HOUSE . . . . . No. 3916

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to financial services contracts for dental benefits corporations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 108B of Chapter 175 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting at the end of said section the following
3 paragraph:- "No contract for the provision of healthcare services or benefits with a registered
4 dentist may require that such dentist provide dental services to a covered person at a particular
5 fee unless said dental services are services for which the company shall provide payment under
6 the applicable group or individual policy of accident, sickness or health insurance and such fees
7 shall be set in good faith and not be a nominal fee. Notwithstanding the foregoing, such contract
8 requirement shall be an optional requirement and upon the execution of any new or renewal
9 agreement between a dentist and company, the dentist shall have the right to accept or reject such
10 contract provision as a part of the contracting process. Any election by a dentist to not accept
11 such contract provision as a part of the overall contract offered by the company shall not be a
12 basis for discrimination against such dentist or rejection of such dentist as a participating
13 provider. Moreover, no such requirement shall be enforced against a dentist outside of the
14 provider agreement with the dentist through changes in policies and procedures of the company."

15 Section 7 of chapter 176B of the General Laws, as appearing in the 2008 Official Edition,
16 is hereby amended by inserting after the second paragraph the following paragraph:- "No such
17 agreement may require that a dentist provide dental services to subscribers or their covered
18 dependents at a particular fee unless said dental services are services for which the medical
19 services corporation shall provide reimbursement under the applicable service agreement and
20 such fees shall be set in good faith and not be a nominal fee. Notwithstanding the foregoing,
21 such contract requirement shall be an optional requirement and upon the execution of any new or
22 renewal agreement between a dentist and a medical services corporation, the dentist shall have
23 the right to accept or reject such contract provision as a part of the contracting process. Any
24 election by a dentist to not accept such contract provision as a part of the overall contract offered
25 by the medical services corporation shall not be a basis for discrimination against such dentist or

26 rejection of such dentist as a participating provider. Moreover, no such requirement shall be
27 enforced against a dentist outside of the provider agreement with the dentist through changes in
28 policies and procedures of the medical services corporation."

29 Section 7 of chapter 176E of the General Laws, as appearing in the 2008 Official Edition,
30 is hereby amended by inserting after the second paragraph the following

31 paragraph:- "No written agreement between a dental service corporation and a
32 participating dentist may require that the dentist provide dental services to subscribers or their
33 covered dependents at a particular fee unless said dental services are services for which the
34 dental service corporation shall provide reimbursement under the applicable service agreement
35 and such fees shall be set in good faith and not be a nominal fee. Notwithstanding the
36 foregoing, such contract requirement shall be an optional requirement and upon the execution of
37 any new or renewal agreement between a dentist and a dental service corporation, the dentist
38 shall have the right to accept or reject such contract provision as a part of the contracting process.
39 Any election by a dentist to not accept such contract provision as a part of the overall contract
40 offered by the dental service corporation shall not be a basis for discrimination against such
41 dentist or rejection of such dentist as a participating provider. Moreover, no such requirement
42 shall be enforced against a dentist outside of the provider agreement with the dentist through
43 changes in policies and procedures of the dental service corporation."

44 Section 21 of chapter 176G of the General Laws, as appearing in the 2008 Official
45 Edition, is hereby amended by inserting after sub-section (d) the following sub¬section:- "(e) No
46 contract between a health maintenance organization and a participating provider who is a
47 registered dentist may require that such dentist provide dental services to a member at a
48 particular fee unless said dental services are services for which the health maintenance
49 organization shall provide reimbursement under the applicable health maintenance contract and
50 such fees shall be set in good faith and not be a nominal fee. Notwithstanding the foregoing,
51 such requirement shall be an optional requirement and upon the execution of any new or renewal
52 agreement between a dentist and the health maintenance organization, the dentist shall have the
53 right to accept or reject such contract provision as a part of the contracting process. Any election
54 by a dentist to not accept such contract provision as a part of the overall contract offered by the
55 organization shall not be a basis for discrimination against such dentist or rejection of such
56 dentist as a participating provider. Moreover, no such requirement shall be enforced against a
57 dentist outside of the provider agreement with the dentist through changes in policies and
58 procedures of the health maintenance organization."

59 Section 2 of chapter 1761 of the General Laws, as appearing in the 2008 Official Edition,
60 is hereby amended by inserting after the first paragraph the following paragraph:- "No preferred
61 provider arrangement with a health care provider who is a registered dentist may require that
62 such dentist provide dental services to a covered person at a particular fee unless said dental
63 services are services for which the organization shall provide reimbursement under the

64 applicable preferred provider arrangement and such fees shall be set in good faith and not be a
65 nominal fee. Notwithstanding the foregoing, such requirement shall be an optional requirement
66 and upon the execution of any new or renewal preferred provider arrangement contract between
67 a dentist and the organization, the dentist shall have the right to accept or reject such contract
68 provision as a part of the contracting process. Any election by a dentist to not accept such
69 contract provision as a part of the overall preferred provider arrangement contract offered by the
70 organization shall not be a basis for discrimination against such dentist or rejection of such
71 dentist as a participating provider. Moreover, no such requirement shall be enforced against a
72 dentist outside of the preferred provider contract with the dentist through changes in policies and
73 procedures of the organization.