

**SENATE . . . . . No. 422**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Harriette L. Chandler***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 422) of Harriette L. Chandler, John W. Scibak, Jennifer L. Flanagan, Gale D. Candaras and other members of the General Court for legislation relative to financial services contracts for dental benefits corporations. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 409 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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 sentence:- “No contract for the provision of healthcare services or benefits with a registered  
4 dentist shall 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 provides payment under the  
6 applicable group or individual policy of accident, sickness or health insurance. Moreover, no  
7 such provision shall be enforced against a dentist outside of the provider agreement with the  
8 dentist through changes in the policies and procedures of the company. Fees for covered services  
9 shall be set in good faith and not be nominal.”

10           SECTION 2. Section 7 of chapter 176B of the General Laws, as appearing in the 2008  
11 Official Edition, is hereby amended by inserting after the second paragraph the following  
12 paragraph:- “No such agreement shall require that a dentist provide dental services to subscribers  
13 or their covered dependents at a particular fee unless said dental services are services for which  
14 the medical services corporation provides reimbursement under the applicable service  
15 agreement. Moreover, no such provision shall be enforced against a dentist outside of the  
16 provider agreement with the dentist through changes in the policies and procedures of the

17 medical services corporation. Fees for covered services shall be set in good faith and not be  
18 nominal.”

19 SECTION 3. Section 7 of chapter 176E of the General Laws, as appearing in the 2008  
20 Official Edition, is hereby amended by inserting after the second paragraph the following  
21 paragraph:- “No written agreement between a dental service corporation and a participating  
22 dentist shall require that the dentist provide dental services to subscribers or their covered  
23 dependents at a particular fee unless said dental services are services for which the dental service  
24 corporation provides reimbursement under the applicable service agreement. Moreover, no such  
25 provision shall be enforced against a dentist outside of the provider agreement with the dentist  
26 through changes in the policies and procedures of the dental service corporation. Fees for  
27 covered services shall be set in good faith and not be nominal.”

28 SECTION 4. Section 21 of chapter 176G of the General Laws, as appearing in the 2008  
29 Official Edition, is hereby amended by inserting after sub-section (d) the following sub-section:-  
30 “(e) No contract between a health maintenance organization and a participating provider who is a  
31 registered dentist shall require that such dentist provide dental services to a member at a  
32 particular fee unless said dental services are services for which the health maintenance  
33 organization provides reimbursement under the applicable health maintenance contract.  
34 Moreover, no such provision shall be enforced against a dentist outside of the provider  
35 agreement with the dentist through changes in the policies and procedures of the health  
36 maintenance organization. Fees for covered services shall be set in good faith and not be  
37 nominal.”

38 SECTION 5. Section 2 of chapter 176I of the General Laws, as appearing in the 2008  
39 Official Edition, is hereby amended by inserting after the first paragraph the following  
40 paragraph:- “No preferred provider arrangement with a health care provider who is a registered  
41 dentist shall require that such dentist provide dental services to a covered person at a particular  
42 fee unless said dental services are services for which the organization provides reimbursement  
43 under the applicable preferred provider arrangement. Moreover, no such provision shall be  
44 enforced against a dentist outside of the preferred provider contract with the dentist through the  
45 changes in policies and procedures of the organization. Fees for covered services shall be set in  
46 good faith and not be nominal.”