

SENATE BILL NO. 73

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 22:1157(A) and to enact R.S. 22:1157(D), relative to dental  
3 reimbursement or payments; to provide with respect to credit card payments; to  
4 provide with respect to the restriction of methods of payment; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1157(A) is hereby amended and reenacted and R.S. 22:1157(D)  
8 is hereby enacted to read as follows:

9 §1157. Dental reimbursement or payments

10 A. As used in this Section, the following definitions shall apply:

11 (1) "Covered person" means any subscriber, enrollee, member, or participant  
12 in a dental plan, or his dependent, for whom benefits are payable when that person  
13 receives dental health care services rendered or authorized by a licensed dentist.

14 (2) "Covered service" means any dental service rendered or authorized by a  
15 licensed dentist on a covered person for which a dental service contractor or insurer  
16 is required to pay benefits to the dentist under a contractual agreement with such  
17 dentist. Such a service includes any service on which reimbursement is limited by  
18 a deductible, copayment, coinsurance, waiting period, annual maximum, or  
19 frequency limitation.

20 **(3) "Credit card payment" means a type of electronic funds transfer in**  
21 **which a dental plan or its contracted vendor issues a single-use series of**  
22 **numbers associated with the payment of healthcare services performed by a**  
23 **dentist chargeable for a predetermined dollar amount, requiring the dentist to**  
24 **be responsible for processing the payment by a credit card terminal or internet**  
25 **portal. "Credit card payment" includes a virtual or online credit card payment,**  
26 **in which no physical credit card is presented to the healthcare provider and the**

1 single-use credit card expires upon payment processing.

2 ~~(3)~~(4)"Dental plan" means any insurance policy, benefit plan, or dental  
3 service contract providing for the payment of benefits for dental health care services.

4 (5) "Electronic funds transfer" means an electronic funds transfer  
5 through the federal Health Insurance Portability and Accountability Act of  
6 1996, P.L. 104-191, standard automated clearinghouse network.

7 \* \* \*

8 D.(1) No dental plan that is delivered, renewed, issued for delivery, or  
9 otherwise contracted for in this state shall restrict methods of payment from the  
10 dental plan to the dentist for the purpose of making a credit card payment the  
11 only means of payment acceptable for healthcare services provided by the  
12 dentist to an insured.

13 (2) If initiating or changing payments to a dentist using electronic funds  
14 transfers or credit card payments, a dental plan shall do both of the following:

15 (a) Notify the dentist if any fees are associated with a particular payment  
16 method.

17 (b) Advise the dentist of all the available methods of payment and  
18 provide clear instructions to the dentist on how to select an alternative payment  
19 method.

20 (3) The provisions of this Subsection shall not be waived by contract, and  
21 any contractual clause in conflict with the provisions of this Subsection or that  
22 purports to waive any requirements of this Subsection is void.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_