

Regular Session, 2006

ACT No. 744

HOUSE BILL NO. 1394 (Substitute for House Bill No. 896 by Representative Walsworth)

BY REPRESENTATIVE WALSWORTH AND SENATORS CHEEK AND SCHEDLER

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AN ACT

To amend and reenact R.S. 37:766 and to enact R.S. 37:771.1 and 1302, relative to the practice of medicine and the practice of dentistry; to allow a physician or dentist to discount the fee charged for health care services rendered to an uninsured individual; to provide any such discount granted by a contracted physician or dentist to an uninsured individual shall not reduce the contracted reimbursement amount between a physician or dentist and a health insurance issuer; to provide for the supervision of dental hygienists; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:771.1 and 1302 are hereby enacted and R.S. 37:766 is hereby amended and reenacted to read as follows:

§766. Hygienists, employment; operations limited

Any licensed dentist licensed in Louisiana of good standing, public institution, or school authority may employ a licensed hygienist who may perform such duties as may be authorized by the board. A registered dental hygienist may operate ~~only in the office of a licensed dentist under his direct supervision on the premises, except that when employed by a public school or federal or state institution where health care is provided, the hygienist may operate under the general direction and supervision of a licensed dentist also employed by the public school or federal or state institution~~ under a licensed Louisiana dentist's direct or general supervision as defined in LAC 46:XXXIII.108. The licensed hygienist shall be responsible for providing notification to the board of the name and location of his employer.

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§771.1. Dentist fees; discount to an uninsured individual; effect on a dentist's contracted reimbursement amount

A. Notwithstanding any state or federal provisions to the contrary, a contracted dentist licensed to practice dentistry by the Louisiana State Board of Dentistry may offer a discount for dental care services rendered to an uninsured individual. Any such discount granted by a contracted dentist to an uninsured individual shall not reduce the contracted reimbursement amount between a dentist and a health or dental insurance issuer for dental care services rendered to the issuer's enrollees, insureds, and subscribers.

B. For the purposes of this Section:

(1) "Contracted dentist" means a dentist licensed to practice dentistry by the Louisiana State Board of Dentistry who has executed a direct, specific contract with a health insurance issuer.

(2) "Contracted reimbursement amount" means the quantity of remuneration a health or dental insurance issuer has agreed to pay a dentist for rendering dental care services in a direct, specific agreement between a dentist and a health or dental insurance issuer.

(3) "Enrollee", "insured", or "subscriber" means an individual who is enrolled or insured by a health or dental insurance issuer or who is subscribed to a dental service contractor for dental insurance coverage or prepaid dental services.

(4) "Health or dental insurance issuer" means any entity that offers health or dental insurance coverage through a policy, contract, dental benefit plan, or certificate of insurance subject to state law that regulates the business of insurance.

For purposes of this Section, a "health or dental insurance issuer" shall include but not be limited to a dental service contractor as defined and certified pursuant to Part XXXIII of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950.

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§1302. Physician fees; discount to an uninsured individual; effect on a physician's contracted reimbursement amount

1 A. Notwithstanding any state or federal provisions to the contrary, a
2 contracted physician licensed to practice medicine by the Louisiana State Board of
3 Medical Examiners may offer a discount for a health care service rendered to an
4 uninsured individual. Any such discount granted by a contracted physician to an
5 uninsured individual shall not reduce the contracted reimbursement amount between
6 a physician and a health insurance issuer for health care services rendered to the
7 issuer's enrollees and insureds.

8 B. For the purposes of this Section:

9 (1) "Contracted physician" means a physician licensed to practice medicine
10 by the Louisiana State Board of Medical Examiners who has executed a direct,
11 specific contract with a health insurance issuer.

12 (2) "Contracted reimbursement amount" means the quantity of remuneration
13 a health insurance issuer has agreed to pay a physician for rendering health care
14 services in a direct, specific agreement between a physician and a health insurance
15 issuer.

16 (3) "Enrollee" or "insured" means an individual who is enrolled or insured
17 by a health insurance issuer for health insurance coverage.

18 (4) "Health care service" means one or more services, items, supplies, or
19 drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition,
20 illness, injury, or disease.

21 (5) "Health insurance coverage" means benefits consisting of health care
22 services provided directly, through insurance or reimbursement, or otherwise and
23 including items and services paid for as health care services under any medical
24 service policy or certificate, medical service plan contract, preferred provider
25 organization agreement, or health maintenance organization contract.

26 (6) "Health insurance issuer" means any entity that offers health insurance
27 coverage through a policy, contract, or certificate of insurance subject to state law
28 that regulates the business of insurance. For purposes of this Section, a "health
29 insurance issuer" shall include but not be limited to a health maintenance
30 organization as defined and licensed pursuant to Part XII of Chapter 2 of Title 22 of

1 the Louisiana Revised Statutes of 1950. A "health insurance issuer" shall not include
 2 any entity preempted as an employee benefit plan under the Employee Retirement
 3 Income Security Act of 1974.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____