

HOUSE BILL 640

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C3

1998 Regular Session  
8r1413  
CF 8r1680

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By: **Delegates V. Mitchell, Boston, Donoghue, Eckardt, Finifter, Frank,  
Goldwater, Harrison, Kach, Kelly, Love, McClenahan, Pendergrass,  
Preis, and Wood**

Introduced and read first time: February 9, 1998  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Coverage for General Anesthesia for Dental Care**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and  
4 health maintenance organizations to provide coverage for general anesthesia  
5 and associated hospital or ambulatory facility charges in conjunction with  
6 dental care under certain circumstances; authorizing certain insurers, nonprofit  
7 health service plans, and health maintenance organizations to require prior  
8 authorization for coverage for general anesthesia and associated hospital or  
9 ambulatory facility charges for dental care under certain circumstances;  
10 authorizing certain insurers, nonprofit health service plans, and health  
11 maintenance organizations to restrict coverage for general anesthesia and  
12 associated hospital or ambulatory facility charges to dental care that is provided  
13 by a fully accredited specialist under certain circumstances; providing for a  
14 certain construction of this Act; providing for the applicability of this Act;  
15 providing for the application of this Act; and generally relating to coverage for  
16 general anesthesia for dental care in health insurance.

17 BY adding to  
18 Article - Insurance  
19 Section 15-826  
20 Annotated Code of Maryland  
21 (1997 Volume)

22 BY repealing and reenacting, with amendments,  
23 Article - Health - General  
24 Section 19-706(i)  
25 Annotated Code of Maryland  
26 (1996 Replacement Volume and 1997 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
28 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Insurance**

2 15-826.

3 (A) THIS SECTION APPLIES TO:

4 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE  
5 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN  
6 EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES THAT ARE ISSUED  
7 OR DELIVERED IN THE STATE; AND

8 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL,  
9 MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS  
10 THAT ARE ISSUED OR DELIVERED IN THE STATE.

11 (B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR  
12 GENERAL ANESTHESIA AND ASSOCIATED HOSPITAL OR AMBULATORY FACILITY  
13 CHARGES IN CONJUNCTION WITH DENTAL CARE PROVIDED TO AN ENROLLEE OR  
14 INSURED IF THE ENROLLEE OR INSURED:

15 (1) (I) IS 7 YEARS OF AGE OR YOUNGER OR IS DEVELOPMENTALLY  
16 DISABLED;

17 (II) IS AN INDIVIDUAL FOR WHOM A SUCCESSFUL RESULT CANNOT  
18 BE EXPECTED FROM DENTAL CARE PROVIDED UNDER LOCAL ANESTHESIA BECAUSE  
19 OF A PHYSICAL, INTELLECTUAL, OR OTHER MEDICALLY COMPROMISING CONDITION  
20 OF THE ENROLLEE OR INSURED; AND

21 (III) IS AN INDIVIDUAL FOR WHOM A SUPERIOR RESULT CAN BE  
22 EXPECTED FROM DENTAL CARE PROVIDED UNDER GENERAL ANESTHESIA; OR

23 (2) (I) IS AN EXTREMELY UNCOOPERATIVE, FEARFUL, OR  
24 UNCOMMUNICATIVE CHILD WHO IS 17 YEARS OF AGE OR YOUNGER WITH DENTAL  
25 NEEDS OF SUCH MAGNITUDE THAT TREATMENT SHOULD NOT BE DELAYED OR  
26 DEFERRED; AND

27 (II) IS AN INDIVIDUAL FOR WHOM LACK OF TREATMENT CAN BE  
28 EXPECTED TO RESULT IN ORAL PAIN, INFECTION, LOSS OF TEETH, OR OTHER  
29 INCREASED ORAL OR DENTAL MORBIDITY.

30 (C) AN ENTITY SUBJECT TO THIS SECTION MAY REQUIRE PRIOR  
31 AUTHORIZATION FOR GENERAL ANESTHESIA AND ASSOCIATED HOSPITAL OR  
32 AMBULATORY FACILITY CHARGES FOR DENTAL CARE IN THE SAME MANNER THAT  
33 PRIOR AUTHORIZATION IS REQUIRED FOR THESE BENEFITS IN CONNECTION WITH  
34 OTHER COVERED MEDICAL CARE.

35 (D) AN ENTITY SUBJECT TO THIS SECTION MAY RESTRICT COVERAGE FOR  
36 GENERAL ANESTHESIA AND ASSOCIATED HOSPITAL OR AMBULATORY FACILITY  
37 CHARGES TO DENTAL CARE THAT IS PROVIDED BY A FULLY ACCREDITED SPECIALIST  
38 IN PEDIATRIC DENTISTRY, ORAL AND MAXILLOFACIAL SURGERY, OR OTHER

1 RECOGNIZED DENTAL SPECIALITY FOR WHICH HOSPITAL PRIVILEGES MAY BE  
2 GRANTED.

3 (E) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE  
4 COVERAGE FOR THE DENTAL CARE FOR WHICH THE GENERAL ANESTHESIA IS  
5 PROVIDED.

6 (F) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO DENTAL CARE  
7 RENDERED FOR TEMPORAL MANDIBULAR JOINT DISORDERS.

8 **Article - Health - General**

9 19-706.

10 (i) The provisions of §§ 15-105, 15-112, 15-113, 15-804, [and] 15-812, AND  
11 15-826 of the Insurance Article shall apply to health maintenance organizations.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
13 new plans, policies, or contracts issued or delivered in the State on or after January 1,  
14 1999, and to the renewal of all plans, policies, or contracts in effect before January 1,  
15 1999, except that any plan, policy, or contract in effect before January 1, 1999 shall  
16 comply with the provisions of this Act no later than July 1, 1999.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 1998.