



# North Dakota Senate

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Senator Jose Castaneda

District 40  
309 Seventh Street NW  
Minot, ND, 58703-3061  
[jcastaneda@ndlegis.gov](mailto:jcastaneda@ndlegis.gov)

## COMMITTEES:

Judiciary  
State and Local Government (Vice Chair)

### **SB 2375 Testimony Senate Human Services Committee February 10, 2025**

Chair Lee and Members of the Senate Human Services Committee,

For the record, I am Jose Castaneda, Senator from District 40, North Minot.

SB 2375 will have a lasting impact on the access that our constituents will have to dentists in North Dakota. Too often dental providers do not have the ability nor the opportunity to negotiate with insurance companies to work out a mutual agreement on compensation for services rendered. When a dental provider is approached by an insurance company to see if they will become an in-network provider, it is often a take it or leave it scenario. With a limited ability to negotiate, dental providers may have to decline the insurance company. The ones that are being affected are our constituents. Since most patients usually only have one dental insurance plan, they are limited to only dental providers that honor their plan. The goal would be that every dental provider would honor as many insurance plans as possible, ultimately benefiting the consumer, our constituents.

This bill would authorize, two or more dental providers practicing in the service area of a dental insurer to jointly negotiate with the dental insurer and engage in related joint activity regarding non-fee-related matters. The Office of Administrative Hearings would arbitrate the negotiations.

As for fees and fee related matters: They can only be brought up for negotiation if it is found by the Office of Administrative Hearings that a dental insurer has substantial market power in a service area and any of the terms or conditions of the contract with the dental insurer pose an actual or potential threat to the quality and availability of patient care among covered individuals.

As you can see, I have provided each of you with an amendment. I have also e-mailed it to you. When the bill was first drafted, the Insurance Commission was the entity that seemed to make the most sense to arbitrate the negotiations. Upon further research, it became clear that the Commission would have a conflict of interest. The Office of Administrative Hearings is the agency that is perfectly suited to arbitrate these negotiations. The amendment replaces the Insurance Commission with the Office of Administrative Hearings, and moves section one from Century Code Title 26.1-36.9, Insurance, to Title 43-28, the Dentists chapter under Occupations and Professions. Section 2 under makes changes to Title 54-57-07, Compensation for provision of administrative law judges, under the Office of Administrative Hearings' chapter per their request.

In summary, Section 1 of SB 2375 details how the negotiations will take place, while section 2 details how arbitration will be paid for and makes allowances for Office of Administrative Hearings to receive payment from a non-governmental entity for arbitration services.

Thank you. I am happy to stand for any questions that you may have.