

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 776

3 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

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10 AN ACT

11 RELATING TO INSURANCE; REQUIRING INSURANCE COVERAGE FOR GENERAL
12 ANESTHESIA AND HOSPITALIZATION FOR DENTAL SURGERY.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. A new section of the Health Care Purchasing
16 Act is enacted to read:

17 "[NEW MATERIAL] GENERAL ANESTHESIA AND HOSPITALIZATION FOR
18 DENTAL SURGERY.--

19 A. Group health care coverage, including any form
20 of self-insurance, offered, issued or renewed under the Health
21 Care Purchasing Act shall provide coverage for hospitalization
22 and general anesthesia provided in a hospital or ambulatory
23 surgical center for dental surgery for the following:

24 (1) insureds exhibiting physical, intellectual
25 or medically compromising conditions for which dental treatment

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underscored material = new
[bracketed material] = delete

1 under local anesthesia, with or without additional adjunctive
2 techniques and modalities, cannot be expected to provide a
3 successful result and for which dental treatment under general
4 anesthesia can be expected to produce superior results;

5 (2) insureds for whom local anesthesia is
6 ineffective because of acute infection, anatomic variation or
7 allergy;

8 (3) insured children or adolescents who are
9 extremely uncooperative, fearful, anxious or uncommunicative
10 with dental needs of such magnitude that treatment should not
11 be postponed or deferred and for whom lack of treatment can be
12 expected to result in dental or oral pain or infection, loss of
13 teeth or other increased oral or dental morbidity;

14 (4) insureds with extensive oral-facial or
15 dental trauma for which treatment under local anesthesia would
16 be ineffective or compromised; or

17 (5) other procedures for which hospitalization
18 or general anesthesia in a hospital or ambulatory surgical
19 center is medically necessary.

20 B. The provisions of this section do not apply to
21 short-term travel, accident-only or limited or specified
22 disease policies.

23 C. Coverage for dental surgery may be subject to
24 copayments, deductibles and coinsurance subject to network and
25 prior authorization requirements consistent with those imposed

1 on other benefits under the same group health care coverage,
2 including any form of self-insurance."

3 Section 2. A new section of Chapter 59A, Article 22 NMSA
4 1978 is enacted to read:

5 "[NEW MATERIAL] GENERAL ANESTHESIA AND HOSPITALIZATION FOR
6 DENTAL SURGERY.--

7 A. An individual or group health insurance policy,
8 health care plan or certificate of health insurance that is
9 delivered, issued for delivery or renewed in this state shall
10 provide coverage for hospitalization and general anesthesia
11 provided in a hospital or ambulatory surgical center for dental
12 surgery for the following:

13 (1) insureds exhibiting physical, intellectual
14 or medically compromising conditions for which dental treatment
15 under local anesthesia, with or without additional adjunctive
16 techniques and modalities, cannot be expected to provide a
17 successful result and for which dental treatment under general
18 anesthesia can be expected to produce superior results;

19 (2) insureds for whom local anesthesia is
20 ineffective because of acute infection, anatomic variation or
21 allergy;

22 (3) insured children or adolescents who are
23 extremely uncooperative, fearful, anxious or uncommunicative
24 with dental needs of such magnitude that treatment should not
25 be postponed or deferred and for whom lack of treatment can be

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1 expected to result in dental or oral pain or infection, loss of
2 teeth or other increased oral or dental morbidity;

3 (4) insureds with extensive oral-facial or
4 dental trauma for which treatment under local anesthesia would
5 be ineffective or compromised; or

6 (5) other procedures for which hospitalization
7 or general anesthesia in a hospital or ambulatory surgical
8 center is medically necessary.

9 B. The provisions of this section do not apply to
10 short-term travel, accident-only or limited or specified
11 disease policies.

12 C. Coverage for dental surgery may be subject to
13 copayments, deductibles and coinsurance subject to network and
14 prior authorization requirements consistent with those imposed
15 on other benefits under the same policy, plan or certificate."

16 Section 3. A new section of Chapter 59A, Article 23 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] GENERAL ANESTHESIA AND HOSPITALIZATION FOR
19 DENTAL SURGERY.--

20 A. A blanket or group health insurance policy,
21 health care plan or certificate of health insurance that is
22 delivered, issued for delivery or renewed in this state shall
23 provide coverage for hospitalization and general anesthesia
24 provided in a hospital or ambulatory surgical center for dental
25 surgery for the following:

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1 (1) insureds exhibiting physical, intellectual
 2 or medically compromising conditions for which dental treatment
 3 under local anesthesia, with or without additional adjunctive
 4 techniques and modalities, cannot be expected to provide a
 5 successful result and for which dental treatment under general
 6 anesthesia can be expected to produce superior results;

