

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2099

H.P. 1467

House of Representatives, March 30, 1999

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### An Act to Provide Increased Access to Dental Care in Maine.

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Speaker ROWE of Portland.  
Cosponsored by Senator PARADIS of Aroostook and  
Representatives: KANE of Saco, MAILHOT of Lewiston, MAYO of Bath, PEAVEY of  
Woolwich, QUINT of Portland, TESSIER of Fairfield, Senators: MICHAUD of Penobscot,  
MILLS of Somerset.

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

4 **Sec. 1. 22 MRSA c. 416-A is enacted to read:**

6 **CHAPTER 416-A**

8 **DENTAL SERVICES**

10 **§2127. Oral health care**

12 **1. Access to quality oral health services.** The department  
14 shall develop access to quality oral health services for  
16 low-income residents with emphasis on underserved areas or  
18 populations by encouraging the development or expansion of  
community-operated, nonprofit oral health care programs that  
serve persons who are uninsured or underinsured for oral health  
care and that serve persons whose oral health care is covered by  
Medicaid.

20 **2. Development of oral health care programs.** The  
22 department shall use funds appropriated for the purposes of this  
24 chapter, any available funds from Medicaid or other resources to  
26 provide funding for the start-up or expansion of public or  
28 nonprofit oral health care programs; to subsidize the provision  
of oral health care to persons without insurance coverage for  
that care in accordance with paragraph B; and to provide oral  
health case management and community oral health education  
designed to encourage good oral hygiene and to prevent oral  
diseases and tooth decay. Any oral health care program receiving  
funds under this chapter must:

32 **A. Serve persons whose oral health care is covered by  
34 Medicaid;**

36 **B. Provide oral health care services to persons whose gross  
38 income is below 200% of the nonfarm income official federal  
40 poverty guidelines for whom insurance coverage is not  
42 available for the same payment as provided by Medicaid for  
44 the service if the subsidy described in this subsection is  
46 available. Persons without insurance to cover the service  
48 required and who have an income under 200% of the nonfarm  
income official federal poverty guidelines must be charged  
fees for oral health care on a sliding scale. The  
department shall establish the sliding scale by routine  
technical rules adopted pursuant to Title 5, chapter 375,  
subchapter II-A. The difference between the Medicaid rate  
and the payment made by the patient under the sliding fee  
arrangement must be paid to the oral health care program by  
the department. If a Medicaid rate is not established for a**

2 particular service provided under this section, the  
3 department shall establish a rate for that service.

4 (1) Persons with gross income less than 100% of the  
5 nonfarm official federal poverty guidelines may not be  
6 required to pay more than a nominal fee. For the  
7 purposes of this section, "nominal fee" has the same  
8 meaning as it has under Medicaid.

10 (2) In determining gross income, the department shall  
11 permit the deduction of business-related expenses of  
12 those who are self-employed;

14 C. Be governed by a board, a majority of whose members are  
15 individuals who are or will be served by the program and  
16 who, as a group, represent the individuals being served in  
17 terms of demographic factors such as residing in the  
18 community being served, income, race, ethnicity and gender.  
19 The board is responsible for:

20  
21 (1) The establishment of the policy in the conduct of  
22 the program;

24 (2) Holding regularly scheduled meetings, of which  
25 minutes must be kept;

26  
27 (3) Approval of the selection or dismissal of a  
28 program director or chief executive officer of the  
29 program;

30  
31 (4) Establishing personnel policies and procedures,  
32 including selection and dismissal procedures, salary  
33 and benefit scales, employee grievance procedures and  
34 equal opportunity practices;

36 (5) Adopting policies for financial management  
37 practices, including a system to ensure accountability  
38 for program resources, approval of the annual program  
39 budget, program priorities, eligibility for services,  
40 including criteria for partial payment schedules, and  
41 long-range financial planning;

42  
43 (6) Evaluating program activities including services  
44 utilization patterns, program productivity, patient  
45 satisfaction, achievement of program objectives and  
46 development of a process for hearing and resolving  
47 patient grievances;

2           (7) Ensuring that the program is operated in  
3           compliance with applicable federal, state and local  
4           laws, rules and regulations; and

5           (8) Adopting health care policies including scope and  
6           availability of services, location and hours of  
7           services and quality of care audit procedures;

8           D. Use any funds provided for the purposes of this chapter  
9           to supplement, and not supplant, other funds that are or may  
10           be available to the oral health care program;

11           E. Implement a patient screening process to determine  
12           patient eligibility for Medicaid, the Cub Care program under  
13           Title 22, section 3174-T and the sliding fee scale; and

14           F. Employ at least one full-time equivalent dentist  
15           practicing general dentistry and be open for business at  
16           least 20 hours a week, providing at least 4 hours of  
17           coverage during evenings or weekends.

18           A program may not receive funds under this chapter to serve more  
19           than 3 contiguous dental care analysis areas as defined by the  
20           Bureau of Health in the department.

21           3. Discrimination prohibited. An oral health care program  
22           receiving funds under this chapter may not discriminate among  
23           patients within its service area based upon payment source except  
24           as specifically authorized in subsection 2, paragraph B.

