

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1471

Introduced by

Representatives Christianson, Dockter, Kasper, Koppelman, Ostlie, Finley-DeVille, Louser  
Senators Bekkedahl, Paulson, Cleary, Meyer, Lee

1 A BILL for an Act to create and enact a new section to chapter ~~26.1-36.9~~26.1-47 of the North  
2 Dakota Century Code, relating to ~~dental benefit plan~~ method of dental payment options in  
3 preferred provider arrangements.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 ~~SECTION 1. A new section to chapter 26.1-36.9 of the North Dakota Century Code is~~  
6 ~~created and enacted as follows:~~

7 **SECTION 1.** A new section to chapter 26.1-47 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **Method of dental payment option.**

- 10 1. A ~~dental benefit plan~~ preferred provider arrangement may not include restrictions on  
11 methods of payment from the dental ~~benefit plans or the plan's~~ insurer or third-party  
12 payor vendor ~~or the health maintenance organization~~ to the ~~dentist~~ dental provider in  
13 which the only acceptable payment method is a credit card payment.
- 14 2. If initiating or changing payments to a ~~dentist~~ dental provider using electronic funds  
15 transfer payments, including virtual credit card payments, a dental ~~benefit plan~~ insurer  
16 or the ~~plan's~~ contracted vendor ~~or health maintenance organization~~ shall:
- 17 a. Notify the ~~dentist~~ dental provider if any fees are associated with a particular  
18 payment method;
- 19 b. Advise the ~~dentist~~ dental provider of the available methods of payment and  
20 provide clear instructions to the ~~dentist~~ dental provider as to how to select an

- 1                    alternative payment method that does not impose fees or similar charges on the  
2                    provider; and
- 3                    c. Notify the ~~dentist~~dental provider if the dental ~~benefit plan~~insurer is sharing a part  
4                    of the profit of the fee charged by the credit card company to pay the claim.
- 5                    3. A dental ~~benefit plan~~,provider or ~~the plan's~~a contracted vendor ~~or health maintenance~~  
6                    organization, which initiates or changes payments to a ~~dentist~~dental provider through  
7                    the automated clearinghouse network, under title 45, Code of Federal Regulations,  
8                    sections 162.1601 and 162.1602, may not charge a fee solely to transmit the payment  
9                    to a ~~dentist~~dental provider unless the ~~dentist~~dental provider has consented to the fee.  
10                    A ~~dentist's~~dental provider's agent may charge reasonable fees if transmitting an  
11                    automated clearinghouse network payment related to transaction management, data  
12                    management, portal services, and other value-added services in addition to the bank  
13                    transmittal.
- 14                    4. As used in this section, "dental insurer" and "dental provider" have the same meaning  
15                    as in section 26.1-36.9-01.