

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 519

H.P. 376

House of Representatives, January 31, 2019

An Act To Expand Adult Dental Health Insurance Coverage

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BROOKS of Lewiston.

Cosponsored by Representatives: BERRY of Bowdoinham, STANLEY of Medway.

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

2 **PART A**

3 **Sec. A-1. 22 MRSA §3174-F**, as amended by PL 1997, c. 159, §§1 and 2 and PL
4 2003, c. 689, Pt. B, §6, is further amended to read:

5 **§3174-F. Coverage for adult dental services**

6 **1. Coverage provided.** The Department of Health and Human Services shall
7 provide comprehensive dental services, ~~reimbursed under the United States Social~~
8 ~~Security Act, Title XIX, or successors to it,~~ to individuals 21 years of age and over,
9 ~~limited to:~~ eligible for the MaineCare program.

10 ~~A. Acute surgical care directly related to an accident where traumatic injury has~~
11 ~~occurred. This coverage will only be provided for the first 3 months after the~~
12 ~~accident;~~

13 ~~B. Oral surgical and related medical procedures not involving the dentition and~~
14 ~~gingiva;~~

15 ~~C. Extraction of teeth that are severely decayed and pose a serious threat of infection~~
16 ~~during a major surgical procedure of the cardiovascular system, the skeletal system or~~
17 ~~during radiation therapy for a malignant tumor;~~

18 ~~D. Treatment necessary to relieve pain, eliminate infection or prevent imminent~~
19 ~~tooth loss; and~~

20 ~~F. Other dental services, including full and partial dentures, medically necessary to~~
21 ~~correct or ameliorate an underlying medical condition, if the department determines~~
22 ~~that provision of those services will be cost-effective in comparison to the provision~~
23 ~~of other covered medical services for the treatment of that condition.~~

24 **2. Demonstration projects.** ~~The department shall promptly take all appropriate~~
25 ~~steps to obtain necessary waivers, if necessary, from the federal Department of Health~~
26 ~~and Human Services that enable the State to provide within the limits of available funds,~~
27 ~~on a demonstration basis, comprehensive dental services to Medicaid-eligible individuals~~
28 ~~who are 21 years of age or older in public or private, nonprofit clinic settings. The~~
29 ~~department's goal in pursuing these waivers or demonstration projects not requiring~~
30 ~~waivers is to determine whether providing services in these settings promotes cost~~
31 ~~effectiveness or efficiency or promotes other objectives of the federal Social Security~~
32 ~~Act, Title XIX.~~

33 ~~By January 15, 1992, the department shall report to the joint standing committee of the~~
34 ~~Legislature having jurisdiction over health matters regarding the progress of its efforts~~
35 ~~under this subsection. The report must outline the department's progress and recommend~~
36 ~~further action required in pursuit of any demonstration project under this subsection.~~

37 **3. Comprehensive dental services defined.** For the purposes of this section,
38 "comprehensive dental services" means any services necessary to maintain oral health

1 and prevent disease, restore oral structures to health and function and treat emergency
2 conditions.

3 **Sec. A-2. Department of Health and Human Services to apply for**
4 **approval.** Before January 1, 2020, the Department of Health and Human Services may
5 apply to the federal Department of Health and Human Services, Centers for Medicare and
6 Medicaid Services for any necessary waivers or state plan amendments to reimburse for
7 comprehensive dental services as required in the Maine Revised Statutes, Title 22, section
8 3174-F.

9 **PART B**

10 **Sec. B-1. 24 MRSA §2317-B, sub-§20,** as amended by PL 2013, c. 575, §3, is
11 further amended to read:

12 **20. Title 24-A, chapters 68 and 68-A.** Long-term care insurance, nursing home
13 care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A; ~~and~~

14 **Sec. B-2. 24 MRSA §2317-B, sub-§21,** as enacted by PL 2013, c. 575, §4 and
15 affected by §10, is further amended to read:

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

18 **Sec. B-3. 24 MRSA §2317-B, sub-§22** is enacted to read:

19 **22. Title 24-A, section 4320-L.** Coverage for comprehensive dental services, Title
20 24-A, section 4320-L.

21 **Sec. B-4. 24-A MRSA §4320-L** is enacted to read:

22 **§4320-L. Coverage for comprehensive dental services**

23 **1. Definition.** As used in this section, unless the context otherwise indicates,
24 "comprehensive dental services" means any services necessary to maintain oral health
25 and prevent disease, restore oral structures to health and function and treat emergency
26 conditions.

27 **2. Required coverage.** A carrier offering a health plan in this State shall provide
28 coverage for comprehensive dental services.

29 **3. Limits; coinsurance; deductibles.** A health plan that provides coverage for the
30 services required by this section may contain provisions for maximum benefits and
31 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these
32 provisions are not inconsistent with the requirements of this section.

33 **4. Coordination of benefits with dental insurance.** If an enrollee eligible for
34 coverage under this section is also eligible for coverage under a dental insurance policy or
35 contract, the insurer providing dental insurance is the primary payer responsible for
36 charges under subsection 2 and the carrier is the secondary payer.

