



Alaska Primary Care  
ASSOCIATION

September 26, 2019

Dear Commissioner Crum,

APCA and CHC Leaders are writing to restate our concerns related to the Department's plan to eliminate all optional non-emergency and preventive adult dental services from Alaska's State Plan. In light of these plans and recent statements from the Department, it is important for FQHCs and the patients they serve to know the allowable preventive adult dental services beginning on October 1, 2019.

The federal government provides funds to the State of Alaska, with an understanding that those funds will be spent in accordance with conditions that are congressionally imposed. One of those conditions is that the state plan provides for a payment to each Federally-qualified health center (FQHC) that covers its reasonable costs in furnishing two distinct sets of services, "Federally-qualified health center services" and "any other ambulatory services" included in the state plan that a FQHC provides. 42 U.S.C. §§ 1396a(bb)(1); 1396d(a)(2)(C); 1396d(l)(2). That payment methodology, which is (and must be) set forth in the state plan, is known as the prospective payment system (PPS).

For purposes of beneficiary rights and PPS payment obligations, "[FQHC] services" are a defined set of mandatory services, which "include . . . services furnished by dentists," among others. *Cal. Ass'n of Rural Health Clinics v. Douglas*, 721 F.3d 1097, 1104-07 (9th Cir. 2013) (emphasis added). In other words, even if the Department were to eliminate its optional adult dental program, it must continue to provide coverage and reimbursement to FQHCs for the services of their providers, as mandatory FQHC services. The Department has acknowledged as much, but at the same time (in the context of *optional* dental services) it has expressed uncertainty as to whether certain nonemergency or preventive adult dental services are beyond the scope of FQHC services.

For example, in a public notice dated September 4, 2019, the Department states that "certain non-emergency dental services may be available through . . . federally qualified health centers," but that "**these services may not be the same as the services that are currently available under the Adult Enhanced Dental Program.**" (emphasis in original). A copy is enclosed.

By identifying but not taking a position on this issue – which implicates patient and provider rights – the Department has created a tremendous amount of anxiety and uncertainty.

We respectfully request an announcement by the Department that it will treat "services that are currently available under the Adult Enhanced Dental Program" as within the scope of FQHC services, at least until it declares (and explains) an intent to do otherwise.

Such an expression would not only provide the clarity and predictably needed to make informed decisions about health care needs, but it would afford those who would be affected by a change to the *status quo* a meaningful opportunity to provide prior input into such an important decision.

Thank you for your consideration and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Merriman".

Nancy Merriman  
Executive Director