

# MAINE STATE LEGISLATURE

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SMY

MINORITY

Date: 5/30/14

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 349, L.D. 1161, Bill, "An Act To Restrict the Use of Mercury in Dental Fillings in State-funded Dental Procedures"

Amend the bill by striking out the title and substituting the following:

'An Act To Restrict the Use of Mercury in Dental Fillings in MaineCare-funded Dental Procedures'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 22 MRSA §3174-CCC is enacted to read:

§3174-CCC. MaineCare-funded mercury amalgam fillings

Beginning January 1, 2020, a dentist or dental hygienist may not place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare except in accordance with this section. For purposes of this section, "dentist" means a dentist licensed under Title 32, section 18342 and "dental hygienist" means a dental hygienist with dental hygienist therapy authority under Title 32, section 18345, subsection 2, paragraph C.

**1. Exception.** A dentist or dental hygienist may place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare only if:

A. The patient or the patient's parent or legal guardian signs a consent form specified or approved by the department that affirms that the patient or the patient's parent or legal guardian:

(1) Has been provided and has reviewed the brochure required to be provided under Title 32, section 18391; and

(2) Understands the potential effects of mercury in dental amalgam on the patient and the environment and has been made aware of the alternatives to mercury amalgam fillings; and

COMMITTEE AMENDMENT

1            B. The dentist or dental hygienist submits, with the request for reimbursement under  
2            MaineCare, the form signed under paragraph A.

3            2. Record retention. A dentist or dental hygienist shall retain in the patient's dental  
4            records a copy of the consent form signed under subsection 1 for a period of at least 3  
5            years and shall make the form available for review during MaineCare recertification.

6            3. Rules. The department may adopt rules governing the form required under  
7            subsection 1. Rules adopted under this subsection are routine technical rules as defined  
8            in Title 5, chapter 375, subchapter 2-A.

9            **Sec. 2. Appropriations and allocations.** The following appropriations and  
10            allocations are made.

11            **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

12            **Medical Care - Payments to Providers 0147**

13            Initiative: Provides appropriations and allocations for MaineCare members to receive  
14            resin-based fillings instead of mercury amalgams.

15	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
16	All Other	\$8,616	\$17,232
17			
18	<b>GENERAL FUND TOTAL</b>	<u>\$8,616</u>	<u>\$17,232</u>

19	<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
20	All Other	\$15,498	\$30,997
21			
22	<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$15,498</u>	<u>\$30,997</u>

24            Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
25            section number to read consecutively.

26            **SUMMARY**

27            This amendment, which is the minority report of the committee, replaces the bill.  
28            This amendment provides that, beginning January 1, 2020, a person licensed as a dentist  
29            or dental hygienist with dental hygienist therapy authority may place a mercury amalgam  
30            filling in a tooth as part of a procedure that is covered by MaineCare only if the patient or  
31            the patient's parent or legal guardian signs a consent form. The signed form must be  
32            submitted with the request for reimbursement under MaineCare and a copy of the signed  
33            form must be retained in the patient's records for a period of at least 3 years for review  
34            during MaineCare recertification. This amendment also includes an appropriations and  
35            allocations section.

36            **FISCAL NOTE REQUIRED**

37            (See attached)



# 129th MAINE LEGISLATURE

LD 1161

LR 1715(02)

## An Act To Restrict the Use of Mercury in Dental Fillings in State-funded Dental Procedures

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-181)  
 Committee: Health and Human Services  
 Fiscal Note Required: Yes

### Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
<b>Net Cost (Savings)</b>				
General Fund	\$8,616	\$17,232	\$17,232	\$17,232
<b>Appropriations/Allocations</b>				
General Fund	\$8,616	\$17,232	\$17,232	\$17,232
Federal Expenditures Fund	\$15,498	\$30,997	\$30,997	\$30,997
<b>Revenue</b>				
Federal Expenditures Fund	\$15,498	\$30,997	\$30,997	\$30,997

#### Fiscal Detail and Notes

The bill includes General Fund appropriations to the Department of Health and Human Services of \$8,616 in fiscal year 2019-20 and \$17,232 in fiscal year 2020-21 for MaineCare members to receive resin based fillings instead of mercury amalgams. Federal Expenditures Fund allocations are also included for the FMAP match.