
SUBSTITUTE SENATE BILL 5351

State of Washington

69th Legislature

2025 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators King, Chapman, Cleveland, Muzzall, Orwall, Christian, Nobles, Harris, Salomon, Conway, Frame, Hasegawa, Holy, Shewmake, and Trudeau)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to ensuring patient choice and access to care by
2 prohibiting unfair and deceptive dental insurance practices; amending
3 RCW 48.43.743; adding new sections to chapter 48.43 RCW; creating new
4 sections; providing an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43
7 RCW to read as follows:

8 (1) A dental only plan offered by a carrier or limited health
9 care service contractor, as defined in RCW 48.44.035, may not deny
10 coverage for procedures solely on the basis that the procedures were
11 performed on the same day.

12 (2) Nothing in this section shall prevent a dental only plan
13 offered by a carrier or limited health care service contractor from
14 denying a claim for coverage where such denial relates in whole or in
15 part to any of the following:

16 (a) Limitations intended to prevent fraud, waste, and abuse;

17 (b) A claim indicating unbundling of procedure elements where
18 payment for a service bundles multiple procedure elements;

19 (c) Clinical appropriateness;

20 (d) Medical necessity;

- 1 (e) A final benefit decision that has been pended due to the need
2 for further documentation or provider narrative; or
3 (f) Plan benefit limitations.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43
5 RCW to read as follows:

6 (1) A dental only plan offered by a carrier or limited health
7 care service contractor, as defined in RCW 48.44.035, may pay a claim
8 for reimbursement made by a dental care provider using a credit card
9 if:

10 (a) The carrier or limited health care service contractor
11 notifies the provider, in advance, of any fees associated with the
12 use of the credit card;

13 (b) The carrier or limited health care service contractor offers
14 the provider an alternative payment method that does not impose fees
15 or similar charges on the provider; and

16 (c) The carrier or limited health care service contractor advises
17 the provider of available methods of payment and provides clear
18 instructions to the provider as to how to select an alternative
19 payment method.

20 (2) If a carrier or limited health care service contractor
21 contracts with a vendor to process payments of dental providers'
22 claims, the carrier or limited health care service contractor shall
23 require the vendor to comply with the provisions of subsection (1)(a)
24 of this section.

25 NEW SECTION. **Sec. 3.** The insurance commissioner may adopt any
26 rules necessary to implement sections 1 and 2 of this act.

27 NEW SECTION. **Sec. 4.** (1) The office of the insurance
28 commissioner shall enter into a contract with the William D.
29 Ruckelshaus center to:

30 (a) Design, convene, and facilitate a collaborative forum with
31 participation from:

32 (i) The Washington state dental association;

33 (ii) A representative of the Washington denturist association;

34 (iii) Dental insurance carriers, including those carriers with a
35 significant commercial market share in Washington state;

36 (iv) Consumer representatives;

37 (v) The office of the insurance commissioner; and

1 (vi) Other relevant interested organizations as appropriate;

2 (b) Facilitate discussions to address issues related to:

3 (i) Dental loss ratio; and

4 (ii) Relative payment for dentists or denturists based upon their
5 provider network status including, but not limited to, payment based
6 on the usual and customary rate; and

7 (c) Develop recommendations for legislative or regulatory action.

8 (2) The William D. Ruckelshaus center shall:

9 (a) Provide quarterly progress updates to legislative members
10 designated by the chairs of the appropriate legislative committees;
11 and

12 (b) Submit a final report, summarizing findings, areas of
13 agreement, and recommendations for legislative or regulatory action,
14 to the legislature by June 30, 2026.

15 **Sec. 5.** RCW 48.43.743 and 2015 c 9 s 2 are each amended to read
16 as follows:

17 (1) Each health carrier offering a dental only plan shall submit
18 to the commissioner on or before April 1st of each year as part of
19 the additional data statement or as a supplemental data statement the
20 following information for the preceding year that is derived from the
21 carrier's annual statement, including the exhibit of premiums,
22 enrollments, and utilization for the company at an aggregate level
23 and the additional data to the annual statement, which must be based
24 on Washington data and may not include data from other states:

25 (a) The total number of dental members;

26 (b) The total amount of dental revenue;

27 (c) The total amount of dental payments;

28 (d) The dental loss ratio that is computed by dividing the total
29 amount of dental payments by the total amount of dental revenues;

30 (e) The average amount of premiums per member per month; and

31 (f) The percentage change in the average premium per member per
32 month, measured from the previous year.

33 (2) A carrier shall electronically submit the information
34 described in subsection (1) of this section in a format and according
35 to instructions prescribed by the commissioner.

36 (3) The commissioner shall make the information reported under
37 this section available to the public in a format that allows
38 comparison among carriers through a searchable public website on the
39 internet.

1 (4) For the purposes of licensed disability insurers and health
2 care service contractors, the commissioner shall work collaboratively
3 with insurers to develop an additional or supplemental data statement
4 that utilizes to the maximum extent possible information from the
5 annual statement forms that are currently filed by these entities.

6 (5) For purposes of this section, "health carrier," in addition
7 to the definition in RCW 48.43.005, also includes health care service
8 contractors, limited health care service contractors, and disability
9 insurers offering dental only coverage.

10 (6) Nothing in this section is intended to establish a minimum
11 dental loss ratio.

12 NEW SECTION. **Sec. 6.** Section 4 of this act is necessary for the
13 immediate preservation of the public peace, health, or safety, or
14 support of the state government and its existing public institutions,
15 and takes effect July 1, 2025.

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