

26 31A-22-645. Dental insurance -- Contract provision for noncovered services.

27 (1) For purposes of this section:

28 (a) "Covered services" means dental services for which reimbursement:

29 (i) ~~Ĥ→ [(A) is available]~~ is available or would be reimburseable ~~←Ĥ~~ under an enrollee's
29a dental plan ~~Ĥ→ [;or~~

30 ~~—— (B) would be available]~~ ~~←Ĥ~~ but for the application of ~~Ĥ→~~ one or more of the
30a following ~~←Ĥ~~ contractual ~~Ĥ→~~ [limitations such as] provisions:

31 (A) ~~←Ĥ~~ deductibles ~~Ĥ→~~ [;] ;

31a (B) ~~←Ĥ~~ copayments ~~Ĥ→~~ [;] ;

31b (C) ~~←Ĥ~~ coinsurance ~~Ĥ→~~ [;] ;

31c (D) ~~←Ĥ~~ waiting periods ~~Ĥ→~~ [;] ;

31d (E) ~~←Ĥ~~ annual or lifetime maximums ~~Ĥ→~~ [;] ;

32 (F) ~~←Ĥ~~ frequency limitations ~~Ĥ→~~ [;] ; or

32a ~~—— (G) ←Ĥ~~ alternative benefit payments ~~Ĥ→~~ [, or any other limitation] ~~←Ĥ~~ ; and

33 (ii) is not merely nominal, for the purpose of avoiding the requirements of this section.

34 (b) "Dental plan" means:

35 (i) a health benefit plan that includes coverage for dental services; and

36 (ii) a policy or certificate that provides coverage solely for dental services.

37 (c) "Dentist" means an individual licensed under Tile 58, Chapter 69, Dentist and
38 Dental Hygienist Practice Act.

39 (2) (a) This section applies to:

40 (i) a dental plan that is entered into or renewed on or after January 1, 2018; and

41 (ii) an administrator providing third-party administration services or a provider
42 network for a dental plan.

43 (b) This section does not apply to a self-insured dental plan that is regulated by federal
44 law.

45 (3) A contract between a dental plan and a dentist to provide ~~Ĥ→~~ [contracted] covered ~~←Ĥ~~
45a services may

46 not:

47 (a) require, directly or indirectly, that a dentist provide dental services to a covered
48 individual at a fee set by, or a fee subject to the approval of, the dental plan unless:

49 (i) the dental services are covered services under the dental plan; or

50 (ii) (A) the dental services are not reimbursed by the dental plan;

51 (B) the dental services are discounted for individuals who are part of a discount dental
52 rates plan; and

53 (C) the dentist who provided the dental services has elected to participate in the
54 discount dental rates plan; and

55 (b) prohibit a dentist from offering or providing noncovered dental services to a
56 covered individual at a fee determined by the dentist and the individual who will receive the