1	COMMONWEALTH OF KENTUCKY
2	CABINET FOR HEALTH AND FAMILY SERVICES
3	FOR MEDICAID SERVICES
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6	IN RE: DENTAL TAC MEETING
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11	HELD VIA ZOOM
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14	DATE:
15	AUGUST 11, 2023
16	2:00 P.M.
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3	ATTENDEES:
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7	Garth Bobrowski, DMD, Chairman
8	Phil Schuler, DMD
9	Carol Braun, DMD
10	Joe Petrey, DMD
11	John Gray, DMD
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17	(and many more were on ZOOM)
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1	DR. BOBROWSKI: I want to thank everyone
2	for sharing your Friday afternoon with us.
3	We'll get our meeting started and we'll
4	just run through our list. I think I sent
5	out the agenda. Of course, it inevitably
6	happens that we may have one or two items
7	to add to our list here under the Other of
8	Old Business or the Other of New Business.
9	Some of these things just happened the
10	night before or the morning before, and
11	some of these things I just hate to wait
12	another three or four months to address.
13	But would you like to do a roll call?
14	I think I saw plenty of names on there that
15	were here for a quorum.
16	MS. BICKERS: My apologies. Sorry about
17	that. I was trying to get off mute as I
18	was letting some people in.
19	I've got Dr. Bobrowski.
20	DR. BOBROWSKI: Here.
21	MS. BICKERS: Dr. Schuler? I see him.
22	He's still on mute.
23	Dr. Braun. Sorry, I'm trying to go
24	back and forth between letting you guys in
25	and Dr. Petrey is here. So I saw four.

1	Am I missing one more?
2	I see four out of five, Dr. Bobrowski,
3	so you do have a quorum.
4	DR. BOBROWSKI: Okay. Thank you so much.
5	Just need to take a vote then to
6	approve the minutes and the recording from
7	the last meeting, if somebody will make that
8	motion.
9	MR. PETREY: Make a motion to approve the
10	minutes from our previous meeting.
11	DR. BOBROWSKI: Second?
12	DR. SCHULER: I'll second it.
13	DR. BOBROWSKI: Thank you.
14	All in favor say aye.
15	(TAC Members vote unanimously in favor of
16	motion.)
17	DR. BOBROWSKI: Going to go to our Old
18	Business. Just wanted to check on the
19	status of the Anthem and DentaQuest,
20	Passport, if anyone from Medicaid can tell
21	anything on us there?
22	COMMISSIONER LEE: Hi, Dr. Bobrowski. This
23	is Lisa Lee. Can you give me just a
24	refresh my memory on what the issue is, so
25	that I can see if there has been any

1 progress? 2. DR. BOBROWSKI: Well, I believe it was just 3 their overall status of I guess continuing 4 to be an MCO in the state, if I remember 5 right. COMMISSIONER LEE: Okay. Yeah, so that is 6 7 still in litigation and nothing to update 8 They are still a provider, at this time. 9 but there is some litigation that's going 10 on right now. 11 DR. BOBROWSKI: Okay. And then I had a 12 request to ask about -- it seems like 13 they're having some response time issues 14 from Anthem, DentaQuest and Passport, and 15 we just got a few complaints about that and 16 just wanted to ask about -- don't have any 17 particulars on it myself other than taking 18 a long time to hear back from -- I guess 19 it's on prior authorizations. 20 COMMISSIONER LEE: Well, they do have --21 the contract does outline the prior 22 authorization timelines that they are to be 23 responded, the timeframe for which they 24 have to respond. So if they are exceeding 25 those timelines, if we can get examples so

1	we can make sure that they are meeting
2	their contractual obligations and hold them
3	accountable.
4	DR. BOBROWSKI: Okay.
5	COMMISSIONER LEE: And I can after this
6	meeting I can pull that specific section of
7	their contract out and send that to Erin so
8	she can send it out to the TAC, so you have
9	documentation on what their response times
10	are supposed to be.
11	DR. BOBROWSKI: Okay, thank you.
12	MS. O'BRIEN: Dr. Bobrowski, I believe that
13	this was a complaint the last time.
14	Lisa, I'm not sure if you were on the
15	last time we had the TAC. But this was a
16	complaint that I think came from Dr. Petrey
17	that was not getting a response on an issue
18	that he had, and I do believe that that has
19	been resolved.
20	COMMISSIONER LEE: Okay.
21	MS. O'BRIEN: I can't really talk about
22	Passport, of course. But from the Anthem
23	Medicaid part of it, that is what was
24	coming up at the last meeting. And,
25	Dr. Petrey, I know that you're on and I

1	believe that your concern has been
2	resolved. Am I correct on that?
3	MR. PETREY: Yes, we did have we did
4	have a meeting with your staff that was
5	helpful. We do still have some issues, not
6	the least of which are patients caught in
7	limbo with in the orthodontic the way
8	orthodontics pays out. There's a six-month
9	payment after a after a time period.
10	Patients that have whose insurance has
11	switched from one of the other MCOs, we've
12	had difficulty in getting in getting
13	payment at the six months simply because
14	they what is being shown on your all's
15	end is that they were approved for the
16	initial. If a patient is approved for the
17	initial, then the and the care
18	continues, they are, in essence, approved,
19	or should be paid out, but the new
20	MS. O'BRIEN: That's correct.
21	MR. PETREY: So we just have a couple of
22	hiccups on getting that. I'm not sure I
23	just texted my billing folks. But there is
24	also still an issue with a lack of response
25	on from one individual, but we just

