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H.P. 38

House of Representatives, January 13, 2021

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

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative BROOKS of Lewiston.
Cosponsored by Senator CLAXTON of Androscoggin and
Representatives: CLOUTIER of Lewiston, CRAVEN of Lewiston, HYMANSON of York,
TEPLER of Topsham, Senators: LIBBY of Androscoggin, 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 that are
21 medically necessary to maintain good oral and overall health in accordance with rules
22 adopted by the department.

23 **Sec. 2. 22 MRSA §3174-U**, as enacted by PL 1999, c. 301, §1, is repealed and the
24 following enacted in its place:

25 **§3174-U. Medicaid reimbursement for dental services; dental incentive payment**
26 **program**

27 **1. Annual reimbursement review.** The department shall conduct an annual review
28 of the adequacy of reimbursement rates for dental services for dentists who provide care
29 for a disproportionate number of patients whose care is reimbursed through the federal
30 Medicaid program and the Cub Care program established in section 3174-T. By December
31 31, 1999, the department shall report to the joint standing committee of the Legislature
32 having jurisdiction over health and human services matters on the results of the study,
33 including the costs in General Fund and other money.

34 **2. Dental incentive payment program to expand access to dental services for**
35 **MaineCare members.** For the purpose of increasing access to dental care for children and
36 adults receiving MaineCare services, a dental incentive payment program is established
37 and administered by the department.

38 A. The department shall develop the dental incentive payment program by rule. The
39 dental incentive payment program must reward dentists who significantly increase the
40 number of MaineCare members that enroll as patients or who provide dental services
41 to a disproportionate number of MaineCare members. For fiscal year 2021-22 and
42 annually thereafter, the department shall provide \$1,000,000 in incentive funding to

1 dentists. The \$1,000,000 in incentive funding can include reimbursements to dentists
2 through the federal Medicaid program and the Cub Care program established in section
3 3174-T.

4 B. Annually, the department shall establish a dental access benchmark against which
5 progress in increasing access to dental care for MaineCare members through the dental
6 incentive payment program is measured.

7 C. Beginning in fiscal year 2023-24 and annually thereafter, the department shall
8 review the effectiveness of the dental incentive payment program in meeting the
9 benchmarks established pursuant to paragraph B. If the program fails to meet the
10 established benchmarks, the department shall:

11 (1) Convene a working group to recommend improvements to the dental incentive
12 payment program that will better ensure effectiveness in increasing access to dental
13 care for MaineCare members. The working group must consist of members
14 representing MaineCare members, a statewide dental association, a statewide
15 dental hygienists association, a statewide primary care association and other
16 persons with policy expertise or experience in promoting access to dental care for
17 individuals with low incomes; and

18 (2) Adopt rules to restructure the dental incentive payment program. When
19 adopting rules, the department shall consider the recommendations of the working
20 group pursuant to subparagraph (1) and the department's experience with the dental
21 incentive payment program and the experience of other states with similar
22 programs.

23 D. The department shall adopt rules to implement this section. Rules adopted pursuant
24 to this paragraph are routine technical rules as defined in Title 5, chapter 375,
25 subchapter 2-A.

26 **Sec. 3. Dental incentive payment program; rulemaking; working group.**

27 **1. Rulemaking.** By January 1, 2022, the Department of Health and Human Services
28 shall adopt an emergency rule to implement provisions of the Maine Revised Statutes, Title
29 22, section 3174-U, subsection 2. When adopting rules, the department shall consider
30 recommendations provided by a working group pursuant to subsection 2.

31 **2. Working group.** No later than October 1, 2021 and prior to adopting rules pursuant
32 to subsection 1 to implement provisions of the Maine Revised Statutes, Title 22, section
33 3174-U, subsection 2, the Department of Health and Human Services shall convene a
34 working group to make recommendations to the department for the design of a dental
35 incentive payment program rewarding dentists who significantly increase the number of
36 MaineCare members that enroll as patients or who provide dental services to a
37 disproportionate number of MaineCare members. The working group must consist of
38 members representing MaineCare members, a statewide dental association, a statewide
39 dental hygienists association, a statewide primary care association and other persons with
40 policy expertise or experience in promoting access to dental care for individuals with low
41 incomes.

42 **Sec. 4. Rulemaking; coverage for adult dental services.** By January 1, 2022,
43 the department shall adopt routine technical rules as defined in the Maine Revised Statutes,

1 Title 5, chapter 375, subchapter 2-A to implement the provisions of Title 22, section
2 3174-F, subsection 1.

3

SUMMARY

4 This bill adds access to comprehensive medically necessary preventive, diagnostic and
5 restorative dental services to the limited dental services currently available to MaineCare
6 members 21 years of age and over. It also establishes a dental incentive payment program
7 for dentists to increase access to dental care for MaineCare members, including children,
8 and requires the Department of Health and Human Services to convene a working group to
9 make recommendations on the design of the program. It provides for the establishment of
10 benchmarks to measure the effectiveness of the dental incentive payment program over
11 time.