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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO INSURANCE -- HEALTH CARE ACCESSIBILITY AND QUALITY  
ASSURANCE ACT -- DENTAL INSURANCE

Introduced By: Senators Miller, DiMario, Lawson, and Valverde

Date Introduced: March 01, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18.8-4 of the General Laws in Chapter 27-18.8 entitled "Health  
2 Care Accessibility and Quality Assurance Act" is hereby amended to read as follows:

3 **27-18.8-4. Contracts with providers for dental services.**

4 (a) No contract between a dental plan of a healthcare entity and a dentist for the provision  
5 of services to beneficiaries may require that a dentist provide services to its patients at a fee set by  
6 the healthcare entity unless said services are covered services under the applicable subscriber  
7 agreement. "Covered services," as used herein, means services reimbursable under the applicable  
8 beneficiary agreement, subject to such contractual limitations on beneficiary benefits as may apply,  
9 including, for example, deductibles, waiting period, or frequency limitations.

10 (b) Dental services rendered to patients in Rhode Island shall be governed by the Rhode  
11 Island general laws.

12 SECTION 2. Sections 27-18-56 and 27-18-63 of the General Laws in Chapter 27-18  
13 entitled "Accident and Sickness Insurance Policies" are hereby amended to read as follows:

14 **27-18-56. Prohibition against dentists being required to indemnify provider.**

15 (a) No accident and sickness insurance provider may contract to require that a dentist  
16 indemnify or hold harmless the accident and sickness insurance provider for any expenses and  
17 liabilities, including, without limitation, judgments, settlements, attorneys' fees, court costs, and  
18 any associated charges, incurred in connection with any claim or action brought against the accident

1 and sickness insurance provider based on the accident and sickness insurance provider's  
2 management decisions or utilization review provisions for any patient.

3 [\(b\) Dental services rendered to patients in Rhode Island shall be governed by the Rhode  
4 Island general laws, including, but not limited to, chapter 18.8 of this title.](#)

5 **27-18-63. Dental insurance assignment of benefits. Dental insurance.**

6 (a) Every entity providing a policy of accident and sickness insurance as defined in this  
7 chapter shall allow, as a provision in a group or individual policy, contract or health benefit plan  
8 for coverage of dental services, any person insured by such entity to direct, in writing, that benefits  
9 from a health benefit plan, policy or contract, be paid directly to a dental care provider who has not  
10 contracted with the entity to provide dental services to persons covered by the entity but otherwise  
11 meets the credentialing criteria of the entity and has not previously been terminated by such entity  
12 as a participating provider. If written direction to pay is executed and written notice of the direction  
13 to pay is provided to such entity, the insuring entity shall pay the benefits directly to the dental care  
14 provider. Any efforts to modify the amount of benefits paid directly to the dental care provider  
15 under this section may include a reduction in benefits paid of no more than five percent (5%) less  
16 than the benefits paid to participating dentists. The entity paying the dentist, pursuant to a direction  
17 to pay duly executed by the subscriber, shall have the right to review the records of the dentist  
18 receiving such payment that relate exclusively to that particular subscriber/patient to determine that  
19 the service in question was rendered. Provided, however, this section shall not apply to insurance  
20 coverage providing benefits for:

- 21 (1) Hospital confinement indemnity;
- 22 (2) Disability income;
- 23 (3) Accident only;
- 24 (4) Long-term care;
- 25 (5) Medicare supplement;
- 26 (6) Limited benefit health;
- 27 (7) Specified disease indemnity;
- 28 (8) Sickness or bodily injury or death by accident or both; and
- 29 (9) Other limited benefit policies.

30 [\(b\) Dental services rendered to patients in Rhode Island shall be governed by the Rhode  
31 Island general laws, including, but not limited to, chapter 18.8 of this title.](#)

32 SECTION 3. Section 27-19-54 of the General Laws in Chapter 27-19 entitled "Nonprofit  
33 Hospital Service Corporations" is hereby amended to read as follows:

34 **27-19-54. Dental insurance assignment of benefits. Dental insurance.**

1           (a) Every entity providing a contract of insurance subject to this chapter shall allow, as a  
2 provision in a group or individual policy, contract or health benefit plan for coverage of dental  
3 services, any person insured by such entity to direct, in writing, that benefits from a health benefit  
4 plan, policy or contract, be paid directly to a dental care provider who has not contracted with the  
5 entity to provide dental services to persons covered by the entity but otherwise meets the  
6 credentialing criteria of the entity and has not previously been terminated by such entity as a  
7 participating provider. If written direction to pay is executed and written notice of the direction to  
8 pay is provided to such entity, the insuring entity shall pay the benefits directly to the dental care  
9 provider. Any efforts to modify the amount of benefits paid directly to the dental care provider  
10 under this section may include a reduction in benefits paid of no more than five percent (5%) less  
11 than the benefits paid to participating dentists. The entity paying the dentist, pursuant to a direction  
12 to pay duly executed by the subscriber, shall have the right to review the records of the dentist  
13 receiving such payment that relate exclusively to that particular subscriber/patient to determine that  
14 the service in question was rendered.

