

2025 SENATE HUMAN SERVICES

SB 2377

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2377
2/3/2025

Relating to preferred provider arrangements and restrictions on dental care services.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

10:01 a.m. Chairman Lee opened the hearing.

Discussion Topics:

- Authorized dental procedures

10:01 a.m. Senator Boschee, District 44, introduced the bill and answered committee questions.

10:04 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2377
2/10/2025
10:07 a.m.

Relating to preferred provider arrangements and restrictions on dental care services.

10:07 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Disallowance clauses
- Frequency limitations
- Change of providers
- Breach of contract

10:08 a.m. William Sherwin, Executive Director of The ND Dental Association, testified in favor.

10:22 a.m. Chrystal Bartuska, Director with the North Dakota Insurance Department, testified in neutral.

Additional written testimony:

Senator Kent Weston submitted testimony in neutral #36647 and #36648.

10:27 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

25.1366.01001
Title.

Prepared by the Legislative Council
staff for Senator Weston
February 7, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2377

Introduced by

Senators Boschee, Bekkedahl, Dwyer

Representatives Dockter, Koppelman, Louser

- 1 A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century
2 Code, relating to preferred provider arrangements and restrictions on dental care services.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1. AMENDMENT.** Section 26.1-47-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-47-02.1. Fees for dental services - Prohibition.**

- 7 1. As used in this section, "covered services" means dental care services for which a
8 reimbursement is available under an enrollee's plan ~~or for which a reimbursement~~
9 ~~would be available but for the application of a deductible, copayment, coinsurance,~~
10 ~~waiting period, annual or lifetime maximum, or frequency limitation.~~
11 2. Except for fees for covered services, a preferred provider arrangement for a dental
12 plan may not directly or indirectly set or otherwise regulate the fees charged by the
13 preferred provider for dental care services.
14 3. A preferred provider arrangement may not ~~restrict a covered person from receiving~~
15 ~~additional dental care services that were denied due to annual, lifetime, or frequency~~
16 ~~limitations being met by the covered person's dental plan~~ disallow covered services,
17 resulting in denial of payment to the dental provider for a service that ordinarily would
18 have been covered or prohibit the dental provider from collecting the amount owed
19 from the patient for that service.

25.1366.01002
Title.

Prepared by the Legislative Council
staff for Senator Weston
February 7, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2377

Introduced by

Senators Boschee, Bekkedahl, Dwyer

Representatives Dockter, Koppelman, Louser

- 1 A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century
2 Code, relating to preferred provider arrangements and restrictions on dental care services.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 **SECTION 1. AMENDMENT.** Section 26.1-47-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-47-02.1. Fees for dental services - Prohibition.**

7 1. As used in this section, "covered services" means dental care services for which a
8 reimbursement is available under an enrollee's plan ~~or for which a reimbursement~~
9 ~~would be available but for the application of a deductible, copayment, coinsurance,~~
10 ~~waiting period, annual or lifetime maximum, or frequency limitation.~~

11 2. ~~Except for fees for covered services, a preferred provider arrangement for a dental~~
12 ~~plan may not directly or indirectly set or otherwise regulate the fees charged by the~~
13 ~~preferred provider for dental care services.~~

14 ~~3. A preferred provider arrangement for a dental plan may not restrict a covered person~~
15 ~~from receiving additional dental care services that were denied due to annual, lifetime,~~
16 ~~or frequency limitations being met by the covered person's dental plan:~~

17 a. Limit the fee the dental provider may charge for a service that is not a covered
18 service; or

19 b. Include a provision that:

- 1 (1) Allows the dental insurer to disallow a service, resulting in denial of payment
- 2 to the dental provider for a service that ordinarily would have been covered;
- 3 or
- 4 (2) Prohibits the dental provider from collecting the amount owed from the
- 5 patient for that service.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2377
2/10/2025
4:13 p.m.

Relating to preferred provider arrangements and restrictions on dental care services.

4:13 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Streamlining fee payments
- Rate of service denials
- Disallowance of services

4:13 p.m. William Sherwin, Executive Director, The ND Dental Association, answered committee questions.

4:23 p.m. Chrystal Bartuska, Director, North Dakota Insurance Department, answered committee questions.

4:28 p.m. Chairman Lee closed the meeting.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2377
2/11/2025
3:07 p.m.

Relating to preferred provider arrangements and restrictions on dental care services.

3:07 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Consumer protections
- Covered services

3:11 p.m. William Sherwin, Executive Director, North Dakota Dental Association, answered committee questions.

3:13 p.m. Chrystal Bartuska, Life/Health/Medicare Division Director, ND Insurance Department, answered committee questions.

3:28 p.m. Vice-chairman Weston closed the hearing.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2377
2/11/2025

Relating to preferred provider arrangements and restrictions on dental care services.

