The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Morgan B. Robertson.

DIGEST 2019 Regular Session

SB 127 Engrossed

Long

<u>Proposed law</u> provides for a direct primary care agreement with a dental practice. <u>Proposed law</u> defines "board", "dentist", "direct primary care agreement", and "direct dental practice".

<u>Proposed law</u> stipulates that a direct primary care agreement with a dental practice is not health or dental insurance, that a patient shall not forfeit their insurance, Medicaid, or Medicare benefits by purchasing a direct primary care agreement and that a dentist entering into a direct primary agreement is not required to obtain a certificate of authority or license other than to maintain a current license to practice dentistry in this state.

<u>Proposed law</u> provides that a direct primary care agreement must be in writing; be signed by a dentist, or agent of the dentist, and the patient, or his or her legal representative; allow either party to terminate the agreement with 30-days written notice to the other party; describe the scope of the services to be covered by the fee; specify the periodic fee and any additional fees outside of the periodic fee; specify the duration of the agreement and any automatic renewal periods; require that no more than 12 months of the periodic fee be paid in advance; and, provide that upon termination of the agreement by the patient, all unearned fees are to be returned to the patient.

<u>Proposed law</u> provides that the following be prominently stated in writing in the agreement: the agreement does not constitute health or dental insurance; that a patient insured with the Patient Protection and Affordable Care Act may already have coverage for pediatric dental benefits; that payments made may not count toward a patient's health insurance deductibles and maximum out-of-pocket expenses; and, that a patient is encouraged to consult with their insurance plan before entering into the agreement and receiving care.

<u>Proposed law</u> allows a direct dental practice to accept payment of periodic fees for a direct primary care agreement directly or indirectly from third-parties, including employers.

<u>Proposed law</u> prohibits a direct dental practice from declining a new direct primary care patient or discontinuing service because of a patient's health status, race, religion, national origin, the presence of any sensory, mental or physical disability, education, or economic status. <u>Proposed law</u> allows a direct dental practice to refuse care if in the dentist's opinion, a patient's health condition is such that the provider is unable to provide the appropriate level or type of services or if the dental practice has reached maximum capacity. <u>Proposed law</u> allows a direct dental practice to discontinue care if a patient fails to pay the periodic fee, performs an act of fraud concerning the agreement, repeatedly fails to adhere to the recommended treatment plan, is abusive or presents a danger to the staff or other patients, or the direct dental practice discontinues operations.

Proposed law provides for prohibited and authorized practices.

<u>Proposed law</u> authorizes the board to promulgate rules and regulations to effectuate <u>proposed law</u>. <u>Proposed law</u> provides that violations of <u>proposed law</u> constitute unprofessional conduct under R.S. 37:775 and result in sanctions as authorized in <u>present law</u>.

Effective August 1, 2019.

(Adds R.S. 37:798)

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill</u>

- 1. Adds prohibited and authorized practices.
- 2. Makes technical corrections.