

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4171**

BY DELEGATES CANESTRARO, KESSINGER, SKAFF,  
LOVEJOY, WORRELL, QUEEN, ROBINSON AND HANSEN

[Introduced January 14, 2020; 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 §33-15-22; to amend said code by adding thereto a new section, designated  
3 §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45;  
4 to amend said code by adding thereto a new section, designated §33-25-22; and to amend  
5 said code by adding thereto a new section, designated §33-25A-36, all relating to the  
6 assignment of certain benefits in dental care insurance coverage.

*Be it enacted by the Legislature of West Virginia:*

## **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.