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**The National Conference of State Legislatures Meets**

ADEA staff attended the National Conference of State Legislatures' (NCSL) Legislative Summit, August 6-9 in Chicago, Illinois. The summit sessions addressed various state issues, including expert panel discussions focused on the impact of the United States Supreme Court decision regarding *The Patient Protection and Affordable Care Act* (ACA), a roundtable on state health insurance exchange plans and options, and a presentation on cost savings opportunities in oral health care. ADEA staff interacted with members of state legislatures and engaged in discussions regarding access and delivery of oral health care. The NCSL provided meeting attendees with a list of [State Officer Contacts](#) within the United States Department of Health & Human Services, Centers for Medicare & Medicaid Services. These liaisons/contacts will assist states as they implement provisions in ACA related to Medicaid. In addition, NCSL provided meeting attendees with a [state overview](#) of ACA provisions and initiatives related to oral health.

## **State Action to Establish Health Insurance Exchanges**

Under *The Patient Protection and Affordable Care Act (ACA)* each state is required to establish, by 2014, a new health insurance marketplace or “exchange” where individuals and small businesses can purchase affordable health insurance plans. The exchanges will provide people without employer-sponsored health insurance a place to find a health plan and learn about and apply for any federal subsidies for which they are eligible.

States must give themselves the legal authority to establish an exchange. Establishing an exchange can be accomplished in two ways: 1) a state legislature can draft and pass legislation which their governor must sign or 2) a state governor, in the absence of legislation, can establish an exchange by executive order. In states that do not choose to run their own exchanges, the federal government will operate a “federally facilitated exchange” in their state.

Utah and Massachusetts had exchanges in place prior to the federal law. The following states/localities have established an exchange through signed legislation: California, Colorado, Connecticut, District of Columbia, Hawaii, Illinois, Maryland, Nevada, Oregon, Vermont, Washington, and West Virginia. Three states have established an exchange via executive order: Kentucky, New York, and Rhode Island. Eight states have chosen to “opt-out” and allow the federal government to operate the exchange in their state: Florida, Louisiana, New Hampshire, New Jersey, Maine, South Carolina, Texas, and Wisconsin.

View the interactive [United States map](#) to learn more about states establishing health insurance exchanges.

## **Medicaid Expansion Under the Affordable Care Act**

The United States Department of Health & Human Services, Centers for Medicare & Medicaid Services recently announced in a [letter](#) to the Republican Governor’s Association that there will be no deadline for states to decide whether to participate in the major Medicaid expansion scheduled to begin in 2014 under *The Patient Protection and Affordable Care Act (ACA)*.

## **Texas Health and Human Services Commission Meets to Discuss Medicaid Concerns**

The [Texas Health and Human Services Commission](#) met July 27 to discuss Medicaid dental system concerns. State officials and dental plan directors from the three Medicaid managed care organizations addressed several questions previously submitted from dental providers, such as how they should treat orthodontic transfer patients. The next stakeholder meeting to address Medicaid dental issues is scheduled for October 26 in Austin, Texas.

## **State Policy Updates**

- **Alaska Dental Practice Act Becomes Law**

The Alaska Legislature passed and Governor Sean Parnell (R) signed into law [SB 92](#) which amends the Dental Practice Act. The new law changes licensing examination requirements and scope of practice for dental hygienists; revises statutes related to dental radiography equipment; and provides a full time investigator for the Board of Dental Examiners. The law will become effective August 29.

- **California Committees Pass Bill to Study New Types of Dental Workforce**

California [SB 694](#) has passed through the Senate and is moving through the Assembly. The bill establishes the Statewide Office of Oral Health (Office) within the State Department of Public Health

(DPH) and authorizes the Office to design and implement a scientifically rigorous study to assess the safety, quality, cost-effectiveness, and patient satisfaction of expanded dental procedures performed by dental care providers for the purpose of informing future decisions about how to meet the oral health needs of the state's children.

- **Kansas Dental Practices Act Becomes Law**

The Kansas Legislature passed and Governor Sam Brownback (R) signed into law, [HB 2631](#). The new law makes several changes and additions to the Dental Practices Act for the purpose of expanding dental service in the state by:

- creating an additional extended care permit (ECP) level of service of dental hygienists via creation of a new permit level (ECP III);
- encouraging additional capacity for Kansas residents in dental schools;
- establishing a volunteer license for retired dentists who choose to donate their services in certain settings;
- expanding the locations where such special volunteer license dentists and dental hygienists may provide free services and be exempt from liability under the Kansas Tort Claims Act;
- extending the length of time dentists may be employed to provide services to patients after the death or substantial disability of a dentist until the practice can be sold or closed; and
- directing the ECP III dental hygienist to notify the patient or the patient's legal guardian when the need for treatment by a dentist is indicated.

The law became effective May 17.

