

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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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 27, 1998

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CHAPTER \_\_\_\_\_

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~~ certain dentists under certain circumstances;  
14 providing for a certain construction of this Act; providing for the applicability of  
15 this Act; providing for the application of this Act; and generally relating to  
16 coverage for 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

1 Section 19-706(i)  
2 Annotated Code of Maryland  
3 (1996 Replacement Volume and 1997 Supplement)

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

6 **Article - Insurance**

7 15-826.

8 (A) THIS SECTION APPLIES TO:

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

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

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

20 (1) (I) IS 7 YEARS OF AGE OR YOUNGER OR IS DEVELOPMENTALLY  
21 DISABLED;

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

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

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

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

35 (C) AN ENTITY SUBJECT TO THIS SECTION MAY REQUIRE PRIOR  
36 AUTHORIZATION FOR GENERAL ANESTHESIA AND ASSOCIATED HOSPITAL OR  
37 AMBULATORY FACILITY CHARGES FOR DENTAL CARE IN THE SAME MANNER THAT

1 PRIOR AUTHORIZATION IS REQUIRED FOR THESE BENEFITS IN CONNECTION WITH  
2 OTHER COVERED MEDICAL CARE.

3 (D) AN ENTITY SUBJECT TO THIS SECTION MAY RESTRICT COVERAGE FOR  
4 GENERAL ANESTHESIA AND ASSOCIATED HOSPITAL OR AMBULATORY FACILITY  
5 CHARGES TO DENTAL CARE THAT IS PROVIDED BY:

6 (1) A FULLY ACCREDITED SPECIALIST IN PEDIATRIC DENTISTRY;

7 (2) A FULLY ACCREDITED SPECIALIST IN ORAL AND MAXILLOFACIAL  
8 SURGERY; AND

9 (3) A DENTIST TO WHOM HOSPITAL PRIVILEGES HAVE BEEN GRANTED.  
10 ~~OR OTHER RECOGNIZED DENTAL SPECIALITY FOR WHICH HOSPITAL PRIVILEGES~~  
11 ~~MAY BE GRANTED.~~

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

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

17 **Article - Health - General**

18 19-706.

19 (i) The provisions of §§ 15-105, 15-112, 15-113, 15-804, [and] 15-812, AND  
20 15-826 of the Insurance Article shall apply to health maintenance organizations.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
22 new plans, policies, or contracts issued or delivered in the State on or after January 1,  
23 1999, and to the renewal of all plans, policies, or contracts in effect before January 1,  
24 1999, except that any plan, policy, or contract in effect before January 1, 1999 shall  
25 comply with the provisions of this Act no later than July 1, 1999.

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