AN ACT

RELATING TO INSURANCE; ENACTING A NEW SECTION OF THE NEW MEXICO INSURANCE CODE TO PROHIBIT A DENTAL INSURANCE PLAN FROM REQUIRING A DENTIST TO ACCEPT A FEE SET BY THE PLAN FOR SERVICES NOT COVERED BY THE PLAN; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the New Mexico Insurance Code is enacted to read:

"DENTAL INSURANCE PLAN--DENTAL FEES NOT COVERED--SEVERABILITY.--

A. As used in this section:

(1) "covered services" means dental care services for which a reimbursement is available under an enrollee's plan contract or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments or any other limitation; and

(2) "dental insurance plan" means any policy of insurance that is issued by a health care service contractor that provides for coverage of dental services not in connection with a medical plan.

B. No contract of any health care service
contractor that covers any dental services and no contract or
participating provider agreement with a dentist shall
require, directly or indirectly, that a dentist who is a
participating provider provide services to an enrolled
participant at a fee set by, or at a fee subject to the
approval of, the health care service contractor unless the
dental services are covered services.

C. A health care service contractor or other
person providing third party administrator services shall not
make available any providers in its dentist network to a plan
that sets dental fees for any services except covered
services.

D. If any part or application of this section is
held invalid, the remainder or its application to other
situations or persons shall not be affected."

SECTION 2. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately.