

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 526. DENTAL SERVICES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Oklahoma Dental Loan Repayment Program
310:526-3-4 [AMENDED].

SUMMARY:

310:526-3-4. Updates changes to reflect current Medicaid eligibility as it relates to the Oklahoma Dental Loan Repayment Program by elimination of the age limitation used in the calculation criteria to determine what constitutes a Dental Health Professional Area and by adding the acceptance of dental loan repayment applications in person or online.

AUTHORITY:

Commissioner of Health, Title 63 O.S. § 1-104, § 1-105, and § 1-2710 et seq.

COMMENT PERIOD:

October 16, 2023 through the close of the Department's normal business hours, 5 PM, on November 17, 2023. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on November 17, 2023 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on November 17, 2023 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is November 20, 2023 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through November 17, 2023, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 526. DENTAL SERVICES**

1. DESCRIPTION:

On June 30, 2020, State Question 802 was passed and became effective July 1, 2021, expanding adult dental Medicaid benefits. Proposed changes will ensure the Oklahoma Dental Loan Repayment Program (ODLRP) aligns with current Medicaid (SoonerCare) policy. The proposed amendment to OAC 310:526-3-4 updates changes to reflect current Medicaid eligibility as it relates to the Oklahoma Dental Loan Repayment Program by elimination of the age limitation used in the calculation criteria to determine what constitutes a Dental Health Professional Area and by adding the acceptance of dental loan repayment applications in person or online.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

Dentists participating in the ODLRP and adult Medicaid (SoonerCare) recipients. There is no direct cost impact.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

Dentists participating in the ODLRP and adult Medicaid (SoonerCare) recipients. Alignment with Medicaid policy increases access to care for adult dental Medicaid (SoonerCare) recipients.

4. ECONOMIC IMPACT, COST OF COMPLIANCE, AND FEE CHANGES: COST OF COMPLIANCE AND FEE CHANGES:

There is no direct economic impact associated with the proposed changes to the Oklahoma State Department of Health.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

There is no direct cost or benefits associated with the proposed changes to the Oklahoma State Department of Health.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. **EFFORTS TO MINIMIZE COSTS OF THE RULE:**

There are no less costly means currently identified.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**

Increased access to dental health care for the adult Medicaid population.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

There are no detrimental effects on public health and safety.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on September 11, 2023.

CHAPTER 526. DENTAL SERVICES

SUBCHAPTER 1. GENERAL PROVISIONS

310:526-3-4. Procedures for administering the Program

The Program shall develop dental loan repayment procedures as may be necessary to carry out the administration of the Program. The Program shall delineate the following procedures:

- (1) **Dental Health Professional Shortage Areas (DHPSA).** Dental health professional shortage areas for Oklahoma shall be established by the Commissioner using the following criteria.
 - (A) The percentage of Medicaid enrollees receiving dental services each year.
 - (B) The ratio of the number of Medicaid enrollees ~~under the age of 21~~ per Medicaid dental provider.
 - (C) The ratio of the number of Oklahoma residents in the general population ~~under age 21~~ per Oklahoma licensed general practice or pediatric dentist.
- (2) **Applications.** All interested new dental school graduates shall file an application with the Department. This application can be submitted at any time during the year. Applications are available in the Dental Service office of the Oklahoma State Department of Health, in person or online.
- (3) **Approval by the Department.** Applications are reviewed by the Advisory Committee. Following this review, the Advisory Committee forwards their recommendations to the Department. Applications are approved or declined as determined by the Department.
- (4) **Renewal of loan repayment contracts.** The original loan repayment contract may be renewed for up to a total participation in the Program of five (5) years, contingent upon funding from the Legislature and continued approval of the Department based upon the dentist's performance and recommendations of the Advisory Committee if requested.
- (5) **Advisory Committee.** The Department will appoint and convene an Advisory Committee to assist in the dental loan repayment process. The Advisory Committee includes five (5) members with representation from the Oklahoma Dental Association, the University of Oklahoma College of Dentistry, the Oklahoma Health Care Authority, the Oklahoma Board of Dentistry, and the Oklahoma ~~oral health coalition~~ Oral Health Coalition. The Advisory Committee is responsible for reviewing the eligible applicants, as determined by the Department, and making recommendations to the Department. The Department makes the final selection of Program participants.