1	maybe you and I need to have a conversation
2	and figure out who
3	MS. O'BRIEN: Sure.
4	MR. PETREY: we need to be contacting
5	through to get a response on some of these
6	things. I think it's just a lost-in-the-
7	weeds type of a situation.
8	MS. O'BRIEN: Okay. Yeah, I'll be glad to
9	do that, Dr. Petrey. I'll reach out. I'll
10	get your phone number and reach out to you
11	directly, and that way we can take care of
12	these few things. I know there's always a
13	little bit when they switch that six
14	months and there's a switchover from MCOs
15	and things like that, sometimes there can
16	be a hiccup with that. But I think your
17	original one we had taken care of. I will
18	definitely reach out to you myself.
19	MR. PETREY: Thank you very much.
20	MS. O'BRIEN: You're welcome. Thank you,
21	Dr. Petrey.
22	DR. BOBROWSKI: Thank you, Ms. Jean, for
23	helping us there on that.
24	Now, the next item under Old Business
25	was we've talked about codes and things

1 at various meetings and that's why I put 2. this under Old Business. But why has the 3 state -- change was made from moving filling 4 repairs from six months out to 12 months? 5 The K-A -- the KAR, the K-A-R, says nothing 6 about these types of limitations. 7 agenda there I also put down, if Medicaid 8 does not pay for a filling repair or 9 breaking the same tooth again within 12 10 months, does that become a noncovered 11 service that the patient is financially 12 responsible for? You know, you-all got to 13 realize that a lot of these folks have got 14 fillings on top of fillings, and we're doing 15 the best we can to not have to pull a front 16 tooth or something like that, and we repair 17 them. And some of our folks, many of them 18 are bruxers and grinders. And up until this 19 year they did not, on adults, did not cover 20 bite-guards, so -- but I was just wondering 21 why the change was made from six months out 22 to 12 months, if somebody from DMS can help 23 us on that. 24 MS. KITCHEN: Hi, Dr. Bobrowski. This is 25 Kelly Kitchen. Is there a chance that you

1	can give me a code, please, that would
2	identify the specific?
3	DR. BOBROWSKI: Well, it's probably any of
4	the filling codes, for example, let's see,
5	a D2331, or a D2332, D2335.
6	MS. LEE: Dr. Bobrowski, this is Lisa, too.
7	Did you-all receive a communication stating
8	that that change was being made, or did you
9	just was there just like a billing for
10	that service and then it said you
11	received a statement or an EOB saying that
12	it wasn't covered or something? Trying to
13	get to
14	DR. BOBROWSKI: Well, it's on the state's
15	website where all the fees are listed.
16	That's where we noticed the change. It was
17	six months and now it's 12 months.
18	COMMISSIONER LEE: So we extended from six
19	to 12 months.
20	DR. BOBROWSKI: Yes. Yeah. And I've had
21	several people ask about it. And even in
22	my office we've we see a lot of the
23	traumatic brain injury patients from two
24	different organizations and, bless their
25	hearts, they either have no teeth or they

1	have got fillings on top of fillings by the
2	time I get to even see them, and they just
3	break teeth. I'm sorry, just but then,
4	you know, some of them could maybe, you
5	know, pay for a filling, but some can't.
6	So do I just smooth it off and tell them to
7	come back in a year? That's what other
8	dentists are asking. Do we just smooth it?
9	Or the other situation is, they say, well,
10	you can go down the road to the other
11	Medicaid dentist and they can fix it and it
12	won't cost you anything.
13	COMMISSIONER LEE: Well, it's definitely an
14	issue that we need to look into. I know
15	federal requirements do not allow Medicaid
16	providers to bill Medicaid patients for
17	services, so let us look into this
18	particular issue. And I really because
19	if another dentist could repair it without
20	cost, it doesn't kind of make sense. Let
21	us go back and take a look at that. Now
22	that Kelly has got the codes, we'll go back
23	and take a look at that policy.
24	DR. BOBROWSKI: Okay. And, of course, I
25	gave you the anterior code, you know, and

1 sometimes it's a -- it is a posterior code 2. where they break the side of -- you know, 3 you might have done a filling on the front 4 side of the tooth, then they break the 5 backside of the tooth, but it's the same 6 tooth number and could be the same code, 7 but because it's listed maybe as a three-8 surface filling and you did the front side 9 and now they broke the backside off and --10 so, yeah, I appreciate it if you-all can 11 look at that and I'll make a note of that. 12 Now, is there any other Old Business? 13 MR. PETREY: I just wanted to comment. 14 did get a response back from my team. 15 Ms. O'Brien, the question on the six months 16 is with Passport, not with Anthem. 17 wanted to take that off of your -- off your 18 list, having the issues of not being able 19 to get the continued care on patients that 20 have switched to Passport, so ... 21 MS. O'BRIEN: All right. I'll cross that 22 one off my list then. Thank you. 23 appreciate you letting me know. 24 This is Christy, Dr. Petrey, MS. MEDINA: 25 with DentaQuest. We'll go ahead and reach

1 out to you guys directly to kind of see 2. what we can do to set up the remainder of 3 those cases like you said, you know, with 4 the remaining codes for the adjustments from -- for whatever is left on treatment 5 6 on those cases. 7 MR. PETREY: Thank you. Yeah, it's -- a 8 lot of those cases started with us and their MCO has changed, so it's -- it's the 9 10 full remaining six months. So it's our 11 contracted fee and we just -- we're 12 finishing the case. We need to be 13 compensated for that finish. 14 MS. MEDINA: Absolutely, of course. 15 DR. BOBROWSKI: Okay. Any other Old 16 Business? If not, we'll move on to New 17 Business. 18 One of the things we've been working 19 on is the community health worker and I know 20 many offices have been contacted. I know in 21 my office, you know, we can't use the CPT 22 codes and we've contact -- been over 23 probably a hundred and some offices have 24 been contacted and they cannot -- due to 25 their software, cannot use the CPT codes.

