

2019 Regular Session

SENATE BILL NO. 73

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURERS. Provides for a dental service care provider choosing the method by which such provider shall be reimbursed by an insurer. (8/1/19)

1 AN ACT

2 To amend and reenact R.S. 22:1157(A) and to enact R.S. 22:1157(D), relative to dental  
3 reimbursement or payments; to provide with respect to credit card payments; to  
4 provide with respect to the restriction of methods of payment; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1157(A) is hereby amended and reenacted and R.S. 22:1157(D)  
8 is hereby enacted to read as follows:

9 §1157. Dental reimbursement or payments

10 A. As used in this Section, the following definitions shall apply:

11 (1) "Covered person" means any subscriber, enrollee, member, or participant  
12 in a dental plan, or his dependent, for whom benefits are payable when that person  
13 receives dental health care services rendered or authorized by a licensed dentist.

14 (2) "Covered service" means any dental service rendered or authorized by a  
15 licensed dentist on a covered person for which a dental service contractor or insurer  
16 is required to pay benefits to the dentist under a contractual agreement with such  
17 dentist. Such a service includes any service on which reimbursement is limited by

1 a deductible, copayment, coinsurance, waiting period, annual maximum, or  
2 frequency limitation.

3 (3) "Credit card payment" means a type of electronic funds transfer in  
4 which a dental plan or its contracted vendor issues a single-use series of  
5 numbers associated with the payment of healthcare services performed by a  
6 dentist chargeable for a predetermined dollar amount, requiring the dentist to  
7 be responsible for processing the payment by a credit card terminal or internet  
8 portal. "Credit card payment" includes a virtual or online credit card payment,  
9 in which no physical credit card is presented to the healthcare provider and the  
10 single-use credit card expires upon payment processing.

11 ~~(3)~~(4)"Dental plan" means any insurance policy, benefit plan, or dental  
12 service contract providing for the payment of benefits for dental health care services.

13 (5) "Electronic funds transfer" means an electronic funds transfer  
14 through the federal Health Insurance Portability and Accountability Act of  
15 1996, P.L. 104-191, standard automated clearinghouse network.

16 \* \* \*

17 D.(1) No dental plan that is delivered, renewed, issued for delivery, or  
18 otherwise contracted for in this state may restrict methods of payment from the  
19 dental plan to the dentist making a credit card payment the only means of  
20 payment acceptable for healthcare services provided by the dentist to an  
21 insured.

22 (2) If initiating or changing payments to a dentist using electronic funds  
23 transfers or credit card payments, a dental plan shall:

24 (a) Notify the dentist if any fees are associated with a particular payment  
25 method.

26 (b) Advise the dentist of all the available methods of payment and  
27 provide clear instructions to the dentist on how to select an alternative payment  
28 method.

29 (3) The provisions of this Subsection shall not be waived by contract, and

- 1            **any contractual clause in conflict with the provisions of this Subsection or that**  
2            **purports to waive any requirements of this Subsection is void.**
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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

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## DIGEST

SB 73 Reengrossed

2019 Regular Session

Long

Proposed law defines credit card payment as a type of electronic funds transfer in which a dental plan or its contracted vendor issues a single-use series of numbers chargeable for a predetermined dollar amount associated with the payment of dental healthcare services.

Proposed law defines electronic funds transfer as an electronic funds transfer through the federal Health Insurance Portability and Accountability Act standard automated clearinghouse network.

Proposed law restricts a dental plan that is delivered, renewed, issued for delivery, or otherwise contracted for from limiting methods of payment from the dental plan to the dentist to credit card payments.

Proposed law requires a dental plan which initiates or changes payments to a dentist using electronic funds transfer payments or credit card payments to:

- (1) Notify the dentist if any fees are associated with a particular payment method.
- (2) Advise the dentist of all available methods of payment and provide clear instructions to the dentist as to how to select an alternative payment method.

Proposed law prohibits the waiver by contract of proposed law.

Effective August 1, 2019.

(Amends R.S. 22:1157(A); adds R.S. 22:1157(D))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Clarifies credit card payments are a separate payment method and not a form of electronic funds transfers.