
DIGEST

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HB 353 Original

2020 Regular Session

Brown

Abstract: Prohibits downcoding of claims for dental services unless specific criteria are met.

Proposed law defines "downcode" or "downcoding" as the alteration by a dental service contractor, insurer, or other third-party payer of a service code submitted with a claim for reimbursement by a dentist or other healthcare provider to one of lesser complexity, resulting in decreased reimbursement.

Proposed law prohibits a dental service contractor from systematically downcoding with the intent to deny reimbursement otherwise due to a dentist or other healthcare provider and deems a violation of proposed law to be an unfair or deceptive practice subject to the penalties in present law relative to unfair trade practices.

Proposed law prohibits a dental service contractor from changing a procedure code submitted by a dentist or other healthcare provider unless all of the following conditions are met:

- (1) The change is consistent with the dental service contractor's policies.
- (2) The dental service contractor has sufficient information to make the change.
- (3) The dental service contractor has consulted with the submitting dentist or other healthcare provider prior to the change.

Proposed law requires the explanation of benefits (EOB) provided to the subscriber to include the reason for the downcoding and citation of the dental service contractor's applicable policy and prohibits the EOB from stating or inferring either of the following:

- (1) That the code billed by the dentist or other healthcare provider was inappropriate unless there is clear evidence the code listed on the claim by the dentist or provider in no way related to the procedure actually performed.
- (2) That the dentist or other healthcare provider's charge was excessive unless there is clear evidence the charge was substantially higher than the dentist's or provider's regular fees.

Proposed law requires the dental service contractor to disclose in its provider contracts, on its website, or both, the specific downcoding policies that the dental service contractor reasonably expects to be applied to the provider or provider's services on a routine basis as a matter of policy.

(Adds R.S. 22:1151(7) and (8) and 1157)