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PENNY VAILLANCOURT, EXECUTIVE DIRECTOR
MAINE BOARD OF DENTAL PRACTICE

NEITHER FOR NOR AGAINST LD 1349

“An Act to Increase Transparency in Dental Billing”
Sponsored by Senator Eloise Vitelli

BEFORE THE JOINT STANDING COMMITTEE ON
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

April 20, 2021 10:00 A.M.

Good afternoon Senator Sanborn, Representative Tepler, and Members of the Committee. My name is Penny Vaillancourt and I am the Executive Director of the Maine Board of Dental Practice. Thank you for the opportunity to provide testimony on LD 1349.

The Board of Dental Practice (“the Board”) is a professional licensing board affiliated with the Department of Professional and Financial Regulation (“the DPFRR”), and its sole purpose is to protect the public health and welfare of Maine citizens. The Board accomplishes this mission by ensuring that the public is served by competent and honest practitioners through its licensure process and conducting investigations into allegations of unprofessional conduct.

LD 1349 seeks to amend the Dental Practice Act by adding a practice requirement for individuals licensed as a dentist, independent practice dental hygienist and a denturist to provide notice to patients of a charge for a procedure, equipment, materials or other measures necessary to protect the health and safety of patients and staff during a public health emergency before services are rendered.

If the intent of the bill is to mandate the disclosure of costs associated with a treatment plan to a patient, then the Board’s existing regulations achieve that goal. Board Rules Chapter 12, Section (I)(H)(3)(e) applies to any individual licensed by the Board as follows:

Treatment Plan. The patient record shall include a written treatment plan describing in detail the proposed treatment. The proposed treatment plan, including alternatives to treatment, and information regarding *estimated fees must be reviewed with the patient prior to the commencement of treatment*. The treatment plan shall also include referrals to other providers as necessary. If there is no treatment plan this must be explained and documented in the patient record. (emphasis added.)

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However, if the intent of the bill is to mandate the disclosure of business and/or operation costs to patients prior to receiving dental services during a public health emergency or other outbreak of infectious disease, then the Board offers the following information:

1. The Board does not regulate entities, organizations, corporations or businesses, only individuals licensed as dental professionals. There are a variety of practice settings where dental services are provided such as schools, dental and dental hygiene clinics, nursing homes, non-profit organizations, corporate and private practices, federal qualifying health centers, hospitals, mobile units, etc. to which the Board does not have jurisdiction. The ability of the Board to investigate and enforce disclosure of charges for equipment, materials or other measures as contemplated in LD 1349 simply does not exist.
2. During the summer of 2020, the Board received inquiries questioning dental practices that were charging an additional fee of \$15 to \$25 per patient visit to cover the costs associated with purchasing personal protective equipment (“PPE”). The Board inquired with the Bureau of Insurance as well as the Bureau of Consumer Credit Protection to determine if there were any state laws governing or forbidding such practice. While there may have been some individual insurance companies prohibiting such charges, there appeared not to be any other consumer protection laws governing the notice or actual assessment of those costs amid the COVID-19 pandemic.

In consideration of the information noted in this testimony, the Board respectfully offers that existing regulations are in place to protect dental patients with regarding to costs of treatment plans. However, issues specific to business and operational costs shifted onto consumers amid a pandemic or public health emergency might be more appropriate for review as an unfair trade practice subject to enforcement by the Office of the Maine Attorney General.

Again, thank you for the opportunity to comment. I would be happy to answer any questions now or attend work session.