They can use CDT codes for billing for the community health workers. But in a nice conversation there we had with Commissioner Lee this morning, we've got some ideas on working on that, and one of the ideas was to either contact the ADA, you know, to look for that coding type answer. The only problem is that sometimes to change a code it may take a year or two to get that all the way through the process, but we're looking at that. But I just wanted to bring it out before the TAC that we have been working on that, and that's the -- that's all we found out, that most dental office software won't handle CPT codes.

And, again, just wanted to bring up another item. Now, I guess since we -- I'll adjust this what I had written down, because, like I said, I may have this written out in, you know, one or two weeks ahead of time, and now I've got new information. So a lot of the oral surgeons, and even some pediatric offices, are very limited in large parts of the state. I know even some of the pediatric offices are going

to 18 and under, or some are even going to only seeing patients 14 and under. A lot -several of the oral surgeons' offices are,
you know, either 21 and under or 25 and
under. But I did hear a good report that I
think there have been some new oral surgeons
added to the list of seeing patients in the
state. So we've still got an access-to-care
situation that we've got to all work on.

And the next item under New Business is Fee Disparity. The -- bring up a few topics under that title. Basically there's been no fee increases for the general practitioners except for, you know, some of the oral surgery codes got a slight bump in the prophy fee for the adults, but still, it's still all under what it actually cost you to provide that service.

And the other situation that I'm hearing is that several more dentists are dropping out of Medicaid. Now, they may not report it to the MCO, they may not report it, you know, Commissioner Lee, to your all's offices. They just stop seeing people.

1 Now, within an hour of my office here 2. there's been four other offices that have 3 dropped out of seeing Medicaid patients, or 4 one of them had dropped to just seeing 5 children only. So, you know, my fear is just that when people drop out, for the 6 7 remaining dentists that stay in, it really -- it really loads your work day 8 9 down. And I had a dentist a little while 10 ago call and talk to me, said, yeah -- he 11 used the good French word of A-S-S. He said 12 you got to work it off. I said, well, mine 13 can use a little working off, but the -- let 14 me see, what else did I have under there? MR. PETREY: Garth, I just want to 15 16 reiterate that same point. And we're 17 seeing it across all of our offices from an 18 orthodontic perspective. We discussed the 19 last meeting that a provider was leaving 20 the network, and he did, and as of now from 21 London to Pikeville we're the only provider 22 in East Kentucky. And for folks that 23 aren't as familiar with Kentucky geography, 24 that's quite a long distance, and we're 25 covering all those patients which has been

a struggle.

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But beyond our perspective, the point you make about dentists not coming off of the rolls, but not accepting new patients is becoming extraordinarily challenging. the pediatric dentists are not accepting new patients. They are still treating the They are still on the rolls for population. each of the MCOs, which makes it seem as though we have a viable system. But when I have a patient that has active decay that we are trying to get something resolved and I cannot get them a dentist outside of heading to Lexington to the UK Clinic, and even the UK Clinic is a time to get into, it's a problem. And it's more of an issue now for us not having the providers, but also the providers that we have not currently taking That gets exacerbated when new patients. these practices stop accepting, stop accepting, just as we have with the change -- and I don't mean to pick on any MCO, but just facts are facts. The number of providers that have stopped taking patients because their MCO has switched to

Passport or switched to being run by

DentaQuest, and for whatever reason which

we've discussed before, they do not -- they

no longer want to be a provider for that

MCO, those patients are lost in limbo.

The issue then becomes they're coming to us as orthodontic patients and saying, I no longer have a general dentist, and we don't have anybody taking on those patients. So it's not just that they're not taking new patients, but it's one, two, three, four drop off in taking these patients, it increases the number of need, but we have a lessened number of providers. It only exacerbate the problem.

DR. BOBROWSKI: Well, I just -- and that's what's happening, you know. Dr. Petrey's office is about approximately hour, hour and a half east of me, and I just told you within an hour of around me, kind of south and west of us, or, you know, we got about four more offices, and some of them -- one of them is a bigger city; the other ones are smaller towns. And you lose your one and maybe your only provider for that

county, where do all these people go, you know?

