

JAN 17 2008

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# A BILL FOR AN ACT

RELATING TO INSURANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the accessibility  
2 and affordability of proper dental services is a continuing  
3 problem in this State. The lack of good dental care can lead to  
4 other more serious health problems, ultimately resulting in  
5 higher medical costs and deteriorating health conditions. While  
6 access is not a problem unique to Hawaii, it is imperative that  
7 solutions be adopted and implemented in order to prevent further  
8 decline.

9           One way to improve access to dental care is to give  
10 patients the option of going to their practitioner of choice --  
11 the dentist that they know and trust. Currently, this is not  
12 possible if that dentist is not a participant in the patient's  
13 health insurance plan. Often under such circumstances, the  
14 patient would have to pay the dentist first and wait to receive  
15 reimbursement from the insurer. In most cases, the amount  
16 reimbursed is less than the amount that would have been paid if  
17 the dentist was a participating dentist.



1           The situation becomes even more critical when a patient  
2 needs to be seen by a specialist, especially in an emergency,  
3 but is limited to seeing only a specialist who is a participant  
4 in that patient's health insurance plan. This requirement can  
5 result in delays, additional pain and discomfort, and increased  
6 risk to the patient.

7           The purpose of this Act is to enhance the patient's access  
8 to quality dental care, without increasing costs to the insurer  
9 or the patient, by permitting patients to select their dentists  
10 and allowing patients the option of having their insurance  
11 reimbursement sent directly to the dentist of choice.

12           SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
13 amended by adding a new section to article 10A to be  
14 appropriately designated and to read as follows:

15           "§431:10A-     Dental services; reimbursement. (a) An  
16 insured may assign reimbursement for dental services directly to  
17 the provider of services.

18           (b) Upon notification by the insured, the insurer shall  
19 reimburse the provider for dental services provided to the  
20 insured, regardless of whether the provider is a  
21 nonparticipating provider with the insurer.



1        (c) Nothing in this section shall be construed to affect  
2 any other contract provision between an insurer and a dentist,  
3 including any differential in reimbursement between  
4 participating and nonparticipating providers.

5        (d) As used in this section:

6        "Participating provider" means a provider that contracts  
7 with an insurer to provide services to insureds.

8        "Provider" means a dentist licensed to practice in Hawaii  
9 under chapter 448."

10        SECTION 3. Chapter 432, Hawaii Revised Statutes, is  
11 amended by adding a new section to article 1 to be appropriately  
12 designated and to read as follows:

13        **§432:1- Dental services; reimbursement.** (a) An  
14 insured may assign reimbursement for dental services directly to  
15 the provider of services.

16        (b) Upon notification by the insured, the insurer shall  
17 reimburse the provider for dental services provided to the  
18 insured, regardless of whether the provider is a  
19 nonparticipating provider with the insurer.

20        (c) Nothing in this section shall be construed to affect  
21 any other contract provision between an insurer and a dentist,



1 including any differential in reimbursement between  
2 participating and nonparticipating providers.

3 (d) As used in this section:

4 "Participating provider" means a provider that contracts  
5 with an insurer to provide services to insureds.

6 "Provider" means a dentist licensed to practice in Hawaii  
7 under chapter 448."

8 SECTION 4. Chapter 432D, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 "§432D- Dental services; reimbursement. (a) An insured  
12 may assign reimbursement for dental services directly to the  
13 provider of services.

14 (b) Upon notification by the insured, the insurer shall  
15 reimburse the provider for dental services provided to the  
16 insured. The insurer shall reimburse the provider regardless of  
17 whether the provider is a participating provider with the  
18 insurer.

19 (c) Nothing in this section shall be construed to affect  
20 any other contract provision between an insurer and a dentist,  
21 including any differential in reimbursement between  
22 participating and nonparticipating providers.



1        (d) Notwithstanding any law to the contrary, as used in  
2 this section:

3        "Participating provider" means a provider that contracts  
4 with an insurer to provide services to insureds.

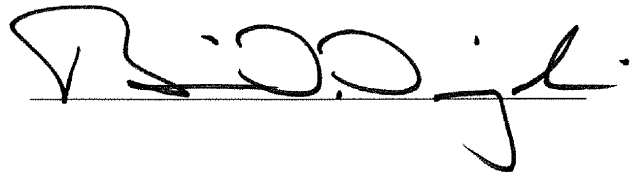
5        "Provider" means a dentist licensed to practice in Hawaii  
6 under chapter 488."

7        SECTION 5. New statutory material is underscored.

8        SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



**Report Title:**

Insurance; Dental; Payment

**Description:**

Permits insured patients to assign insurance reimbursement for dental services directly to their dentist of choice.

