Regulatory Analysis

Notice of Intended Action to be published: 78.4(8)"c"
"Orthodontic Procedures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 249A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 249A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

June 3, 2025 2 p.m.	Microsoft Teams Meeting ID: 264 402 551 733 Passcode: Y5xc3X4A

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to eliminate an outdated orthodontia practice standard from the Iowa Administrative Code.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with the rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Orthodontists participating in the Medicaid program and their patients will benefit from having updated guidance.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This proposed rule change will result in savings that will be reinvested in providing dental care to Iowa Medicaid members.

- **Qualitative description of impact:**

This proposed rulemaking updates outdated eligibility guidelines for covering comprehensive orthodontia under Medicaid.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs to implement this proposed rulemaking.

- **Anticipated effect on state revenues:**

Because any savings realized as a result of this rulemaking will be reinvested, this amendment is not expected to have a significant impact on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Inaction would result in the Department relying on outdated standards to determine eligibility for comprehensive orthodontia coverage for Iowa Medicaid members under the age of 21.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

This proposed rulemaking is the only way to revise the way the Department determines medical necessity for comprehensive orthodontia coverage for Iowa Medicaid members under the age of 21.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

This proposed rulemaking is the only way to revise the way the Department determines medical necessity for orthodontia coverage for Iowa Medicaid members under the age of 21.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **78.4(8)"c"** as follows:

c. Comprehensive orthodontic treatment when prior approval has been received. Approval is limited to members under 21 years of age and shall be granted when the member has a severe handicapping malocclusion ~~with a score of 26 or above using the index from the "Handicapping Malocclusion Assessment to Establish Treatment Priority," by J.A. Salzmann, D.D.S., American Journal of Orthodontics, October 1968~~ as defined by the department and when determined to be medically necessary.