

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments change the Medicaid criterion for the medical necessity of orthodontia for children by raising the minimum score on the Salzmann index to 26. (Orthodontia coverage for members over the age of 21 was eliminated in 2002.) The minimum Salzmann index score currently used to establish medical necessity for orthodontia is 21. Changing this criterion is one of the Medicaid cost containment strategies recommended by Governor Branstad. 2011 Iowa Acts, House File 649, authorizes the Department to implement these recommendations.

Of the 17 states that responded to a survey requesting Medicaid criteria for orthodontia, Iowa’s criterion is one of the most liberal. The survey showed that other Midwestern states have established criteria at the following indexes: Illinois at 42, Missouri at 28, Nebraska at 40, and Wisconsin at 30. The criterion used in Iowa’s HAWK-I program is 26. Changing the Iowa Medicaid criterion will align the policies of the two Iowa programs and move Iowa’s Medicaid criterion toward the level required by many other states.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 9702B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before September 27, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because the savings assumed in the Department’s appropriations will not be achieved if waivers are provided. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2011 Iowa Acts, House File 649, section 10, subsection 20(a).