

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 400
93RD GENERAL ASSEMBLY

Reported from the Committee on Insurance March 30, 2005 with recommendation that House Committee Substitute for House Bill No. 400 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

0214L.02C

AN ACT

To amend chapter 208, RSMo, by adding thereto three new sections relating to the dental carve-out act of 2005.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 208.675, 208.678, and 208.680, to read as follows:

208.675. Sections 208.675 to 208.680 shall be known and may be cited as the
2 **"Dental Carve-Out Act of 2005"**.

208.678. 1. The division of medical services within the department of social services
2 **shall maintain and implement a process for managing dental benefits to public assistance**
3 **recipients. Such process may include, but is not limited to, innovative risk management**
4 **payment methodologies, streamlined information systems, Health Insurance Portability**
5 **and Accountability Act compliance, comprehensive quality programs, outreach programs,**
6 **fraud and abuse processes, systematic claim interrogation processes, and case evaluations**
7 **to determine the medical necessity and appropriateness of a patient's treatment. The**
8 **division shall contract with a single source private entity to provide dental program**
9 **management services in coordination with the division.**

10 **2. The division may place coverage limits on dental services and the frequency of**
11 **services to:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **(1) Prevent fraud, abuse, waste, and over utilization or inappropriate utilization;**
13 **or**

14 **(2) Implement a dental benefit management program; except that, the division shall**
15 **not limit or restrict access to federal and state-mandated benefits.**

16 **3. The division shall establish a statewide uniform dental program administered**
17 **by a single private entity; except that, the division shall not require a dentist to alter a**
18 **patient's previously authorized course of treatment unless such alteration is warranted by**
19 **the patient's condition as initiated by the dentist. Any decision regarding limitations**
20 **imposed on any dental benefit shall be based on sound clinical practice guidelines.**

21 **4. The single source private entity which receives the contract to provide the dental**
22 **program management services shall not discriminate against any dentist licensed in this**
23 **state who is willing to meet the terms and conditions set equally for all dentists for**
24 **participation established by such entity.**

208.680. 1. The division shall promulgate rules in accordance with state and
2 **federal law to implement the provisions of sections 208.675 to 208.680. Any rule or portion**
3 **of a rule, as that term is defined in section 536.010, RSMo, that is created under the**
4 **authority delegated in this section shall become effective only if it complies with and is**
5 **subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
6 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
7 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
8 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
9 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
10 **2005, shall be invalid and void.**

11 **2. If any provision of sections 208.675 to 208.680 or any application thereof is held**
12 **invalid, such invalidity shall not affect any other provision or application of sections**
13 **208.675 to 208.680 which can be given effect without the invalid provisions or application.**