



132nd MAINE LEGISLATURE

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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)

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.

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Speaker FECTEAU 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.