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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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

COMMITTEE AMENDMENT “ ” to S.P. 677, L.D. 1975, Bill, “An Act To Facilitate Dental Treatment for Children”

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

Sec. 1. 5 MRSA §285, sub-§16 is enacted to read:

16. Dental benefit waiting period. The requirements of Title 24-A, sections 2766-A, 2847-W and 4260 that prohibit a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age apply to any group health plan or dental plan purchased under subsection 5 or to any self-insured group health or dental plan provided under subsection 9.

This subsection is repealed January 1, 2023.

Sec. 2. 24 MRSA §2317-B, sub-§21, as amended by PL 2019, c. 274, §3 and amended by c. 388, §2, is repealed and the following enacted in its place:

21. Title 24-A, sections 2765-A and 2847-U. The practice of dental therapy by a dental therapist, Title 24-A, sections 2765-A and 2847-U;

Sec. 3. 24 MRSA §2317-B, sub-§22, as enacted by PL 2019, c. 274, §4, is amended to read:

22. Title 24-A, section 4320-M. Coverage for abortion services, Title 24-A, section 4320-M; and

Sec. 4. 24 MRSA §2317-B, sub-§23 is enacted to read:

23. Title 24-A, sections 2766-A and 2847-W. The prohibition on a dental benefit waiting period for persons under 19 years of age, Title 24-A, sections 2766-A and 2847-W.

This subsection is repealed January 1, 2023.

COMMITTEE AMENDMENT

1 **Sec. 5. 24-A MRSA §2766-A** is enacted to read:

2 **§2766-A. Dental benefit waiting period**

3 **1. Enrollee defined.** For the purposes of this section, unless the context otherwise
4 indicates, "enrollee" means a person who is covered under an individual policy or
5 contract provided by an insurer.

6 **2. No waiting period for enrollee under 19 years of age.** An insurer that issues
7 individual dental insurance or health insurance that includes coverage for dental services
8 may not impose a waiting period, as defined in section 2848, subsection 5, for any dental
9 or oral health service or treatment, except for orthodontic treatment, for an enrollee if the
10 enrollee is under 19 years of age.

11 **3. Repeal.** This section is repealed January 1, 2023.

12 **Sec. 6. 24-A MRSA §2847-W** is enacted to read:

13 **§2847-W. Dental benefit waiting period**

14 **1. Enrollee defined.** For the purposes of this section, unless the context otherwise
15 indicates, "enrollee" means a person who is covered under a group policy or contract
16 provided by an insurer.

17 **2. No waiting period for enrollee under 19 years of age.** An insurer that issues
18 group dental insurance or health insurance that includes coverage for dental services may
19 not impose a waiting period, as defined in section 2848, subsection 5, for any dental or
20 oral health service or treatment, except for orthodontic treatment, for an enrollee if the
21 enrollee is under 19 years of age.

22 **3. Repeal.** This section is repealed January 1, 2023.

23 **Sec. 7. 24-A MRSA §4260** is enacted to read:

24 **§4260. Dental benefit waiting period**

25 **1. Enrollee defined.** For the purposes of this section, unless the context otherwise
26 indicates, "enrollee" means a person who is covered under an individual or group contract
27 provided by a health maintenance organization.

28 **2. No waiting period for enrollee under 19 years of age.** A health maintenance
29 organization that issues individual or group dental insurance or individual or group
30 contracts that include coverage for dental services may not impose a waiting period, as
31 defined in section 2848, subsection 5, for any dental or oral health service or treatment,
32 except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age.

33 **3. Repeal.** This section is repealed January 1, 2023.

34 **Sec. 8. Application.** Those sections of this Act that enact the Maine Revised
35 Statutes, Title 24-A, sections 2766-A, 2847-W and 4260 apply to all policies, contracts
36 and certificates executed, delivered, issued for delivery, continued or renewed on or after
37 January 1, 2021 in this State. For purposes of this section, all contracts are deemed to be
38 renewed no later than the next yearly anniversary of the contract date.'

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

3 **SUMMARY**

4 This amendment is the minority report of the committee and replaces the bill.

5 Like the bill, the amendment prohibits a health insurance carrier or dental insurer
6 from imposing a waiting period for any dental or oral health service or treatment, except
7 for orthodontic treatment, for an enrollee under 19 years of age. The bill allocates the
8 prohibition to the Maine Insurance Code, chapter 56-A. The amendment allocates the
9 prohibition to the appropriate chapters of the Maine Insurance Code to ensure the
10 prohibition applies to stand-alone dental insurance plans and to health insurance plans
11 that provide coverage for dental or oral health services.

12 The amendment makes clear that the provisions apply to policies and contracts issued
13 or renewed on or after January 1, 2021 and repeals the provisions in 2 years.

14 The amendment also corrects a conflict created by Public Law 2019, chapters 274
15 and 388, which affected the same provision of law.