



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 26
[2013 Assembly Bill 109]

Fees for Dental Services

2013 Wisconsin Act 26 relates to fees for dental services.

The Act specifies that an insurer may not set a fee for a dental or related service that is not covered under a limited scope dental benefits policy. Likewise, under that Act, a third-party administrator or provider network may not set a fee for a dental or related service that is not covered under a self-insured plan.

The Act also specifies that a dentist may not charge more than the dentist's usual, nondiscounted fee for a service that is not covered under a patient's limited scope dental benefits policy.

Although not defined in the Act, a "limited scope dental benefits policy" generally means a separate policy, for dental and related services, that is not part of a group health plan.

For purposes of the Act, a "covered service" means a dental or related service for which the policy or plan makes payment. If a service is covered under the dental policy or plan, its status as a covered service is unaffected by contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual maximums, lifetime maximums for a course of treatment, frequency limitations, or alternative benefit payments.

Under the Act, a limited scope dental benefits policy may not provide nominal or *de minimis* coverage for a service, in order to include it as a "covered" service for which the policy may set the fee.

Effective date: 2011 Wisconsin Act 26 is effective January 1, 2014. The prohibition against setting fees, for a dental or related service that is not covered under a policy or plan, applies to a contract with a dentist that is entered into, modified, or renewed on or after January 1, 2014. The prohibition against offering nominal or *de minimis* coverage under a policy, for the purpose of avoiding the prohibition against setting fees, applies to a limited scope dental benefits policy that is issued or renewed on or after January 1, 2014.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.