

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 234

H.P. 188

House of Representatives, January 23, 2009

### An Act To Expand Access to Oral Health Care

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Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JONES of Mount Vernon.  
Cosponsored by Senator SULLIVAN of York and  
Representatives: BEAUDOIN of Biddeford, BECK of Waterville, BUTTERFIELD of Bangor,  
PERRY of Calais, SMITH of Monmouth, THOMAS of Ripley, Senator: BRANNIGAN of  
Cumberland.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 24 MRSA §2317-B, sub-§12-E is enacted to read:

3 12-E. Title 24-A, sections 2765 and 2847-Q. Coverage for services provided by  
4 independent practice dental hygienists, Title 24-A, sections 2765 and 2847-Q;

5 Sec. 2. 24-A MRSA §2765 is enacted to read:

6 §2765. Coverage for services provided by independent practice dental hygienist

7 1. Services provided by independent practice dental hygienist. An insurer that  
8 issues individual dental insurance or health insurance that includes coverage for dental  
9 services shall provide coverage for dental services performed by an independent practice  
10 dental hygienist licensed under Title 32, chapter 16, subchapter 3-B when those services  
11 are covered services under the contract and when they are within the lawful scope of  
12 practice of the independent practice dental hygienist.

13 2. Limits; coinsurance; deductibles. A contract that provides coverage for the  
14 services required by this section may contain provisions for maximum benefits and  
15 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these  
16 provisions are not inconsistent with the requirements of this section.

17 3. Coordination of benefits with dental insurance. If an enrollee eligible for  
18 coverage under this section is eligible for coverage under a dental insurance policy or  
19 contract and a health insurance policy or contract, the insurer providing dental insurance  
20 is the primary payer responsible for charges under subsection 1 and the insurer providing  
21 individual health insurance is the secondary payer.

22 4. Application. The requirements of this section apply to all policies, contracts and  
23 certificates executed, delivered, issued for delivery, continued or renewed in this State.  
24 For purposes of this section, all contracts are deemed to be renewed no later than the next  
25 yearly anniversary of the contract date.

26 Sec. 3. 24-A MRSA §2847-Q is enacted to read:

27 §2847-Q. Coverage for services provided by independent practice dental hygienist

28 1. Services provided by independent practice dental hygienist. An insurer that  
29 issues group dental insurance or health insurance that includes coverage for dental  
30 services shall provide coverage for dental services performed by an independent practice  
31 dental hygienist licensed under Title 32, chapter 16, subchapter 3-B when those services  
32 are covered services under the contract and when they are within the lawful scope of  
33 practice of the independent practice dental hygienist.

34 2. Limits; coinsurance; deductibles. A contract that provides coverage for the  
35 services required by this section may contain provisions for maximum benefits and  
36 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these  
37 provisions are not inconsistent with the requirements of this section.

1 **3. Coordination of benefits with dental insurance.** If an enrollee eligible for  
2 coverage under this section is eligible for coverage under a dental insurance policy or  
3 contract and a health insurance policy or contract, the insurer providing dental insurance  
4 is the primary payer responsible for charges under subsection 1 and the insurer providing  
5 group health insurance is the secondary payer.

6 **4. Application.** The requirements of this section apply to all policies, contracts and  
7 certificates executed, delivered, issued for delivery, continued or renewed in this State.  
8 For purposes of this section, all contracts are deemed to be renewed no later than the next  
9 yearly anniversary of the contract date.

10 **Sec. 4. 24-A MRSA §4257** is enacted to read:

11 **§4257. Coverage for services provided by independent practice dental hygienist**

12 **1. Services provided by independent practice dental hygienist.** All individual and  
13 group health maintenance organization contracts that include coverage for dental services  
14 shall provide coverage for dental services performed by an independent practice dental  
15 hygienist licensed under Title 32, chapter 16, subchapter 3-B when those services are  
16 covered services under the contract and when they are within the lawful scope of practice  
17 of the independent practice dental hygienist.

18 **2. Limits; coinsurance; deductibles.** A contract that provides coverage for the  
19 services required by this section may contain provisions for maximum benefits and  
20 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these  
21 provisions are not inconsistent with the requirements of this section.

22 **3. Coordination of benefits with dental insurance.** If an enrollee eligible for  
23 coverage under this section is eligible for coverage under a dental insurance policy or  
24 contract and a health maintenance organization policy or contract, the insurer providing  
25 dental insurance is the primary payer responsible for charges under subsection 1 and the  
26 health maintenance organization providing health coverage is the secondary payer.

27 **4. Application.** The requirements of this section apply to all policies, contracts and  
28 certificates executed, delivered, issued for delivery, continued or renewed in this State.  
29 For purposes of this section, all contracts are deemed to be renewed no later than the next  
30 yearly anniversary of the contract date.

31 **Sec. 5. Applicability.** This Act applies to all policies, contracts and certificates  
32 executed, delivered, issued for delivery, continued or renewed in this State on or after  
33 January 1, 2010. For purposes of this Act, all contracts are deemed to be renewed no  
34 later than the next yearly anniversary of the contract date.

35 **SUMMARY**

36 This bill requires dental insurers and health insurers and health maintenance  
37 organizations that include coverage for dental services in their policies and contracts to  
38 provide coverage for dental services performed by an independent practice dental  
39 hygienist if those services would be covered under the policy or contract and those

1 services are within the lawful scope of practice of the independent practice dental  
2 hygienist. The bill applies to all individual and group policies and contracts issued or  
3 renewed on or after January 1, 2010.