

2020 Regular Session

HOUSE BILL NO. 353

BY REPRESENTATIVE BROWN

1 AN ACT

2 To enact R.S. 22:1151(7) and (8) and 1157.1, relative to downcoding by dental service
3 contractors; to prohibit downcoding unless certain criteria are met; to require an
4 explanation of the change of procedure code; to require disclosure of downcoding
5 policies; to define key terms; to provide for penalties; to provide for prohibitions;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1151(7) and (8) and 1157.1 are hereby enacted to read as follows:

9 §1151. Definitions

10 For the purposes of this Subpart, the following words and phrases shall be
11 defined as follows:

12 * * *

13 (7) "Downcode" or "downcoding" means the alteration by a dental service
14 contractor, insurer, or other third-party payer of a service code submitted with a
15 claim for reimbursement by a dentist or other healthcare provider to one of lesser
16 complexity, resulting in decreased reimbursement.

17 (8) "Regular fee" means the fee a dentist or other healthcare provider would
18 normally charge for a procedure before any discounts applicable by a preferred
19 provider organization network, dental benefit plan, dental referral plan, direct
20 primary care agreement, or similar contracts.

21 * * *

1 §1157.1. Dental reimbursement or payments; procedure codes; downcoding;
2 prohibitions

3 A.(1) A dental service contractor shall not systematically downcode with the
4 intent to deny reimbursement otherwise due to a dentist or other healthcare provider.

5 (2) A violation of Paragraph (1) of this Subsection shall be considered an
6 unfair or deceptive practice pursuant to Part IV of Chapter 7 of this Title and shall
7 be subject to the penalties contained in that Part.

8 B. No dental service contractor shall change a procedure code submitted by
9 a dentist or other healthcare provider unless both of the following conditions are met:

10 (1) The change is consistent with the dental service contractor's policies.

11 (2) The dental service contractor has sufficient information to make the
12 change.

13 C.(1) If a procedure code change is made pursuant to Subsection B of this
14 Section, the explanation of benefits provided to the subscriber shall include the
15 reason for the downcoding and citation of the dental service contractor's applicable
16 policy.

17 (2) The explanation of benefits shall not state or infer that the code billed by
18 the dentist or other healthcare provider was inappropriate unless there is clear
19 evidence the code listed on the claim by the dentist or provider in no way related to
20 the procedure actually performed.

21 (3) The explanation of benefits shall not state or infer that the dentist or other
22 healthcare provider's charge was excessive unless there is clear evidence the charge
23 was substantially higher than the dentist's or provider's regular fees.

24 D. The dental service contractor shall disclose in its provider contracts, on
25 its website, or both, the specific downcoding policies that the dental service
26 contractor reasonably expects to be applied to the provider or provider's services on
27 a routine basis as a matter of policy.

1 E. Notwithstanding any provision of this Section to the contrary, a dental
2 service contractor, insurer, or other third-party payer shall not downcode the
3 installation service of a fixed bridge to a removable bridge.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____