

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by
5 changing Section 355.4 and by adding Section 355.5 as follows:

6 (215 ILCS 5/355.4)

7 Sec. 355.4. Provider notification of network plan changes.

8 (a) As used in this Section:

9 "Contracting entity" means any person or company that
10 enters into direct contracts with providers for the delivery
11 of dental services in the ordinary course of business,
12 including a third-party administrator and a dental carrier.

13 "Dental carrier" means a dental insurance company, dental
14 service corporation, dental plan organization authorized to
15 provide dental benefits, or a health insurance plan that
16 includes coverage for dental services.

17 (b) No dental carrier may automatically enroll a provider
18 in a leased network without allowing any provider that is part
19 of the dental carrier's provider network to choose to not
20 participate by opting out.

21 (c) Any contract entered into or renewed on or after the
22 effective date of this amendatory Act of the 103rd General
23 Assembly ~~this amendatory Act of the 99th General Assembly~~ that

1 allows the rights and obligations of the contract to be
2 assigned or leased to another insurer shall provide for notice
3 that informs each provider in writing via certified mail 60
4 days before any scheduled assignment or lease of the network
5 to which the provider is a contracted provider. To be in
6 compliance with this Section, the notification must include
7 all contract terms, a policy manual, a fee schedule, and a
8 statement that the provider has the right to choose not to
9 participate in third-party access ~~of that assignment or lease~~
10 ~~within 30 days after the assignment or lease to the~~
11 ~~contracting dentist.~~

12 (d) A dental carrier that leases or assigns its network
13 shall not cancel a network participating dentist's contractual
14 relationship or otherwise penalize a network participating
15 dentist in any way based on whether or not the dentist accepts
16 the terms of the assignment or lease. Before accepting the
17 terms of an assignment or lease agreement as described in this
18 Section, any provider who receives notification of an
19 impending assignment or lease must be given the option to
20 contract directly with the entities proposing to gain access
21 to the provider's network.

22 (e) The provisions of this Section do not apply:

23 (1) if access to a provider network contract is
24 granted to a dental carrier or an entity operating in
25 accordance with the same brand licensee program as the
26 contracting entity; or

1 (2) to a provider network contract for dental services
2 provided to beneficiaries of the State employee group
3 health insurance program or the medical assistance program
4 under the Illinois Public Aid Code.

5 (Source: P.A. 99-568, eff. 7-15-16.)

6 (215 ILCS 5/355.5 new)

7 Sec. 355.5. Dental coverage reimbursement; prohibitions.
8 No insurer, dental service plan corporation, professional
9 service corporation, insurance network leasing company, or any
10 company that amends, delivers, issues, or renews an individual
11 or group policy of accident and health insurance on or after
12 the effective date of this amendatory Act of the 103rd General
13 Assembly shall require a dental care provider to incur a fee to
14 access and obtain payment or reimbursement for services
15 provided. A dental plan carrier shall provide a dental care
16 provider with 100% of the contracted amount of the payment or
17 reimbursement. Fees incurred directly by a dental care
18 provider from third parties related to transmitting an
19 automated clearing house network claim, transaction
20 management, data management, or portal services and other fees
21 charged by third parties that are not in the control of the
22 dental plan carrier shall not be prohibited by this Section.