



April 24, 2023

Mr. Timothy Schott, Acting Superintendent  
c/o Karma Lombard  
Maine Bureau of Insurance  
34 State House Station  
Augusta, Maine 04333-0034

**Re: Bureau of Insurance Proposed Rule Chapter 835, Dental Insurance Plan Loss Ratio Reporting**

Dear Acting Superintendent Schott:

On behalf of Anthem Health Plans of Maine, Inc., d/b/a Anthem Blue Cross and Blue Shield, I would like to submit the following comments with respect to Bureau of Insurance Proposed Rule Chapter 835, Dental Insurance Plan Loss Ratio Reporting.

➤ **SECTION 5, ACTIVITIES THAT IMPROVE DENTAL CARE QUALITY**

- ***Section 5(1)(A) (p. 2)—Definition of “Activities That Improve Dental Care Quality”.***
  - We would suggest that the paragraph be amended to read as follows:
    - A. Improve oral ***and overall health*** and ***advance oral health*** quality, including increasing the likelihood of desired outcomes compared to a baseline; reducing dental disparities among specified populations; and improving patient safety, reducing medical errors, or lowering infection in ways that are capable of being objectively measured and of producing verifiable results;
- ***Section 5(1)(C) (p. 2)***
  - We suggest deleting this paragraph. A great deal of the research and innovation in the dental space is being tested and created by payers themselves, and will not be adopted as a "best practice" until after the programs have been tested by dental carriers.
- ***Section 5(1) (p. 2)***
  - Under the Affordable Care Act (ACA), some health IT expenses are allowed to be incorporated into the MLR, and we believe that this should be permitted to the at least the same extent as the federal standard. If such a change is not made, payers have no way to incorporate any health information technology expenses. We suggest adding a new paragraph at the end of Section 5(1)(C) that reads as follows:
    - C. Health information technology to support effective case management, care coordination, chronic disease management, medication and care compliance, and other important oral and overall health initiatives.

- **Section 5(2)(A) (p. 2)—Exclusions from Activities that improve dental care quality.** We recommend that Section 5(2)(A) be deleted. This definition doesn't recognize the relationship between overall health and oral health, and would prohibit carriers from including claims in which dental is intertwined; i.e. diabetes can lead to periodontitis, pregnancy can cause periodontal disease in expectant mothers, etc.
- **Section 5(2)(D)(2) (p. 3)— Activities giving rise to administrative cost expenditures that are excluded from activities that improve dental care quality.**

Updates in health information technology qualify as a credit towards the MLR under the ACA. Therefore, we suggest this paragraph be amended to read as follows:

- (2) Establishing or maintaining a claims adjudication system, ~~including upgrades in information technology that are designed primarily or solely to improve claims payment capabilities or to meet regulatory requirements for processing claims;~~

- **Section 5(2)(D)(6) (p. 3).** Provider credentialing is included in the federal MLR calculation for medical under the ACA as a healthcare improvement activity. As a result, we believe expenses associated with provider credentialing should be an allowed administrative cost and suggest striking subparagraph 6.
- **Section 5(2)(D)(7 and 8) (p. 3).** We would suggest amending the paragraph to read as follows, in order to provides carriers with more flexibility to include activities explicitly used to improve oral and overall health in the numerator of the MLR:
  - (7) Marketing expenses unless used in the promotion of activities that improve oral and overall health; and
  - (8) Calculating and administering individual enrollee or employee incentives unless used in the promotion of activities that improve oral and overall health;

Thank you again for the opportunity to provide these comments, and I would be happy to answer any questions.

Sincerely,



Kristine M. Ossenfort, Esq.  
Senior Government Relations Director