

SENATE BILL 849

C3

2lr1250
CF HB 1356

By: ~~Senator King~~ **Senators King, Garagiola, Klausmeier, Middleton, and Pugh**

Introduced and read first time: February 3, 2012

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2012

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Dental Preventive Care – Coverage for ~~Dental Cleanings~~**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, health
4 maintenance organizations, ~~dental plan organizations, and certain other~~
5 ~~persons~~ and dental plan organizations to provide coverage for certain dental
6 preventive care if certain conditions are met; prohibiting a carrier from
7 imposing a certain frequency limitation on dental preventive care; prohibiting
8 certain provisions of this Act from being construed to require coverage for a
9 certain service; making certain requirements of this Act applicable to health
10 maintenance organizations; defining certain terms; providing for the application
11 of this Act; and generally relating to coverage for dental preventive care under
12 health insurance.

13 BY adding to

14 Article – Insurance

15 Section 15–135.1

16 Annotated Code of Maryland

17 (2011 Replacement Volume)

18 BY adding to

19 Article – Health – General

20 Section 19–706(III)

21 Annotated Code of Maryland

22 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Insurance**

4 **15-135.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “CARRIER” MEANS:

8 ~~(I) AN INSURER;~~

9 ~~(II) A NONPROFIT HEALTH SERVICE PLAN;~~

10 ~~(III) A HEALTH MAINTENANCE ORGANIZATION;~~

11 ~~(IV) A DENTAL PLAN ORGANIZATION; OR~~

12 ~~(V) ANY OTHER PERSON THAT PROVIDES DENTAL BENEFIT~~
13 ~~PLANS SUBJECT TO REGULATION BY THE STATE~~ AN INSURER, NONPROFIT
14 HEALTH SERVICE PLAN, HEALTH MAINTENANCE ORGANIZATION, OR DENTAL
15 PLAN ORGANIZATION THAT PROVIDES DENTAL BENEFITS ON AN
16 EXPENSE-INCURRED BASIS UNDER POLICIES OR CONTRACTS ISSUED OR
17 DELIVERED IN THE STATE.

18 (3) ~~(I)~~ “DENTAL PREVENTIVE CARE” MEANS A PREVENTIVE
19 DENTAL VISIT, SCREENING, ~~OR~~ ORAL EXAMINATION, TEETH CLEANING
20 (PROPHYLAXIS), FLUORIDE TREATMENT, OR ROUTINE PREVENTIVE SERVICE
21 THAT IS A COVERED BENEFIT UNDER A POLICY OR CONTRACT ISSUED OR
22 DELIVERED BY A CARRIER.

23 ~~(II) “DENTAL PREVENTIVE CARE” INCLUDES, IF THE~~
24 ~~SERVICE IS A COVERED BENEFIT, A ROUTINE DENTAL CLEANING.~~

25 ~~(B) A CARRIER THAT PROVIDES COVERED BENEFITS FOR DENTAL~~
26 ~~PREVENTIVE CARE SHALL PROVIDE COVERAGE FOR ROUTINE DENTAL~~
27 ~~CLEANINGS IF:~~

28 ~~(1) THE DENTAL CLEANINGS ARE PROVIDED:~~

29 ~~(i) NO MORE THAN TWICE AT ANY TIME DURING THE PLAN~~
30 ~~YEAR ESTABLISHED IN THE POLICY OR CONTRACT IF THE POLICY OR CONTRACT~~

1 ~~PROVIDES COVERAGE FOR DENTAL CLEANINGS TWICE DURING THE PLAN YEAR;~~
 2 ~~OR~~

3 ~~(H) NO MORE THAN ONCE AT ANY TIME DURING THE PLAN~~
 4 ~~YEAR ESTABLISHED IN THE POLICY OR CONTRACT IF THE POLICY OR CONTRACT~~
 5 ~~PROVIDES COVERAGE FOR A DENTAL CLEANING ONCE DURING THE PLAN YEAR;~~
 6 ~~AND~~

7 ~~(2) ANY OTHER REQUIREMENTS FOR COVERAGE OF THE DENTAL~~
 8 ~~PREVENTIVE CARE ARE MET.~~

9 (B) IF BENEFITS FOR DENTAL PREVENTIVE CARE ARE AVAILABLE AND
 10 ALL OTHER REQUIREMENTS FOR THE COVERAGE OF DENTAL PREVENTIVE CARE
 11 ARE MET, A CARRIER SHALL PROVIDE COVERAGE FOR DENTAL PREVENTIVE
 12 CARE:

13 (1) AT ANY TIME DURING THE PLAN YEAR FOR A POLICY OR
 14 CONTRACT THAT PROVIDES COVERAGE FOR DENTAL PREVENTIVE CARE ONCE
 15 DURING THE PLAN YEAR; OR

16 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN
 17 ACCORDANCE WITH ANY FREQUENCY LIMITATION FOR A POLICY OR CONTRACT
 18 THAT PROVIDES COVERAGE FOR DENTAL PREVENTIVE CARE MORE THAN ONCE
 19 DURING THE PLAN YEAR.

20 (C) A CARRIER MAY NOT IMPOSE A FREQUENCY LIMITATION ON DENTAL
 21 PREVENTIVE CARE THAT REQUIRES THE DENTAL PREVENTIVE CARE TO BE
 22 PROVIDED AT AN INTERVAL GREATER THAN 120 DAYS DURING A PLAN YEAR.

23 ~~(e)~~ (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE
 24 COVERAGE FOR A SERVICE NOT OTHERWISE REQUIRED BY LAW.

25 **Article – Health – General**

26 19–706.

27 **(LLLL) THE PROVISIONS OF § 15–135.1 OF THE INSURANCE ARTICLE**
 28 **APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
 30 policies, contracts, and dental benefit plans issued, delivered, or renewed in the State
 31 on or after October 1, 2012, or, for policies, contracts, and dental benefit plans in effect
 32 in the State on October 1, 2012, but not subject to renewal before October 1, 2013, no
 33 later than October 1, 2013.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.