Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
88th General Assembly
Regular Session, 2011


For An Act To Be Entitled
AN ACT TO REMOVE INSURANCE RESTRICTIONS ON NONCOVERED DENTAL SERVICES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle
TO REMOVE INSURANCE RESTRICTIONS ON NONCOVERED DENTAL SERVICES AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 23, Chapter 63, Subchapter 1 is amended to add an additional section to read as follows:

23-63-115. Agreement between insurers and dentists establishing fees for noncovered service prohibited -- Definitions.

(a) As used in this section:

(1) "Dental plan" means a contract, plan, or policy of insurance issued by an insurer that provides for a dental benefit;

(2) "Insurer" means an insurance company, a health maintenance organization, a hospital and medical service corporation, or a self-insured health plan for employees of a governmental entity; and

(3)(A) "Noncovered services" means a service that is not reimbursable under a dental plan.

(B) "Noncovered services" does not include a service that is reimbursable subject to a deductible, waiting period, frequency
limitation, annual or lifetime maximum, or other contractual limitation.

(b) An agreement between an insurer and a dentist establishing the fee a dentist may charge for a noncovered service is unenforceable.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that insurers are placing limitations on fees for noncovered services when patients have dental coverage; that by removing limitations on the fees charged for noncovered services, dentists will have additional treatment options for patients; and that this act is immediately necessary because it expands treatment options for patients who need immediate dental services. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.