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AN ACT

RELATING TO INSURANCE; ENACTING A NEW SECTION OF THE NEW MEXICO INSURANCE CODE TO PROHIBIT A DENTAL INSURANCE PLAN FROM REQUIRING A DENTIST TO ACCEPT A FEE SET BY THE PLAN FOR SERVICES NOT COVERED BY THE PLAN; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Insurance Code is enacted to read:

"DENTAL INSURANCE PLAN--DENTAL FEES NOT COVERED--SEVERABILITY.--

A. As used in this section:

(1) "covered services" means dental care services for which a reimbursement is available under an enrollee's plan contract or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments or any other limitation; and

(2) "dental insurance plan" means any policy of insurance that is issued by a health care service contractor that provides for coverage of dental services not in connection with a medical plan.

B. No contract of any health care service

1 contractor that covers any dental services and no contract or
2 participating provider agreement with a dentist shall
3 require, directly or indirectly, that a dentist who is a
4 participating provider provide services to an enrolled
5 participant at a fee set by, or at a fee subject to the
6 approval of, the health care service contractor unless the
7 dental services are covered services.

8 C. A health care service contractor or other
9 person providing third party administrator services shall not
10 make available any providers in its dentist network to a plan
11 that sets dental fees for any services except covered
12 services.

13 D. If any part or application of this section is
14 held invalid, the remainder or its application to other
15 situations or persons shall not be affected."

16 SECTION 2. EMERGENCY.--It is necessary for the public
17 peace, health and safety that this act take effect
18 immediately. _____

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