

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 279

SENATORS TRUMP, STOLLINGS, BALDWIN, MARONEY,
ROMANO, HAMILTON, JEFFRIES, RUCKER, ROBERTS, AND
FACEMIRE, *original sponsors*

[Originating in the Committee on the Judiciary;
reported on February 12, 2020]

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 optional assignment of certain benefits in dental care insurance programs; detailing
7 revocation and reimbursement requirements; and excluding Medicaid, CHIP, and
8 contracts approved by the Department of Health and Human Resources Bureau for
9 Medical Services.

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.

22 (e) Any entity providing dental care shall provide conspicuous notice to the covered person
23 that the assignment of benefits is optional, and that additional payments may be required if the
24 assigned benefits are not sufficient to pay for received services.

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.

22 (e) Any entity providing dental care shall provide conspicuous notice to the covered person
23 that the assignment of benefits is optional, and that additional payments may be required if the
24 assigned benefits are not sufficient to pay for received services.

**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.

22 (e) Any entity providing dental care shall provide conspicuous notice to the covered person
23 that the assignment of benefits is optional, and that additional payments may be required if the
24 assigned benefits are not sufficient to pay for received services.

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.

22 (e) Any entity providing dental care shall provide conspicuous notice to the covered person
23 that the assignment of benefits is optional, and that additional payments may be required if the
24 assigned benefits are not sufficient to pay for received services.

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.

22 (e) Any entity providing dental care shall provide conspicuous notice to the covered person
23 that the assignment of benefits is optional, and that additional payments may be required if the
24 assigned benefits are not sufficient to pay for received services.

25 (f) The provisions of this section shall not apply to insurers or managed care organizations
26 with respect to their Medicaid or CHIP plans or contracts which are reviewed and approved by
27 the Department of Health and Human Resources Bureau for Medical Services.

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.