

'An Act To Maximize Funds Available To Provide Oral Health Care Services to Persons with Developmental, Behavioral or Other Severely Disabling Conditions Requiring Specialized and Time-intensive Oral Health Care

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by inserting after the title and before the first paragraph the following:

Amend the bill by striking out the title and substituting the following:

**'An Act To Maximize Funds Available To Provide Oral Health Care Services to Persons with Developmental, Behavioral or Other Severely Disabling Conditions Requiring Specialized and Time-intensive Oral Health Care**

Amend the amendment in the first paragraph after the title in the first line (page 1, line 12 in amendment) by striking out the following: "adding after section 2 the following:" and inserting the following: 'striking out all of sections 1 and 2 and inserting the following:'

Amend the amendment by striking out all of section 3 and inserting the following:

**'Sec. 1. 22 MRSA §3174-F, sub-§1, ¶D,** as amended by PL 1997, c. 159, §1, is further amended to read:

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

**Sec. 2. 22 MRSA §3174-F, sub-§1, ¶F,** as enacted by PL 1997, c. 159, §2, is further amended to read:

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

**Sec. 3. 22 MRSA §3174-F, sub-§1, ¶G** is enacted to read:

G. Medically necessary preventive and restorative dental services as determined by the department for persons with developmental, behavioral or other severely disabling conditions requiring specialized and time-intensive oral health care.

**Sec. 4. Submit state plan amendment; contingent effective date.** By October 1, 2013, the Department of Health and Human Services shall submit a state plan amendment to the to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services to provide preventive and restorative dental services for persons with developmental, behavioral or other severely disabling conditions requiring specialized and time-intensive oral health care. The Commissioner of Health and Human Services shall notify the Revisor of Statutes when the amendment to the state plan is approved, and the Maine Revised Statutes, Title 22, section 3174-F, subsection 1, paragraph G takes effect on the date of that notification.

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If the state plan amendment submitted pursuant to this section is not approved, Title 22, section 3174-F, subsection 1, paragraph G does not take effect.

**Sec. 5. Transfer of funds for MaineCare payments.** Notwithstanding any other provision of law, upon approval of the state plan amendment as required under this Act, the Department of Health and Human Services shall transfer available funds in the All Other line categories in the Mental Health Services - Community and the Developmental Services - Community accounts in the Department of Health and Human Services appropriated for contracted services for dental care previously provided by the Portland Dental Clinic to the appropriate MaineCare account to provide the State's share of the MaineCare costs resulting from the state plan amendment approved under this Act. These transfers must be made by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.'

### **SUMMARY**

This amendment requires the Department of Health and Human Services to seek a Medicaid state plan amendment to provide preventive and restorative dental services for adults with developmental, behavioral or other severely disabling conditions who require specialized and time-intensive care and services. The department is authorized to implement such coverage with approval from the Centers for Medicare and Medicaid Services and transfer funds currently used for services provided at the Portland Dental Clinic.

### **FISCAL NOTE REQUIRED**

**(See attached)**