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And I just got a notice earlier this morning that the Ohio, I guess it was from their legislature, passed a fee increase of 93 percent to their Medicaid providers. Ι just got another report from even South Dakota and Missouri, even comparing it to the Kentucky Medicaid kids, which is, you know, they pay -- the kids' fees are sometimes considerably higher than the adult fees. Just for example, here's a D3- -- I'm sorry -- D2331, which is a front filling, two surface, Missouri's paying 189.60. Kentucky pays 71.50. And then you just go down the whole list, and sometimes it's over twice what the general dentists are getting paid in Kentucky. But I'm -- let's see... MR. PETREY: Commissioner Lee, a few meetings ago there was a presentation that we had asked for a fee increase, and the response to that was based on a study, for lack of better terms, but a study comparing Kentucky dental fees to other regions, and stating that we had one of the higher

reimbursements. Now, anything that we have 1 2. done as attack and as individuals looking 3 at that, comparing it to local states, from Ohio fee increase to Indiana to West 4 5 Virginia, shows us across the board below I'm wondering if you are familiar 6 7 with what that study was and if we can get 8 access to that so we can have real -- look 9 at real data to understand what these 10 decisions are being based on, because it's 11 being used to say that we have a viable 12 economic situation, and yet everything that 13 we look at does not say that. And so I'd 14 like to understand where those numbers are 15 coming from. 16 COMMISSIONER LEE: Yes, thank you, 17 Dr. Petrey. And if I can get that study 18 and send it out again -- I can send it to 19 Erin -- it will show the methodology behind 20 that study. And, you know, since we have 21 decided to enhance our adult dental 22 benefits, we have been, of course, talking 23 to the provider community, talking to the Dental TAC, and looking at states and 24 25 comparing ourselves with surrounding states

and doing a few things.

And one thing that we did notice when we looked at our rates compared to other rates, for example, other states, we noticed that it's very different when you look at what we cover and what other states cover, and I can send some of that information out to you. But I think, again, this is a good conversation when we start talking about rates, about looking at -- and then when we think about reimbursement and increasing reimbursement.

Sometimes when we look across the board and just look at the entire array of services -- I think if we could pick and choose, if we could be very strategic in what we're seeing that needs to be done and focus on prevention first and look at the preventive codes and what -- where are we going to get the biggest bang for our buck that's going to offset costs in the future, you know, and is that the -- is that, you know, the dental cleanings.

I know, for example, Virginia enhanced all of their adult dental and they are

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1 covering three cleanings for adults per 2. year, where we do the two. I know two is 3 pretty much standard, but given that our 4 population is a little bit more challenging with their medical needs because they do 5 6 live at or below the poverty level, I think 7 that's something that we can do. But I 8 definitely -- long answer, yes, I will get 9 that report to you and I think that, you 10 know, keeping these conversations going and 11 definitely focusing on prevention, because 12 it seems like, you know, in the past we just 13 pulled teeth, which just made everything 14 worse. So what can we do to focus on 15 prevention and allow individuals to keep 16 their teeth and which codes would allow us 17 to do that, I think is what we need to look 18 at. 19 MR. PETREY: I agree. Thank you. The 20 public health practitioner in me is pining 21 for preventative care and seeing an 22 increase in that. But if we lose the 23 providers, it doesn't matter what the --24 what we provide. So that's going to be 25 critical.

1	DR. BOBROWSKI: This is Dr. Bobrowski.
2	Just an update. On the fee schedule that
3	was reported out of the ADA back, I guess
4	it's maybe two years ago or something when
5	that came out, the Kentucky dentists and
6	the Kentucky Dental Association immediately
7	contacted the ADA and said that's not
8	correct information. And at the time they
9	said, well, yeah, it is. Well, to my
10	understanding they just came out here in
11	the last two to three months or so and said
12	they agree the report that they did was
13	flawed. So I guess I'll give the ADA an
14	applause because at least they admitted
15	they have the problem and are fixing it.
16	And that's all I've heard. I've not seen
17	any data come out of them, but they just
18	said that that report actually was a flawed
19	report.
20	MR. PETREY: No idea on when that fix will
21	show? Because clearly, Garth, that flawed
22	report is what is being used to make
23	policy.
24	DR. BOBROWSKI: Yeah, I haven't heard that.
25	I was going to bring up our new KDA

1 executive director is Dr. Stephen Robertson, 2. and he is a past Medicaid provider, so he is 3 very well in the knowledge on this, but he 4 is in another meeting this last several 5 days, so he apologized he was not able to be 6 on our TAC meeting today. He thought he 7 might be able to, but he texted me right 8 before lunch, said I'm not going to make it, 9 so -- but we need to check with Dr. Steve 10 there to see if he can find out the actual 11 thing from the ADA. 12 COMMISSIONER LEE: I did put the link in 13 the chat to that report. And on that first 14 page it talks about child and adult dental 15 services. The first page is for children; 16 the second page is for adults. The second 17 page shows Kentucky at about 68.3 percent 18 of the private insurance reimbursement, and 19 this is as a percentage of the private 20 insurance reimbursement for services. 21 not really comparing, I don't think, the 22 Medicaid by Medicaid, but comparing it to 23 private insurance reimbursement. And on 24 that very first page if you click the data 25 table, it will tell you where that

1	information came from, and there is also
2	data sources and methods, so it will
3	that has all the information in that
4	document. So I did put that in the chat.
5	DR. BOBROWSKI: Yeah, I see it. Thank you,
6	Commissioner Lee. I think that's the
7	report that they had out previously, yeah,
8	2020, and that's what they were talking
9	about was the Kentucky almost led the
10	nation, I believe, in reimbursement at
11	104.8 percent of the comparing Medicaid to
12	insurance. And I think that's the report
13	we're talking about was a flawed report,
14	because that's the 2020 report. So we've
15	got to find out what the new data and
16	statistics are from the ADA unless you're
17	able to get that.
18	COMMISSIONER LEE: I'll continue to look.
19	I don't know that they updated that report.
20	That's the latest one that I can find, but
21	we definitely keep looking. And, again,
22	that's comparing to the average commercial
23	rate, so, again, it would you know, if
24	it's flawed, it's flawed. Let's look for
25	the new one.

