AN ACT

ENTITLED, An Act to provide for the assignment of certain benefits in dental care insurance coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 58-17 be amended by adding a NEW SECTION to read:

Any insurer that provides dental care insurance to a person shall honor an assignment, made in writing by the person insured under the policy, of payments due under the policy to a dentist or a dental corporation for dental care services provided to the person that is insured under the policy. Upon notice of the assignment, the insurer shall make payments directly to the dentist or dental corporation providing the dental care services. A dentist or dental corporation with a valid assignment may bill the insurer and notify the insurer of the assignment. Upon request of the insurer, the dentist or dental corporation shall provide a copy of the assignment to the insurer.

Section 2. That chapter 58-17 be amended by adding a NEW SECTION to read:

A person may revoke an assignment made pursuant to section 1 of this Act with or without the consent of the dentist or dental corporation. The revocation shall be in writing. The person shall provide notice of the revocation to the insurer. The insurer shall send a copy of the revocation notice to the dentist or dental corporation subject to the assignment. The revocation is effective when both the insurer and the dentist or dental corporation have received a copy of the revocation notice. The revocation is only effective for any charges incurred after both parties have received the revocation notice.

Section 3. That chapter 58-17 be amended by adding a NEW SECTION to read:

If, under an assignment authorized in section 1 of this Act, a dentist or dental corporation collects payment from a person and subsequently receives payment from the insurer, the dentist or dental corporation shall reimburse the person, less any applicable copayments, deductibles, or coinsurance

amounts, within forty-five days.

Section 4. That chapter 58-17 be amended by adding a NEW SECTION to read:

Nothing in this Act limits an insurer's ability to determine the scope of the insurer's benefits, services, or any other terms of the insurer's policies or to negotiate any contract with a licensed health care provider regarding reimbursement rates or any other lawful provisions.

The provisions of this Act apply only to any policy of insurance insuring dental care services. The provisions of this Act do not apply to any service payable as a medical benefit pursuant to a health benefit plan as defined in subdivision 58-17-66(9).

Section 5. That chapter 58-39 be amended by adding a NEW SECTION to read:

Notwithstanding the provisions of § 58-39-16, the provisions of this Act apply to any dental service corporation organized under chapter 58-39.

An Act to provide for the assignment of certain benefits in dental care insurance coverage.

I certify that the attached Act originated in the

HOUSE as Bill No. 1077

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1077
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State