

The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
Leonard A. Fasano
Commissioner

Nicholas F. Bombace
Director



Legislative Office Building
Suite 5500
Hartford, Connecticut
06106-1591
(860) 240-8410
fax (860) 240-8414
e-mail: lco@cga.ct.gov

Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: November 26, 2024

Regulation No:	2024-25
Agency:	Department of Social Services
Subject Matter:	Requirements for Payment of Dental Services
Statutory Authority: (copy attached)	17b-262, 17b-261(j), 17b-282c, 17b-282d, 17b-282f

	Yes or No
Mandatory	N
Federal Requirement	N
Permissive	Y

For the Committee's Information:

Substantive Concerns:

1. In the Statement of Purpose for the proposed regulation, the Department of Social Services states that "the purpose of the proposed regulation is to establish, in regulation form, the requirements governing payment of dental services to individuals covered by the Connecticut Medical Assistance programs." While the proposed regulation repeals section 17-134d-35 of the Regulations of Connecticut State Agencies concerning orthodontic services provided under the early and periodic screening, diagnostic and treatment program

(EPSDT), it does not repeal, amend or cross-reference several other existing regulations governing payment of dental services for individuals covered by the Connecticut Medical Assistance Program. These regulations include sections 17b-262-693 to 17b-262-700, inclusive, of the Regulations of Connecticut State Agencies, concerning services provided by public health hygienists, and sections 17b-262-862 to 17b-262-866, inclusive, of the Regulations of Connecticut State Agencies, concerning non-emergency dental services provided to adults twenty-one years of age and older who receive services under the Connecticut Medicaid program. The latter regulations, for example, include different definitions and coverage limitations for dental services than those included in the proposed regulation. The department should, as applicable, remove provisions from existing regulations that may conflict with the proposed regulation, cross reference specific provisions of the proposed regulation in instances when the provisions of the proposed regulation supplement existing regulations or repeal existing regulations outright if the proposed regulation is meant to supplant existing regulations in their entirety.

2. Existing statutes and regulations authorize certain dental services for Medicaid clients twenty-one years of age and older. For example, section 17b-282d of the Connecticut General Statutes and section 17b-262-864 of the Regulations of Connecticut State Agencies require that a Medicaid client twenty-one years of age or older be provided one periodic dental exam per year. Several provisions of the proposed regulation reference services for persons "under the age of twenty-one" and "over the age of twenty-one" without specifying services authorized for persons age twenty-one. For example, on page 15, section 17b-262-1011(b)(1)(D), requires periodic oral examinations every six months for "members under the age of twenty-one." Section 17b-262-1011(b)(1)(E), requires "one periodic oral exam for members over the age of twenty-one unless ... medically necessary to obtain additional periodic examinations." On page 19 of the proposed regulation, in section 17b-262-1011(c)(5), subparagraph (A) references conditions for approval of molar endodontic therapy for persons "under the age of twenty-one" while subparagraph (B) references conditions for such therapy for "persons over the age of twenty-one." Similarly, on page 17 of the proposed regulation, section 17b-262-1011(b)(2)(C) references dental imaging services for "members over the age of nine" while section 17b-262-1011(b)(2)(G) references services for "members nine years of age and over." It is unclear whether references to "over the age of twenty-one" should be "twenty-one and over" consistent with other statutory and regulatory provisions and whether references to "members over the age of nine" should be "members nine years of age and over." These provisions should be redrafted for clarity, and, as applicable, consistency with existing regulatory and statutory provisions.

3. On page 10, in section 17b-262-1008(b)(2), the proposed regulation requires a dental home to have a fixed location within a twenty-mile radius of "the patient base." It is

unclear whether the "patient base" refers to the patient's home or another location. This provision should be clarified. For example, the term "patient base" could be defined in section 17b-262-1007, or, if the term means the patient's home, changed to "the patient's home."

4. On page 24, in section 17b-262-1011(g)(5)(D), the proposed regulation states that scaling and root planing will be covered for members over the age of twenty-one "with identified chronic disease conditions." It is unclear whether these are the same conditions identified in section 17b-262-1011(g)(2). If these are the same conditions, the provision should be redrafted to refer to "chronic disease conditions identified in section 17b-262-1011(g)(2). If these are not the same conditions, the provision in section 17b-262-1011(g)(5)(D) should list the chronic disease conditions.