4:03 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Consumer protections
- Covered services

4:08 p.m. Senator Clemens moved to adopt amendment LC#25.1366.01003.

4:08 p.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 5-0-1.

4:09 p.m. Senator Roers moved Do Pass as Amended.

4:09 p.m. Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 5-0-1.

Senator Clemens will carry the bill.

4:11 p.m. Chairman Lee adjourned the meeting.

Senate Human Services Committee
SB 2377
02/11/25
Page 2

Andrew Ficek, Committee Clerk

February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

2-11-25
Jaz 1081

SENATE BILL NO. 2377

Introduced by

Senators Boschee, Bekkedahl, Dwyer

Representatives Dockter, Koppelman, Louser

- 1 A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century
2 Code, relating to preferred provider arrangements and restrictions on dental care services.

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

- 4 **SECTION 1. AMENDMENT.** Section 26.1-47-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-47-02.1. Fees for dental services - Prohibition.**

- 7 1. As used in this section, "covered services" means dental care services for which a
8 reimbursement is available under an enrollee's plan or for which a reimbursement
9 would be available but for the application of a deductible, copayment, coinsurance,
10 waiting period, annual or lifetime maximum, or frequency limitation.
- 11 2. Except for fees for covered services, a preferred provider arrangement for a dental
12 plan may not directly or indirectly set or otherwise regulate the fees charged by the
13 preferred provider for dental care services.
- 14 3. A preferred provider arrangement may not restrict a covered person from receiving or
15 paying for covered services as described in this section for additional dental care
16 services that were the covered person's network plan denied due to annual, lifetime, or
17 frequency limitations being met prohibit the dental provider from collecting the amount
18 owed from the patient for that service or by the covered person's dental plan.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2377
2/12/2025

Relating to preferred provider arrangements and restrictions on dental care services.

9:21 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Contracted rates

9:22 a.m. Senator Roers moved to reconsider.

9:22 a.m. Senator Van Oosting seconded the motion.

Voice vote - Motioned passed.

9:23 a.m. Senator Roers moved amendment LC#25.1366.01004.

9:23 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

9:27 a.m. Senator Roers moved Do Pass as Amended.

9:27 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Clemens will carry the bill.

9:28 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

February 12, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2377

Introduced by

Senators Boschee, Bekkedahl, Dwyer

Representatives Dockter, Koppelman, Louser

2-12-25
Jm
lobl

- 1 A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century
2 Code, relating to preferred provider arrangements and restrictions on dental care services.

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

- 4 **SECTION 1. AMENDMENT.** Section 26.1-47-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-47-02.1. Fees for dental services - Prohibition.**

- 7 1. As used in this section, "covered services" means dental care services for which a
8 reimbursement is available under an enrollee's plan or for which a reimbursement
9 would be available but for the application of a deductible, copayment, coinsurance,
10 waiting period, annual or lifetime maximum, or frequency limitation.
- 11 2. Except for fees for covered services, a preferred provider arrangement for a dental
12 plan may not directly or indirectly set or otherwise regulate the fees charged by the
13 preferred provider for dental care services.
- 14 3. A preferred provider arrangement may not restrict a covered person from receiving or
15 paying for covered services at the preferred provider arrangement's contracted rate as
16 described in this section for additional dental care services that were the covered
17 person's network plan denied due to annual, lifetime, or frequency limitations being
18 met prohibit the dental provider from collecting the amount owed from the patient for
19 that service or by the covered person's dental plan.

**REPORT OF STANDING COMMITTEE
SB 2377**

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS** ([25.1366.01004](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2377 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2377

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2377
3/10/2025

A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century Code, relating to preferred provider arrangements and restrictions on dental care services.

3:31 p. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVile, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Disallowed clause
- Dentist and carrier
- Preferred provider
- Covered services
- Service rates
- Contract changes
- Impact services

3:32 p.m. Senator Josh Boschee, District 44, Fargo, ND, introduced, testified and submitted testimony #39878.

3:36 p.m. William Sherwin, Executive Director, ND Dental Association, testified in favor.

3:56 p.m. Dr. Bradley King, Dentist, Bismarck, ND, testified in favor.

4:20 p.m. Chrystal Bartuska, Division Director Life & Health, ND Insurance Department, testified as neutral.

4:38 p.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Josh Boschee

District 44
736 Elm Street North, Apt. 8
Fargo, ND 58102-3859
jboschee@ndlegis.gov

COMMITTEES:

Education
Workforce Development

SB 2377 Testimony House Industry, Business and Labor Committee March 9, 2025

Chair Warrey and Members of the House Industry, Business and Labor Committee,

SB 2377 deals with dental insurance contracts and the ability of dental insurance carriers to place restrictions on dental care services. This legislation was drafted due to a concern shared with me by my dentist who was unable to provide dental services to a patient who elected and wanted to receive specific dental services. The dentist and patient were unable to consent to and perform the dental services due to restrictions placed on the dentist in his dental insurance contract, known as a disallow clause.

