

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 144*
Committee Substitute Favorable 3/19/09
Senate Health Care Committee Substitute Adopted 6/3/10

Short Title: No Set Fee/Noncovered Dental Srvcs.

(Public)

Sponsors:

Referred to:

February 12, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HEALTH BENEFIT PLANS AND INSURERS FROM LIMITING
3 OR FIXING THE FEE A DENTIST MAY CHARGE PATIENTS FOR SERVICES
4 UNLESS THE SERVICES ARE COVERED FOR REIMBURSEMENT UNDER THE
5 PLAN OR INSURER CONTRACT WITH THE DENTIST.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 58 of the General Statutes is amended by adding a new
8 section to read:

9 "**§ 58-50-290. Health benefit plans or insurers contracting for provision of dental**
10 **services; no limitation on fees for noncovered services.**

11 (a) No contract between a health benefit plan or insurer and a dentist for the provision
12 of dental services to plan members or insurance subscribers may require that a dentist provide
13 services at a fee limited or set by the plan or insurer, unless the services are reimbursed as
14 covered services under the contract.

15 (b) This section applies to dental plans and dental insurance policies offered by health
16 benefit plans or insurers which provide for coverage of dental services not in connection with
17 or incidental to coverage under a basic medical plan or health insurance policy, and this section
18 shall further apply to Dental Service Corporations regulated under Article 65 of this Chapter."

19 **SECTION 2.** G.S. 58-65-2 reads as rewritten:

20 "**§ 58-65-2. Other laws applicable to service corporations.**

21 The following provisions of this Chapter are applicable to service corporations that are
22 subject to this Article:

23 G.S. 58-2-125.	Authority over all insurance companies; no exemptions from license.
24 G.S. 58-2-150.	Oath required for compliance with law.
25 G.S. 58-2-155.	Investigation of charges.
26 G.S. 58-2-160.	Reporting and investigation of insurance and reinsurance fraud and the financial condition of licensees; immunity from liability.
27 G.S. 58-2-162.	Embezzlement by insurance agents, brokers, or administrators.
28 G.S. 58-2-185.	Record of business kept by companies and agents; Commissioner may inspect.
29 G.S. 58-2-190.	Commissioner may require special reports.
30 G.S. 58-2-195.	Commissioner may require records, reports, etc., for agencies, agents, and others.



1	G.S. 58-2-200.	Books and papers required to be exhibited.
2	G.S. 58-3-50.	Companies must do business in own name; emblems,
3		insignias, etc.
4	G.S. 58-3-100(c),(e).	Insurance company licensing provisions.
5	G.S. 58-3-115.	Twisting with respect to insurance policies; penalties.
6	G.S. 58-7-46.	Notification to Commissioner for president or chief
7		executive officer changes.
8	Part 7 of Article 10.	Annual Financial Reporting.
9	G.S. 58-50-35.	Notice of nonpayment of premium required before
10		forfeiture.
11	<u>G.S. 58-50-290.</u>	<u>Health benefit plans or insurers contracting for the provision</u>
12		<u>of dental services; no limitation on fees for noncovered</u>
13		<u>services.</u>
14	G.S. 58-51-15(a)(2)b.	Accident and health policy provisions.
15	G.S. 58-51-17	Portability for accident and health insurance.
16	G.S. 58-51-25.	Policy coverage to continue as to mentally retarded or
17		physically handicapped children.
18	G.S. 58-51-95(h),(i),(j).	Approval by Commissioner of forms, classification and
19		rates; hearings; exceptions."

20 **SECTION 3.** This act is effective when it becomes law and applies to contracts
21 between dentists and health benefit plans or insurers delivered, amended, or renewed on or after
22 that date.