

MAINE STATE LEGISLATURE

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Date: 6/17/13

Majority

L.D. 1230

(Filing No. H-531)

3 LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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5 STATE OF MAINE
6 HOUSE OF REPRESENTATIVES
7 126TH LEGISLATURE
8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 870, L.D. 1230, Bill, "An Act To
10 Improve Access to Oral Health Care"

11 Amend the bill by inserting after the enacting clause the following:

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

13 **§3174-WW. Dental hygiene therapy reimbursement**

14 **1. Reimbursement.** By October 1, 2014, the department shall provide for the
15 reimbursement under the MaineCare program of dental hygiene therapists practicing as
16 authorized under Title 32, chapter 16, subchapter 3-C for the procedures identified in
17 their scope of practice. Reimbursement must be provided to dental hygiene therapists
18 directly or to a federally qualified health center pursuant to section 3174-V when a dental
19 hygiene therapist is employed as a core provider at the center.

20 **2. Rulemaking.** The department shall adopt rules to implement this section. Rules
21 adopted pursuant to this subsection are routine technical rules as defined by Title 5,
22 chapter 375, subchapter 2-A.

23 **Sec. 2. 24 MRSA §2317-B, sub-§19,** as enacted by PL 1999, c. 256, Pt. M, §10,
24 is amended to read:

25 **19. Title 24-A, chapter 67.** Medicare supplement insurance policies, Title 24-A,
26 chapter 67; and

27 **Sec. 3. 24 MRSA §2317-B, sub-§20,** as amended by PL 2003, c. 428, Pt. G, §1,
28 is further amended to read:

29 **20. Title 24-A, chapters 68 and 68-A.** Long-term care insurance, nursing home
30 care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A; and

31 **Sec. 4. 24 MRSA §2317-B, sub-§21** is enacted to read:

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

COMMITTEE AMENDMENT

R.O.F.S

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

§2765-A. Coverage for services provided by dental hygiene therapist

1. Services provided by dental hygiene therapist. An insurer that issues individual dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist licensed under Title 32, chapter 16, subchapter 3-C when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

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

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

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

Sec. 6. 24-A MRSA §2847-U is enacted to read:

§2847-U. Coverage for services provided by dental hygiene therapist

1. Services provided by dental hygiene therapist. An insurer that issues group dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist licensed under Title 32, chapter 16, subchapter 3-C when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

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

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

Amend the bill in section 1 in §1094-AA in subsection 4 in the first line (page 1, line 30 in L.D.) by striking out the following: "500" and inserting the following: '1,000'

R O F S

1 Amend the bill in section 1 in §1094-BB in the first paragraph in the 4th line (page 2,
2 line 2 in L.D.) by inserting after the following: "licensure" the following: 'which may
3 not exceed 3 years.'

4 Amend the bill in section 1 in §1094-CC in the first paragraph in the first line (page
5 2, line 7 in L.D.) by striking out the following: "Any" and inserting the following:
6 'Notwithstanding the requirements of Title 24-A, section 2752, any'

7 Amend the bill in section 1 in §1094-FF in the first paragraph in the first line (page 2,
8 line 39 in L.D.) by striking out the following: "500" and inserting the following: '1,000'

9 Amend the bill in section 1 in §1094-HH by striking out all of subsections 6 and 7
10 (page 5, lines 2 to 7 in L.D.) and inserting the following:

11 '6. Management of dental trauma and suturing; extractions. Conduct urgent
12 management of dental trauma, perform suturing and extract primary teeth and perform
13 nonsurgical extractions of periodontally diseased permanent teeth if authorized in
14 advance by the supervising dentist;

15 '7. Medications. Provide, dispense and administer, within the parameters of the
16 written practice agreement entered into under section 1094-GG and with the authorization
17 of the supervising dentist, anti-inflammatories, analgesics, antimicrobials, antibiotics and
18 anticaries materials;'

19 Amend the bill by inserting after section 2 the following:

20 '**Sec. 3. Exemption from review.** Notwithstanding the Maine Revised Statutes,
21 Title 24-A, section 2752, this Act is enacted without review and evaluation by the
22 Department of Professional and Financial Regulation, Bureau of Insurance.

23 '**Sec. 4. Application.** Those sections of this Act that enact the Maine Revised
24 Statutes, Title 22, section 3174-WW; Title 24, section 2317-B, subsection 21; and Title
25 24-A, sections 2765-A and 2847-U apply to all policies, contracts and certificates
26 executed, delivered, issued for delivery, continued or renewed on or after January 1, 2014
27 in this State. For purposes of this section, all contracts are deemed to be renewed no later
28 than the next yearly anniversary of the contract date.'

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

31 **SUMMARY**

32 This amendment is the majority report of the committee. It makes the following
33 changes to the bill.

34 1. It amends the laws governing MaineCare coverage, health insurance contracts and
35 group and blanket health insurance to provide for dental coverage and reimbursement for
36 services performed by dental hygiene therapists authorized to practice under the
37 provisions of the bill.

38 2. It limits the time frame for a provisional dental hygiene therapy license to 3 years.

39 3. It increases the number of supervised clinical practice hours required in order to
40 obtain a dental hygiene therapy license from 500 to 1,000.

COMMITTEE AMENDMENT

R O F S

COMMITTEE AMENDMENT "**A**" to H.P. 870, L.D. 1230

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4. It adds language to allow for the provisions regarding dental coverage and reimbursement to be enacted without review by the Department of Professional and Financial Regulation, Bureau of Insurance.

5. It adds an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2014 in this State.

6. It makes changes to the sections of the bill relating to scope of practice of dental hygiene therapists by removing minor surgical care, replacing the authority to prescribe medication with authority to provide, dispense and administer certain medications within the parameters of the written practice agreement and adding the authority to perform nonsurgical extractions of diseased permanent teeth if authorized in advance by the supervising dentist.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1230

LR 1022(02)

An Act To Improve Access to Oral Health Care

Fiscal Note for Bill as Amended by Committee Amendment *A (H-531)*
 Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund
 Potential future biennium cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

While the bill requires MaineCare reimburse for dental hygiene therapist services beginning October 1, 2014, any increase in MaineCare costs would not likely occur until the following biennium. The fiscal impact on MaineCare will ultimately depend on the timing and number of dental hygiene therapists licensed in Maine, the type and volume of services provided and the extent to which these services replace existing dental services provided.

The Board of Dental Examiners will incur additional costs to implement and administer a licensure process for dental hygiene therapists. However, these costs are not expected to be incurred until future biennia as it is anticipated that it will take several years before potential candidates become qualified to apply for and receive licensure. Additional costs to the Board of Dental Examiners, affiliated with the Department of Professional and Financial Regulation, for the rulemaking process can be absorbed within existing budgeted resources.