But I think focusing on what we need to do here in Kentucky as far as prevention and shoring up our dental workforce, what can we do not only to keep the providers we have right now and to entice new providers into the program. The reason that our children's fee schedule is different from our adult fee schedule is -- we did this in the past -- we increased all of our fees for children thinking we would get a surge of dentists to come back -- come into the program, and that did not happen when we increased those rates for the child population.

When we did notice an increase in dentists coming into the Medicaid program was when we expanded Medicaid. And I had a couple of dentists tell me that they joined the Medicaid program at that time back in 2014, because they had been seeing individuals and they just didn't have a payer source. So when we expanded to that adult population, we saw, you know, a little bit of an increase in our dental population.

So, again, hopefully, you know, we

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have a workforce study, workforce report that's going under final reviews and will be out shortly. And there is a section on dental, dental providers in that report. So hopefully it will be useful to this Technical Advisory Committee to look at that report and see -- you know, identify issues, make recommendations based on how we can increase not only the work, dental workforce for our Medicaid population, but across the state. Because we know that as Medicaid dental providers you don't only see Medicaid patients; you see the entire population. the shoring up the Medicaid dental workforce is going to help the entire state.

So, again, just noticing that, you know, these conversations are conversations that we haven't had in the past, and very excited about some of the opportunities that we're going to be able to look at as we start getting more information. And I know, for example, the Dental TAC has requested reports. I think those are ready to distribute, if they haven't been distributed also, or already, which will, you know, give

1	you more information on where we might want
2	to look at where some actual policy levers
3	can be pulled to help improve the dental
4	services provided to Medicaid members.
5	DR. BOBROWSKI: Thank you.
6	MR. PETREY: We have not received those
7	reports, so thank you for the update on
8	that. Look forward to seeing those.
9	DR. BOBROWSKI: And I stand corrected on
10	the because I thought in the past if a
11	patient broke something and that they it
12	fell in that time period, they cannot go to
13	another dentist. It is a per member, not
14	per member per provider. So they can't go
15	to another dentist and get that same
16	procedure done. But it's kind of like I
17	wonder the dentists may not know that it
18	had been fixed within the six or 12-month
19	time period if the patient didn't tell them
20	that. So the dentist may fix it, expecting
21	to get paid, and not knowing that it had
22	been done. So that's one of those issues.
23	But I'm going to move on. I want to
24	invite folks to there is going to be a
25	at the Kentucky Dental Association Annual

Meeting, it's at the Galt House in
Louisville, on August 25th, 26th and 27th,
and we're going to have a Medicaid forum,
and the topic is Kentucky Oral Health-49thA Road Map to Change. And basically I'd
kind of like for this to be a -- more of
like even a brainstorming-type session of
ideas, either from individuals, from
individual dentists, from the MCOs, anybody
from the state, you know, if you got ideas,
on what can we do to move Kentucky from the
49th position of oral health, start moving
us up that ladder. So that's what that
forum is.

And I want to thank -- Avesis is going to supply a luncheon for us. It's going to be a two-hour course. And I want to thank Dr. Caudill and Avesis for providing that luncheon. And it starts at 11:30 Eastern Time at the Galt House in Louisville.

Let's see here. Now, I just wanted to report also from -- on telehealth the communication platforms that are legally acceptable. And I know I -- you know, people we know, or our children,

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grandchildren, go to school with, or they have bumps and bruises and get hit in the mouth and stuff, and the first thing they do is take a picture of it and send it to you, or they'll call you on FaceTime and, you know, technically these are not HIPAA compliant. And there's a partial list of compliant platforms when you're doing telehealth, and I'll just read these what I've got here, and there's more out there. But Webex, Teams, Amazon Chime, Doxy.me, Skype for business, MS Teams, Updox, VSee -which is V-S-E-E -- Zoom for healthcare, Google G Suite, and Hangouts Meet. that's just a partial list of, you know, for any of the dentists that are doing telehealth that -- you know, to be I guess legally compliant with HIPAA to be asking patients to get on those sites with you.

Now, on Other there's for years been a situation with the Code D0140, which is a problem-focused code, you know, or a limited exam is another term for that code. In our regulations, which is 907 KAR 1:126 Section 6, Paragraph 2, No. 1, it has a definition

1 in there that this code can only be used for 2. trauma or acute infection. And what I was 3 asking about would the mechanism -- I know 4 there's in the process right now in the 5 legislature of changing, or from the E-reg to the regular reg, would this be a good 6 7 time to adjust the wording on that, you 8 know, because at the time that's a very 9 limited code and that may have been the 10 intent, but so many times we don't know what 11 a patient has or what the problem truly is 12 until we get them in the office and look at 13 it. And so many times it comes up that, you know, their problem that we have to check on 14 15 has no code to fit the visit. So I'm just 16 asking about a revision to that regulation. 17 And, Commissioner Lee, or if anybody 18 else has any ideas on how to handle it, or 19 does Medicaid not want to do anything. Ι 20 just -- that's been brought up numerous 21 times in various meetings and, you know, I 22 quess we never have really done anything 23 about it, but I just thought I'd bring it up 24 today. 25 COMMISSIONER LEE: I'm sorry,

