

# MAINE STATE LEGISLATURE

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L.D. 1975

**MINORITY**

Date: *2/24/20*

(Filing No. S-402 )

**HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “*B*” to S.P. 677, L.D. 1975, Bill, “An Act To Facilitate Dental Treatment for Children”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 5 MRSA §285, sub-§16** is enacted to read:

**16. Dental benefit waiting period.** The requirements of Title 24-A, sections 2766-A, 2847-W and 4260 that prohibit a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age apply to any group health plan or dental plan purchased under subsection 5 or to any self-insured group health or dental plan provided under subsection 9.

This subsection is repealed January 1, 2023.

**Sec. 2. 24 MRSA §2317-B, sub-§21**, as amended by PL 2019, c. 274, §3 and amended by c. 388, §2, is repealed and the following enacted in its place:

**21. Title 24-A, sections 2765-A and 2847-U.** The practice of dental therapy by a dental therapist, Title 24-A, sections 2765-A and 2847-U;

**Sec. 3. 24 MRSA §2317-B, sub-§22**, as enacted by PL 2019, c. 274, §4, is amended to read:

**22. Title 24-A, section 4320-M.** Coverage for abortion services, Title 24-A, section 4320-M; and

**Sec. 4. 24 MRSA §2317-B, sub-§23** is enacted to read:

**23. Title 24-A, sections 2766-A and 2847-W.** The prohibition on a dental benefit waiting period for persons under 19 years of age, Title 24-A, sections 2766-A and 2847-W.

This subsection is repealed January 1, 2023.

**COMMITTEE AMENDMENT**

1           **Sec. 5. 24-A MRSA §2766-A** is enacted to read:

2           **§2766-A. Dental benefit waiting period**

3           **1. Enrollee defined.** For the purposes of this section, unless the context otherwise  
4 indicates, "enrollee" means a person who is covered under an individual policy or  
5 contract provided by an insurer.

6           **2. No waiting period for enrollee under 19 years of age.** An insurer that issues  
7 individual dental insurance or health insurance that includes coverage for dental services  
8 may not impose a waiting period, as defined in section 2848, subsection 5, for any dental  
9 or oral health service or treatment, except for orthodontic treatment, for an enrollee if the  
10 enrollee is under 19 years of age.

11           **3. Repeal.** This section is repealed January 1, 2023.

12           **Sec. 6. 24-A MRSA §2847-W** is enacted to read:

13           **§2847-W. Dental benefit waiting period**

14           **1. Enrollee defined.** For the purposes of this section, unless the context otherwise  
15 indicates, "enrollee" means a person who is covered under a group policy or contract  
16 provided by an insurer.

17           **2. No waiting period for enrollee under 19 years of age.** An insurer that issues  
18 group dental insurance or health insurance that includes coverage for dental services may  
19 not impose a waiting period, as defined in section 2848, subsection 5, for any dental or  
20 oral health service or treatment, except for orthodontic treatment, for an enrollee if the  
21 enrollee is under 19 years of age.

22           **3. Repeal.** This section is repealed January 1, 2023.

23           **Sec. 7. 24-A MRSA §4260** is enacted to read:

24           **§4260. Dental benefit waiting period**

25           **1. Enrollee defined.** For the purposes of this section, unless the context otherwise  
26 indicates, "enrollee" means a person who is covered under an individual or group contract  
27 provided by a health maintenance organization.

28           **2. No waiting period for enrollee under 19 years of age.** A health maintenance  
29 organization that issues individual or group dental insurance or individual or group  
30 contracts that include coverage for dental services may not impose a waiting period, as  
31 defined in section 2848, subsection 5, for any dental or oral health service or treatment,  
32 except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age.

33           **3. Repeal.** This section is repealed January 1, 2023.

34           **Sec. 8. Application.** Those sections of this Act that enact the Maine Revised  
35 Statutes, Title 24-A, sections 2766-A, 2847-W and 4260 apply to all policies, contracts  
36 and certificates executed, delivered, issued for delivery, continued or renewed on or after  
37 January 1, 2021 in this State. For purposes of this section, all contracts are deemed to be  
38 renewed no later than the next yearly anniversary of the contract date.'

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

3 **SUMMARY**

4 This amendment is the minority report of the committee and replaces the bill.

5 Like the bill, the amendment prohibits a health insurance carrier or dental insurer  
6 from imposing a waiting period for any dental or oral health service or treatment, except  
7 for orthodontic treatment, for an enrollee under 19 years of age. The bill allocates the  
8 prohibition to the Maine Insurance Code, chapter 56-A. The amendment allocates the  
9 prohibition to the appropriate chapters of the Maine Insurance Code to ensure the  
10 prohibition applies to stand-alone dental insurance plans and to health insurance plans  
11 that provide coverage for dental or oral health services.

12 The amendment makes clear that the provisions apply to policies and contracts issued  
13 or renewed on or after January 1, 2021 and repeals the provisions in 2 years.

14 The amendment also corrects a conflict created by Public Law 2019, chapters 274  
15 and 388, which affected the same provision of law.