

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 704*

Short Title: Dental Bill of Rights. (Public)

Sponsors: Representatives Lewis, Murphy, Dobson, and Wray (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY CERTAIN PROVIDER AND PATIENT RIGHTS REGARDING
3 HEALTH BENEFIT PLAN CONTRACTS FOR THE PROVISION OF DENTAL
4 SERVICES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 58-80-290 reads as rewritten:

7 "**§ 58-50-290. Health benefit plans or insurers contracting for provision of dental services;**
8 **no limitation on fees for noncovered ~~services~~services or on methods of claims**
9 **payment.**

10 (a) No agreement between an insurer or an entity that writes stand-alone dental insurance
11 and a dentist for the provision of dental services on a preferred or in-network basis to plan
12 members or insurance subscribers in connection with coverage under a stand-alone dental plan,
13 but not in connection with or incidental to coverage under a medical plan or health insurance
14 policy, may require that a dentist provide services at a fee limited or set by the plan or insurer,
15 unless the services are reimbursed as covered services under the contract.

16 (b) For purposes of this section, "covered services" means a service for which
17 reimbursement is available under an insurer's policy, without regard to contractual limitations by
18 a deductible, copayment, coinsurance, waiting period, annual or lifetime maximum, frequency
19 limitation, alternative benefit payment, or other limitation.

20 (c) No agreement between an insurer or another entity contracting for the provision of
21 dental services and a provider of dental services shall contain restrictions on methods of claim
22 payment in which the only acceptable payment method from the insurer or entity to the provider
23 of the dental services is a credit card payment."

24 SECTION 2. Article 50 of Chapter 58 of the General Statutes is amended by adding
25 the following new sections to read:

26 "**§ 58-50-291. Health benefit plans for the provision of dental services; limitation on**
27 **expenses for marketing and administration.**

28 (a) An insurer who provides a health benefit plan for dental services shall not use more
29 than twenty-five percent (25%) of its prepaid charges or premiums for marketing and
30 administrative expenses, including all costs to solicit members of the health benefit plan or
31 providers. For the purposes of this subsection, marketing and administrative expenses shall be
32 defined by rule by the Commissioner.

33 (b) Nothing in this section shall be construed to affect the applicability of any other
34 provision of this Chapter.

35 "**§ 58-50-292. Dental provider networks; confidential business information.**



1 (a) The following definitions apply in this section:

2 (1) Dental provider network contract. – A contract between an insurer and a dental
3 services provider specifying the rights and responsibilities of the insurer and
4 the provider for the delivery of and payment for dental services.

5 (2) Insurer. – As defined in G.S. 58-3-225(a).

6 (3) Third party. – A person or entity that enters into a contract with an insurer or
7 with another entity to gain access to a dental provider network contract.

8 (b) Insurers who provide health benefit plans for dental services shall not provide a third
9 party access to a dental provider network contract or information pertaining to discounts for
10 services pursuant to that dental provider network contract.

11 (c) If a dental provider network contract has been provided to a third party in violation
12 of this section, then no provider shall be bound or required to perform services under that dental
13 provider network contract.

14 (d) An insurer's willful failure to comply with this section shall be deemed an unfair and
15 deceptive trade practice and shall be actionable under Chapter 75 of the General Statutes. Nothing
16 in this section shall foreclose other remedies available under the law."

17 **SECTION 3.** G.S. 58-3-200(a)(1) reads as rewritten:

18 "(1) "Health benefit plan" means any of the following if written by an insurer: an
19 accident and health insurance policy or certificate; a nonprofit hospital or
20 medical service corporation contract; a health maintenance organization
21 subscriber contract; or a plan provided by a multiple employer welfare
22 arrangement. "Health benefit plan" does not mean any plan implemented or
23 administered through the Department of Health and Human Services or its
24 representatives. "Health benefit plan" also does not mean any of the following
25 kinds of insurance:

26 a. Accident.

27 b. Credit.

28 c. Disability income.

29 d. Long-term or nursing home care.

30 e. Medicare supplement.

31 f. Specified disease.

32 g. ~~Dental or vision.~~ Vision.

33 h. Coverage issued as a supplement to liability insurance.

34 i. Workers' compensation.

35 j. Medical payments under automobile or homeowners insurance.

36 k. Hospital income or indemnity.

37 l. Insurance under which benefits are payable with or without regard to
38 fault and that is statutorily required to be contained in any liability
39 policy or equivalent self-insurance."

40 **SECTION 4.** G.S. 58-3-190(g)(3) reads as rewritten:

41 "(3) "Health benefit plan" means any of the following if written by an insurer: an
42 accident and health insurance policy or certificate; a nonprofit hospital or
43 medical service corporation contract; a health maintenance organization
44 subscriber contract; or a plan provided by a multiple employer welfare
45 arrangement. "Health benefit plan" does not mean any plan implemented or
46 administered through the Department of Health and Human Services or its
47 representatives. "Health benefit plan" also does not mean any of the following
48 kinds of insurance:

49 a. Accident.

50 b. Credit.

51 c. Disability income.

- 1 d. Long-term or nursing home care.
- 2 e. Medicare supplement.
- 3 f. Specified disease.
- 4 g. ~~Dental or vision.~~ Vision.
- 5 h. Coverage issued as a supplement to liability insurance.
- 6 i. Workers' compensation.
- 7 j. Medical payments under automobile or homeowners insurance.
- 8 k. Hospital income or indemnity.
- 9 l. Insurance under which benefits are payable with or without regard to
- 10 fault and that is statutorily required to be contained in any liability
- 11 policy or equivalent self-insurance."

12 **SECTION 5.** This act becomes effective October 1, 2019, and applies to health
13 benefit contracts issued, renewed, or amended on or after that date.