

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2021**

**CHAPTER 222  
H.P. 12 - L.D. 46**

**An Act To Further Protect  
Consumers from Surprise  
Medical Bills**

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

**Whereas,** it is critically important that this legislation to further protect consumers from surprise medical bills take effect before the expiration of the 90-day period; and

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

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

**Sec. 1. 24-A MRSA §4303-C, sub-§2, ¶B,** as amended by PL 2019, c. 668, §2, is further amended to read:

B. Except as provided for ambulance services in paragraph D, unless the carrier and out-of-network provider agree otherwise, a carrier shall reimburse the out-of-network provider or enrollee, as applicable, for health care services rendered at the greater of:

- (1) The carrier's median network rate paid for that health care service by a similar provider in the ~~enrollee's~~ geographic area where the service was provided; and
- (2) The median network rate paid by all carriers for that health care service by a similar provider in the ~~enrollee's~~ geographic area where the service was provided as determined by the all-payer claims database maintained by the Maine Health Data Organization or, if Maine Health Data Organization claims data is insufficient or otherwise inapplicable, another independent medical claims database specified by the superintendent;

**Sec. 2. 24-A MRSA §4303-E, sub-§1, ¶G,** as enacted by PL 2019, c. 668, §3, is repealed.

**Sec. 3. 24-A MRSA §4303-E, sub-§1, ¶I** is enacted to read:

I. Following a determination by an independent dispute resolution entity of a reasonable fee for a particular health care service, an out-of-network

provider may not initiate the dispute resolution process under this subsection for that same health care service for a period of 90 days.

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

Effective June 16, 2021.

**CHAPTER 223  
H.P. 42 - L.D. 76**

**An Act To Amend the Dental  
Practice Act To Define  
"Supervision" and Authorize  
Teledentistry**

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

**Whereas,** the sole purpose of the Board of Dental Practice is to protect the public health and welfare by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency; and

**Whereas,** pursuant to Public Law 2019, chapter 388, section 11, the Board of Dental Practice issued a legislative report dated January 31, 2020, making recommendations to further revise the Dental Practice Act by revising existing supervision and scopes of practice provisions, to consider technological advances such as the use of teledentistry to provide greater flexibility in the delivery of dental services and to improve access to dental care in Maine; and

**Whereas,** LD 2146, An Act To Implement the Recommendations of the Board of Dental Practice Related to the Definitions of "Supervision" and "Teledentistry," was introduced during the Second Regular Session of the 129th Legislature, but was not enacted due to the existing state of civil emergency due to the COVID-19 pandemic; and

**Whereas,** substantive policy decisions such as authorizing the use of teledentistry and refining scopes of practice, including levels of supervision, are appropriate for the legislative process, not an administrative rule-making process; and

**Whereas,** immediate enactment of this legislation is necessary to authorize dental professionals to fully exercise their scopes of practice and use available technologies to provide care; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of