

SENATE BILL 479

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C3

1998 Regular Session
(8r1680)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senators Derr, Della, and Teitelbaum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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

1 Article - Insurance
2 Section 15-826
3 Annotated Code of Maryland
4 (1997 Volume)

5 BY repealing and reenacting, with amendments,
6 Article - Health - General
7 Section 19-706(i)
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 1997 Supplement)

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

12 **Article - Insurance**

13 15-826.

14 (A) THIS SECTION APPLIES TO:

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

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

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

26 (1) (I) IS 7 YEARS OF AGE OR YOUNGER OR IS DEVELOPMENTALLY
27 DISABLED;

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

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

34 (2) (I) IS AN EXTREMELY UNCOOPERATIVE, FEARFUL, OR
35 UNCOMMUNICATIVE CHILD WHO IS 17 YEARS OF AGE OR YOUNGER WITH DENTAL

1 NEEDS OF SUCH MAGNITUDE THAT TREATMENT SHOULD NOT BE DELAYED OR
2 DEFERRED; AND

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

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

11 ~~(D) AN ENTITY SUBJECT TO THIS SECTION MAY RESTRICT COVERAGE FOR~~
12 ~~GENERAL ANESTHESIA AND ASSOCIATED HOSPITAL OR AMBULATORY FACILITY~~
13 ~~CHARGES TO DENTAL CARE THAT IS PROVIDED BY A:~~

14 ~~(1) DENTIST TO WHOM HOSPITAL PRIVILEGES HAVE BEEN GRANTED;~~
15 ~~AND~~

16 ~~(2) FULLY ACCREDITED SPECIALIST IN:~~

17 ~~(i) PEDIATRIC DENTISTRY, ; OR~~

18 ~~(ii) ORAL AND MAXILLOFACIAL SURGERY, OR OTHER RECOGNIZED~~
19 ~~DENTAL SPECIALITY FOR WHICH HOSPITAL PRIVILEGES MAY BE GRANTED.~~

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

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

24 (2) A FULLY ACCREDITED SPECIALIST IN ORAL AND MAXILLOFACIAL
25 SURGERY; AND

26 (3) A DENTIST TO WHOM HOSPITAL PRIVILEGES HAVE BEEN GRANTED.

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

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

1

Article - Health - General

2 19-706.

3 (i) The provisions of §§ 15-105, 15-112, 15-113, 15-804, [and] 15-812, AND
4 15-826 of the Insurance Article shall apply to health maintenance organizations.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
6 new plans, policies, or contracts issued ~~or~~ delivered , or renewed in the State on or
7 after January 1, 1999, ~~and to the renewal of all plans, policies, or contracts in effect~~
8 ~~before January 1, 1999, except that any plan, policy, or contract in effect before~~
9 ~~January 1, 1999 shall comply with the provisions of this Act no later than July 1,~~
10 ~~1999.~~

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