1	Dr. Bobrowski, I missed some of that
2	conversation. Is this the issue where
3	are you specifically talking about children
4	or are you talking about other procedures
5	that don't have codes?
6	DR. BOBROWSKI: This was that D0140 code.
7	It's a problem-focused exam code, but when
8	you read into the, oh, the background for
9	the code, it can only be used for a trauma
10	or an acute infection. Sometimes see,
11	there's a difference between the 911 code,
12	which is basically for pain, and the D0140
13	code is used for trauma or an acute
14	infection. But there's several times that
15	this D0140 code is the only method that
16	or Medicaid patients have a chance of
17	getting the visit covered.
18	MR. SCOTT: Hello, Dr. Bobrowski, I'm
19	Johnson Scott. I'm the reg coordinator for
20	DMS. We have submitted a statement of
21	consideration and an amendment to some of
22	the regs, but unfortunately our window to
23	amend them via that method has closed. We
24	had to send all that in earlier this month.
25	So we would be looking at an agency

amendment or an amendment at the committee meeting at this point.

2.

So, you know, it's technically possible at this point. You know, we still don't know kind of what will happen with those regs next month anyway, so, you know, if they find everything deficient again.

Since it's the O Regs we really -- you know, we could try to amend them, but, you know, we still really don't know what's going to happen at this point, you know. I just did want to emphasize that those regs are still very much up in the air.

Could you tell me if you know if any other states are using -- you know, have a broader interpretation of that code? You know, is this a very limited -- is this a Kentucky specific limitation that we're using here or is this kind of a -- DR. BOBROWSKI: Well, I know a lot of insurance companies don't have that limitation, you know, if -- if the patient calls and says, well, I just -- you know, I bumped this tooth or I bit into something and, you know, it hurt for a couple days,

1 but it took it a week to get even better. 2. It's starting to feel better by the time 3 they get in, but they just want it checked. 4 So, you know, they're not in pain, so I 5 can't use the D0911 code. Then you X-ray 6 it, and they're not infected, nothing's 7 broken. Sometimes they just bit on a 8 popcorn kernel or an almond a little bit 9 too hard or a little sideways that's 10 strained the tooth, so it's not 11 technically -- and they're not in pain, 12 they're not infected. You know, maybe you 13 could stretch it and say it was trauma. 14 But then on the other hand, sometimes 15 people that, you know, just grit their 16 teeth or brux or clench their treat, yeah, 17 I guess that could be considered a trauma. 18 That's what I mean. There's different 19 interpretations of the trauma and acute 20 infection. 21 I just know most insurance companies 22 don't have that stipulation of just a trauma 23 or acute infection, and I haven't researched 24 other states on that particular issue, on 25 their -- their laws on it.

1	DR. CAUDILL: Dr. Bobrowski?
2	DR. BOBROWSKI: Yes.
3	DR. CAUDILL: Yeah, this is Dr. Caudill.
4	As you know, Avesis administers plans in
5	multiple states, and Kentucky is the only
6	state we've ever seen that limitation. It
7	seems to be Kentucky only.
8	DR. BOBROWSKI: Okay. Thank you,
9	Dr. Caudill.
10	COMMISSIONER LEE: You know, that could
11	have been, you know, an oversight when we
12	previously did not cover, you know, prior
13	to January 1st of this year, when we didn't
14	cover those enhanced dental benefits for
15	adults. We could have had that limitation
16	there for that reason. But now that we
17	have those enhanced services, I think, as
18	Jonathan said, it may be too late to change
19	that regulation now, but definitely not too
20	late to kind of consider you know, the
21	MCOs definitely don't have to you know,
22	they have the flexibility to not apply that
23	limitation, I believe. So let us take that
24	back and see what we can do with that
25	particular code.

1 DR. BOBROWSKI: Okay. Thank you so much. 2. Let's see, is there any other 3 new business that a TAC member may have 4 gotten phone calls about? 5 Okay. Moving on, is there any other 6 topic as a TAC that we want to bring up? 7 MR. PETREY: I don't think so, Garth. think I'm still -- I'm still concerned and 8 9 interested in finding out on that -- on the 10 report from the ADA because, again, 11 that's -- that's been used multiple times, 12 and I think erroneously. And the question 13 that I had for Commissioner Lee was I 14 wanted to get that and look at that and 15 compare that, but you may have answered the 16 question that it was a faulty study to 17 begin with, but unfortunately it's the one 18 that's out there and the one that is being 19 used. So more information on that and a 20 resolution to correcting that is probably 21 paramount for me. 22 DR. BOBROWSKI: Okay. Well, and, 23 Commissioner Lee, this is -- please don't 24 think we are trying to blame you on this or 25 nothing, because it was -- it was a study

