



FREEDOM OF CHOICE: THE LAW IS ON YOUR SIDE

DID YOU KNOW... that your right to select the dentist of your choice is protected by a Louisiana law?

In 1985, the Louisiana Dental Association sponsored legislation, which became Act 441. We know that the choice of a dentist, or any other health care provider, is a sensitive one because of the nature of the doctor-patient relationship. Choices are often made because of convenient location and patient confidence in the dental practitioner that is selected. Whatever the reason, the law recognizes that it should be the patient receiving the dental care who should make the decision as to which dentist to see. This concept is consistent with the patient's long established right to determine what treatment will or will not be administered to his or her own body.

Specifically, Louisiana Revised Statute 22:1154 says that "no health insurance policy or employee benefit plan which is delivered, renewed, issued for delivery, or otherwise contracted for in this state shall prevent any person who is party to or beneficiary of any such health insurance policy or employee benefit plan from selecting the dentist of his choice to furnish the dental care services offered by the policy or plan, or interfere with such selection."

Furthermore, if you choose to continue your doctor-patient relationship with a dentist who is not on your plan's "approved" list of providers, Act 441 states, "The payment or reimbursement for a noncontracting provider dentist shall be the same as or greater than the payment or reimbursement for a contracting provider dentist; however, the health insurance policy or the employee benefit plan shall not be required to make payment or

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reimbursement in an amount that is greater than the amount so specified in the policy or plan or that is greater than the fee charged by the providing dentist for the dental care services rendered.”

However, there is an exception to the state law for certain self-funded health benefit plans. If an employer-sponsored or union-sponsored plan is exempt under ERISA (Employee Retirement Income Security Act) this federal act preempts Louisiana’s “Any-Willing-Provider Law”.

If you or your patients experience a problem relative to the freedom of choice, we suggest contacting the Louisiana Department of Insurance. You can file a complaint online by going to <https://www.lidi.la.gov/onlineservices/ConsumerComplaintForm> or you can download a complaint form and mail it in.

Contact info: Deputy Commissioner
Office of Health Insurance
P.O. Box 94214, Baton Rouge, LA 70804-9214
(225) 342-1355
<http://www.lidi.state.la.us/>

If you need more information about Act 441 or have specific questions relative to the practice of dentistry, please contact the Louisiana Dental Association at 7833 Office Park Boulevard, Baton Rouge, LA 70809, telephone number (225) 926-1986.

You can also find the exact law by going to <http://www.legis.la.gov> and clicking on the section entitled Louisiana Laws.

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