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SENATE BILL 260

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO INSURANCE; ENACTING A NEW SECTION OF THE NEW MEXICO
INSURANCE CODE TO PROHIBIT A DENTAL INSURANCE PLAN FROM
REQUIRING A DENTIST TO ACCEPT A FEE SET BY THE PLAN FOR
SERVICES NOT COVERED BY THE PLAN; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the New Mexico Insurance Code
is enacted to read:

"[NEW MATERIAL] DENTAL INSURANCE PLAN--DENTAL FEES NOT
COVERED--SEVERABILITY.--

A. As used in this section:

(1) "covered services" means dental care
services for which a reimbursement is available under an
enrollee's plan contract or for which a reimbursement would be
available but for the application of contractual limitations

.183808.1

underscored material = new
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1 such as deductibles, copayments, coinsurance, waiting periods,
2 annual or lifetime maximums, frequency limitations, alternative
3 benefit payments or any other limitation; and

4 (2) "dental insurance plan" means any policy
5 of insurance that is issued by a health care service contractor
6 that provides for coverage of dental services not in connection
7 with a medical plan.

8 B. No contract of any health care service
9 contractor that covers any dental services and no contract or
10 participating provider agreement with a dentist shall require,
11 directly or indirectly, that a dentist who is a participating
12 provider provide services to an enrolled participant at a fee
13 set by, or at a fee subject to the approval of, the health care
14 service contractor unless the dental services are covered
15 services.

16 C. A health care service contractor or other person
17 providing third party administrator services shall not make
18 available any providers in its dentist network to a plan that
19 sets dental fees for any services except covered services.

20 D. If any part or application of this section is
21 held invalid, the remainder or its application to other
22 situations or persons shall not be affected."

23 SECTION 2. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect immediately.