1 by a reputable organization and it was out 2. there, and free to you. So we're not --3 please don't think we're harping on you about it. It was just a -- it was a flawed 4 5 report and the Kentucky Dental Association and other dentists called the ADA about it 6 7 and they said this is not right. 8 But anyway, at first they said yes, it 9 was, but I think just here in the last few 10 months they have, I guess, kept researching 11 it and they found out, well, no, it wasn't 12 right, but we are just kind of waiting to 13 see what they say on that their fix for 14 that. 15 COMMISSIONER LEE: Well, we all know if 16 it's on the internet it's true; right? 17 DR. BOBROWSKI: That's right. That's 18 right. 19 COMMISSIONER LEE: But typically we will 20 not use -- you know, we don't use just any 21 citations. But as you said, it was from a 22 reputable firm, it was from ADA, so we --23 you know, that's why we have been using 24 that in looking, because -- but, again, it 25 shows that we are listening to our dentists

1 and we are doing our research and we are 2. trying to understand everything that we can 3 about our reimbursement methodology and 4 what policies we can make to change this 5 program so we are addressing the healthcare 6 needs of our members and taking care of our 7 providers. I think multiples of us have 8 MR. PETREY: 9 heard from our representatives, including 10 the leadership that have looked at that, and said that, well, we're already doing 11 12 better than everybody else and we -- we 13 don't see a need to ever increase 14 reimbursement, and that's -- that's a 15 difficult position from our perspective and 16 from your side to see that the leadership 17 and policymakers are using that same 18 information that is added -- it's dictating 19 their opinion on what the reimbursement is 20 and thus the system itself. 21 COMMISSIONER LEE: Yes, thank you for that. 22 And I think, too, right before -- I'm going 23 to have to hop off in a second. 24 think Rachel put in the chat the Dental TAC 25 did yesterday receive a report and it was

previously asked about billings and denials and et cetera. So that report may give you a little bit of information. I reviewed it maybe yesterday myself, and I think it was a very good report, laid out easy to read. So once you-all review that and you have any questions, you know, please let us know, and I think it will be something, you know, definitely that you-all can review maybe on your next Dental TAC.

But it has some real good information in there, and I'd like to thank Rachel for pulling that together in that format that made it so easy to read. I know if it's easy for me to read, anybody can read it. So you-all should have gotten that yesterday, and probably no time to look at that before this meeting. So look for that in your inbox, and if you have questions, please reach out.

MR. PETREY: Absolutely. And my comment that we haven't received -- we have to my knowledge, we have received two reports of the -- of the -- I think it was six that we requested. So, yes, we appreciate them

coming in and understand the time that it takes to get them together, and look forward to seeing the rest. So thank you for that and thank you for the work to get them together.

DR. BOBROWSKI: Well, I wanted to -- again, I thanked Commissioner Lee earlier today for, you know, all the things, and her staff, you know, for all the work that they do. This is a -- you know, I guess even myself sometimes, we don't realize the work and the commitment that our folks in Frankfort do put into their jobs, you know, in trying to help. And I know there's limitations.

And it's just sad that the governor and the legislatures are at odds and, well, who gets to do this and who gets to do that. And, you know, in the long run it just hurts our patients. So I hope they can work this out, because it puts us providers in a bind. It's like just now come, you know, like November and December, we're -- we're starting a denture for somebody. Well, can I get my teeth before Christmas? You know,

1 well, we better get it before Christmas 2. because in January we don't know what's 3 going to happen. And we really don't know 4 what's going to happen in January once the 5 legislators get back in session. So there could be a lull in, you know, 6 7 dentures and partials and things like that, 8 crowns, whatever, of the expanded codes, but 9 then it may just flow right on. I'm not 10 trying to be Mr. Negativity, but it just --11 we just have to wait and see what happens. 12 All right. Any other topics? But I 13 do -- I do want to reiterate a big thank you 14 to Commissioner Lee and all the staff that 15 work on the reports we ask and, you know, 16 even helping set up meetings and -- big 17 help, big help. 18 Are there any MAC recommendations that 19 the TAC needs to send on? Hearing none, 20 I'll be at the next MAC meeting. We just 21 recently had one, so I'll be -- I'll be at 22 the next one. 23 And our next TAC meeting will be 24 November 3rd, from 2:00 to 4:00 p.m. Eastern 25 Time, and it will be a Zoom meeting.

1	And does anybody else have anything we
2	need to bring before the TAC? Hearing none,
3	I'll just entertain a motion to adjourn.
4	MR. PETREY: Make a motion to adjourn.
5	DR. BOBROWSKI: Second?
6	DR. SCHULER: I'll second.
7	DR. BOBROWSKI: Thank you.
8	All in favor say aye.
9	(TAC Members vote unanimously in favor of
10	motion.)
11	DR. BOBROWSKI: And have a great weekend.
12	Thanks, Everybody.
13	DR. SCHULER: Bye.
14	MR. PETREY: Thank you, Garth.
15	DR. BOBROWSKI: Thank you.
16	* * * * *
17	THEREUPON, the meeting was concluded.
18	* * * * *
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25	

1	
2	
3	STATE OF KENTUCKY)
4	COUNTY OF FAYETTE)
5	
6	I, JOLINDA S. TODD, Registered
7	Professional Reporter and Notary Public in and for
8	the State of Kentucky at Large, certify that this
9	transcript is a true and accurate record of the
10	Medicaid Dental Technical Advisory Committee
11	meeting.
12	
13	My commission expires: August 24, 2027.
14	
15	IN TESTIMONY WHEREOF, I have hereunto set
16	my hand and seal of office on this the 10th day of
17	October 2023.
18	
19	
20	JOLINDA S. TODD, RPR, CCR(KY) NOTARY PUBLIC, STATE AT LARGE
21	NOTAKI TODDIC, STATE AT DAKOE
22	
23	
24	
25	

