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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 25, 1998

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
24 Section 19-706(i)
25 Annotated Code of Maryland

1 (1996 Replacement Volume and 1997 Supplement)

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

4 **Article - Insurance**

5 15-826.

6 (A) THIS SECTION APPLIES TO:

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

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

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

18 (1) (I) IS 7 YEARS OF AGE OR YOUNGER OR IS DEVELOPMENTALLY
19 DISABLED;

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

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

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

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

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

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

4 (1) DENTIST TO WHOM HOSPITAL PRIVILEGES HAVE BEEN GRANTED;
 5 AND

6 (2) FULLY ACCREDITED SPECIALIST IN:

7 (I) PEDIATRIC DENTISTRY ~~;~~ OR

8 (II) ORAL AND MAXILLOFACIAL SURGERY, ~~OR OTHER RECOGNIZED~~
 9 ~~DENTAL SPECIALITY FOR WHICH HOSPITAL PRIVILEGES MAY BE GRANTED.~~

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

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

15 **Article - Health - General**

16 19-706.

17 (i) The provisions of §§ 15-105, 15-112, 15-113, 15-804, [and] 15-812, AND
 18 15-826 of the Insurance Article shall apply to health maintenance organizations.

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

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