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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 492, L.D. 665, “An Act To Promote Better Dental Care for Cancer Survivors”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA §4320-R is enacted to read:

§4320-R. Coverage for dental services for cancer patients

1. Required coverage. Except as provided in subsection 2, a carrier offering a health plan in this State shall provide coverage for medically necessary dental procedures in accordance with the following for an enrollee who has been diagnosed with cancer.

A. Coverage must be provided for fluoride treatment and dental procedures that are medically necessary to reduce the risk of infection or eliminate infection or to treat tooth loss or decay in an enrollee prior to beginning cancer treatment, including chemotherapy, biological therapy or radiation therapy treatment.

B. Coverage must be provided for dental procedures that are medically necessary to reduce the risk of infection or eliminate infection or to treat tooth loss or decay that are the direct or indirect result of cancer treatment, including chemotherapy, biological therapy or radiation therapy treatment.

C. Coverage required under this subsection must include coverage for laboratory assessments, medications and treatments.

2. Routine preventive dental care not required. A carrier is not required to provide coverage for routine preventive dental care, including cleaning and sealants.

Sec. 2. No addition to State's essential health benefits; legislative finding. The Legislature finds that the requirements of this Act do not constitute an addition to the State's essential health benefits that requires defrayal of costs by the State pursuant to 42 United States Code, Section 18031(d)(3)(B) because the requirements clarify that health insurance carriers must cover medically necessary dental procedures prior to beginning

1 cancer treatment and that are the direct or indirect result of cancer treatment under the law
2 in effect prior to the effective date of this Act.

3 **Sec. 3. Application.** The requirements of this Act apply to all policies, contracts
4 and certificates executed, delivered, issued for delivery, continued or renewed in this State
5 on or after January 1, 2023. For purposes of this Act, all contracts are deemed to be renewed
6 no later than the next yearly anniversary of the contract date.'

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

9 **SUMMARY**

10 This amendment replaces the bill. The amendment requires a health plan to include
11 coverage for dental procedures that are medically necessary to reduce the risk of infection
12 or eliminate infection or to treat tooth loss or decay in an enrollee prior to beginning cancer
13 treatment or that are the direct or indirect result of cancer treatment. The requirements
14 apply to all health plans issued or renewed on or after January 1, 2023.

15 The amendment also includes language stating the Legislature's finding that the
16 changes are not an addition to the State's essential health benefits that would require the
17 State to defray costs pursuant to the federal Patient Protection and Affordable Care Act.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**