

# Restricting Retroactive Denial to Prevent Surprise Billing and Protect Patients



**Retroactive denial allows insurance companies to require dentists to repay claims already paid to them when insurers discover they paid a claim mistakenly, even if the claim was processed years ago. This results in surprise billing – at the expense of patients.**

## Patient Concerns

Retroactive denials often result in an unexpected bill for the patient and erodes trust between patients and their dentists, creating uncertainty that can keep patients from seeking care in the future. Patients and dentists alike should be able to expect timely, accurate billing settlements when working with insurers.

## Solution

The North Dakota Dental Association is working to pass reforms to limit the time frame within which an insurer may demand a refund on a claim they have already paid out. As a result, “surprise bills” are limited within a reasonable amount of time, typically 6 or 12 months.

## What Are the Benefits of Retroactive Denial Laws?

- Adopts a statute-of-limitations approach, establishing a reasonable timeline to conclude health care coverage transactions.
- Establishes accountability and responsibility on the part of insurers in managing their processes and administration of benefits, ultimately helping to keep overall health care costs down.
- Careful management of claims payment administration reduces unexpected health care costs that add to the cost of care in the long run.

## Proposed Retroactive Denial Laws in North Dakota

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Dental Care Bill of Rights

HB 1154 – Dental Insurance Reform



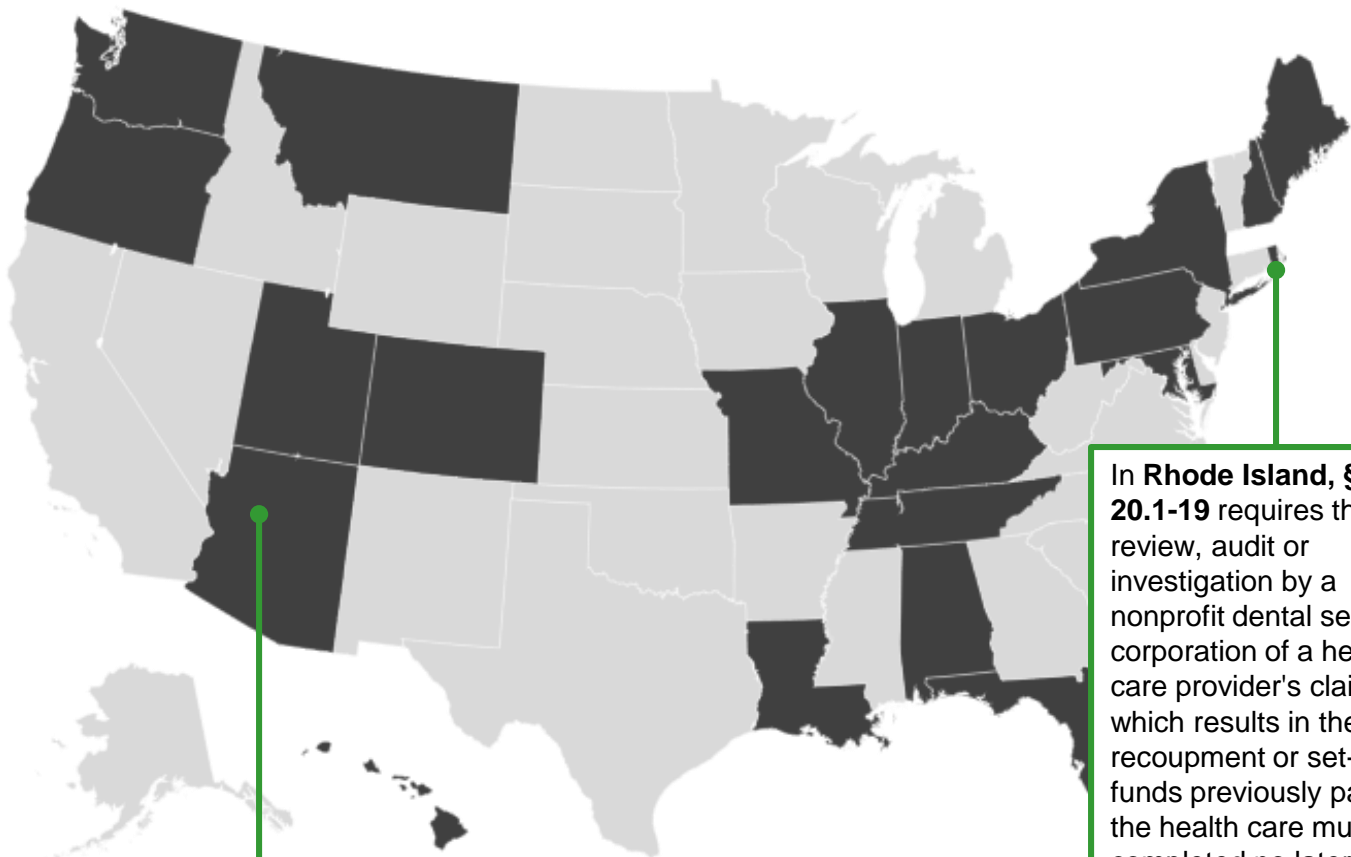
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# Retroactive Denial Legislation – Taking Root Across America

▶ PASSED IN

**24 states**



In **Arizona, A.R.S. § 20-3102 (I)** prohibits insurers from adjusting or requesting adjustment of the payment or denial of a claim more than one year after payment or denial.

In **Rhode Island, § 27-20.1-19** requires that any review, audit or investigation by a nonprofit dental service corporation of a health care provider's claims which results in the recoupment or set-off of funds previously paid to the health care must be completed no later than 18 months after the completed claims were initially paid.

▶ To learn more about **Retroactive Denial Legislation in North Dakota**, please contact the North Dakota Dental Association at 701-223-8870 or by email at [wsherwin@smilenorthdakota.org](mailto:wsherwin@smilenorthdakota.org).