Technical Corrections:

1. Throughout the proposed regulation, the subdivision and subparagraph designators should be placed in parentheses, for proper form. For example, on pages 1 to 9, in section 17b-262-1007, "1." to "91.", inclusive, should be "(1)" to "(91)", inclusive, and, on page 8, in section 17b-262-1007(82), "A." to "L.", inclusive, should be "(A)" to "(L)", inclusive.
2. Throughout the proposed regulation, there should only be a single space after the subsection, subdivision, subparagraph or clause designator, for proper form. For example, on page 1, in section 17b-262-1007, '1. "Adjunctive dental services" means' should be '(1) "Adjunctive dental services" means '.
3. On pages 1, 3, 4, 5, 6, 8 and 9, in section 17b-262-1007, the terms "Airway Assessment", "Adolescent dentition", "Connecticut Dental Health Partnership", "Evidence-based practice", "Extra-oral sleep apnea device(s)", "Functional jaw limitation", "Guided Tissue Regeneration", "Patient management", "Posterior dentition", "Preventative Resin Restoration", "Restrictive Anterior Occlusal Guidance", "Screening evaluation" and "Transitional dentition" are defined but do not appear elsewhere in the proposed regulations. Accordingly, subdivisions (2), (3), (21), (36), (38), (42), (46), (62), (66), (68), (79), (81) and (87) of said section should be deleted as unnecessary and remaining subdivisions redesignated accordingly, or, as applicable, the terms used elsewhere in the proposed regulation.
4. On page 1, in the introductory language to Section 1 and sections 17b-262-1006 and 17b-262-1007, references to "17b-262-1018" should be "17b-262-1017", for accuracy.
5. On page 1, in section 17b-262-1007(6), "Anterior dentition" should be "Anterior teeth", for consistency.

6. On page 2, in section 17b-262-1007(15), "sections 17b-289 to 17b-307, inclusive," should be "chapter 319v", for accuracy; and "called" should be "known as", for proper form.
7. On page 2, in section 17b-262-1007(18), "assessment. It also" should be "assessment, and" and "relationships. It" should be "relationships, and", for proper form.
8. On page 3, in section 17b-262-1007(24), "face. Procedures performed for cosmetic reasons include, but are not limited to," should be "face, including, but not limited to," for proper form.
9. On page 3, in section 17b-262-1007(26), the subdivision should be rewritten as follows for clarity: '(26) "Dental home" means a dentist that (A) provides comprehensive care, including, but not limited to, preventative, restorative, periodontal, endodontic, prosthetic, oral and maxillofacial surgery and emergency services, (B) has a plan to assist a member after hours in the event an emergency arises and (C) refers patients to appropriate dental specialists for advanced care needs;'.
10. On page 3, in section 17b-262-1007(27), "sections 20-126h to 20-126w, inclusive," should be "chapter 379a", for accuracy and proper form.
11. On page 3, in section 17b-262-1007(29), "section 20-106" should be "chapter 379", for accuracy and proper form.
12. On page 4, in section 17b-262-1007(31), "means Department" should be "means the Department", for proper form.
13. On page 4, in section 17b-262-1007(33), "Early, periodic screening, diagnostic and treatment service" should be "Early and periodic screening, diagnostic, and treatment services", for accuracy.
14. On page 4, section 17b-262-1007(37) should be rewritten as follows for proper form: '(37) "Excessive loss of tooth structure" means for (A) molar teeth, the loss of three or more tooth surfaces, including two cusps, (B) premolar teeth, the loss of three or more tooth surfaces, including one cusp, and (C) anterior teeth, the loss of four or more tooth surfaces, including the loss of one incisal angle;'.
15. On page 5, in section 17b-262-1007(45) and (47), 'or "GER" ', and 'or "House" ' should be deleted as unnecessary as the terms are not used again in the proposed regulation.
16. On page 5, in section 17b-262-1007(49), "device; a tongue retaining devices;" should be "device, a tongue retaining device," for proper form.
17. On page 5, in section 17b-262-1007(52), "Materials relating to the prevention, diagnosis, or treatment of a medical or dental condition are not marketing

materials;" should be ' "Marketing materials" ' does not include materials relating to the prevention, diagnosis or treatment of a medical or dental condition;', for proper form.

18. On page 5, in section 17b-262-1007(53), "Connecticut Department of Social Services" should be "department", "Federal Social Security Act" should be "Social Security Act" and "State and Federal" should be "state and federal", for proper form.
19. On page 6, in section 17b-262-1007(58), ' "Obstructive Sleep Apnea" or "OSA" is' should be ' "Obstructive sleep apnea" means', for proper form.
20. On page 6, section 17b-262-1007(60) should be rewritten as follows for clarity and proper form: '(60) "Oral health" means the well-being of the (A) teeth and the gingivae and their supporting connective tissues, ligaments and bone, (B) hard and soft palate, (C) mucosal tissue lining of the mouth and throat, (D) tongue, (E) lips, (F) salivary glands, (G) muscles of mastication and facial expression, (H) mandible, (I) maxillae, (J) temporomandibular joints, (K) cranial nerves, and (L) vascular systems that support the head and neck;'
21. On page 6, in section 17b-262-1007(61), "mandible. These malformations may" should be "mandible, including malformations that may", for proper form.
22. On page 6, in section 17b-262-1007(65), 'or "adult dentition" ' should be deleted as unnecessary as the term is not used again in the proposed regulation.
23. On page 7, in section 17b-262-1007(69), "who is" should be "who (A) is", "specialists. The primary care dentist functions" should be "specialists, and (B) functions", for clarity and proper form.
24. On page 7, in section 17b-262-1007(70), 'or "deciduous dentition" ' should be deleted as unnecessary as the term is not used again in the proposed regulation; and "arches. The teeth of the primary dentition are" should be "arches, and are", for proper form.
25. On page 7, in section 17b-262-1007(72), "care. Procedures subject to review shall" should be "care, and shall", for proper form.
26. On page 7, in section 17b-262-1007(73), "Dentistry. Prophylaxis shall include the" should be "Dentistry, and includes the", for proper form.
27. On page 7, in section 17b-262-1007(75), "section 20-126l" should be "section 20-126l", for proper form.
28. On page 8, in section 17b-262-1007(82), "*accredited*" should be "accredited", for proper form.