The patient provider relationship is a very important relationship that should not be interfered with by dental insurance companies. The interactions and decisions around patient's health and provision of healthcare should be privately made between a patient and their provider. Insurance companies should not have the ability to interfere, dictate or influence these decisions that are made regarding our constituents' health and their ability to electively receive services (and pay for those services).

I hope you'll provide SB 2377 your support, which was passed unanimously in the Senate. I'm happy to stand for any questions or comments you may have.

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2377
3/11/2025

A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century Code, relating to preferred provider arrangements and restrictions on dental care services.

11:30 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absent: Representative C. Brown

Discussion Topics:

- Limits on dentist
- Provider rate
- Uncovered services
- Disclosure

11:41 a.m. Representative D. Ruby moved to amend by keeping section 3 and removing section 4. #40564

11:41 a.m. Representative Schauer seconded the motion

Voice vote.

Motion passed.

11:46 a.m. Representative Koppelman moved to further amend by adding language to the beginning of section #4 to say, "Unless disclosed to the covered person prior to receiving dental care,".

11:49 a.m. Representative D. Ruby seconded the motion

Voice vote.

Motion passed.

11:50 a.m. Representative Kasper moved Do Pass as amended.

11:50 a.m. Representative Ostlie seconded the motion

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Jorin Johnson	Y
Representative Landon Bahl	Y
Representative Collette Brown	AB
Representative Timothy Brown	Y
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 13-0-1.

11:51 a.m. Representative D. Ruby will carry the bill.

11:51 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2377

Introduced by

Senators Boschee, Bekkedahl, Dwyer

Representatives Dockter, Koppelman, Louser

- 1 A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century
2 Code, relating to preferred provider arrangements and restrictions on dental care services.

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

- 4 **SECTION 1. AMENDMENT.** Section 26.1-47-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-47-02.1. Fees for dental services - Prohibition.**

- 7 1. As used in this section, "covered services" means dental care services for which a
8 reimbursement is available under an enrollee's plan or for which a reimbursement
9 would be available but for the application of a deductible, copayment, coinsurance,
10 waiting period, annual or lifetime maximum, or frequency limitation.
- 11 2. Except for fees for covered services, a preferred provider arrangement for a dental
12 plan may not directly or indirectly set or otherwise regulate the fees charged by the
13 preferred provider for dental care services.
- 14 3. A preferred provider arrangement may not restrict a covered person from receiving or
15 paying for ~~covered services at the preferred provider arrangement's contracted rate as~~
16 ~~described in this section for additional dental care services the covered person's~~
17 ~~network plan that were denied by the covered person's dental plan due to annual,~~
18 ~~lifetime, or frequency limitations being met.~~
- 19 4. Unless disclosed to the covered person before receiving dental care, a covered
20 person receiving or paying for additional dental care services described in

Sixty-ninth
Legislative Assembly

- 1 | subsection 3 may not be charged a rate in excess of the preferred provider
- 2 | arrangement's contracted rate for covered services.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2377**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **AMENDMENTS** ([25.1366.03001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2377 was placed on the Sixth order on the calendar.

25.1366.03000-
Koppelman
Amendments

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2377

Introduced by

Senators Boschee, Bekkedahl, Dwyer

Representatives Dockter, Koppelman, Louser

- 1 A BILL for an Act to amend and reenact section 26.1-47-02.1 of the North Dakota Century
2 Code, relating to preferred provider arrangements and restrictions on dental care services.

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

- 4 **SECTION 1. AMENDMENT.** Section 26.1-47-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-47-02.1. Fees for dental services - Prohibition.**

- 7 1. As used in this section, "covered services" means dental care services for which a
8 reimbursement is available under an enrollee's plan or for which a reimbursement
9 would be available but for the application of a deductible, copayment, coinsurance,
10 waiting period, annual or lifetime maximum, or frequency limitation.
- 11 2. Except for fees for covered services, a preferred provider arrangement for a dental
12 plan may not directly or indirectly set or otherwise regulate the fees charged by the
13 preferred provider for dental care services.
- 14 3. A preferred provider arrangement may not restrict a covered person from receiving or
15 paying for covered services at the preferred provider arrangement's contracted rate as
16 described in this section for additional dental care services the covered person's
17 network plan that were denied by the covered person's dental plan due to annual,
lifetime, or frequency limitations being met.
4. A covered person receiving or paying for additional dental care services described in
subsection (3) shall not be charged a rate in excess of the preferred provider
arrangement's contracted rate for covered services as described in this section.