15           **(b) Dental services rendered to patients in Rhode Island shall be governed by the Rhode**  
16 **Island general laws, including, but not limited to, chapter 18.8 of this title.**

17           SECTION 4. Section 27-20-49 of the General Laws in Chapter 27-20 entitled "Nonprofit  
18 Medical Service Corporations" is hereby amended to read as follows:

19           **27-20-49. Dental insurance assignment of benefits. Dental insurance.**

20           (a) Every entity providing a contract of insurance as defined in this chapter shall allow, as  
21 a provision in a group or individual policy, contract or health benefit plan for coverage of dental  
22 services, any person insured by such entity to direct, in writing, that benefits from a health benefit  
23 plan, policy or contract, be paid directly to a dental care provider who has not contracted with the  
24 entity to provide dental services to persons covered by the entity but otherwise meets the  
25 credentialing criteria of the entity and has not previously been terminated by such entity as a  
26 participating provider. If written direction to pay is executed and written notice of the direction to  
27 pay is provided to such entity, the insuring entity shall pay the benefits directly to the dental care  
28 provider. Any efforts to modify the amount of benefits paid directly to the dental care provider  
29 under this section may include a reduction in benefits paid of no more than five percent (5%) less  
30 than the benefits paid to participating dentists. The entity paying the dentist, pursuant to a direction  
31 to pay duly executed by the subscriber, shall have the right to review the records of the dentist  
32 receiving such payment that relate exclusively to that particular subscriber/patient to determine that  
33 the service in question was rendered.

34           **(b) Dental services rendered to patients in Rhode Island shall be governed by the Rhode**

1 [Island general laws, including, but not limited to, chapter 18.8 of this title.](#)

2 SECTION 5. Section 27-20.1-3 of the General Laws in Chapter 27-20.1 entitled "Nonprofit  
3 Dental Service Corporations" is hereby amended to read as follows:

4 **27-20.1-3. Contracts.**

5 (a) Each nonprofit dental service corporation may contract with its subscribers for a dental  
6 service as may be provided under any nonprofit dental service plan adopted by the corporation.

7 (b) The rates charged by the nonprofit dental service corporation to its subscribers shall be  
8 consistent with the proper conduct of its business and the interests of the public and shall at all  
9 times be subject to the approval of the director of business regulation.

10 (c) Nothing contained in this chapter or in any nonprofit dental service plan shall affect the  
11 ordinary professional relationship between the person rendering dental services under the plan and  
12 the subscriber to whom the services are rendered; and no action based upon or arising out of the  
13 relationship or relating to dental services rendered pursuant to a nonprofit dental service plan shall  
14 be maintained against the nonprofit dental service corporation operating the plan.

15 (d) No contract between a nonprofit dental service corporation and a dentist for the  
16 provisions of services to patients may require that the dentist indemnify or hold harmless the  
17 nonprofit dental service corporation for any expenses and liabilities, including without limitation,  
18 judgments, settlements, attorneys' fee, court costs, and any associated charges, incurred in  
19 connection with any claim or action brought against the nonprofit dental service corporation based  
20 on the nonprofit dental service corporation's management decisions, or utilization review  
21 provisions for any patient.

22 [\(e\) Dental services rendered to patients in Rhode Island shall be governed by the Rhode  
23 Island general laws, including, but not limited to, chapter 18.8 of this title.](#)

24 SECTION 6. Sections 27-41-58 and 27-41-66 of the General laws in Chapter 27-41 entitled  
25 "Health Maintenance Organizations" are hereby amended to read as follows:

26 **27-41-58. Prohibition against requiring indemnification from dentists.**

27 (a) No contract between a health maintenance organization (H.M.O.) and a dentist  
28 containing provisions for the provision of services to patients may require that the dentist indemnify  
29 or hold harmless the health maintenance organization for any expenses and liabilities, including  
30 without limitation, judgments, settlements, attorneys' fees, court costs, and any associated charges,  
31 incurred in connection with any claim or action brought against the H.M.O. based on the H.M.O.'s  
32 management decisions, or utilization review provisions for any patient.

33 [\(b\) Dental services rendered to patients in Rhode Island shall be governed by the Rhode  
34 Island general laws, including, but not limited to, chapter 18.8 of this title.](#)

1            **27-41-66. Dental insurance assignment of benefits. Dental insurance.**

2            (a) Every entity licensed under this chapter shall allow, as a provision of any evidence of  
3 coverage of dental services, any person covered by such entity to direct, in writing, that benefits  
4 from a health benefit plan, policy or contract, be paid directly to a dental care provider who has not  
5 contracted with the entity to provide dental services to persons covered by the entity but otherwise  
6 meets the credentialing criteria of the entity and has not previously been terminated by such entity  
7 as a participating provider. If written direction to pay is executed and written notice of the direction  
8 to pay is provided to such entity, the insuring entity shall pay the benefits directly to the dental care  
9 provider. Any efforts to modify the amount of benefits paid directly to the dental care provider  
10 under this section may include a reduction in benefits paid of no more than five percent (5%) less  
11 than the benefits paid to participating dentists. The entity paying the dentist, pursuant to a direction  
12 to pay duly executed by the subscriber, shall have the right to review the records of the dentist  
13 receiving such payment that relate exclusively to that particular subscriber/patient to determine that  
14 the service in question was rendered.

15            (b) Dental services rendered to patients in Rhode Island shall be governed by the Rhode  
16 Island general laws.

17            SECTION 7. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO INSURANCE -- HEALTH CARE ACCESSIBILITY AND QUALITY  
ASSURANCE ACT -- DENTAL INSURANCE

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- 1           This act would provide that dental services rendered to patients in Rhode Island shall be
- 2 governed by Rhode Island law.
- 3           This act would take effect upon passage.

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