29. On page 8, section 17b-262-1007(83) should be rewritten as follows, for clarity:
'83. "Specialty practice" means a practice that (A) holds itself out as a specialty practice, (B) offers selective dental services concurrent with a dental specialty that is recognized by the ADA, (C) employs a dentist who has obtained a degree or certificate in a specialty or interest area from a CODA-accredited training program, and (D) provides services deemed to require advanced knowledge and skills that are essential to maintain or restore oral health, including, but not limited to, anesthesiology, endodontics, oral surgery, orthodontics, pediatric dentistry, periodontics or prosthodontic services;'
30. On page 9, in section 17b-262-1007(85), "an ay" should be "array", for clarity.
31. On page 9, in section 17b-262-1007(90), "performed. An objective" should be "performed, and includes an objective", "regression is" should be "regression that is", and "and" should be inserted following "appropriate;"; for proper form.
32. On page 10, in section 17b-262-1008(a), "Connecticut Medicaid Program" should be "Connecticut Medicaid program", for proper form; in subdivision (2), "17b-262-532" should be "17b-262-533", for accuracy; in subdivision (3), an "and" should be inserted after the semicolon, for proper form; and in subdivision (4), the semicolons should be commas, for proper form.
33. On page 10, in section 17b-262-1008(b)(1), "care (restoration of cavities, root canal therapy, prosthetic services and extractions) in" should be "care, which includes, but is not limited to, restoration of cavities, root canal therapy, prosthetic services and extractions, in", for proper form.
34. On pages 10 and 11, in section 17b-262-1008(d)(1), the periods at the end of each subparagraph should be semicolons, for consistency; and in subparagraph (D), an "and" should be inserted after the semicolon, for proper form.
35. On page 11, in section 17b-262-1008(d)(2), "the dentist must" should be "the dentist shall" for clarity and in accordance with the committee's directive regarding mandates; and "24-hour" should be "twenty-four hour", for consistency.
36. On page 11, in section 17b-262-1008(d)(3), "50 miles" should be "fifty miles", for proper form.
37. On page 11, in section 17b-262-1008(d)(4), "dentist of record" should be "dentist of record at the dental home" and "members" should be "member", for clarity and consistency.
38. On page 11, in section 17b-262-1008(d)(5), the periods at the end of each subparagraph should be semicolons, for consistency; in subparagraphs (B) and (C), an "and" should be inserted after the semicolon, for proper form; and in subparagraph (C), "permission may" should be "permission slip may", for consistency.

39. On page 11, in section 17b-262-1008(d)(6), the semicolon should be a period, for proper form.
40. On pages 11 and 12, in section 17b-262-1008(e)(1), the semicolon should be a colon, for proper form, and in subparagraphs (A) and (C), the periods should be semicolons, for proper form.
41. On page 12, in section 17b-262-1008(e)(5), "45 CFR 92.101." should be "45 CFR 92.201; and", for accuracy and proper form.
42. On page 12, in section 17b-262-1008(e)(6), "within five days of the request" should be "not later than five days after the request" and "within twenty-four hours of receipt" should be "not later than twenty-four hours after receipt", for clarity.
43. On page 12, in section 17b-262-1010(a), "an ASO" should be "an administrative services organization, or ASO,", for clarity.
44. On page 13, in section 17b-262-1010(i), "investigate, and" should be "investigate and" and "care, or" should be "care or", for clarity.
45. On page 13, in section 17b-262-1011(a), "adjunctive services" should be "adjunctive dental services", for consistency.
46. On pages 13 to 29, in sections 17b-262-1011(a) to (j), inclusive, "The department covers" should be "the department shall cover", for proper form.
47. On page 13, in section 17b-262-1011, in the introductory language, "subsections (a) through (j)," should be "subsections (a) to (j), inclusive, of this section" and "Section 17b-262-1014" should be "section 17b-262-1014 of the Regulations of Connecticut State Agencies, for proper form; in subsection (a)(1), "General Anesthesia or Moderate Sedation Permit" should be "general anesthesia or moderate sedation permit", for proper form; and, in subsection (a)(1)(A), "To provide prevention" should be "To provide preventive treatment", for clarity.
48. On page 13, in section 17b-262-1011(a)(1)(B), "undergoing in office" should be "undergoing in-office" and "procedure(s)" should be "procedures", for proper form.
49. On pages 13 and 14, in section 17b-262-1011(a)(1)(E), the first words in each clause should be capitalized, for proper form; in clause (i), "diagnosis which can" should be "diagnosis, which may", for proper form; in clause (ii), "of the reasons of medical necessity" should be "of the reasons for a medical necessity determination", for proper form; in clause (iii), "dose(s)" should be "dose or doses", for proper form; and in clause (vi), "pre, during and post anesthesia administration" should be "before, during and after the administration of anesthesia", for proper form.
50. On page 14, in section 17b-262-1011(a)(2), "condition(s)" should be "condition", for proper form; in subparagraph (A), an "and" should be inserted after "anxiety";