- **Massachusetts Health Reform Cost Control Bill Becomes Law**

The Commonwealth of Massachusetts passed and Governor Deval Patrick (D) signed [SB 2400](#), making Massachusetts the first state to set a goal limiting the future growth of health care costs. The new law ties the growth in health-care costs to the growth in the state economy; expands the role of physician assistants and nurse practitioners; and creates a new state health policy commission with the power to audit health-care providers that exceed state targets for cost growth and to refer them to the state attorney general for investigation. In addition, the new law provides for controls on medical malpractice costs by:

- allowing a cooling off period while both sides try to negotiate a settlement;
- allowing a health care provider or facility to admit a mistake or error without the admission being used in court as an admission of liability; and
- creating a task force to study defensive medicine and medical overutilization.

The effective dates vary by provision.

- **Massachusetts Financial Services Contracts Bill Moves Through Committees**

[HB 4265](#) provides that no contract for the provision of healthcare services or benefits with a registered dentist may require that such dentist provide dental services to a covered person at a particular fee unless said dental services are services for which the company shall provide payment under the applicable group or individual policy of accident, sickness or health insurance and such

fees shall be set in good faith and not be a nominal fee. The current version of the bill aims to ensure that dental practices are reimbursed fairly for dental services rendered.

- **North Carolina Dentistry Management Bill Becomes Law**

The North Carolina General Assembly passed and Governor Beverly Purdue (D) signed [SB 655](#) into law. The new law outlines requirements for dentistry management arrangements; redefines the terms management agreement and management company; and establishes within the North Carolina State Board of Dental Examiners a task force on dental management arrangement rules. Dentists sometimes affiliate with dental service organizations (DSOs) or management companies to handle nonclinical functions such as accounting, human resources, and purchasing. The law became effective July 19.

- **Utah Dentist Educator Bill Becomes Law**

The Utah Legislature passed and Governor Gary Herbert (R) signed [SB 202](#) into law. The new law creates a special dentist educator license available to a dentist, licensed in good standing in another country, to serve as a faculty member at a dental school. Under the law, clinical practice will be permitted only as a necessary part of duties in the school program. The law became effective May 8.

- **West Virginia Dental Hygienist Bill Becomes Law**

The West Virginia Legislature passed [HB 4077](#) and Governor Earl Ray Tomblin (D) signed the bill into law. The new law allows dental hygienists with a public health permit to place sealants without a prior examination by a dentist. The law stipulates that public health dental hygienists must act in accordance with a collaborative agreement with a supervising dentist and refer the patient for a dental examination within six months of sealant application. The law became effective June 8.

## **Dental Schools in the News**

- **Missouri to Open New Dental School**

A.T. Still University (ATSU) will open a new school of dentistry in Kirksville, Missouri. The A.T. Still University Missouri School of Dentistry & Oral Health ([MOSDOH](#)) will welcome its first class in the fall of 2013. This will be the second dental school operated by ATSU, which aims to recruit dental students who are willing to serve in rural and underserved areas. The 61,000-square-foot facility will house both the new dental school and laboratory space for students attending ATSU's Kirksville College of Osteopathic Medicine, located on the same campus. Governor Jay Nixon (D) attended the groundbreaking ceremony, and said the new school will fill an important need for the health of Missourians.

- **East Carolina University Opens Center to Provide Dental Care to the Underserved**

East Carolina University opened its first [community service-learning center](#) June 28. The East Carolina University School of Dental Medicine Community Service-Learning Center in Ahoskie, North Carolina has 16 dental chairs and employs local staff members, including dental faculty and general dentistry residents. Four to five students will be at the center for nine-week rotations. The \$3 million, 8,000-square-foot center provides a variety of services to patients including, general, preventive and emergency dental care as well as crowns, root canals, and bridges. East Carolina University plans to open ten community service-learning centers in North Carolina.

## **Reports of Interest**

**The United States Government Accountability Office (GAO)** issued a [report](#) summarizing the actions states are taking to implement the Medicaid expansion provision within ACA. The GAO selected six states to study: Colorado, Georgia, Iowa, Minnesota, New York, and Virginia. The GAO found that the selected states are taking steps to prepare for the Medicaid expansion, including assessing changes that need to be made to their existing eligibility levels and eligibility determination policies; and their Medicaid information technology systems. However, the GAO also found that state officials needed federal guidance in implementing ACA's Medicaid expansion requirements. The GAO also surveyed state budget directors from around the country and found that the overall feeling was that states would end up spending more on the administrative costs of growing their Medicaid programs and upgrading their systems to handle an influx of patients.

**The National Governors Association** issued [The Fiscal Survey of States](#), providing an update of state fiscal conditions. The survey found that Medicaid represents the single largest portion of total state spending, estimated to account for 23.6 percent of total spending in fiscal 2011, the last year for which data is available. In fiscal 2011, Medicaid comprised 17.4 percent of general fund spending, making it the second largest general fund spending category after K-12 education at 35 percent.

**The Congressional Budget Office (CBO)** released a [report](#) estimating that the federal government will save \$84 billion implementing ACA through 2022 as a result of decreased Medicaid enrollment and increased health insurance subsidies. The CBO projected that 6 million fewer people will be enrolled in Medicaid after the United States Supreme Court made the health reform law's Medicaid expansion (to 133 percent of the federal poverty level) optional. Of those, 3 million are expected to gain insurance through state health exchanges (and receive a federal subsidy to do so), and 3 million are estimated to go uninsured.

