

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4454

BY DELEGATES CAPUTO, LONGSTRETH, BOGGS, WARD,

HARTMAN, BARRETT, HAMILTON, LYNCH, HICKS AND

MILEY

[Introduced February 7, 2018; Referred
to the Committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §5-16-15a; to amend said code by adding thereto a new section, designated
 3 §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18;
 4 to amend said code by adding thereto a new section, designated §33-24-45; to amend
 5 said code by adding thereto a new section, designated §33-25-22; and to amend said
 6 code by adding thereto a new section, designated §33-25A-36, all relating to the
 7 assignment of certain benefits in dental care insurance coverage.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-15a. Assignment of certain benefits in dental care insurance coverage.

1 (a) A dental insurance plan offered under this article shall honor an assignment, made in
 2 writing by the person covered under the policy, of payments due under the policy to a dentist or
 3 a dental corporation for services provided to the covered person that are covered under the policy.
 4 Upon notice of the assignment, the carrier shall make payments directly to the provider of the
 5 covered services. A dentist or dental corporation with a valid assignment may bill the carrier and
 6 notify the carrier of the assignment. Upon request of the carrier, the dentist or dental corporation
 7 shall provide a copy of the assignment to the carrier.

8 (b) A covered person may revoke an assignment made pursuant to subsection (a) of this
 9 section with or without the consent of the provider. The revocation shall be in writing. The covered
 10 person shall provide notice of the revocation to the carrier. The carrier shall send a copy of the
 11 revocation notice to the dentist or dental corporation subject to the assignment. The revocation is
 12 effective when both the carrier and the provider have received a copy of the revocation notice.

13 The revocation is only effective for any charges incurred after both parties have received the
14 revocation notice.

15 (c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental
16 corporation collects payment from a covered person and subsequently receives payment from
17 the carrier, the dentist or dental corporation shall reimburse the covered person, less any
18 applicable copayments, deductibles, or coinsurance amounts, within 45 days.

19 (d) Nothing in this section limits a carrier's ability to determine the scope of the carrier's
20 benefits, services, or any other terms of the carrier's policies or to negotiate any contract with a
21 licensed health care provider regarding reimbursement rates or any other lawful provisions.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-22. Assignment of certain benefits in dental care insurance coverage.

1 (a) Any entity regulated under this article that provides dental care coverage to a covered
2 person shall honor an assignment, made in writing by the person covered under the policy, of
3 payments due under the policy to a dentist or a dental corporation for services provided to the
4 covered person that are covered under the policy. Upon notice of the assignment, the entity shall
5 make payments directly to the provider of the covered services. A dentist or dental corporation
6 with a valid assignment may bill the entity and notify the entity of the assignment. Upon request
7 of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

8 (b) A covered person may revoke an assignment made pursuant to subsection a of this
9 section with or without the consent of the provider. The revocation shall be in writing. The covered
10 person shall provide notice of the revocation to the entity. The entity shall send a copy of the
11 revocation notice to the dentist or dental corporation subject to the assignment. The revocation is
12 effective when both the entity and the provider have received a copy of the revocation notice. The
13 revocation is only effective for any charges incurred after both parties have received the

14 revocation notice.

15 (c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental
16 corporation collects payment from a covered person and subsequently receives payment from
17 the entity, the dentist or dental corporation shall reimburse the covered person, less any
18 applicable copayments, deductibles, or coinsurance amounts, within 45 days.

19 (d) Nothing in this section limits an entity's ability to determine the scope of the entity's
20 benefits, services, or any other terms of the entity's policies or to negotiate any contract with a
21 licensed health care provider regarding reimbursement rates or any other lawful provisions.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-18. Assignment of certain benefits in dental care insurance coverage.

1 (a) Any entity regulated under this article that provides dental care coverage to a covered
2 person shall honor an assignment, made in writing by the person covered under the policy, of
3 payments due under the policy to a dentist or a dental corporation for services provided to the
4 covered person that are covered under the policy. Upon notice of the assignment, the entity shall
5 make payments directly to the provider of the covered services. A dentist or dental corporation
6 with a valid assignment may bill the entity and notify the entity of the assignment. Upon request
7 of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

8 (b) A covered person may revoke an assignment made pursuant to subsection a of this
9 section with or without the consent of the provider. The revocation shall be in writing. The covered
10 person shall provide notice of the revocation to the entity. The entity shall send a copy of the
11 revocation notice to the dentist or dental corporation subject to the assignment. The revocation is
12 effective when both the entity and the provider have received a copy of the revocation notice. The
13 revocation is only effective for any charges incurred after both parties have received the
14 revocation notice.

15 (c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental
16 corporation collects payment from a covered person and subsequently receives payment from

17 the entity, the dentist or dental corporation shall reimburse the covered person, less any
18 applicable copayments, deductibles, or coinsurance amounts, within 45 days.