for proper form; and in subparagraph (B)(iii), "diagnosis or" should be "diagnosis, or", "the member's" should be "such member's" and "will meet the documentation requirements" should be deleted, for proper form.

51. On page 14, in section 17b-262-1011(a)(3), "Care related adjunctive services" should be "Care-related adjunctive dental services", for consistency.
52. On page 14, in section 17b-262-1011(a)(5), "Department" should be "department", for consistency.
53. On page 14, in section 17b-262-1011(a)(7), "care but not limited to appliance adjustments shall" should be "care, not limited to appliance adjustments, shall", for proper form.
54. On page 15, in section 17b-262-1011(a)(8), "Palliative Treatment of Dental Pain" should be "Palliative treatment of dental pain", for proper form.
55. On page 15, in section 17b-262-1011(b)(1)(B), "Comprehensive Periodontal Examination" should be "comprehensive periodontal examination", for proper form; "must" should be "shall" in accordance with the committee's directive regarding mandates; and "provided." should be "provided;", for proper form.
56. On page 15, in section 17b-262-1011(b)(1)(D), the extra space in "twenty- one" should be deleted, for proper form.
57. On page 15, in section 17b-262-1011(b)(1)(F), "prior authorized" should be "that have received prior authorization", for clarity.
58. On page 16, in section 17b-262-1011(b)(1)(H)(ii), "center." should be "center;", for proper form.
59. On page 16, sections 17b-262-1011(b)(1)(J) and 17b-262-1011(b)(1)(K) should be sections 17b-262-1011(b)(1)(I) and 17b-262-1011(b)(1)(J), for accuracy, and, in newly designated section 17b-262-1011(b)(1)(I), the two instances of "must" should be "shall" in accordance with the committee's directive regarding mandates; and "found." should be "found; and", for proper form.
60. On pages 17 and 18, in section 17b-262-1011(b)(2), the periods at the end of each subparagraph should be semicolons, for proper form.
61. On page 17, in section 17b-262-1011(b)(2)(B), "as follows:" should be inserted after "surgery", for proper form, and, in clause (i), "may be prior authorized" should be "with prior authorization", for clarity.
62. On page 17, in section 17b-262-1011(b)(2)(E), "therapy (includes" should be "therapy, including, but not limited to," and "apicoectomies)" should be "apicoectomies," for proper form.

63. On page 17, in section 17b-262-1011(b)(2)(F), "prior authorized" should be "approved with prior authorization", for clarity.
64. On page 17, in section 17b-262-1011(b)(2)(G), "nine years of age and over" should be "over the age of nine", for consistency, or, in section 17b-262-1011(b)(2)(C), "over the age of nine" should be "nine years of age and over", for consistency.
65. On page 18, in section 17b-262-1011(b)(2)(H)(iii), "provider." should be "provider; and", for proper form.
66. On page 18, in section 17b-262-1011(c)(2), "is available" should be "shall be available", for proper form.
67. On page 18, in section 17b-262-1011(c)(3)(A), "function." should be "function; and", for proper form.
68. On page 19, in section 17b-262-1011(c)(4)(B), the dash in the word "sub –gingival" should be a hyphen, for proper form.
69. On page 19, in section 17b-262-1011(c)(6), references to "The department requires" and "The department also requires" should be "The department shall require", "pre and post treatment" should be "pre- and post-treatment" and "post procedure" should be "post-procedure", and, in subparagraph (A)(ii), "completed." should be "completed; and", for proper form.
70. On page 20, in section 17b-262-1011(d)(7), "teeth excluding lateral incisors or" should be "teeth, excluding lateral incisors, or", for proper form.
71. On page 20, in section 17b-262-1011(d)(9), in subparagraph (B) "sequel that require re-construction" should be "sequela that require reconstruction", for proper form; in subparagraph (D), "and/or" should be "or", for proper form; and in subparagraph (E), the extra space in "patient- specific" should be deleted and a comma should be inserted after "limited", for proper form.
72. On pages 20 and 21, in section 17b-262-1011(d)(10), the periods at the end of each final clause designators should be semicolons, for proper form.
73. On page 21, in section 17b-262-1011(d)(10)(D)(ii), "6 months" should be "six months", for consistency.
74. On page 21, in section 17b-262-1011(d)(10)(E), "CPAP or BIPAP, and or" should be "continuous positive airway pressure or bilevel positive airway pressure, or", for clarity; and "breathing." should be "breathing; and", for proper form.
75. On page 21, in section 17b-262-1011(d)(17), "and/or" should be "or", for proper form.

