



125th MAINE LEGISLATURE

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Legislative Document

No. 1239

H.P. 930

House of Representatives, March 22, 2011

**An Act To Further Expand Access to Oral Health Care by
Requiring Insurance Coverage for Services Performed by
Denturists**

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SHAW of Standish.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: CLARK of Millinocket, GILBERT of Jay, Senator: SAVIELLO of Franklin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2317-B, sub-§12-E**, as enacted by PL 2009, c. 307, §1 and
3 affected by §6, is amended to read:

4 **12-E. Title 24-A, sections 2765 and 2847-Q.** Coverage for services provided by
5 independent practice dental hygienists or denturists, Title 24-A, sections 2765 and
6 2847-Q;

7 **Sec. 2. 24-A MRSA §2765**, as enacted by PL 2009, c. 307, §2 and affected by §6,
8 is amended to read:

9 **§2765. Coverage for services provided by independent practice dental hygienist;**
10 **denturist**

11 **1. Services provided by independent practice dental hygienist or denturist.** An
12 insurer that issues individual dental insurance or health insurance that includes coverage
13 for dental services shall provide coverage for dental services performed by an
14 independent practice dental hygienist licensed under Title 32, chapter 16, subchapter 3-B
15 or a denturist licensed under Title 32, chapter 16, subchapter 6 when those services are
16 covered services under the contract and when they are within the lawful scope of practice
17 of the independent practice dental hygienist or denturist.

18 **2. Limits; coinsurance; deductibles.** A contract that provides coverage for the
19 services required by this section may contain provisions for maximum benefits and
20 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these
21 provisions are not inconsistent with the requirements of this section.

22 **3. Coordination of benefits with dental insurance.** If an enrollee eligible for
23 coverage under this section is eligible for coverage under a dental insurance policy or
24 contract and a health insurance policy or contract, the insurer providing dental insurance
25 is the primary payer responsible for charges under subsection 1 and the insurer providing
26 individual health insurance is the secondary payer.

27 **4. Application.** The requirements of this section apply to all policies, contracts and
28 certificates executed, delivered, issued for delivery, continued or renewed in this State.
29 For purposes of this section, all contracts are deemed to be renewed no later than the next
30 yearly anniversary of the contract date.

31 **Sec. 3. 24-A MRSA §2847-Q**, as enacted by PL 2009, c. 307, §3 and affected by
32 §6, is amended to read:

33 **§2847-Q. Coverage for services provided by independent practice dental hygienist;**
34 **denturist**

35 **1. Services provided by independent practice dental hygienist or denturist.** An
36 insurer that issues group dental insurance or health insurance that includes coverage for
37 dental services shall provide coverage for dental services performed by an independent
38 practice dental hygienist licensed under Title 32, chapter 16, subchapter 3-B or a denturist

1 licensed under Title 32, chapter 16, subchapter 6 when those services are covered
2 services under the contract and when they are within the lawful scope of practice of the
3 independent practice dental hygienist or dentist.

4 **2. Limits; coinsurance; deductibles.** A contract that provides coverage for the
5 services required by this section may contain provisions for maximum benefits and
6 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these
7 provisions are not inconsistent with the requirements of this section.

8 **3. Coordination of benefits with dental insurance.** If an enrollee eligible for
9 coverage under this section is eligible for coverage under a dental insurance policy or
10 contract and a health insurance policy or contract, the insurer providing dental insurance
11 is the primary payer responsible for charges under subsection 1 and the insurer providing
12 group health insurance is the secondary payer.

13 **4. Application.** The requirements of this section apply to all policies, contracts and
14 certificates executed, delivered, issued for delivery, continued or renewed in this State.
15 For purposes of this section, all contracts are deemed to be renewed no later than the next
16 yearly anniversary of the contract date.

17 **Sec. 4. 24-A MRSA §4257**, as enacted by PL 2009, c. 307, §4 and affected by §6,
18 is amended to read:

19 **§4257. Coverage for services provided by independent practice dental hygienist;**
20 **dentist**

21 **1. Services provided by independent practice dental hygienist or dentist.** All
22 individual and group health maintenance organization contracts that include coverage for
23 dental services shall provide coverage for dental services performed by an independent
24 practice dental hygienist licensed under Title 32, chapter 16, subchapter 3-B or a dentist
25 licensed under Title 32, chapter 16, subchapter 6 when those services are covered
26 services under the contract and when they are within the lawful scope of practice of the
27 independent practice dental hygienist or dentist.

28 **2. Limits; coinsurance; deductibles.** A contract that provides coverage for the
29 services required by this section may contain provisions for maximum benefits and
30 coinsurance and reasonable limitations, deductibles and exclusions to the extent that these
31 provisions are not inconsistent with the requirements of this section.

32 **3. Coordination of benefits with dental insurance.** If an enrollee eligible for
33 coverage under this section is eligible for coverage under a dental insurance policy or
34 contract and a health maintenance organization policy or contract, the insurer providing
35 dental insurance is the primary payer responsible for charges under subsection 1 and the
36 health maintenance organization providing health coverage is the secondary payer.

37 **4. Application.** The requirements of this section apply to all policies, contracts and
38 certificates executed, delivered, issued for delivery, continued or renewed in this State.
39 For purposes of this section, all contracts are deemed to be renewed no later than the next
40 yearly anniversary of the contract date.

1 **Sec. 5. Applicability.** This Act applies to all policies, contracts and certificates
2 executed, delivered, issued for delivery, continued or renewed in this State on or after
3 January 1, 2012. For purposes of this Act, all contracts are deemed to be renewed no
4 later than the next yearly anniversary of the contract date.

5 **SUMMARY**

6 This bill requires dental insurers and health insurers and health maintenance
7 organizations that include coverage for dental services in their policies and contracts to
8 provide coverage for dental services performed by a denturist if those services would be
9 covered under the policy or contract and those services are within the lawful scope of
10 practice of the denturist. The bill applies to all individual and group policies and
11 contracts issued or renewed on or after January 1, 2012.