

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 996

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H.P. 734

House of Representatives, March 10, 2021

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**An Act To Improve Dental Health Access for Maine Children and  
Adults with Low Incomes**

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

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Speaker FECTEAU of Biddeford.  
Cosponsored by Senator BREEN of Cumberland and  
Representatives: BROOKS of Lewiston, MEYER of Eliot, MILLETT of Waterford,  
O'CONNOR of Berwick, STOVER of Boothbay, SUPICA of Bangor, TALBOT ROSS of  
Portland, Senator: MOORE of Washington.

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

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

4 **1. Coverage provided.** The Department of Health and Human Services shall provide  
5 the following dental services, reimbursed under the United States Social Security Act, Title  
6 XIX, or successors to it, to individuals 21 years of age and over, ~~limited to:~~

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

9 B. Oral surgical and related medical procedures not involving the dentition and  
10 gingiva;

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

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

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

20 G. Other comprehensive preventive, diagnostic and restorative dental services to  
21 maintain good oral and overall health in accordance with rules adopted by the  
22 department.

23 **Sec. 2. Rulemaking.** By April 1, 2022, the Department of Health and Human  
24 Services shall adopt emergency rules to implement provisions of the Maine Revised  
25 Statutes, Title 22, section 3174-F. When adopting rules under this section, the department  
26 shall consider recommendations provided by the stakeholder group established pursuant to  
27 section 3.

28 **Sec. 3. Convene stakeholder group.** No later than October 1, 2021, the  
29 Department of Health and Human Services shall convene a stakeholder group to develop a  
30 plan for adult comprehensive preventive, diagnostic and restorative dental benefits under  
31 the MaineCare program.

32 **1. Members.** The stakeholder group consists of the Commissioner of Health and  
33 Human Services or the commissioner's designee and 12 members appointed by the  
34 commissioner as follows:

35 A. One member representing a statewide organization representing dentists;

36 B. One member representing a statewide organization representing dental hygienists;

37 C. One member representing a federally qualified health center;

38 D. One member representing a nonprofit dental clinic;

39 E. One member representing a nonprofit dental managed care organization;

- 1 F. One member with policy expertise or experience in promoting access to dental care  
2 for low-income individuals;
- 3 G. One member representing a philanthropic organization concerned with oral health;
- 4 H. One member with experience in public health policy and oral health;
- 5 I. One member with expertise in racial and ethnic health disparities;
- 6 J. Two members currently enrolled in the MaineCare program who would benefit from  
7 access to an adult dental benefit; and
- 8 K. One member of the general public.

9 **2. Stakeholder group duties.** The stakeholder group shall consider the matters in  
10 paragraphs A to I and develop a plan that includes:

- 11 A. Dental procedures and services that are aligned with evidence-based care, are  
12 medically necessary to maintain good oral and overall health and are appropriate to be  
13 included in an adult dental benefit under the MaineCare program;
- 14 B. Current MaineCare expenditures for emergency dental care;
- 15 C. Projected expenditures for adult dental services that include an adult comprehensive  
16 preventive, diagnostic and restorative dental benefit;
- 17 D. Anticipated cost savings resulting from reduced use of hospital emergency  
18 departments and prescription medication related to the relief of pain and infection as a  
19 result of the implementation of the plan;
- 20 E. Delivery and provider reimbursement models that will best ensure adequate access  
21 to quality dental care for all enrollees, improve provider participation, achieve healthy  
22 outcomes and promote fiscal and administrative efficiency for the long-term success  
23 of the MaineCare program;
- 24 F. Delivery methods including fee-for-service state administration and risk-based  
25 dental managed care organization carve-out models. The stakeholder group shall take  
26 into account differences among dental practice settings, including any differences in  
27 service delivery, payment methods and reimbursement amounts between private  
28 practices, community dental clinics, federally qualified and similarly situated health  
29 centers and hospital-affiliated providers;
- 30 G. An evaluation of existing oral health disparities for Maine racial minority,  
31 Indigenous and tribal populations and recommendations for strategies to reduce  
32 disparities through the implementation of the adult dental benefit;
- 33 H. Strategies to improve oral health education within the MaineCare program;
- 34 I. Metrics to measure outcomes including measures of provider participation and  
35 utilization of services; and
- 36 J. The plan must be submitted in a report to the Joint Standing Committee on Health  
37 and Human Services no later than January 2, 2022.