76. On page 21, in section 17b-262-1011(d)(19), "fracture(s)" should be "a fracture or fractures", for proper form.
77. On page 22, in section 17b-262-1011(d)(21), "reconstruction; or" should be "reconstruction.", for proper form.
78. On page 22, in section 17b-262-1011(d)(24), "age; and" should be "age.", for proper form.
79. On page 22, in section 17b-262-1011(e)(2)(D), "will only be replaced" should be "limited to replacement", for proper form.
80. On page 22, in section 17b-262-1011(f)(1)(B), "condition(s)" should be "condition or conditions", for proper form.
81. On page 23, in section 17b-262-1011(f)(2)(B), "(incisors and/or canines)" should be deleted as unnecessary.
82. On page 23, in section 17b-262-1011(f)(2)(E), "crossbite or both of 3 or more" should be "crossbite, or both, of three or more", for consistency and proper form.
83. On page 23, in section 17b-262-1011(f)(2)(G), "maxillae or both or" should be "maxillae, or both, or", "dentition, are" should be "dentition are", and "(craniofacial anomalies)" should be ", such as a craniofacial anomaly,", for proper form.
84. On page 23, in section 17b-262-1011(g), in subdivision (1), "Early, Periodic, Screening, Diagnosis and Treatment (EPSDT) services" should be "early and periodic screening, diagnostic, and treatment services", and, in subdivisions (2) to (4), inclusive, "root planning" should be "root planing", for accuracy.
85. On page 23, in section 17b-262-1011(g)(5)(A), in clause (i), "series (panoramic radiographs are not acceptable)" should be "series, except panoramic radiographs are not acceptable", for proper form; and in clause (ii), "member." should be "member;", for proper form.
86. On page 24, in section 17b-262-1011(g)(5)(C), "necessary." should be "necessary; and", for proper form.
87. On page 24, in section 17b-262-1011(g)(5)(D), "documentation including pocket depths and, intraoral" should be "documentation, including pocket depths, and intraoral", for proper form, and "must" should be "shall" in accordance with the committee's directive regarding mandates.
88. On page 24, in section 17b-262-1011(g)(7), "must" should be "shall" in accordance with the committee's directive regarding mandates.

89. On pages 24 and 25, in section 17b-262-1011(h)(4)(A) to (H), the first word in each subparagraph should be capitalized, for proper form.
90. On page 25, in section 17b-262-1011(h)(5), "Silver Diamine Fluoride (SDF)" should be "Silver diamine fluoride", for proper form.
91. On page 25, in section 17b-262-1011(h)(6), "twenty – one" should be "twenty-one" and "Members" should be "members", for proper form.
92. On page 25, in section 17b-262-1011(h)(8), "Risk Assessment" should be "risk assessment", for proper form.
93. On page 25, in section 17b-262-1011(h)(9), "does not" should be "shall not", for proper form; and in subparagraph (A), "The teeth" should be "Such teeth" and "placement." should be "placement;", for proper form.
94. On page 26, in section 17b-262-1011(h)(9)(B)(iv), "years." should be "years;", for proper form.
95. On page 26, in section 17b-262-1011(h)(9)(C), in clause (i), "age five to age twenty-one;" should be "ages five to twenty-one, inclusive;", for proper form; and in clause (ii), "age eleven to twenty-one;" should be "ages eleven to twenty-one, inclusive;", for proper form.
96. On page 26, in section 17b-262-1011(i)(1), in subparagraph (A), "age of twenty-one years of age" should be "age of twenty-one" and "denture(s)" should be "dentures", for proper form; and in subparagraph (B), "six (6)" should be "six", for consistency and proper form.
97. On page 27, in section 17b-262-1011(i)(2), in subparagraph (D), "denture(s)" should be "denture or dentures", for proper form; and in subparagraph (E), "requires" should be "shall require" and "provides establishing" should be "that establishes", for proper form.
98. On page 27, in section 17b-262-1011(i)(3), "are covered" should be "shall be covered", for proper form, a comma should be inserted after "mastication", for proper form, and "and are" should be deleted as unnecessary; in subparagraph (D), "must" should be "shall" in accordance with the committee's directive regarding mandates; in subparagraph (F), "denture(s)" should be "denture", for consistency; and in subparagraph (G), "denture(s)" should be "denture", for proper form.
99. On page 27, in section 17b-262-1011(i)(5), "Dentures" should be "dentures.", for proper form.
100. On page 28, in section 17b-262-1011(i)(5)(C), "denture(s)" should be "denture or dentures", for proper form.

