

SENATE BILL NO. 238

INTRODUCED BY K. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DENTAL INSURANCE TO INCLUDE AN ASSIGNABILITY CLAUSE; ALLOWING THE BENEFITS OF THE POLICY OR CERTIFICATE TO BE ASSIGNED OR OTHERWISE TRANSFERRED BY THE INSURED TO A DENTIST OF THE INSURED'S CHOICE; AMENDING SECTION 33-30-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Assignability of dental insurance policies.** All dental insurance policies and certificates must contain an assignability clause, as described in 33-15-414, that allows the benefits of the policy or certificate to be assigned or otherwise transferred by the insured to a dentist of the insured's choice. The insurer shall comply with the instructions of the insured regarding whether claim reimbursement must be paid to the dentist or directly to the insured.

Section 2. Section 33-30-102, MCA, is amended to read:

"33-30-102. Application of chapter -- construction of other related laws. (1) All health service corporations are subject to the provisions of this chapter. In addition to the provisions contained in this chapter, other chapters and provisions of this title apply to health service corporations as follows: [33-2-714;] 33-2-1212; 33-3-307; 33-3-308; 33-3-401; 33-3-431; 33-3-701 through 33-3-704; 33-17-101; Title 33, chapter 2, parts 13, 19, 23, and 24; Title 33, chapter 3, part 6; Title 33, chapter 17, parts 2 and 10 through 12; section 1; and Title 33, chapters 1, 10, 12, 15, 18, 19, 22, and 32, except 33-22-111.

(2) A law of this state other than the provisions of this chapter applicable to health service corporations must be construed in accordance with the fundamental nature of a health service corporation, and in the event of a conflict, the provisions of this chapter prevail. (Bracketed reference in subsection (1) to 33-2-714 terminates June 30, 2025, on occurrence of contingency--sec. 48, Ch. 415, L. 2019.)"

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NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 33, and the provisions of Title 33 apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective January 1, 2024.

NEW SECTION. **Section 5. Applicability.** [This act] applies to dental insurance policies and certificates and health insurance plans, policies, and certificates issued or renewed on or after January 1, 2024.

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