25           4. Vouchers for private dental services. An oral health  
26           program that receives funds under this chapter may establish a  
27           voucher system for the purpose of reimbursing private dental  
28           providers providing services to patients of the program in  
29           accordance with the provisions of this subsection.

30           A. A voucher may be used only when:

31                   (1) A program chooses to provide specialized oral  
32                   health services to its patients but can not provide  
33                   these services directly;

34                   (2) The patient can not be served by the program with  
35                   reasonable promptness; or

36                   (3) The distance to the program location or  
37                   transportation problems make access to the program  
38                   difficult for the patient;

2           B. A voucher payment made to a private provider does not  
3           exceed the difference between the patient's obligation, if  
4           any, under a sliding scale and the rate that Medicaid would  
5           reimburse a private provider for that same service. If no  
6           fee is established for the particular service in the  
7           Medicaid program, the department shall establish a fee; and

8           C. A voucher payment is made only to a provider enrolled to  
9           provide services in the Medicaid program.

10           An oral health care program may place reasonable restrictions on  
11           a voucher system it establishes if those restrictions are  
12           consistent with the purposes of this chapter pursuant to  
13           subsection 1.

14           Even though an oral health care program receives funds under this  
15           chapter for the purpose of serving part of its service area  
16           through a voucher system, this does not prevent the application  
17           of another organization seeking funds under this chapter to  
18           provide direct program services to the residents of that area.

19           5. Encouraging community support. The department shall  
20           require any entity seeking funds for the start-up or expansion of  
21           oral health programs under this chapter to raise matching funds,  
22           including in-kind support, sufficient to demonstrate community  
23           support.

24           6. Coordination with Medicaid and the Cub Care program.  
25           The department shall coordinate assistance under this chapter  
26           with Medicaid and the Cub Care program under Title 22, section  
27           3174-T in a manner most likely to obtain and maximize federal  
28           matching funds.

29           7. Rules. The department shall adopt rules, which are  
30           routine technical rules, pursuant to Title 5, chapter 375,  
31           subchapter II-A, to implement this chapter.

32           **Sec. 2. Evaluation and report.** By February 1, 2001, the  
33           Department of Human Services shall evaluate the status of access  
34           to oral health care for uninsured people in this State and those  
35           receiving Medicaid and shall report its findings to the joint  
36           standing committee of the Legislature having jurisdiction over  
37           health and human services matters. The report must include  
38           recommendations on the method that would be the most  
39           cost-effective for this State to meet the oral health needs of  
40           low-income people.

41           **Sec. 3. Appropriation.** The following funds are appropriated  
42           from the General Fund to carry out the purposes of this Act.

| 2  |   | <b>1999-00</b>   | <b>2000-01</b>     |
|----|---|------------------|--------------------|
| 4  | <b>HUMAN SERVICES, DEPARTMENT OF</b>                                  |                  |                    |
| 6  | <b>Bureau of Health</b>   |                  |                    |
| 8  | All Other   | \$200,000        | \$250,000          |
| 10 | Provides funds for start-up   |                  |                    |
| 12 | and expansion of oral health  |                  |                    |
|    | care programs.  |                  |                    |
| 14 | <b>Bureau of Health</b>   |                  |                    |
| 16 | All Other   | \$225,000        | \$650,000          |
| 18 | Provides funds to subsidize   |                  |                    |
| 20 | sliding fee scale programs  |                  |                    |
| 22 | for uninsured low-income  |                  |                    |
|    | people.   |                  |                    |
| 24 | <b>Bureau of Health</b>   |                  |                    |
| 26 | All Other   | \$50,000         | \$50,000           |
| 28 | Provides funds for case   |                  |                    |
| 30 | management and community  |                  |                    |
|    | education and oral health   |                  |                    |
|    | education.  |                  |                    |
| 32 | <b>Bureau of Medical Services</b>                                     |                  |                    |
| 34 | All Other   | \$25,000         | \$50,000           |
| 36 | Provides funds for Medicaid   |                  |                    |
| 38 | targeted case management  |                  |                    |
|    | services for oral health care.  |                  |                    |
| 40 | <b>DEPARTMENT OF HUMAN SERVICES</b>                                   |                  |                    |
|    | <b>TOTAL</b>  | <u>\$500,000</u> | <u>\$1,000,000</u> |
| 42 |   |                  |                    |
| 44 | <b>Sec. 4. Allocation.</b> The following funds are allocated from the |                  |                    |
|    | Federal Expenditures Fund to carry out the purposes of this Act.      |                  |                    |
| 46 |   | <b>1999-00</b>   | <b>2000-01</b>     |
| 48 | <b>HUMAN SERVICES, DEPARTMENT OF</b>                                  |                  |                    |

**Bureau of Medical Services**

2

All Other

\$49,107

\$98,017

4

Allocates matching funds for  
targeted case management  
services for oral health care.

6

8

**DEPARTMENT OF HUMAN SERVICES**

10

**TOTAL**

\$49,107

\$98,017

12

**SUMMARY**

14

16 This bill provides funds to increase access to oral health  
care for low-income children and adults by providing for the  
establishment and expansion of oral health programs that will be  
18 available to all people regardless of income. By using a sliding  
fee scale and accepting Medicaid without restrictions, these  
20 programs will increase access to oral health care for the  
uninsured and underinsured and Medicaid patients.

22