

[First Reprint]

**SENATE, No. 2853**

---

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

---

INTRODUCED AUGUST 27, 2020

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Prohibits certain provisions in agreements between insurance carriers and dentists.

**CURRENT VERSION OF TEXT**

As reported by the Senate Commerce Committee on October 22, 2020, with amendments.



**(Sponsorship Updated As Of: 1/28/2021)**

1 AN ACT concerning dental insurance and supplementing  
2 P.L.1997, c.192 (C.26:2S-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. A carrier shall not include in an agreement between the carrier  
8 and a participating dentist a provision that:

9 (1) allows the carrier to deny payment to a participating dentist for  
10 a <sup>1</sup>covered<sup>1</sup> procedure performed or for a <sup>1</sup>covered<sup>1</sup> service provided on  
11 behalf of a covered person; and

12 (2) prohibits the dentist from collecting the amount owed from the  
13 covered person for that procedure or service.

14 b. <sup>1</sup>Nothing this act shall exempt or limit a participating dentist  
15 from the provisions of the “Insurance Fraud Prevention Act,” P.L.1983,  
16 c.320 (C.17:33A-1 et seq.).

17 c. <sup>1</sup> As used in this section:

18 “Carrier” means an insurance company, health service corporation,  
19 hospital service corporation, medical service corporation, dental service  
20 corporation, dental plan organization or health maintenance  
21 organization authorized to issue dental contracts <sup>1</sup>, policies,<sup>1</sup> or plans in  
22 this State.

23 <sup>1</sup>“Covered person” means a person on whose behalf a carrier  
24 offering a dental plan is obligated to pay benefits for or provide dental  
25 procedures or services pursuant to the plan.

26 “Covered procedure or service” means a dental care procedure or  
27 service for which a reimbursement is available under a covered person’s  
28 dental plan, or for which a reimbursement would be available but for the  
29 application of contractual limitations including, but not limited to,  
30 deductibles, copayments, coinsurance, waiting periods, annual or  
31 lifetime maximums, frequency limitations, alternative benefit  
32 payments, or any other limitation, or services not reimbursable by the  
33 carrier due a provision in the dental plan.

34 “Dental plan” means a benefits plan, policy, or contract which pays  
35 or provides dental expense benefits for covered procedures or services  
36 and is delivered or issued for delivery in this State by or through a carrier  
37 either on a stand-alone basis or as part of other coverage including, but  
38 not limited to, health benefits coverage.

39 For the purposes of this act, dental plan shall not include the  
40 following plans, policies, or contracts: accident only, credit disability,  
41 long-term care, Medicare supplement coverage; TRICARE supplement  
42 coverage, coverage for Medicare services pursuant to a contract with the  
43 United States government, the State Medicaid program established  
44 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), the NJ FamilyCare

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted October 22,2020.

1 Program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.),  
2 coverage arising out of a worker's compensation or similar law, the State  
3 Health Benefits Program, the School Employees' Health Benefits  
4 Program, or a self-insured health benefits plan governed by the  
5 provisions of the federal "Employee Retirement Income Security Act of  
6 1974," 29 U.S.C. s.1001 et seq., coverage under a policy of private  
7 passenger automobile insurance issued pursuant to P.L.1972, c.70  
8 (C.39:6A-1 et seq.), or hospital confinement indemnity coverage.<sup>1</sup>

9 "Participating dentist" means a dentist who has entered into a  
10 contract with a carrier to provide dental services to covered persons for  
11 a predetermined fee or set of fees.

12

13 2. This act shall take effect on the 90th day next following  
14 enactment, and shall apply to dental contracts or plans issued or  
15 renewed after the effective date.