

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3023

By: Worthen

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to dental insurance claims; amending  
10                   36 O.S. 2021, Section 7301, which relates to dental  
11                   plans; modifying definition; defining terms; making  
12                   certain requirements; providing standards for  
13                   requirements; providing for codification; and  
14                   providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16                   SECTION 1.           AMENDATORY           36 O.S. 2021, Section 7301, is  
17 amended to read as follows:

18                   Section 7301. A. No contract between a dental plan of a health  
19 benefit plan and a dentist for the provision of services to patients  
20 may require that a dentist provide services to its subscribers at a  
21 fee set by the health benefit plan unless the services are covered  
22 services under the applicable subscriber agreement.

23                   B. As used in this section:

24                   1. "Covered services" means services ~~reimbursable~~ reimbursed  
under the applicable subscriber agreement, subject notwithstanding,

1 or without regard to the contractual limitations on subscriber  
2 benefits as may apply, ~~including, for example, deductibles, waiting~~  
3 ~~period or frequency limitations;~~

4 2. "Dental plan" means and shall include any policy of  
5 insurance which is issued by a health benefit plan which provides  
6 for coverage of dental services not in connection with a medical  
7 plan; and

8 3. "Health benefit plan" means any plan or arrangement as  
9 defined in subsection C of Section 6060.4 of this title or any  
10 dental service corporation authorized pursuant to Section 2671 of  
11 this title.

12 C. A health benefit plan or dental plan shall establish and  
13 maintain appeal procedures for any claim by a dentist or a  
14 subscriber that is denied based on lack of medical necessity. Any  
15 such denial shall be based upon a determination by a dentist who  
16 holds a nonrestricted license in the United States. Any written  
17 communication to a dentist that includes or pertains to a denial of  
18 benefits for all or part of a claim on the basis of a lack of  
19 medical necessity shall include the identifier and license number  
20 together with state of issuance, and a contact telephone number of  
21 the licensed dentist making the adverse determination. The dentist  
22 who reviewed the claim shall only be contacted at the telephone  
23 number provided in the written communication about the denial during  
24 business hours.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 7301.1 of Title 36, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. As used in this section:

5 1. "Bundling" means the practice of combining distinct dental  
6 procedures into one procedure for billing purposes;

7 2. "Dental plan" means and shall include any policy of  
8 insurance which is issued by a health benefit plan which provides  
9 for coverage of dental services not in connection with a medical  
10 plan;

11 3. "Downcoding" means the adjustment of a claim submitted to a  
12 dental plan to a less complex or lower cost procedure code;

13 4. "Health benefit plan" means any plan or arrangement as  
14 defined in subsection C of Section 6060.4 of Title 36 of the  
15 Oklahoma Statutes or any dental service corporation authorized  
16 pursuant to Section 2671 of Title 36 of the Oklahoma Statutes; and

17 5. "Material change" means a change to the following:

- 18 a. a dental plan's rules, guidelines, policies, or  
19 procedures concerning payment for dental services,  
20 b. the general practices of the dental plan that affect  
21 reimbursements paid to providers, or  
22 c. how a dental plan adjudicates and pays claims for  
23 services.

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1 B. An insurer that contracts or renews a contract with a dental  
2 provider shall:

3 1. Make the insurer's current dental plan policies available  
4 online; and

5 2. If requested by a provider, send a copy of the policies to  
6 the provider through mail or electronic mail.

7 C. Dental policies and plans as described in subsection B of  
8 this section shall provide the following to providers:

9 1. A summary of all material changes made to a dental plan  
10 since the policies were last updated;

11 2. The downcoding and bundling policies that the insurer  
12 reasonably expects to be applied to the dental provider or  
13 provider's services as a matter of policy; and

14 3. A description of the dental plan's utilization review  
15 procedures, including:

16 a. a procedure for an enrollee of the dental plan to  
17 obtain a review of an adverse determination, and

18 b. a statement of a provider's rights and  
19 responsibilities regarding the procedures described in  
20 subparagraph a of this paragraph.

21 D. An insurer may not maintain a dental plan that:

22 1. Based on the provider's contracted fee for covered  
23 services, uses downcoding in a manner that prevents a dental  
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1 provider from collecting the fee for actual services performed  
2 either from the plan or the patient; or

3 2. Uses bundling in a manner where a procedure code is labeled  
4 as nonbillable to the patient unless, under generally accepted  
5 practice standards, the procedure code is for a procedure that may  
6 be provided in conjunction with another procedure.

7 E. An insurer shall ensure that an explanation of benefits for  
8 a dental plan includes the reason for any downcoding or bundling  
9 result.

10 SECTION 3. This act shall become effective November 1, 2022.

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12 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 02/17/2022 - DO  
13 PASS, As Amended.

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