

SENATE BILL 479

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1998 Regular Session
8r1680
CF 8r1413

By: **Senators Derr, Della, and Teitelbaum**
Introduced and read first time: February 6, 1998
Assigned to: Finance

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:

1 **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.