19 (d) Nothing in this section limits an entity's ability to determine the scope of the entity's
20 benefits, services, or any other terms of the entity's policies or to negotiate any contract with a
21 licensed health care provider regarding reimbursement rates or any other lawful provisions.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE
CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH
SERVICE CORPORATIONS.**

§33-24-45. Assignment of certain benefits in dental care insurance coverage.

1 (a) Any entity regulated under this article that provides dental care coverage to a covered
2 person shall honor an assignment, made in writing by the person covered under the policy, of
3 payments due under the policy to a dentist or a dental corporation for services provided to the
4 covered person that are covered under the policy. Upon notice of the assignment, the entity shall
5 make payments directly to the provider of the covered services. A dentist or dental corporation
6 with a valid assignment may bill the entity and notify the entity of the assignment. Upon request
7 of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

8 (b) A covered person may revoke an assignment made pursuant to subsection a of this
9 section with or without the consent of the provider. The revocation shall be in writing. The covered
10 person shall provide notice of the revocation to the entity. The entity shall send a copy of the
11 revocation notice to the dentist or dental corporation subject to the assignment. The revocation is
12 effective when both the entity and the provider have received a copy of the revocation notice. The
13 revocation is only effective for any charges incurred after both parties have received the
14 revocation notice.

15 (c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental
16 corporation collects payment from a covered person and subsequently receives payment from

17 the entity, the dentist or dental corporation shall reimburse the covered person, less any
18 applicable copayments, deductibles, or coinsurance amounts, within 45 days.

19 (d) Nothing in this section limits an entity's ability to determine the scope of the entity's
20 benefits, services, or any other terms of the entity's policies or to negotiate any contract with a
21 licensed health care provider regarding reimbursement rates or any other lawful provisions.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-22 assignment of certain benefits in dental care insurance coverage.

1 (a) Any entity regulated under this article that provides dental care coverage to a covered
2 person shall honor an assignment, made in writing by the person covered under the policy, of
3 payments due under the policy to a dentist or a dental corporation for services provided to the
4 covered person that are covered under the policy. Upon notice of the assignment, the entity shall
5 make payments directly to the provider of the covered services. A dentist or dental corporation
6 with a valid assignment may bill the entity and notify the entity of the assignment. Upon request
7 of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

8 (b) A covered person may revoke an assignment made pursuant to subsection a of this
9 section with or without the consent of the provider. The revocation shall be in writing. The covered
10 person shall provide notice of the revocation to the entity. The entity shall send a copy of the
11 revocation notice to the dentist or dental corporation subject to the assignment. The revocation is
12 effective when both the entity and the provider have received a copy of the revocation notice. The
13 revocation is only effective for any charges incurred after both parties have received the
14 revocation notice.

15 (c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental
16 corporation collects payment from a covered person and subsequently receives payment from
17 the entity, the dentist or dental corporation shall reimburse the covered person, less any
18 applicable copayments, deductibles, or coinsurance amounts, within 45 days.

19 (d) Nothing in this section limits an entity's ability to determine the scope of the entity's

20 benefits, services, or any other terms of the entity's policies or to negotiate any contract with a
21 licensed health care provider regarding reimbursement rates or any other lawful provisions.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-36. Assignment of certain benefits in dental care insurance coverage.

1 (a) Any entity regulated under this article that provides dental care coverage to a covered
2 person shall honor an assignment, made in writing by the person covered under the policy, of
3 payments due under the policy to a dentist or a dental corporation for services provided to the
4 covered person that are covered under the policy. Upon notice of the assignment, the entity shall
5 make payments directly to the provider of the covered services. A dentist or dental corporation
6 with a valid assignment may bill the entity and notify the entity of the assignment. Upon request
7 of the entity, the dentist or dental corporation shall provide a copy of the assignment to the entity.

8 (b) A covered person may revoke an assignment made pursuant to subsection a of this
9 section with or without the consent of the provider. The revocation shall be in writing. The covered
10 person shall provide notice of the revocation to the entity. The entity shall send a copy of the
11 revocation notice to the dentist or dental corporation subject to the assignment. The revocation is
12 effective when both the entity and the provider have received a copy of the revocation notice. The
13 revocation is only effective for any charges incurred after both parties have received the
14 revocation notice.

15 (c) If, under an assignment authorized in subsection (a) of this section, a dentist or dental
16 corporation collects payment from a covered person and subsequently receives payment from
17 the entity, the dentist or dental corporation shall reimburse the covered person, less any
18 applicable copayments, deductibles, or coinsurance amounts, within 45 days.

19 (d) Nothing in this section limits an entity's ability to determine the scope of the entity's
20 benefits, services, or any other terms of the entity's policies or to negotiate any contract with a
21 licensed health care provider regarding reimbursement rates or any other lawful provisions.

NOTE: The purpose of this bill is to require dental insurance plans to honor an assignment, made in writing by the person covered under the policy, of payments due under the policy to a dentist or a dental corporation for services provided to the covered person that are covered under the policy.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.