

Regular Session, 2010  
HOUSE BILL NO. 1246

# ACT No. 940

BY REPRESENTATIVES MCVEA AND BALDONE

1 AN ACT

2 To enact R.S. 22:1157, relative to contracts with dental providers; to provide that no dental  
3 plan may require that a dentist provide dental health care services to a covered  
4 person at a particular fee unless such services are covered services for which benefits  
5 are paid under a contract with such dentist; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1157 is hereby enacted to read as follows:

8 §1157. Dental reimbursement or payments

9 A. As used in this Section, the following definitions shall apply:

10 (1) "Covered person" means any subscriber, enrollee, member, or participant  
11 in a dental plan, or his dependent, for whom benefits are payable when that person  
12 receives dental health care services rendered or authorized by a licensed dentist.

13 (2) "Covered service" means any dental service rendered or authorized by  
14 a licensed dentist on a covered person for which a dental service contractor or insurer  
15 is required to pay benefits to the dentist under a contractual agreement with such  
16 dentist. Such a service includes any service on which reimbursement is limited by  
17 a deductible, copayment, coinsurance, waiting period, annual maximum, or  
18 frequency limitation.

19 (3) "Dental plan" means any insurance policy, benefit plan, or dental service  
20 contract providing for the payment of benefits for dental health care services.

21 B. No dental plan that is delivered, renewed, issued for delivery, or  
22 otherwise contracted for in this state may require that a dentist provide dental health  
23 care services to a covered person at a particular fee unless such services are covered  
24 services for which benefits are paid under a contract with such dentist.

1           C. Nothing in this Section shall prohibit a dental service contractor or insurer  
 2           from offering a dentist optional agreements for participation in a dental plan in which  
 3           a dentist may choose to participate either with or without a provision to provide  
 4           discounts to covered persons for non-covered services provided that all of the  
 5           following apply:

6           (1) No dental service contractor or insurer may restrict in any manner the  
 7           choice of any dentist to participate in the plan with or without an optional agreement  
 8           providing for discounts on non-covered services except that the option for any dentist  
 9           choosing to participate in the plan under such an optional agreement to cease  
 10          providing such discounts under said optional agreement but still continue  
 11          participating in the plan may be limited to each time said optional agreement is up  
 12          for renewal.

13          (2) The provision for discounts on non-covered services shall be the only  
 14          material difference between agreements entered into with a dentist who accepts such  
 15          an optional agreement and those with a dentist who accepts a contract without said  
 16          optional agreement.

17          Section 2. This Act shall become effective January 1, 2011.

18          Section 3. The provisions of this Act shall not apply to contracts already in existence  
 19          until the renewal or extension date of such contracts.

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 PRESIDENT OF THE SENATE

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_