**The American Dental Association** released a [report](#) analyzing the economic viability of alternative mid-level provider models for the provision of dental care to the underserved in five states: Connecticut, Kansas, Maine, New Hampshire, and Washington. The report found that questions exist surrounding whether certain mid-level providers can sustain themselves economically as a result of such issues as their educational debt burden relative to their projected salary; and low reimbursement levels for serving Medicaid patients.

**The Florida Public Health Institute** issued a [state data report](#), cited in the Public Broadcasting Service (PBS) Frontline June 2012 television special "[Dollars and Dentists](#)", which stated that less than 8 percent of the state's dentists treat Medicaid-enrolled patients. The report also noted that six of the state's counties have no Medicaid-participating dentists, and 13 have only one. The Florida Public Health Institute added that Florida has not "maximized access to evidence-based preventive services, such as community water fluoridation, and clinical preventive services, such as dental sealants and topically applied fluorides."

**The Centers for Disease Control and Prevention (CDC)** monitors and [reports](#) the progress of the United States and individual states toward meeting the [Healthy People 2020](#) objective on community water fluoridation—that 79.6% of people on community water systems will receive water that has the optimal level of fluoride recommended for preventing tooth decay.

**The REACH Health Care Foundation, the Missouri Foundation for Health and the Health Care Foundation of Greater Kansas City** examined the state of Missouri's oral health. The [report](#) identified barriers to dental care and offered suggestions for delivering care to targeted populations, such as implementing a statewide school-based sealant program; building a network of mobile dental programs; and increasing Medicaid reimbursement.

## **State Legislatures in Session**

The following states are scheduled to meet during the month of August:

- California,
- Illinois (intermittent),
- Massachusetts (intermittent),
- Michigan, and
- New Jersey (intermittent).

## **Upcoming State Elections**

The following states will hold primary elections during the month of September:

- Delaware,
- Massachusetts,
- New Hampshire,
- New York, and
- Rhode Island.

Check the Secretary of State website in your state for additional election information.

## **ADEA/Sunstar Americas, Inc. /Jack Bresch Student Legislative Internship**

The ***ADEA/Sunstar Americas, Inc./Jack Bresch Student Legislative Internship*** is a six-week, stipend-supported internship in the Advocacy and Governmental Relations (AGR) portfolio of the ADEA Policy Center in Washington, D.C. This student legislative internship provides a unique learning experience in Washington, D.C. for **dental and allied dental students**. It is designed to encourage students to learn about and eventually, as dental professionals, to become involved in the federal legislative process and the formulation of public policy as it relates to academic dentistry. It is open to any dental or allied dental student who is interested in learning about and contributing to the formulation of federal public policy with regard to dental education, dental research, and the oral health of the nation. Funded through the generous support of Sunstar Americas, Inc., the student intern will be a member of the ADEA AGR staff and will participate in congressional meetings on Capitol Hill, coalition meetings, and policy discussions among the ADEA Legislative Advisory Committee (ADEA LAC) and ADEA AGR staff.

An applicant must be a full-time dental or allied dental student whose institution is willing to work with the student to identify an appropriate time, consisting of six weeks, during the school year to pursue the internship. **For additional information, please email Yvonne Knight, J.D., ADEA Senior Vice President for Advocacy and Governmental Relations, at [KnightY@ADEA.org](mailto:KnightY@ADEA.org).** *Applications are accepted on a year-round basis.*

## **ADEA/Sunstar Americas, Inc./Harry W. Bruce, Jr. Legislative Fellowship**

Dental school faculty members or administrators who want to interface with members of Congress on issues of importance to oral health are encouraged to apply for the **ADEA/Sunstar Americas, Inc. /Harry W. Bruce, Jr. Legislative Fellowship**. The fellow selected spends three months in Washington, D.C., working on issues and policies that could make a difference in the lives of every American.

This public policy fellowship coincides with congressional consideration of the federal budget and other legislative and regulatory activities important to dental education and research. The fellow functions as an ADEA Policy Center staff member who works within the AGR portfolio on ADEA's specific legislative

priorities. The fellow's responsibilities may include drafting policy, legislative language, position papers, and testimony; educating members of Congress and other decision makers on matters of importance to dental education; and participating in gatherings of various national coalitions. The fellow receives a taxable stipend of \$15,000 to cover travel and expenses for approximately three months (cumulative) in Washington, DC. (ADEA is flexible in the arrangement of time away from the fellow's institution). The fellow's institution continues to provide salary support for the duration of the experience. Since its inception in 1985, the **ADEA/Sunstar Americas, Inc./Harry W. Bruce, Jr. Legislative Fellowship** has been generously underwritten by Sunstar Americas, Inc. Interested candidates should [apply as soon as possible](#).

The ADEA Policy Center publishes the *ADEA State Update* monthly. Its purpose is to keep ADEA members abreast of state issues and events of interest to the academic dental and research communities.

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