

**Subject** Dental Organizations, Providers, and Third-Party Access to Networks

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## Overview

This bill makes changes to the requirements in contracts between a dentist or dental clinic and a dental organization. Changes relate to disclosures of fees, methods of payment, and a dental organization allowing third parties access to a dentist or dental clinic's contract, services, or discounts.

## Summary

| Section | Description  |
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| 1       | <b>Contract disclosure.</b><br>Removes language regarding a health plan company/dental organization's duty to disclose a provider's expected reimbursement.  |
| 2       | <b>Fee schedules.</b><br>Makes conforming changes relating to section 1.   |
| 3       | <b>Third party.</b><br>Defines third party as one who enters into a contract with a dental organization, or another third party, to gain access to services or discounts pursuant to a dental provider contract. Clarifies that third party does not include an organization that provides administrative purposes.<br><br><b>Effective date.</b> This section is effective January 1, 2024. |
| 4       | <b>Method of payment.</b><br>Requires a dental provider contract to include a method of payment for services where no fee was incurred by the provider. Requires that fees related to receiving payment for services be disclosed to the provider by the dental organization before the provider contract is executed.   |

| Section | Description |
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| 5 | <b>Network leasing.</b> |
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(a) Allows a dental organization to give a third party access to a dental provider contract, services, or discounts and allows a dental provider to choose not to participate in the third-party access without penalty.

(b) A dentist waives the right to participate in third-party access if, when a dental organization that exists solely for the purpose of recruiting dentists for contracts to create a network to be leased, recruits the dentist.

(c) Allows a dental organization to grant a third party access to the dental provider contract, services, or discounts if:

(1) the dental organization lists all third parties that have access to the dental provider contracts on the dental website, updated at least every 90 days;

(2) the contract states that the dental organization may enter into an agreement with a third party to allow access to the dental organization's rights as if the third party were the dental organization; and

(3) the third party agrees to comply with all applicable terms of the provider contract.

(d) Clarifies that a dental provider is not required to perform services under a contract if access is granted to a third party in violation of this section.

(e) Clarifies that this subdivision does not apply when:

(1) the dental provider contract is for services provided under public health plan programs; or

(2) access to a dental provider contract is granted to a dental organization, an entity operating under the same brand licensee program, or entity that is an affiliate, if the entity agrees to substantially similar terms and conditions to the originating dental provider contract between the dental organization and the provider. A list of the dental organization's affiliates must be posted on the organization's website.



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