

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 1265

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DATE
02/06/2023

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Introduction and first reading
Referred to Commerce and Consumer Protection

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to insurance; specifying provisions for third-party payers and dental
1.3 providers; amending Minnesota Statutes 2022, sections 62Q.735, subdivisions 1,
1.4 5; 62Q.76, by adding a subdivision; 62Q.78, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2022, section 62Q.735, subdivision 1, is amended to read:

1.7 Subdivision 1. **Contract disclosure.** (a) Before requiring a health care provider to sign
1.8 a contract, a health plan company shall give to the provider a complete copy of the proposed
1.9 contract, including:

1.10 (1) all attachments and exhibits;

1.11 (2) operating manuals;

1.12 (3) a general description of the health plan company's health service coding guidelines
1.13 and requirement for procedures and diagnoses with modifiers, and multiple procedures; and

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

1.15 (b) The health plan company shall make available to the provider the fee schedule or a
1.16 method or process that allows the provider to determine the fee schedule for each health
1.17 care service to be provided under the contract.

1.18 (c) ~~Notwithstanding paragraph (b), a health plan company that is a dental plan~~
1.19 ~~organization, as defined in section 62Q.76, shall disclose information related to the individual~~
1.20 ~~contracted provider's expected reimbursement from the dental plan organization.~~ Nothing
1.21 in this section requires a dental plan organization to disclose the plan's aggregate maximum

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 2022, 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 2022, 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 under a dental provider contract. Third party does not include an
 2.17 enrollee of a dental organization or an employer or other group for whom the dental
 2.18 organization provides administrative services.

2.19 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to dental
 2.20 plans and dental provider agreements offered, issued, or renewed on or after that date.

2.21 Sec. 4. Minnesota Statutes 2022, section 62Q.78, is amended by adding a subdivision to
 2.22 read:

2.23 Subd. 7. **Method of payments.** A dental provider contract must include a method of
 2.24 payment for dental care services in which no fees associated with the method of payment,
 2.25 including credit card fees and fees related to payment in the form of digital or virtual
 2.26 currency, are incurred by the dentist or dental clinic. Any fees that may be incurred from a
 2.27 payment must be disclosed to a dentist prior to entering into or renewing a dental provider
 2.28 contract. For purposes of this section, fees related to a provider's electronic claims processing
 2.29 vendor, financial institution, or other vendor used by a provider to facilitate the submission
 2.30 of claims are excluded.

3.1 Sec. 5. Minnesota Statutes 2022, section 62Q.78, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 8. Network leasing. (a) A dental organization may grant a third party access to
3.4 a dental provider contract or a provider's dental care services or contractual discounts
3.5 provided pursuant to a dental provider contract if, at the time the dental provider contract
3.6 is entered into or renewed, the dental organization allows a dentist to choose not to participate
3.7 in third-party access to the dental provider contract, without any penalty to the dentist. The
3.8 third-party access provision of the dental provider contract must be clearly identified. A
3.9 dental organization must not grant a third party access to the dental provider contract of any
3.10 dentist who does not participate in third-party access to the dental provider contract.

3.11 (b) Notwithstanding paragraph (a), if a dental organization exists solely for the purpose
3.12 of recruiting dentists for dental provider contracts that establish a network to be leased to
3.13 third parties, the dentist waives the right to choose whether to participate in third-party
3.14 access.

3.15 (c) A dental organization may grant a third party access to a dental provider contract,
3.16 or a dentist's dental care services or contractual discounts under a dental provider contract,
3.17 if the following requirements are met:

3.18 (1) the dental organization lists all third parties that may have access to the dental provider
3.19 contract on the dental organization's website, which must be updated at least once every 90
3.20 days;

3.21 (2) the dental provider contract states that the dental organization may enter into an
3.22 agreement with a third party that would allow the third party to obtain the dental
3.23 organization's rights and responsibilities as if the third party were the dental organization,
3.24 and the dentist chose to participate in third-party access at the time the dental provider
3.25 contract was entered into; and

3.26 (3) the third party accessing the dental provider contract agrees to comply with all
3.27 applicable terms of the dental provider contract.

3.28 (d) A dentist is not bound by and is not required to perform dental care services under
3.29 a dental provider contract granted to a third party in violation of this section.

3.30 (e) This subdivision does not apply when:

3.31 (1) the dental provider contract is for dental services provided under a public health plan
3.32 program, including but not limited to medical assistance, MinnesotaCare, Medicaid, or
3.33 Medicare Advantage; or

- 4.1 (2) access to a dental provider contract is granted to a dental organization, an entity
4.2 operating in accordance with the same brand licensee program as the dental organization
4.3 or other entity, or an entity that is an affiliate of the dental organization, provided the entity
4.4 agrees to substantially similar terms and conditions as the originating dental provider contract
4.5 between the dental organization and the dentist or dental clinic. A list of the dental
4.6 organization's affiliates must be posted on the dental organization's website.