

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2026

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Legislative Document

No. 2123

H.P. 1438

House of Representatives, January 7, 2026

**An Act to Improve Dental Care Access for Children by Modifying  
the MaineCare Reimbursement Methodology for the Provision of  
Anesthesia for Certain Dental Services**

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Speaker FECTION of Biddeford.  
Cosponsored by Senator CURRY of Waldo and  
Representatives: BOYER of Cape Elizabeth, BUNKER of Farmington, CLUCHEY of  
Bowdoinham, DAIGLE of Fort Kent, RANA of Bangor, WEBB of Durham, ZAGER of  
Portland, Senator: President DAUGHTRY of Cumberland.

1       **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3       **Whereas,** MaineCare does not currently fully reimburse anesthesia services for dental  
4 services; and

5       **Whereas,** that low reimbursement rate has resulted in a backlog of children who are  
6 MaineCare members waiting for dental services; and

7       **Whereas,** this legislation increases the reimbursement rates for anesthesia for certain  
8 dental services and should go into effect as soon as possible to address the backlog of  
9 children waiting for necessary dental services; and

10       **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

15       **Sec. 1. 22 MRSA §3174-S, sub-§2-B** is enacted to read:

16       **2-B. Reimbursement for anesthesia for dental services.** The department shall  
17 provide supplemental payments to providers when reimbursing for medically necessary  
18 deep sedation or general anesthesia for dental services when those dental services are  
19 provided at an ambulatory surgical center and the patient population receiving dental  
20 services at that ambulatory surgical center consists of at least 50% MaineCare members on  
21 an annual basis. The department may adopt rules to implement this subsection. Rules  
22 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter  
23 375, subchapter 2-A.

24       **Sec. 2. Department of Health and Human Services to modify MaineCare**  
25 **Benefits Manual; no time limit on medically necessary anesthesia for**  
26 **children's dental services.** The Department of Health and Human Services shall amend  
27 its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 25, Dental  
28 Services and Reimbursement Methodology, to require that, when an ambulatory surgical  
29 center provides comprehensive dental services under deep sedation or general anesthesia  
30 to a patient population that is made up of at least 50% MaineCare members, no limitation  
31 may be placed on the length of time that reimbursable anesthesia services are provided to  
32 a MaineCare member who is a child for a single procedure as long as those anesthesia  
33 services are considered medically necessary. During the first year of operation of an  
34 ambulatory surgical center, the MaineCare member population must be measured on a  
35 monthly basis and for every year thereafter, the MaineCare member population must be  
36 measured on an annual basis.

37       **Sec. 3. Department of Health and Human Services to modify MaineCare**  
38 **Benefits Manual and fee schedule; reimbursement rates for medically**  
39 **necessary anesthesia provided for children's dental services.** The Department of  
40 Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits  
41 Manual, Chapter II, Section 25, Dental Services and Reimbursement Methodology, and the  
42 department's fee schedule for dental services, to require that, when an ambulatory surgical

1 center provides comprehensive dental services under deep sedation or general anesthesia  
2 to a patient population that is made up of at least 50% MaineCare members:

3 1. The reimbursement rate for anesthesia services provided to a child must be at least  
4 \$250 for every 15-minute increment of anesthesia services provided;

5 2. Anesthesia services provided to a child must be billed using current dental  
6 terminology codes D9222 and D9223; and

7 3. Increases in the reimbursement rate established pursuant to subsection 1 must be  
8 made in future rate determination processes.

9 During the first year of operation of an ambulatory surgical center, the MaineCare  
10 member population must be measured on a monthly basis and for every year thereafter, the  
11 MaineCare member population must be measured on an annual basis.

12 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
13 takes effect when approved.

## 14 SUMMARY

15 This bill requires the Department of Health and Human Services to provide  
16 supplemental payments to providers when reimbursing medically necessary deep sedation  
17 or general anesthesia for dental services provided to a child at an ambulatory surgical center  
18 if the patient population receiving dental services at the ambulatory surgical center consists  
19 of at least 50% MaineCare members. The bill authorizes the department to adopt rules to  
20 implement this requirement. The bill requires the department to amend its rules in Chapter  
21 101: MaineCare Benefits Manual to provide that a time limit may not be imposed on the  
22 provision of reimbursable anesthesia services for comprehensive dental services provided  
23 to a MaineCare member who is a child as long as those services are medically necessary  
24 and to set requirements for the reimbursement rate and billing processes applying to  
25 anesthesia services for comprehensive dental services provided to a child.