

1.1 A bill for an act

1.2 relating to health care; establishing dental benefit plan requirements for prior
1.3 authorizations and provider audits; amending Minnesota Statutes 2008, section
1.4 62Q.78, by adding subdivisions.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 62Q.78, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 4. **Prior authorizations.** A dental organization shall provide to enrollees and
1.9 participating providers prior authorization for dental treatments covered by the contract,
1.10 including whether a procedure will be reimbursed by the dental organization. A dental
1.11 organization may not recover payments made to a dentist for dental procedures provided
1.12 to an enrollee if prior authorization was not given.

1.13 Sec. 2. Minnesota Statutes 2008, section 62Q.78, is amended by adding a subdivision
1.14 to read:

1.15 Subd. 5. **Provider audits.** (a) Recoveries of payments made to a dentist by a dental
1.16 organization are authorized only for patients audited by the dental organization pursuant
1.17 to their contract with the dentist.

1.18 (b) An audit or settlement agreement between the dentist and dental organization
1.19 shall not prohibit the dentist from disclosing the agreement to the patient or prohibit the
1.20 dentist from receiving payment from the patient for services not reimbursed or covered by
1.21 the dental organization.

1.22 (c) Recovery of payments made to the dentist shall not be based upon a process or
1.23 system that relies upon a mathematical extrapolation of unaudited payments.

S.F. No. 2718, as introduced - 86th Legislative Session (2009-2010) [10-5430]

2.1 (d) Any recoveries made upon an audit must be returned by the dental organization
2.2 to the appropriate contract holder, or the enrollee, or the enrollee's employer.

2.3 (e) A dentist subject to an audit by a dental organization must be given:

2.4 (1) information related to the audit findings and an explanation of the audit process;

2.5 (2) the opportunity to be represented at all stages of the audit;

2.6 (3) the ability to discuss and negotiate audit findings; and

2.7 (4) the ability to request binding arbitration by an outside third party.

2.8 (f) A dental organization must establish an appeals process for participating
2.9 providers under their auditing procedures. At the request of the affected provider, a
2.10 hearing before a group of peers must be conducted before a final appeal determination is
2.11 made by the dental organization.

2.12 (g) A dental organization shall not take action against or seek recovery from a dentist
2.13 until the appeals process has been completed.