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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 870, L.D. 1230, Bill, “An Act To Improve Access to Oral Health Care”

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

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

§3174-WW. Dental hygiene therapy reimbursement

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

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

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

19. Title 24-A, chapter 67. Medicare supplement insurance policies, Title 24-A, chapter 67; ~~and~~

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

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

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

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

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

2 **§2765-A. Coverage for services provided by dental hygiene therapist**

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

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

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

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

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

23 **§2847-U. Coverage for services provided by dental hygiene therapist**

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

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

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

39 Amend the bill in section 1 in §1094-AA in subsection 4 in the first line (page 1, line
40 30 in L.D.) by striking out the following: "500" and inserting the following: '1,000'

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.