7 (2) insureds for whom local anesthesia is
 8 ineffective because of acute infection, anatomic variation or
 9 allergy;

10 (3) insured children or adolescents who are
 11 extremely uncooperative, fearful, anxious or uncommunicative
 12 with dental needs of such magnitude that treatment should not
 13 be postponed or deferred and for whom lack of treatment can be
 14 expected to result in dental or oral pain or infection, loss of
 15 teeth or other increased oral or dental morbidity;

16 (4) insureds with extensive oral-facial or
 17 dental trauma for which treatment under local anesthesia would
 18 be ineffective or compromised; or

19 (5) other procedures for which hospitalization
 20 or general anesthesia in a hospital or ambulatory surgical
 21 center is medically necessary.

22 B. The provisions of this section do not apply to
 23 short-term travel, accident-only or limited or specified
 24 disease policies.

25 C. Coverage for dental surgery may be subject to

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underscored material = new
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1 copayments, deductibles and coinsurance subject to network and
2 prior authorization requirements consistent with those imposed
3 on other benefits under the same policy, plan or certificate."

4 Section 4. A new section of Chapter 59A, Article 46 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] GENERAL ANESTHESIA AND HOSPITALIZATION FOR
7 DENTAL SURGERY.--

8 A. An individual or group health maintenance
9 organization contract delivered, issued for delivery or renewed
10 in this state shall provide coverage for hospitalization and
11 general anesthesia provided in a hospital or ambulatory
12 surgical center for dental surgery for the following:

13 (1) insureds exhibiting physical, intellectual
14 or medically compromising conditions for which dental treatment
15 under local anesthesia, with or without additional adjunctive
16 techniques and modalities, cannot be expected to provide a
17 successful result and for which dental treatment under general
18 anesthesia can be expected to produce superior results;

19 (2) insureds for whom local anesthesia is
20 ineffective because of acute infection, anatomic variation or
21 allergy;

22 (3) insured children or adolescents who are
23 extremely uncooperative, fearful, anxious or uncommunicative
24 with dental needs of such magnitude that treatment should not
25 be postponed or deferred and for whom lack of treatment can be

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1 expected to result in dental or oral pain or infection, loss of
 2 teeth or other increased oral or dental morbidity;

3 (4) insureds with extensive oral-facial or
 4 dental trauma for which treatment under local anesthesia would
 5 be ineffective or compromised; or

6 (5) other procedures for which hospitalization
 7 or general anesthesia in a hospital or ambulatory surgical
 8 center is medically necessary.

9 B. The provisions of this section do not apply to
 10 short-term travel, accident-only or limited or specified
 11 disease policies.

12 C. Coverage for dental surgery may be subject to
 13 copayments, deductibles and coinsurance subject to network and
 14 prior authorization requirements consistent with those imposed
 15 on other benefits under the same policy, plan or certificate."

16 Section 5. A new section of Chapter 59A, Article 47 NMSA
 17 1978 is enacted to read:

18 "[NEW MATERIAL] GENERAL ANESTHESIA AND HOSPITALIZATION FOR
 19 DENTAL SURGERY.--

20 A. An individual or group health insurance policy,
 21 health care plan or certificate of health insurance delivered
 22 or issued for delivery in this state shall provide coverage for
 23 hospitalization and general anesthesia provided in a hospital
 24 or ambulatory surgical center for dental surgery for the
 25 following:

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underscored material = new
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1 (1) insureds exhibiting physical, intellectual
2 or medically compromising conditions for which dental treatment
3 under local anesthesia, with or without additional adjunctive
4 techniques and modalities, cannot be expected to provide a
5 successful result and for which dental treatment under general
6 anesthesia can be expected to produce superior results;

7 (2) insureds for whom local anesthesia is
8 ineffective because of acute infection, anatomic variation or
9 allergy;

10 (3) insured children or adolescents who are
11 extremely uncooperative, fearful, anxious or uncommunicative
12 with dental needs of such magnitude that treatment should not
13 be postponed or deferred and for whom lack of treatment can be
14 expected to result in dental or oral pain or infection, loss of
15 teeth or other increased oral or dental morbidity;

16 (4) insureds with extensive oral-facial or
17 dental trauma for which treatment under local anesthesia would
18 be ineffective or compromised; or

19 (5) other procedures for which hospitalization
20 or general anesthesia in a hospital or ambulatory surgical
21 center is medically necessary.

22 B. The provisions of this section do not apply to
23 short-term travel, accident-only or limited or specified
24 disease policies.

25 C. Coverage for dental surgery may be subject to

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1 copayments, deductibles and coinsurance subject to network and
2 prior authorization requirements consistent with those imposed
3 on other benefits under the same policy, plan or certificate."

4 Section 6. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2007.

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