

AMENDMENTS TO LB954

Introduced by Banking, Commerce and Insurance.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. (1) For the purposes of this section:

4           (a) Contracting entity means a person or entity that enters into  
5 direct contracts with providers for the delivery of dental services in  
6 the ordinary course of business, including a dental carrier or third-  
7 party administrator;

8           (b) Dental carrier means a dental insurance company, a prepaid  
9 limited health service organization, or any other entity authorized to  
10 offer an insurance plan that provides dental services;

11           (c) Dental services means services for the diagnosis, prevention,  
12 treatment, or cure of a dental condition, illness, injury, or disease.  
13 Dental services does not include services delivered by a provider that  
14 are billed as medical services under a health insurance plan;

15           (d) Provider means an individual or entity that provides dental  
16 services or supplies, as defined by the health benefits plan or dental  
17 benefits plan, including a dentist or physician, but not a physician  
18 organization that leases or rents its network to a third party;

19           (e) Provider network contract means a contract between a contracting  
20 entity and a provider that specifies the rights and responsibilities of  
21 the contracting entity and provides for the delivery and payment of  
22 dental services to an enrollee; and

23           (f) Third party means a person or entity that enters into a contract  
24 with a contracting entity or with another third party to gain access to  
25 the dental services or contractual discounts of a provider network  
26 contract. Third party does not include an employer or other group for  
27 whom the dental carrier or contracting entity provides administrative

1 services.

2 (2) A dental insurance plan, contract, or provider network contract  
3 with a provider shall not include any restrictions on methods of claim  
4 payment for dental services in which the only acceptable payment method  
5 is a credit card payment.

6 (3) A dental carrier may grant a third party access to a provider  
7 network contract, or a provider's dental services or contractual  
8 discounts provided pursuant to a provider network contract if, at the  
9 time the provider network contract is entered into or renewed, the dental  
10 carrier allows a provider who is part of a dental carrier's provider  
11 network to choose not to participate in third-party access to the  
12 provider network contract. The third-party access provision of the  
13 provider network contract shall be clearly identified. A dental carrier  
14 shall not grant a third party access to the provider network contract of  
15 any provider who does not participate in third-party access to the  
16 provider network contract.

17 (4) A contracting entity may grant a third party access to a  
18 provider network contract, or a provider's dental services or contractual  
19 discounts provided pursuant to a provider network contract, if the  
20 following requirements are met:

21 (a) The contracting entity identifies all third parties in existence  
22 in a list on its Internet web site that is updated at least once every  
23 ninety days;

24 (b) The provider network contract specifically states that the  
25 contracting entity may enter into an agreement with a third party that  
26 would allow the third party to obtain the contracting entity's rights and  
27 responsibilities as if the third party were the contracting entity, and  
28 when the contracting entity is a dental carrier, the provider chose to  
29 participate in third-party access at the time the provider network  
30 contract was entered into; and

31 (c) The third party accessing the provider network contract agrees

1 to comply with all applicable terms of the provider network contract.

2 (5) A provider is not bound by and is not required to perform dental  
3 treatment or services under a provider network contract granted to a  
4 third party in violation of this section.

5 (6) Subsections (3), (4), and (5) of this section shall not apply if  
6 any of the following is true:

7 (a) The provider network contract is for dental services provided to  
8 a beneficiary of the federal medicare program pursuant to Title XVIII of  
9 the federal Social Security Act, 42 U.S.C. 1395 et seq., or the federal  
10 medicaid program pursuant to Title XIX of the federal Social Security  
11 Act, 42 U.S.C. 1396 et seq., as such sections existed on January 1, 2020;  
12 or

13 (b) Access to a provider network contract is granted to a dental  
14 carrier or an entity operating in accordance with the same brand licensee  
15 program as the contracting entity or to an entity that is an affiliate of  
16 the contracting entity. A list of the contracting entity's affiliates  
17 shall be made available to a provider on the contracting entity's web  
18 site.

19 (7) This section shall take effect on January 1, 2021, and shall  
20 apply to all provider network contracts that are delivered, issued for  
21 delivery, or executed in this state on or after the effective date of  
22 this act.

23 Sec. 2. The Revisor of Statutes shall assign section 1 of this act  
24 to Chapter 44, article 7.