



February 19, 2024

**SUMMARY OF BILL AS AMENDED (014075):** Prohibits a dental benefit plan from containing restrictions on methods of payment from the dental benefit plan or its vendors to the dentist in which the only acceptable payment method is a credit card payment.

Requires a dental benefit plan or its vendors, when initiating or changing payments to a dentist using electronic funds transfer payments, including virtual credit card payments, to notify the dentist if any fees are associated with a particular payment method, to advise the dentist of the available payment methods of payment, and to provide clear instructions to the dentist as to how to select an alternative payment method.

Prohibits a dental benefit plan or its vendor that initiates or changes payments to a dentist for healthcare electronic funds transfer and remittance advice transactions from charging a fee solely to transmit the payment to the dentist unless the dentist has consented to the fee.

Authorizes a dentist agent, when transmitting healthcare electronic funds transfer and remittance advice transactions, to charge reasonable fees for payments related to transaction management, data management, portal services, and other value-added services in addition to the bank transmittal.

Requires a dental carrier that contracts or renews a contract with a provider to make the dental carrier's current dental benefit plan policies or guidelines available online and, if requested by a provider, send a copy of the policies to the provider through mail or electronic mail. Requires such dental benefit plan contract to furnish to providers a summary of all material changes made to a dental benefit plan no less than 30 days prior to the date the material change takes effect, the downcoding and bundling policies that the dental carrier reasonably expects to be applied to the provider's services as a matter of policy, and a description of the dental benefit plan's utilization review procedures.

Prohibits a dental carrier from offering or maintaining a dental benefit plan that is based on the provider's contracted fee for covered services, uses downcoding in a manner that prevents a provider from collecting the fee for actual services performed either from the dental benefit plan or the patient, or uses bundling in a manner where a procedure code is labeled as nonbillable to the patient unless, under generally accepted practice standards, the procedure code is for a procedure that may be provided in conjunction with another procedure. Requires a dental carrier to ensure that an explanation of benefits for a dental benefit plan includes the reason for any downcoding or bundling result.

Establishes that a violation of the prohibition against dental insurance plans requiring a participating dentist to provide services to covered individuals at a fee set by the plan may subject the insurer, dental service plan, third-party administrator, or other party that covers any dental services to sanctions by the Commissioner of the Department of Commerce and Insurance (DCI).

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- The proposed legislation does not apply to TennCare program or the CoverKids program.
- Based on information provided by the Department of Finance and Administration, Division of Benefits Administration, the proposed legislation will not have a significant impact on the plans under the State Group Insurance Program.
- The Department of Commerce and Insurance (DCI) can monitor compliance with the proposed legislation utilizing existing personnel and resources, without an increase in expenditures.
- Any increase in the amount of fees assessed to dental insurance providers by DCI is estimated to be not significant.

**IMPACT TO COMMERCE OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- The impact upon private insurance carriers and dental providers will be dependent upon various unknown factors subject to the rates and contractual agreements comprising each individual policy of healthcare. However, the net impact on commerce is assumed to be not significant.
- Any impact to jobs in the state is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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