



General Assembly

Amendment

January Session, 2021

LCO No. 9148



Offered by:

REP. PAVALOCK-D'AMATO, 77th Dist.

REP. WOOD, 29th Dist.

To: Subst. House Bill No. 6589

File No. 345

Cal. No. 261

"AN ACT CONCERNING THIRD-PARTY ACCESS TO PARTICIPATING DENTAL PROVIDER CONTRACTS."

1 Strike lines 142 to 222, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "(b) (1) Except as provided in subsection (c) of this section, no
4 participating dental provider contract entered into, renewed or
5 amended on or after January 1, 2022, between:

6 (A) A health carrier and an intermediary or a participating dental
7 provider shall allow a third party to gain access to such participating
8 dental provider contract, except the health carrier may permit a third
9 party to gain access to such participating dental provider contract if, not
10 later than thirty days after the contract permitting such third-party
11 access is executed, renewed or amended or a later date mutually agreed
12 to by the health carrier and such third party, the health carrier allows
13 each participating dental provider that is a party to such participating
14 dental provider contract to:

15 (i) Decline to participate in such third party's access to such
16 participating dental provider contract, which declination shall not, in
17 and of itself, constitute grounds for the health carrier to terminate or
18 cancel such participating dental provider contract; or

19 (ii) Contract directly with such third party if such third party is a
20 health carrier; or

21 (B) A participating dental provider or an intermediary and a health
22 carrier, or the health carrier's contractor or subcontractor, shall permit
23 the health carrier, or the health carrier's contractor or subcontractor, to
24 enter into a contract with a third party that allows the third party to gain
25 access to such participating dental provider contract unless:

26 (i) Such participating dental provider contract:

27 (I) Provides that the health carrier, or the health carrier's contractor
28 or subcontractor, may enter into such contract with a third party and
29 grant such access to a third party, and such third party may obtain the
30 rights and responsibilities of such health carrier, or such health carrier's
31 contractor or subcontractor, as if such third party were such health
32 carrier, or such health carrier's contractor or subcontractor;

33 (II) Clearly identifies the provisions of such participating dental
34 provider contract that allow the health carrier, or the health carrier's
35 contractor or subcontractor, to grant such access to a third party; and

36 (III) Provides that a participating dental provider under such
37 participating dental provider contract may decline to participate in such
38 third party's access to such participating dental provider contract;

39 (ii) Such third party agrees to comply with all terms of such
40 participating dental provider contract;

41 (iii) The health carrier, or the health carrier's contractor or
42 subcontractor, discloses, in writing or by electronic means, to each
43 participating dental provider under such participating dental provider
44 contract the identity of such third party on the date that the health

45 carrier, or the health carrier's contractor or subcontractor, enters into a
46 contract with such third party to allow such third party to gain access to
47 such participating dental provider contract;

48 (iv) The health carrier, or the health carrier's contractor or
49 subcontractor:

50 (I) Makes a list containing the name of each third party that enters
51 into a contract with such health carrier, or such health carrier's
52 contractor or subcontractor, that allows such third party to gain access
53 to such participating dental provider contract publicly available on such
54 health carrier's, or such health carrier's contractor's or subcontractor's,
55 Internet web site; and

56 (II) Updates the list required under subparagraph (B)(iv)(I) of this
57 subdivision at least once every ninety days;

58 (v) The health carrier, or the health carrier's contractor or
59 subcontractor, requires such third party to identify the source of any
60 discount provided under such participating dental provider contract on
61 each remittance advice or explanation of payment under which such
62 third party takes such discount, except no such identification shall be
63 required for an electronic transaction required under the Health
64 Insurance Portability and Accountability Act of 1996, P.L. 104-191, as
65 amended from time to time;

66 (vi) If the health carrier, or the health carrier's contractor or
67 subcontractor, intends to terminate such participating dental provider
68 contract, the health carrier, or the health carrier's contractor or
69 subcontractor, sends a written notice to such third party disclosing such
70 intended termination;

71 (vii) Such third party's right to a discounted rate under such
72 participating dental provider contract ends on the termination date of
73 such participating dental provider contract; and

74 (viii) The health carrier, or the health carrier's contractor or

75 subcontractor, provides a copy of such participating dental provider
76 contract to any participating dental provider under such participating
77 dental provider contract not later than thirty days after such
78 participating dental provider submits a request to the health carrier, or
79 the health carrier's contractor or subcontractor, for such copy.

80 (2) No participating dental provider shall be required to provide
81 dental services under a participating dental provider contract if a health
82 carrier, or the health carrier's contractor or subcontractor, enters into a
83 contract with a third party that allows the third party to gain access to
84 the participating dental provider contract in violation of this section.

85 (3) No health carrier, and no health carrier's contractor or
86 subcontractor, shall refuse to enter into a participating dental provider
87 contract with a dentist or dental office because the dentist or dental
88 office declines to participate in a third party's access to the participating
89 dental provider contract."

90 Strike lines 241 to 243, inclusive, in their entirety