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Legislative Document

No. 1453

H.P. 1065

House of Representatives, April 2, 2019

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

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

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

ROBERT B. HUNT
Clerk

Presented by Representative GATTINE of Westbrook.
Cosponsored by Senator BREEN of Cumberland and
Representatives: CRAVEN of Lewiston, HYMANSON of York, JORGENSEN of Portland,
MARTIN of Eagle Lake, TEPLER of Topsham, Senators: MOORE of Washington,
SANBORN, L. of Cumberland.

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
3 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

4 **1. Coverage provided.** The Department of Health and Human Services shall
5 provide the following dental services, reimbursed under the United States Social Security
6 Act, Title 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
9 accident;

10 B. Oral surgical and related medical procedures not involving the dentition and
11 gingiva;

12 C. Extraction of teeth that are severely decayed and pose a serious threat of infection
13 during a major surgical procedure of the cardiovascular system, the skeletal system or
14 during radiation therapy for a malignant tumor;

15 D. Treatment necessary to relieve pain, eliminate infection or prevent imminent
16 tooth loss; ~~and~~

17 ~~F. Other dental services, including full Full and partial dentures, medically necessary~~
18 ~~to correct or ameliorate an underlying medical condition, if the department~~
19 ~~determines that provision of those services will be cost-effective in comparison to the~~
20 ~~provision of other covered medical services for the treatment of that condition; and~~

21 G. Other comprehensive preventive, diagnostic and restorative dental services that
22 are medically necessary to maintain good oral and overall health in accordance with
23 rules adopted by the department.

24 **Sec. 2. 22 MRSA §3174-U**, as enacted by PL 1999, c. 301, §1, is repealed and the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

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

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

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

1 A. The department shall develop the dental incentive payment program by rule. The
2 dental incentive payment program must reward dentists who significantly increase
3 the number of MaineCare members that enroll as patients or who provide dental
4 services to a disproportionate number of MaineCare members. For fiscal year 2019-
5 20 and annually thereafter, the department shall provide \$1,000,000 in incentive
6 funding to dentists. The \$1,000,000 in incentive funding can include reimbursements
7 to dentists through the federal Medicaid program and the Cub Care program
8 established in section 3174-T.

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

12 C. Beginning in fiscal year 2021-22 and annually thereafter, the department shall
13 review the effectiveness of the dental incentive payment program in meeting the
14 benchmarks established pursuant to paragraph B. If the program fails to meet the
15 established benchmarks, the department shall:

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

23 (2) Adopt rules to restructure the dental incentive payment program. When
24 adopting rules, the department shall consider the recommendations of the
25 working group pursuant to subparagraph (1) and the department's experience with
26 the dental incentive payment program and the experience of other states with
27 similar programs.

28 D. The department shall adopt rules to implement this section. Rules adopted
29 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter
30 375, subchapter 2-A.

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

32 **1. Rulemaking.** By January 1, 2020, the Department of Health and Human Services
33 shall adopt an emergency rule to implement provisions of the Maine Revised Statutes,
34 Title 22, section 3174-U, subsection 2. When adopting rules, the department shall
35 consider recommendations provided by a working group pursuant to subsection 2.

36 **2. Working group.** No later than October 1, 2019 and prior to adopting rules
37 pursuant to subsection 1 to implement provisions of the Maine Revised Statutes, Title 22,
38 section 3174-U, subsection 2, the Department of Health and Human Services shall
39 convene a working group to make recommendations to the department for the design of a
40 dental incentive payment program that will significantly increase the number of
41 MaineCare members that become patients of dental providers or for dentists that provide
42 dental services to a disproportionate number of MaineCare members. The working group
43 must consist of members representing MaineCare members, a statewide dental

1 association, a statewide dental hygienists association, a statewide primary care
2 association and other persons with policy expertise or experience in promoting access to
3 dental care for individuals with low incomes.

4 **Sec. 4. Rulemaking; coverage for adult dental services.** By January 1, 2020,
5 the department shall adopt routine technical rules as defined in the Maine Revised
6 Statutes, Title 5, chapter 375, subchapter 2-A to implement the provisions of Title 22,
7 section 3174-F, subsection 1.

8 **SUMMARY**

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