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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2673**

01/24/2022   Authored by Reyer
                The bill was referred to the Committee on Commerce Finance and Policy

1.1   A bill for an act

1.2   relating to health care; modifying dental benefit plan contract requirements;
1.3   permitting a third party access to a dental provider contract; amending Minnesota
1.4   Statutes 2020, sections 62Q.735, subdivisions 1, 5; 62Q.76, by adding a subdivision;
1.5   62Q.78, by adding subdivisions.

1.6   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7   Section 1. Minnesota Statutes 2020, section 62Q.735, subdivision 1, is amended to read:

1.8   Subdivision 1. **Contract disclosure.** (a) Before requiring a health care provider to sign

1.9   a contract, a health plan company shall give to the provider a complete copy of the proposed

1.10   contract, including:

1.11   (1) all attachments and exhibits;

1.12   (2) operating manuals;

1.13   (3) a general description of the health plan company's health service coding guidelines

1.14   and requirement for procedures and diagnoses with modifiers, and multiple procedures; and

1.15   (4) all guidelines and treatment parameters incorporated or referenced in the contract.

1.16   (b) The health plan company shall make available to the provider the fee schedule or a

1.17   method or process that allows the provider to determine the fee schedule for each health

1.18   care service to be provided under the contract.

1.19   ~~(c) Notwithstanding paragraph (b), a health plan company that is a dental plan~~

1.20   ~~organization, as defined in section 62Q.76, shall disclose information related to the individual~~

1.21   ~~contracted provider's expected reimbursement from the dental plan organization. Nothing~~

1.22   ~~in this section requires a dental plan organization to disclose the plan's aggregate maximum~~

Section 1.   1

2.1 allowable fee table used to determine other providers' fees. The contracted provider must

2.2 not release this information in any way that would violate any state or federal antitrust law.

2.3 Sec. 2. Minnesota Statutes 2020, section 62Q.735, subdivision 5, is amended to read:

2.4 Subd. 5. **Fee schedules.** (a) A health plan company shall provide, upon request, any

2.5 additional fees or fee schedules relevant to the particular provider's practice beyond those

2.6 provided with the renewal documents for the next contract year to all participating providers,

2.7 excluding claims paid under the pharmacy benefit. Health plan companies may fulfill the

2.8 requirements of this section by making the full fee schedules available through a secure

2.9 web portal for contracted providers.

2.10 (b) A dental organization may satisfy paragraph (a) by complying with section 62Q.735,

2.11 subdivision 1, paragraph (c).

2.12 Sec. 3. Minnesota Statutes 2020, section 62Q.76, is amended by adding a subdivision to

2.13 read:

2.14 Subd. 9. **Third party.** "Third party" means a person or entity that enters into a contract

2.15 with a dental organization or with another third party to gain access to the dental care services

2.16 or contractual discounts of a dental provider contract.

2.17 Sec. 4. Minnesota Statutes 2020, section 62Q.78, is amended by adding a subdivision to

2.18 read:

2.19 Subd. 7. **Method of payments.** A dental provider contract must include a method of

2.20 payment for dental care services in which no fees are incurred by the dentist or dental clinic.

2.21 Any fees that may be incurred by a dentist or dental clinic from receiving a payment for

2.22 dental care services must be disclosed to the dentist or dental clinic by the dental organization

2.23 before the dental provider contract is entered into or renewed.

2.24 Sec. 5. Minnesota Statutes 2020, section 62Q.78, is amended by adding a subdivision to

2.25 read:

2.26 Subd. 8. **Network leasing.** (a) A dental organization may grant a third party access to

2.27 a dental provider contract or the dental care services or contractual discounts contained in

2.28 the dental provider contract if the requirements in paragraph (b) are met. The provision in

2.29 the dental provider contract permitting third-party access to the dental provider contract

2.30 must be clearly identified and must specifically state that if a dental organization enters into

2.31 an agreement permitting third-party access, the agreement would allow the third party to

3.1 obtain the dental organization's rights and responsibilities as if the third party were the dental

3.2 organization. A dental organization must not grant a third party access to a dental provider

3.3 contract unless the dentist or dental clinic has agreed to participate in third-party access at

3.4 the time the dental provider contract is entered into or renewed.

3.5 (b) A dental organization may grant a third party access to a dental provider contract or

3.6 the dental care services or contractual discounts contained in the dental provider contract

3.7 if the following requirements are met:

3.8 (1) the dentist or dental clinic affirmatively agrees to allow third-party access to the

3.9 dental provider contract at the time the dental provider contract is entered into or renewed;

3.10 (2) the dentist or dental clinic is provided the opportunity to opt out of allowing a third

3.11 party access to the dental provider contract at the time the dental provider contract is entered

3.12 into or renewed, without penalty to the dentist or dental clinic;

3.13 (3) the third party accessing the dental provider contract agrees to comply with all

3.14 applicable terms of the dental provider contract; and

3.15 (4) the dental organization lists all third parties granted access on its website and the list

3.16 is updated at least once every 90 days.

3.17 (c) A dentist or dental clinic is not bound by and is not required to perform dental care

3.18 services under a dental provider contract if access is granted to a third party in violation of

3.19 this section.