

HOUSE No. 2197

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo J. Puppolo, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning dental service corporations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>

<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>

HOUSE No. 2197

By Mr. Puppolo of Springfield, a petition (accompanied by bill, House, No. 2197) of Angelo J. Puppolo, Jr. and others relative to dental service corporations. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act concerning dental service corporations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 176E of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following paragraph:

3 Notwithstanding this section 3, a dental service corporation may contract with a
4 corporation formed under chapter 175 for any of the following purposes: (1) the joint or
5 cooperative administration of their affairs; or (2) the transfer, lease, license or otherwise making
6 available any of the assets or properties of such dental service corporation. The terms of any
7 such contract shall at all times be subject to a public hearing as provided by section 2 of chapter
8 30A and to the written approval of the commissioner. No such contract shall be approved if the
9 commissioner finds that the monies to be received by the dental service corporation are less than
10 the fair value for such administrative services or the assets or properties to be transferred, leased
11 or otherwise made available.

12 SECTION 2. Section 9 of said chapter 176E is hereby amended by adding the following
13 paragraph:

14 A dental service corporation shall be subject to chapter 206C of the General Laws.

15 SECTION 3. Chapter 175 of the General Laws, as appearing in the 2014 Official
16 Edition, is hereby amended by inserting after section 108M the following section:

17 Section 108N. Any domestic company that is authorized to transact business under
18 subdivisions (a) and (d) of clause Sixth of section 47 and that is an affiliate, as that term is
19 defined in section 206, of a dental service corporation shall be subject to the following
20 requirements:

21 (a) The form of the agreement between the company and dentists shall at all times be
22 subject to the written approval of the commissioner;

23 (b) The fees to be paid by the company to dentists with which it contracts shall at all
24 times be subject to a public hearing as provided by section 2 of chapter 30A and to the written
25 approval of the commissioner;

26 (c) Any registered dentist shall have the right, on complying with such rules and
27 regulations as the company may make, to enter into a written agreement with such company,
28 doing business in the city or town the dentist resides or has a usual place of business to perform
29 dental services;

30 (d) This chapter shall not change the normal relations between a dentist and patient
31 except as to the manner and amount of fees which are to be paid by such company to the dentist
32 on behalf of the member;

33 (e) No restriction shall be placed by any such corporation upon a dentist as to
34 methods of diagnosis, treatment or referrals to other dentists or other health care practitioners;

35 (f) No officer, agent or employee of such company shall influence or attempt to
36 influence a member's choice of dentist; and

37 (g) Such company shall not condition its willingness to allow a registered dentist to
38 participate in any product, network, contract, or arrangement offered by the company that is not a
39 preferred provider arrangement, as defined by chapter 176I, on such dentist agreeing to enter into
40 a preferred provider arrangement with the company.

41 SECTION 4. This act shall take effect upon its passage.