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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 349, L.D. 1161, Bill, “An Act To Restrict the Use of Mercury in Dental Fillings in State-funded Dental Procedures”

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

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

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

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

9 **Sec. 2. Appropriations and allocations.** The following appropriations and
 10 allocations are made.

11 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

12 **Medical Care - Payments to Providers 0147**

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

15	GENERAL FUND	2019-20	2020-21
16	All Other	\$8,616	\$17,232
17			
18	GENERAL FUND TOTAL	<u>\$8,616</u>	<u>\$17,232</u>

19	FEDERAL EXPENDITURES FUND	2019-20	2020-21
20	All Other	\$15,498	\$30,997
21			
22	FEDERAL EXPENDITURES FUND TOTAL	<u>\$15,498</u>	<u>\$30,997</u>

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

26 **SUMMARY**

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

36 **FISCAL NOTE REQUIRED**

37 **(See attached)**