101. On page 28, in section 17b-262-1011(i)(6), "denture(s)" should be "dentures"; in subparagraph (A), "delivery." should be "delivery;"; for proper form; and in subparagraph (B), "months: and" should be "months; and", for proper form.
102. On page 28, in section 17b-262-1011(i)(9), "infection, that" should be "infection that", "bone;" should be "bone," and the following sentence should be added before subparagraph (A), for proper form and clarity: "Implants may be covered."; and in subparagraphs (A) and (B), "May be covered" should be deleted and the following word capitalized, for clarity and proper form.
103. On page 28, in section 17b-262-1011(i)(10), "Durable Medical Equipment" should be "durable medical equipment", for proper form.
104. On page 29, in section 17b-262-1011(j)(1)(C), "locations (the buccal pit or lingual groove)" should be "locations, the buccal pit or lingual groove," and "molars (tooth numbers 3, 14, 19 and 30)" should be "molars, tooth numbers 3, 14, 19 and 30," for proper form; in clause (i), "molars (teeth numbers 3 and 14)," should be "molars, tooth numbers 3 and 14," for consistency and proper form; and in clause (ii), "molars (teeth numbers 19 and 30)" should be "molars, tooth numbers 19 and 30," and "surfaces." should be "surfaces;"; for consistency and proper form.
105. On page 29, in section 17b-262-1011(j)(1)(E), "procedure;" should be "procedure; and", for proper form.
106. On page 30, in section 17b-262-1011(j)(4)(C), "arch are" should be "arch, except such members are" and "tooth/teeth" should be "tooth or teeth", for clarity and proper form.
107. On page 30, in section 17b-262-1011(j)(4)(D), in clause (i), "Cast Crowns" should be "Cast crowns", for proper form; in clause (ii), "Ceramic/Zirconia" should be "Ceramic/zirconia", for proper form; in clause (iii), "the regulations" should be "the provisions of this section; and, in clause (vi), "stainless – steel" should be "stainless steel", for proper form.
108. On page 30, in section 17b-262-1011(j)(12), "will be reimbursed" should be "shall be reimbursed to the same provider only", for clarity and proper form, and "by the same provider" should be deleted as unnecessary.
109. On page 30, in section 17b-262-1011(k), "Notwithstanding subsections (a) through (j) above," should be "Notwithstanding the provisions of subsections (a) to (j), inclusive, of this section," and "not listed above or limited above" should be "not described in or limited by said subsections", for proper form.
110. On page 31, in section 17b-262-1011(l), "Notwithstanding subsections (a) through (j) above," should be "Notwithstanding the provisions of subsections (a) to (j), inclusive, of this section," for proper form.

111. On page 31, before section 17b-262-1012, a space should be added after section 17b-262-1011, for proper form.
112. On page 31, in section 17b-262-1012(a), "Adjunctive services: (1) General anesthesia and conscious sedation:" should be "Adjunctive dental services: General anesthesia and conscious sedation", and the subparagraph designators (A) to (C) should be subdivision designators (1) to (3), for proper form; in redesignated subdivision (1), "or" should be deleted after "molars;", for proper form; and in redesignated subdivision (2), "Oro-facial" should be "oro-facial", "treatment (root" should be "treatment, including root" and "procedures);" should be "procedures;", for proper form.
113. On page 31, in section 17b-262-1012(b), in subdivision (1), "complete or" should be "complete mouth series or", for consistency; and in subdivision (2) "within" should be "not later than", for proper form.
114. On page 31, in section 17b-262-1012(c), in subdivision (2), "are not covered" should be "shall not be covered", for proper form; in subdivision (4), "bud (the tooth is non-vital) and" should be "bud, when the tooth is non-vital, and", for proper form; and in subdivision (5), "within" should be "during the", for clarity.
115. On page 32, in section 17b-262-1012(d)(5), "30" should be "thirty" and "50" should be "fifty", for consistency.
116. On page 32, in section 17b-262-1012(f)(2), "counselling" should be "counseling", for accuracy.
117. On page 32, in section 17b-262-1012(g), in subdivision (2), "dentures (Bridges)." should be "dentures, including bridges.", for proper form; and in subdivision (4), "disease(s)." should be "disease.", for proper form.
118. On page 33, in section 17b-262-1012(h)(9), the extra space in "75 %" should be deleted, for proper form.
119. On page 33, in section 17b-262-1012(m), "CDT" should be "Current Dental Terminology", for proper form.
120. On page 34, in section 17b-262-1012(t), "post procedure" should be "post-procedure", for proper form.
121. On pages 34 and 35, in section 17b-262-1013(a), the indented space before the subdivisions should be made consistent with the indented space for other subdivisions in the regulation, and, in the first line of subsection (a), "information." should be "information:", for proper form.
122. On page 34, in section 17b-262-1013(a)(1), "name, first" should be "name, including such member's first", for proper form.

