

1 ENGROSSED SENATE
2 BILL NO. 948

By: Rader of the Senate

3 and

4 Martinez of the House

5
6 [dental insurance - dental coverage - denial -
7 documentation - recoupment of claim - codification -
8 effective date]
9

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 7303 of Title 36, unless there
13 is created a duplication in numbering, reads as follows:

14 A. For the purposes of this section, "prior authorization"
15 means any predetermination, prior authorization, or similar
16 authorization that is verifiable, whether through issuance of
17 letter, facsimile, email, or similar means, indicating that a
18 specific procedure is, or multiple procedures are, covered under the
19 patient's dental plan and reimbursable at a specific amount, subject
20 to applicable coinsurance and deductibles, and issued in response to
21 a request submitted by a dentist using a format prescribed by the
22 insurer.

23 B. A dental service contractor shall not deny any claim
24 subsequently submitted for procedures specifically included in a

1 prior authorization unless at least one of the following
2 circumstances applies for each procedure denied:

3 1. Benefit limitations such as annual maximums and frequency
4 limitations not applicable at the time of the prior authorization
5 are reached due to utilization subsequent to issuance of the prior
6 authorization;

7 2. The documentation for the claim provided by the person
8 submitting the claim clearly fails to support the claim as
9 originally authorized;

10 3. If, subsequent to the issuance of the prior authorization,
11 new procedures are provided to the patient or a change in the
12 condition of the patient occurs such that the prior authorized
13 procedure would no longer be considered medically necessary, based
14 on the prevailing standard of care;

15 4. If, subsequent to the issuance of the prior authorization,
16 new procedures are provided to the patient or a change in the
17 patient's condition occurs such that the prior authorized procedure
18 would at that time required disapproval pursuant to the terms and
19 conditions for coverage under the patient's plan in effect at the
20 time the prior authorization was used; or

21 5. The denial of the dental service contractor was due to one
22 of the following:

23 a. another payor is responsible for payment,
24

1 b. the dentist has already been paid for the procedures
2 identified on the claim,

3 c. the claim was submitted fraudulently or the prior
4 authorization was based in whole or material part on
5 erroneous information provided to the dental service
6 contractor by the dentist, patient, or other person
7 not related to the carrier, or

8 d. the person receiving the procedure was not eligible to
9 receive the procedure on the date of service and the
10 dental service contractor did not know, and with the
11 exercise of reasonable care could not have known, of
12 their eligibility status.

13 C. A dental service contractor shall not require any
14 information be submitted for a prior authorization request that
15 would not be required for submission of a claim.

16 D. A dental service contractor shall issue a prior
17 authorization within thirty (30) days of the date a request is
18 submitted by a dentist.

19 E. The provisions of Section 7301 of Title 36 of the Oklahoma
20 Statutes shall apply to any denial of a claim pursuant to subsection
21 B of this section for a procedure included in a prior authorization.

22 F. The dental service contractor shall not recoup a claim
23 solely due to a patient's loss of coverage or ineligibility if, at
24 the time of treatment, the contractor erroneously confirms coverage

