

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

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

'An Act To Restrict the Use of Mercury in Dental Fillings in MaineCare-funded Dental Procedures'

Amend the bill by striking out all of section 1 and inserting the following:

'**Sec. 1. 22 MRSA §3174-CCC** is enacted to read:

§ 3174-CCC. MaineCare-funded mercury amalgam fillings

Beginning January 1, 2020, a dentist or dental hygienist may not place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare except in accordance with this section. For purposes of this section, "dentist" means a dentist licensed under Title 32, section 18342 and "dental hygienist" means a dental hygienist with dental hygienist therapy authority under Title 32, section 18345, subsection 2, paragraph C.

1. Exception. A dentist or dental hygienist may place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare only if:

A. The patient or the patient's parent or legal guardian signs a consent form specified or approved by the department that affirms that the patient or the patient's parent or legal guardian:

(1) Has been provided and has reviewed the brochure required to be provided under Title 32, section 18391; and

(2) Understands the potential effects of mercury in dental amalgam on the patient and the environment and has been made aware of the alternatives to mercury amalgam fillings; and

B. The dentist or dental hygienist submits, with the request for reimbursement under MaineCare, the form signed under paragraph A.

2. Record retention. A dentist or dental hygienist shall retain in the patient's dental records a copy of the consent form signed under subsection 1 for a period of at least 3 years and shall make the form available for review during MaineCare recertification.

3. Rules. The department may adopt rules governing the form required under subsection 1. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations for MaineCare members to receive resin-based fillings instead of mercury amalgams.

GENERAL FUND	2019-20	2020-21
All Other	\$8,616	\$17,232
GENERAL FUND TOTAL	\$8,616	\$17,232

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$15,498	\$30,997
FEDERAL EXPENDITURES FUND TOTAL	\$15,498	\$30,997

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, replaces the bill. This amendment provides that, beginning January 1, 2020, a person licensed as a dentist or dental hygienist with dental hygienist therapy authority may place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare only if the patient or the patient's parent or legal guardian signs a consent form. The signed form must be submitted with the request for reimbursement under MaineCare and a copy of the signed form must be retained in the patient's records for a period of at least 3 years for review during MaineCare recertification. This amendment also includes an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)