123. On page 34, in section 17b-262-1013(a)(13), "procedure(s)" should be "procedure or procedures", "the location (tooth number, soft tissue location), techniques" should be "the tooth number or soft tissue location, techniques", and "Code" should be "code", for proper form.
124. On pages 34 and 35, in section 17b-262-1013(a)(15), "and/or" should be "or", "images, that is images that" should be "images that", "complete or" should be "complete mouth series or" and "numbers. image;" should be "numbers with such image;", for proper form.
125. On page 35, in section 17b-262-1013(b), "must" should be "shall" and "is" should be "shall be" in accordance with the committee's directive regarding mandates.
126. On page 35, in section 17b-262-1014(b), "The department in its sole discretion determines what information is necessary to approve a prior authorization request provided this is consistent with these regulations and subject to the definition of medical necessity set forth in subsection (a) of section 17b-259b of the Connecticut General Statutes." should be "The department, in its sole discretion, shall determine what information is necessary to approve a prior authorization request, provided such determination includes a finding of medical necessity and is consistent with sections 17b-262-1006 to 17-262-1017, inclusive, of the Regulations of Connecticut State Agencies.", for clarity.
127. On pages 35 and 36, in section 17b-262-1014(c), in subdivisions (1) and (3)(G), "post procedure" should be "post-procedure", for proper form; in subdivision (3)(G), "shall contain" should be "containing" and "service;" should be "service; and", for proper form; in subdivision (3)(H), "shall be" should be "that are" and "form;" should be "form.", for proper form; and in subdivision (5), "twelve (12) months" should be "twelve months", for consistency and proper form.
128. On page 36, in section 17b-262-1014(e), "must" should be "shall" in accordance with the committee's directive regarding mandates; and "extracted." should be "extracted, provided:", for proper form
129. On page 36, in section 17b-262-1014(f), "the change." should be "such requested modification.", for clarity.
130. On page 37, in section 17b-262-1015(c), in the fourth line, "physician group or clinic" should be "physicians' group, dental group, or clinic", for consistency.
131. On page 37, in section 17b-262-1015(d), "physician group" should be "physicians' group", for consistency and "clinic based either on a full time or part time salary shall" should be "clinic-based, either on a full-time or part-time salary, shall", for proper form.
132. On page 37, in section 17b-262-1016(a), "post procedure" should be "post-procedure", for proper form.

133. On page 37, in section 17b-262-1016(d), "Filing" should be "filing", "claims including orthodontic services shall" should be "claims, including orthodontic services, shall", and "120" should be "one hundred twenty", for consistency and proper form.
134. On page 37, in section 17b-262-1017(a), "mobile dental clinics" should be "mobile dental clinic" "and SBHCs" should be "or SBHC", for proper form; and in subdivision (1), "including by door-to-door" should be "including door-to-door", for proper form.
135. On page 38, in section 17b-262-1017(b), "rule" should be "section", for proper form.
136. On page 38, in section 17b-262-1017(b), subdivision designators (3) and (4) should be (2) and (3), for proper form; and in redesignated subdivision (3), "Department" should be "department", for consistency.
137. On page 38, in section 17b-262-1017(c), "rule" should be "section", in subdivision (1), "within sixty days from" should be "not later than sixty days after", and in subdivision (2), "within sixty days" should be "not later than sixty days after submission", for proper form.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part X Rejection without prejudice</p>
--

Reviewed by: Christopher Cordima / Marie P. Grady

Date: November 26, 2024

Sec. 17b-262. (Formerly Sec. 17-134d). Regulations. Admissions to nursing home facilities. The Commissioner of Social Services may make such regulations as are necessary to administer the medical assistance program. Such regulations shall include provisions requiring the Department of Social Services (1) to monitor admissions to nursing home facilities, as defined in section 19a-521, and (2) to prohibit the admission by such facilities of persons with primary psychiatric diagnoses if such admission would jeopardize federal reimbursements.

Sec. 17b-261. Medicaid. Eligibility. Assets. Waiver from federal law. State-funded medical assistance for children regardless of immigration status.

