

1 S.55

2 Introduced by Senator Cummings

3 Referred to Committee on

4 Date:

5 Subject: Health insurance; dental insurance; uncovered dental services

6 Statement of purpose: This bill proposes to prohibit a dental insurance plan
7 from requiring a dentist who provides services to its subscribers to accept a fee set
8 by the plan for any services except covered services.

9 An act relating to the prohibition of fee schedules for uncovered dental
10 services in a dental insurance plan

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. STATUTORY REVISION

13 8 V.S.A. § 4100j shall be recodified as 8 V.S.A. § 4100k and remain part of
14 subchapter 13 of chapter 107 of Title 8.

15 Sec. 2. 8 V.S.A. § 4100j is added to read:

16 § 4100j. NONCOVERED DENTAL SERVICES FEES

17 (a) As used in this subchapter:

18 (1) "Covered services" shall mean dental care services for which a
19 reimbursement is available under a subscriber's dental insurance plan, or for
20 which a reimbursement would be available but for the application of

1 contractual limitations such as deductibles, co-payments, coinsurance, waiting
2 periods, annual or lifetime maximums, frequency limitations, alternative
3 benefit payments, or any other limitation.

4 (2) "Dental insurance plan" means a stand-alone dental insurance plan
5 or policy which provides for coverage of dental services not in connection with
6 a medical plan.

7 (3) "Payment" for covered services by a dental insurance plan shall mean
8 50 percent of the dentist's prevailing fee administered consistently with policies
9 traditionally governing covered dental services.

10 (b) No dental insurance plan and no contract or participating provider
11 agreement with a dentist may require, directly or indirectly, that a dentist
12 provide services to a subscriber at a fee set by, or at a fee subject to the
13 approval of, the dental insurance plan unless the services are covered services.

14 (c) A dental insurance plan or third party administrator providing dental
15 services shall not make available any providers in its dentist network to a plan
16 that sets dental fees for any services except covered services.

17 (d) Penalties provided for in section 4087 of this chapter shall apply to any
18 violation of this section.

19 (e) If any provision of this section or the application thereof to any person
20 or circumstance is held invalid, the invalidity does not affect other provisions
21 or applications of this section which can be given effect without the invalid

1 provision or application, and, to this end, the provisions of this section are
2 severable.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.