care facility;
- (4) an adult foster home;
- (5) a residential care facility;
- (6) an adult congregate living facility;
- (7) a mental health residential program;
- (8) a facility for individuals with developmental or other disabilities;
- (9) fluoride only in a nursery school or day care program;
- (10) a vocational training facility;
- (11) a public, private, or charter primary or secondary school;

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(12) a private home;

(13) a dental health professional shortage area (HPSA) designated under

42 U.S.C. 254e. (Eff. ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

Chapter 120. Medicaid Coverage; Prescription Drugs and Medical Supplies; Durable Medical Equipment; Prosthetics and Orthotics; Transportation Services.

7 AAC 120.112 is amended by adding a new paragraph to read:

(9) a drug that is

(A) prescribed by a provider who is not enrolled under 7 AAC 105.210; or

(B) not prescribed in accordance with 7 AAC 105.220(a), regardless of whether

the drug would otherwise be covered. (Eff. 5/18/2014, Register 210; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.040

Chapter 145. Medicaid Payment Rates.

7 AAC 145.120 is amended by adding a new subsection to read:

(e) The department will pay for services provided by an advanced practice dental hygienist in accordance with 7 AAC 110.165 and the *Fee Schedule: Advanced Practice Dental Hygienist Services*, adopted by reference in 7 AAC 160.900. (Eff. 2/1/2010, Register 193; am 11/1/2010, Register 196; am 1/15/2011, Register 197; am 3/22/2014, Register 209; am 5/1/2016, Register 218; am 7/1/2019, Register 231; am 12/1/2022, Register 244; am ____/____/_____, Register _____)

Chapter 160. Medicaid Program; General Provisions.

7 AAC 160.900(e)(2) is amended to read:

(2) *State Fiscal Year **2024** [2022] Fee Schedule: Dental Services for Children*, revised as of **September 11, 2023** [JULY 1, 2021], *State Fiscal Year **2024** [2022] Fee Schedule: Emergent Adult Dental Services*, revised as of **September 11, 2023** [JULY 1, 2021], *State Fiscal Year **2024** [2022] Fee Schedule: Prosthodontic Adult Dental Services*, revised as of **September 11, 2023** [JULY 1, 2021, AND] *State Fiscal Year **2024** [2022] Fee Schedule: Enhanced Adult Dental Services*, revised as of **September 11, 2023** [JULY 1, 2021], **and State Fiscal Year 2024 Fee Schedule: Advanced Practice Dental Hygienist Services, dated September 11, 2023;**

(Eff. 2/1/2010, Register 193; am 8/25/2010, Register 195; am 12/1/2010, Register 196; am 1/1/2011, Register 196; am 1/15/2011, Register 197; am 2/9/2011, Register 197; am 3/1/2011, Register 197; am 10/1/2011, Register 199; am 12/1/2011, Register 200; am 1/26/2012, Register 201; am 3/8/2012, Register 201; am 4/1/2012, Register 201; add'l am 4/1/2012, Register 201; am 5/11/2012, Register 202; am 10/16/2012, Register 204; am 11/3/2012, Register 204; am 12/1/2012, Register 204; am 12/2/2012, Register 204; am 1/1/2013, Register 204; am 1/16/2013, Register 205; am 7/1/2013, Register 206; add'l am 7/1/2013, Register 206; am 11/3/2013, Register 208; am 1/1/2014, Register 208; am 2/2/2014, Register 209; am 3/19/2014, Register 209; am 3/22/2014, Register 209; am 5/18/2014, Register 210; am 2/26/2015, Register 213; am 3/15/2015, Register 213; am 7/1/2015, Register 214; am 5/1/2016, Register 218; am 6/16/2016, Register 218; am 7/22/2017, Register 223; am 11/5/2017, Register 224; am 3/1/2018, Register

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225; am 10/1/2018, Register 227; am 1/1/2019, Register 228; am 3/24/2019, Register 229; am 6/2/2019, Register 230; am 6/13/2019, Register 230; am 7/1/2019, Register 231; am 10/25/2019, Register 232; am 11/10/2019, Register 232; am 4/24/2020, Register 234; am 5/21/2020, Register 234; am 6/25/2020, Register 234; am 10/1/2020, Register 235; am 10/4/2020, Register 236; am 1/1/2021, Register 236; am 3/31/2021, Register 238; am 6/30/2021, Register 238; am 8/27/2021, Register 239; am 9/9/2021, Register 239; am 10/9/2021, Register 240; am 11/1/2021, Register 240; am 5/25/2022, Register 242; am 9/4/2022, Register 243; am 9/18/2022, Register 243; am 10/16/2022, Register 244; am 12/1/2022, Register 244; am 12/23/2022, Register 244; am 3/3/2023, Register 245; am 3/26/2023, Register 245; am 5/1/2023, Register 246; am 5/19/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 47.05.010 AS 47.07.030 AS 47.07.085
AS 47.05.012 AS 47.07.040