(j) The Commissioner of Social Services shall provide Early and Periodic Screening, Diagnostic and Treatment program services, as required and defined as of December 31, 2005, by 42 USC 1396a(a)(43), 42 USC 1396d(r) and 42 USC 1396d(a)(4)(B) and applicable federal regulations, to all persons who are under the age of twenty-one and otherwise eligible for medical assistance under this section.

Sec. 17b-282c. Nonemergency dental services. Regulations. (a) All nonemergency dental services provided under the Department of Social Services' dental programs, as described in section 17b-282b, shall be subject to prior authorization. Nonemergency services that are exempt from the prior authorization process shall include diagnostic, prevention, basic restoration procedures and nonsurgical extractions that are consistent with standard and reasonable dental practices. Payment for nonemergency dental services shall not exceed one thousand dollars per calendar year for an individual adult, provided services determined to be medically necessary, as defined in section 17b-259b, including dentures, shall not be subject to such payment cap. Dental benefit limitations shall apply to each client regardless of the number of providers serving the client. The commissioner may recoup payments for services that are determined not to be for an emergency condition or otherwise in excess of what is medically necessary. The commissioner shall periodically, but not less than quarterly, review payments for emergency dental services and basic restoration procedures for appropriateness of payment. For the purposes of this section, "emergency condition" means a dental condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate dental attention to result in placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, cause serious impairment to body functions or cause serious dysfunction of any body organ or part.

(b) The Commissioner of Social Services may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures as regulation, provided the commissioner prints notice of intent to adopt regulations in the Connecticut Law Journal not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations are adopted.

Sec. 17b-282d. Commissioner to modify nonemergency dental services. Regulations. (a) The Commissioner of Social Services shall modify the extent of nonemergency adult dental services provided under the Medicaid program. Such

modifications shall include, but are not limited to, providing one periodic dental exam, one dental cleaning and one set of bitewing x-rays each year for a healthy adult. For purposes of this section, "healthy adult" means a person twenty-one years of age or older for whom there is no evidence indicating that dental disease is an aggravating factor for the person's overall health condition.

(b) The commissioner may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided the commissioner prints notice of intent to adopt regulations in the Connecticut Law Journal not later than twenty days after the date of implementation. Such policies and procedures shall remain valid for three years following the date of publication in the Connecticut Law Journal unless otherwise provided for by the General Assembly. Notwithstanding the time frames established in subsection (c) of section 17b-10, the commissioner shall submit such policies and procedures in proposed regulation form to the legislative regulation review committee not later than three years following the date of publication of its intent to adopt regulations as provided for in this subsection. In the event that the commissioner is unable to submit proposed regulations prior to the expiration of the three-year time period as provided for in this subsection, the commissioner shall submit written notice, not later than thirty-five days prior to the date of expiration of such time period, to the legislative regulation review committee and the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies indicating that the department will not be able to submit the proposed regulations on or before such date and shall include in such notice (1) the reasons why the department will not submit the proposed regulations by such date, and (2) the date by which the department will submit the proposed regulations. The legislative regulation review committee may require the department to appear before the committee at a time prescribed by the committee to further explain such reasons and to respond to any questions by the committee about the policy. The legislative regulation review committee may request the joint standing committee of the General Assembly having cognizance of matters relating to human services to review the department's policy, the department's reasons for not submitting the proposed regulations by the date specified in this section and the date by which the department will submit the proposed regulations. Said joint standing committee may review the policy, such reasons and such date, may schedule a hearing thereon and may make a recommendation to the legislative regulation review committee.

Sec. 17b-282f. Mobile dental clinics. Medicaid coverage areas. Regulations. (a) For purposes of this section, (1) "mobile dental clinic" means preventative or restorative dental services offered by a licensed dentist or dental hygienist from a van or through the use of portable equipment at various locations, and (2) "fixed location" means the permanent office of an associated dentist licensed pursuant to chapter 379, who contracts with a mobile dental clinic and (A) is enrolled as a Medicaid provider; (B) maintains the diagnostic imaging, tests and charts of patients treated by the mobile dental clinic; (C) accepts and treats patients from the mobile dental clinic; and (D) provides a continuum of dental care.

(b) A mobile dental clinic may submit claims for Medicaid reimbursement to the Department of Social Services for dental treatment of Medicaid beneficiaries that occurred

not more than thirty miles from the associated dentist's fixed location, except that a mobile dental clinic located in the counties of New London, Litchfield and Windham may submit claims for Medicaid reimbursement to the Department of Social Services for dental treatment of Medicaid beneficiaries that occurred not more than fifty miles from the dentist's fixed location.

(c) The Commissioner of Social Services shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this section. The commissioner may adopt policies and procedures to implement the provisions of this section while in the process of adopting regulations, provided such policies and procedures are published on the eRegulations System before such policies and procedures are implemented.