

HOUSE BILL No. 2712

By Committee on Insurance

Requested by Kevin Robertson on behalf of the Kansas Dental Association

2-6

1 AN ACT concerning insurance; relating to dental health insurance
2 contracts; prohibiting such contracts from limiting the fee a dentist may
3 charge for a noncovered service, disallowing an otherwise covered
4 service or preventing a dentist from billing and collecting for a service
5 that is a dental necessity; amending K.S.A. 40-2,185 and repealing the
6 existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 40-2,185 is hereby amended to read as follows: 40-
10 2,185. (a) No contract issued or renewed after July 1, 2010, between a
11 health insurer and a dentist who is a participating provider with respect to
12 such health insurer's health benefit plan shall contain any provision ~~which~~
13 *that* requires the dentist who provides any service to an insured under such
14 health benefit plan at a fee set or prescribed by the health insurer unless
15 such service is a covered service.

16 (b) *A contract between an insurer and a dentist shall not:*

17 (1) *Limit the fee the dentist may charge for a service that is not a*
18 *covered service; or*

19 (2) *include a provision that both:*

20 (A) *Allows the insurer to disallow a service, resulting in denial of*
21 *payment to the dentist for a service that ordinarily would have been*
22 *covered; and*

23 (B) *prohibits the dentist from billing for and collecting the amount*
24 *owed from the patient for such service if there is a dental necessity for*
25 *such service.*

26 (c) *For purposes of this section, "dental necessity" means whether a*
27 *prudent dentist, acting in accordance with generally accepted practices of*
28 *the professional dental community and within the American dental*
29 *association's parameters of care for dentistry and within the quality*
30 *assurance criteria of the American academy of pediatric dentistry, as*
31 *applicable, would provide the service or product to a patient to diagnose,*
32 *prevent or treat orofacial pain, infection, disease, dysfunction or*
33 *disfiguration.*

34 Sec. 2. K.S.A. 40-2,185 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.