

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2686

61st Legislature
2010 Regular Session

Passed by the House March 6, 2010
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Yeas 45 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2686** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2686

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Condotta, Moeller, and Goodman)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to fees for dental services that are not covered
2 services under dental insurance or dental health care service
3 contracts; adding a new section to chapter 48.20 RCW; adding a new
4 section to chapter 48.21 RCW; and adding a new section to chapter 48.44
5 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.20 RCW
8 to read as follows:

9 (1) Notwithstanding any other provisions of law, no disability
10 insurance policy of any disability insurer as provided in this chapter
11 subject to the jurisdiction of the state of Washington that covers any
12 dental services, and no contract or participating provider agreement
13 with a dentist may:

14 (a) Require, directly or indirectly, that a dentist who is a
15 participating provider provide services to a subscriber at a fee set
16 by, or at a fee subject to the approval of, the disability insurer
17 unless the dental services are covered services, including services
18 that would be reimbursable but for the application of contractual

1 limitations such as benefit maximums, deductibles, coinsurance, waiting
2 periods, or frequency limitations, under the applicable disability
3 insurance policy; nor

4 (b) Prohibit, directly or indirectly, a dentist who is a
5 participating provider from offering or providing to a subscriber
6 dental services that are not covered services on any terms or
7 conditions acceptable to the dentist and the subscriber.

8 (2) For the purposes of this section, "covered services" means
9 dental services that are reimbursable under the applicable insurance
10 policy or subscriber agreement or would be reimbursable but for the
11 application of contractual limitations such as benefit maximums,
12 deductibles, coinsurance, waiting periods or frequency limitations.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.21 RCW
14 to read as follows:

15 (1) Notwithstanding any other provisions of law, no group
16 disability insurance contract or blanket disability insurance contract
17 of any disability insurer as provided for in this chapter subject to
18 the jurisdiction of the state of Washington that covers any dental
19 services, and no contract or participating provider agreement with a
20 dentist may:

21 (a) Require, directly or indirectly, that a dentist who is a
22 participating provider provide services to a subscriber at a fee set
23 by, or at a fee subject to the approval of, the disability insurer
24 unless the dental services are covered services, including services
25 that would be reimbursable but for the application of contractual
26 limitations such as benefit maximums, deductibles, coinsurance, waiting
27 periods, or frequency limitations, under the applicable group plan or
28 disability insurance policy; nor

29 (b) Prohibit, directly or indirectly, a dentist who is a
30 participating provider from offering or providing to a subscriber
31 dental services that are not covered services on any terms or
32 conditions acceptable to the dentist and the subscriber.

33 (2) For the purposes of this section, "covered services" means
34 dental services that are reimbursable under the applicable insurance
35 policy, group plan, or subscriber agreement or would be reimbursable
36 but for the application of contractual limitations such as benefit

1 maximums, deductibles, coinsurance, waiting periods or frequency
2 limitations.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.44 RCW
4 to read as follows:

5 (1) Notwithstanding any other provisions of law, no contract of any
6 health care service contractor subject to the jurisdiction of the state
7 of Washington that covers any dental services, and no contract or
8 participating provider agreement with a dentist may:

9 (a) Require, directly or indirectly, that a dentist who is a
10 participating provider provide services to an enrolled participant at
11 a fee set by, or at a fee subject to the approval of, the health care
12 service contractor unless the dental services are covered services,
13 including services that would be reimbursable but for the application
14 of contractual limitations such as benefit maximums, deductibles,
15 coinsurance, waiting periods, or frequency limitations, under the
16 applicable group contract or individual contract; nor

17 (b) Prohibit, directly or indirectly, a dentist who is a
18 participating provider from offering or providing to an enrolled
19 participant dental services that are not covered services on any terms
20 or conditions acceptable to the dentist and the enrolled participant.

21 (2) For the purposes of this section, "covered services" means
22 dental services that are reimbursable under the applicable subscriber
23 agreement or would be reimbursable but for the application of
24 contractual limitations such as benefit maximums, deductibles,
25 coinsurance, waiting periods or frequency limitations.

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