9/6 10/21 17/3 18/18 18/21 21/9 21/10 **COMMISSIONER LEE: [15]** 4/22 5/6 21/11 24/14 24/17 25/9 25/13 27/19 31/3 5/20 6/5 6/20 10/18 11/13 20/16 24/12 31/16 31/23 32/3 32/4 36/4 37/4 37/6 38/3 25/18 31/25 35/10 37/15 37/19 38/21 39/1 DR. BOBROWSKI: [34] 3/1 3/20 4/4 **Absolutely [2]** 13/14 39/21 4/11 4/13 4/17 5/2 5/11 6/4 6/11 8/22 10/3 acceptable [1] 29/24 10/14 10/20 11/24 13/15 18/16 23/1 23/24 accepting [4] 17/4 17/6 17/20 17/21 25/5 28/5 28/9 32/6 33/20 35/2 35/8 36/1 access [2] 15/8 20/8 36/22 37/17 40/6 42/5 42/7 42/11 42/15 accountable [1] 6/3 DR. CAUDILL: [2] 35/1 35/3 accurate [1] 43/9 **DR. SCHULER: [3]** 4/12 42/6 42/13 across [4] 16/17 20/5 21/13 27/10 MR. PETREY: [17] 4/9 7/3 7/21 8/4 8/19 active [1] 17/11 12/13 13/7 16/15 19/19 22/19 23/20 28/6 actual [2] 24/10 28/2 36/7 38/8 39/21 42/4 42/14 actually [2] 15/17 23/18 MR. SCOTT: [1] 32/18 acute [5] 31/2 32/10 32/13 34/19 34/23 MS. BICKERS: [2] 3/16 3/21 **ADA [9]** 14/6 23/3 23/7 23/13 24/11 25/16 MS. KITCHEN: [1] 9/24 36/10 37/6 37/22 **MS. LEE:** [1] 10/6 add [1] 3/7 MS. MEDINA: [2] 12/24 13/14 added [2] 15/7 38/18 MS. O'BRIEN: [7] 6/12 6/21 7/20 8/3 8/8 address [1] 3/12 8/20 12/21 addressing [1] 38/5 adjourn [2] 42/3 42/4 adjust [2] 14/18 31/7 **104.8** percent [1] 25/11 adjustments [1] 13/4 10th [1] 43/16 administers [1] 35/4 **11 [1]** 1/15 admitted [1] 23/14 **11:30 [1]** 29/19 adult [6] 19/11 20/21 21/25 24/14 26/8 **12 [5]** 9/4 9/9 9/22 10/17 10/19 26/23 **12-month** [1] 28/18 adults [5] 9/19 15/16 22/1 24/16 35/15 14 [1] 15/2 **Advisory [2]** 27/6 43/10 **18** [1] 15/1 after [3] 6/5 7/9 7/9 **189.60 [1]** 19/14 afternoon [1] 3/2 1:126 [1] 30/24 again [12] 9/9 14/16 20/18 21/8 25/21 1st [1] 35/13 25/23 26/25 27/16 33/7 36/10 37/24 40/6 agency [1] 32/25 agenda [2] 3/5 9/7 2014 [1] 26/20 ago [3] 16/10 19/20 23/4 2020 [2] 25/8 25/14 agree [2] 22/19 23/12 2023 [2] 1/15 43/17 ahead [2] 12/25 14/21 **2027** [1] 43/13 air [1] 33/13 **21** [1] 15/4 all [27] 4/14 9/12 10/7 10/15 12/10 12/21 **24** [1] 43/13 14/9 14/14 15/9 15/17 16/17 16/25 19/1 **25** [1] 15/4 21/25 23/16 25/3 26/9 32/24 37/15 39/6 25th [1] 29/2 39/9 39/16 40/8 40/9 41/12 41/14 42/8 **26th** [1] 29/2 all's [2] 7/14 15/24 **27th** [1] 29/2 allow [3] 11/15 22/15 22/16 2:00 [2] 1/16 41/24 almond [1] 34/8 almost [1] 25/9 already [2] 27/25 38/11 3rd [1] 41/24 also [6] 7/24 9/7 17/17 25/1 27/25 29/22 always [1] 8/12 **Am [2]** 4/1 7/2 **49th [2]** 29/4 29/12 **Amazon** [1] 30/11 4:00 p.m [1] 41/24 amend [2] 32/23 33/9 amendment [3] 32/21 33/1 33/1 **Annual [1]** 28/25 **68.3** percent [1] 24/17 another [8] 3/12 11/19 14/17 19/7 24/4 28/13 28/15 30/23 answer [2] 14/7 22/8 **71.50** [1] 19/15 answered [1] 36/15 anterior [1] 11/25 **Anthem [4]** 4/19 5/14 6/22 12/16 907 [1] 30/24 any [16] 4/25 5/16 10/3 12/12 13/15 17/22 **911** [1] 32/11 23/17 30/16 31/18 33/14 36/2 36/5 37/20 **93 percent [1]** 19/6 39/7 41/12 41/18 anybody [5] 18/9 29/9 31/17 39/15 42/1 anyone [1] 4/20 able [5] 12/18 24/5 24/7 25/17 27/20

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