

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 954

Introduced by Lindstrom, 18.

Read first time January 13, 2020

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-7,105,
- 2 Revised Statutes Cumulative Supplement, 2018; to change provisions
- 3 relating to fees for dental services; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-7,105, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 44-7,105 (1) Notwithstanding section 44-3,131, (a) ~~(1)~~ an
4 individual or group sickness or accident policy, certificate, or
5 subscriber contract delivered, issued for delivery, or renewed in this
6 state and a hospital, medical, or surgical expense-incurred policy, (b)
7 ~~(2)~~ a self-funded employee benefit plan to the extent not preempted by
8 federal law, and (c) ~~(3)~~ a certificate, agreement, or contract to provide
9 limited health services issued by a prepaid limited health service
10 organization, as defined in section 44-4702, shall not include a
11 provision, stipulation, or agreement establishing or limiting any fees
12 charged for dental services that are not covered by the policy,
13 certificate, contract, agreement, or plan and shall not include any
14 restrictions on methods of claim payment for dental services made by the
15 policy, certificate, contract, agreement, or plan in which the only
16 acceptable payment method is a credit card payment or granting access to
17 its dental services provider network contract to a third party unless the
18 requirements of subsection (2) of this section are met.

19 (2) An insurer or any of its affiliates party to the dental services
20 provider network contract may grant access to the dental services
21 provider network contract to a third party if:

22 (a) At the time the dental services provider network contract is
23 entered into and at the time the dental services provider network
24 contract is renewed or amended, the insurer allows any provider who is
25 part of the insurer's dental services provider network to choose not to
26 participate in third-party access to the dental services provider network
27 contract. The third-party access provision of any dental services
28 provider network contract shall be clearly identified in the dental
29 services provider network contract in twelve-point underlined text. An
30 insurer or any of its affiliates party to the dental services provider
31 network contract shall not grant third-party access to the dental

1 services provider network contract of any provider who does not
2 participate in third-party access;

3 (b) The insurer includes on its web site a listing identifying all
4 third parties who have been granted such access to the dental services
5 provider network contract and which is updated at least once every ninety
6 days; and

7 (c) The third party accessing the dental services provider network
8 contract agrees to comply with all of the dental services provider
9 network contract's terms.

10 (3) A provider is not required to perform, and is not bound by, any
11 contract or agreement entered into after the effective date of this act
12 to perform, dental treatment or services under a dental services provider
13 network contract granted to a third party in violation of this section.

14 Sec. 2. Original section 44-7,105, Revised Statutes Cumulative
15 Supplement, 2018, is repealed.