

NATIONAL CONFERENCE OF INSURANCE LEGISLATORS (NCOIL)

Proposed Model Act Banning Fee Schedules for Uncovered Dental Services

To be considered by the NCOIL Health, Long-Term Care & Health Retirement Issues Committee on March 6, 2010.

Sponsored by Rep. Brian Kennedy (RI)

Section I. Summary

This Act would prohibit a dental insurance plan from requiring a dentist who provides services to its subscribers to accept a fee set by the plan unless the plan compensates the dentist for such services.

Section II. Contracts With Providers For Dental Services

- A. No contract between a dental plan of a health care entity and a dentist for the provision of services to patients may require that a dentist provide services to its subscribers at a fee set by the health care entity unless said services are covered services under the applicable subscriber agreement. "Covered services," as used herein, means services reimbursable under the applicable subscriber agreement, subject to such contractual limitations on subscriber benefits as may apply, including, for example, deductibles, waiting period or frequency limitations.
- B. A health care entity or other person providing third party administrator services shall not make available any providers in its dentist network to a plan that:
1. sets dental fees for uncovered services, or
 2. sets dental fees for services that exceed the maximum benefit covered by the plan.
- C. For the purposes of this section "dental plan" shall include any policy of insurance which is issued by a health care entity which provides for coverage of dental services not in connection with a medical plan.

Section III. Penalties

Penalties provided for in *[Insert Applicable State Statute Concerning Dental Plan Contracts]* shall apply to any violation of this Act.

Section IV. Severability

If any section, clause, or provision of this chapter shall be held either unconstitutional or ineffective in whole or in part to the extent that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, clause or provision shall on account thereof be termed invalid or ineffective.

Section V. Effective Date

This Act shall take effect immediately.