

SECOND REGULAR SESSION

HOUSE BILL NO. 1538

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), MOORE, BIVINS, WASSON,
JOHNSON (47), DUSENBERG, AVERY, WILDBERGER AND PAGE (Co-sponsors).

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4708L.01I

AN ACT

To amend chapter 208, RSMo, by adding thereto three new sections relating to the dental carve-out act of 2006.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 208.675, 208.678, and 208.680, to read as follows:

208.675. Sections 208.675 to 208.680 shall be known and may be cited as the
2 **"Dental Carve-Out Act of 2006".**

208.678. 1. The division of medical services within the department of social services
2 **shall maintain and implement a process for managing dental benefits to public assistance**
3 **recipients. Such process may include, but is not limited to, innovative risk management**
4 **payment methodologies, streamlined information systems, Health Insurance Portability**
5 **and Accountability Act compliance, comprehensive quality programs, outreach programs,**
6 **fraud and abuse processes, systematic claim interrogation processes, and case evaluations**
7 **to determine the medical necessity and appropriateness of a patient's treatment.**

8 **2. The division may place coverage limits on dental services and the frequency of**
9 **services to:**

10 **(1) Prevent fraud, abuse, waste, and over utilization or inappropriate utilization;**
11 **or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **(2) Implement a dental benefit management program; except that, the division shall**
13 **not limit or restrict access to federal and state-mandated benefits.**

14 **3. The division shall establish a statewide uniform dental program administered**
15 **by a single entity; except that, the division shall not require a dentist to alter a patient's**
16 **previously authorized course of treatment unless such alteration is warranted by the**
17 **patient's condition as initiated by the dentist. Any decision regarding limitations imposed**
18 **on any dental benefit shall be based on sound clinical practice guidelines.**

19 **4. The attorney general shall have full prosecutorial authority over any provider**
20 **or recipient in any program established in sections 208.675 to 208.680.**

208.680. 1. The division shall promulgate rules in accordance with state and
2 **federal law to implement the provisions of sections 208.675 to 208.680. Any rule or portion**
3 **of a rule, as that term is defined in section 536.010, RSMo, that is created under the**
4 **authority delegated in this section shall become effective only if it complies with and is**
5 **subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
6 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
7 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
8 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
9 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
10 **2006, shall be invalid and void.**

11 **2. If any provision of sections 208.675 to 208.680 or any application thereof is held**
12 **invalid, such invalidity shall not affect any other provision or application of sections**
13 **208.675 to 208.680 which can be given effect without the invalid provisions or application.**

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