

By: Bettencourt

S.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of overpayments made to dentists by certain employee benefit plans and health insurers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1451.206, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) An employee benefit plan or health insurance policy provider or issuer may not recover an overpayment made to a dentist unless:

(1) not later than the 180th day after the date the dentist receives the payment, the provider or issuer provides written notice of the overpayment to the dentist that includes the basis and specific reasons for the request for recovery of funds; and

(2) the dentist:

(A) fails to provide a written objection to the request for recovery of funds and does not make arrangements for repayment of the requested funds on or before the 45th day after the date the dentist receives the notice; or

(B) objects to the request in accordance with the procedure described by Subsection (e) and exhausts all rights of appeal.

(e) An employee benefit plan or health insurance policy provider or issuer shall provide a dentist with the opportunity to

1 challenge an overpayment recovery request and establish written
2 policies and procedures for a dentist to object to an overpayment
3 recovery request. The procedures must allow the dentist to access
4 the claims information in dispute.

5 SECTION 2. The changes in law made by this Act apply only to
6 an employee benefit plan for a plan year that commences on or after
7 January 1, 2024, or a health insurance policy delivered, issued for
8 delivery, or renewed on or after January 1, 2024, and any provider
9 network contract entered into on or after the effective date of this
10 Act in connection with one of those plans or policies.

11 SECTION 3. This Act takes effect September 1, 2023.