38 **Sec. 4. Department of Health and Human Services to work with providers**  
39 **to encourage participation.** The Department of Health and Human Services shall work  
40 with providers of oral health care and dental services to encourage participation in the

1 MaineCare program to ensure access to the services required by the Maine Revised  
2 Statutes, Title 22, section 3174-F, subsection 1.

3 **Sec. 5. Department of Health and Human Services to develop a public**  
4 **education campaign.** The Department of Health and Human Services shall develop  
5 public education materials including:

6 1. Materials provided to adult MaineCare members who receive dental services  
7 pursuant to the Maine Revised Statutes, Title 22, section 3174-F, subsection 1 on the  
8 necessity of dental services for children and infants, the recommended timetable for  
9 services to children and information relating to oral health care and dental providers who  
10 provide services to children in the MaineCare program;

11 2. Materials provided to MaineCare members who are aging out of children's coverage  
12 under the MaineCare program and who are eligible to enroll as adult MaineCare members  
13 regarding the availability of the comprehensive adult dental benefit under Title 22, section  
14 3174-F, subsection 1; and

15 3. Materials provided to MaineCare members and providers about the importance of  
16 oral health care in reducing health disparities experienced by Maine racial minority,  
17 Indigenous and tribal populations.

18 The department shall engage stakeholders, including providers of pediatric medical  
19 services, oral health care and dental services and community organizations with deep  
20 connections to Maine racial minority, Indigenous and tribal populations, in developing  
21 materials for distribution and strategies for the distribution of those materials.

22 **Sec. 6. Report.** The Department of Health and Human Services shall determine the  
23 costs of the comprehensive adult dental benefit under the Maine Revised Statutes, Title 22,  
24 section 3174-F, subsection 1 and the savings from reduced hospital emergency room visits  
25 and prescription drug costs from the provision of the comprehensive adult dental benefit  
26 for a period of 5 years beginning with the effective date of this Act. The department shall  
27 also provide demographic data on the utilization of the benefit, including by race, ethnicity,  
28 age and geographic location. The department shall also provide a report on its efforts to  
29 reduce oral health disparities for Maine racial minority, Indigenous and tribal populations.  
30 The costs and savings, demographic data and impact on disparities must be provided in a  
31 report to the joint standing committees of the Legislature having jurisdiction over health  
32 and human services matters and appropriations and financial affairs no later than January  
33 2, 2027.

## 34 SUMMARY

35 This bill adds comprehensive preventive, diagnostic and restorative dental services to  
36 the limited dental services currently available to MaineCare members 21 years of age and  
37 over. It requires the Department of Health and Human Services to convene a stakeholder  
38 group no later than October 1, 2021 to assist in creating a plan to implement the adult health  
39 benefit. It requires the department to work with providers of oral health care and dental  
40 services to encourage participation in the MaineCare program. It requires the department  
41 to develop public education materials and strategies for the distribution of those materials  
42 relating to the importance of dental services for children and the availability of the  
43 comprehensive adult dental benefit to children covered by the MaineCare program who are

1 aging out of the program. It requires the department to provide a 5-year report relating to  
2 the comprehensive adult dental benefit on costs and savings, demographic data related to  
3 benefit use and efforts to reduce oral health disparities for Maine racial minority,  
4 Indigenous and tribal populations to the joint standing committees of the Legislature having  
5 jurisdiction over health and human services matters and appropriations and financial affairs  
6 no later than January 2, 2027.