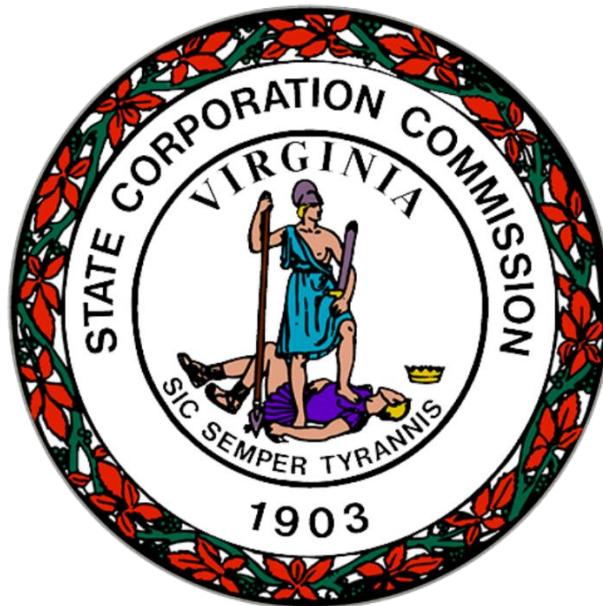


# Report of the Dental Ethics and Fairness Work Group

*Submitted to the Chairs of the Senate Committee on Commerce and Labor  
and the House of Delegates Committee on Labor and Commerce, pursuant to  
Chapters 319 and 345, Acts of Assembly – 2024 Session*



State Corporation Commission  
Bureau of Insurance

October 1, 2024

# COMMONWEALTH OF VIRGINIA

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October 1, 2024

The Honorable R. Creigh Deeds  
Chair, Commerce and Labor Committee  
Senate of Virginia

The Honorable Jeion A. Ward  
Chair, Labor and Commerce Committee  
Virginia House of Delegates

Dear Senator Deeds and Delegate Ward:

On behalf of the State Corporation Commission, the Bureau of Insurance submits this Report of the Dental Ethics and Fairness Work Group pursuant to [Chapters 319](#) and [345](#) of the Virginia Acts of Assembly, 2024 Session.

While the Bureau staffed and facilitated this work group, the report represents the perspectives of the participating stakeholders.

Respectfully submitted,

Scott A. White  
Commissioner of Insurance

# **Report of the Dental Ethics and Fairness Work Group**

## **Introduction and Purpose**

In [Chapters 319](#) and [345](#) of the Virginia Acts of Assembly, 2024 Session, the General Assembly directed the State Corporation Commission to convene a stakeholder work group to determine if revisions to [§ 38.2-3407.15](#) of the Code of Virginia (Code) are necessary “regarding ethics and fairness in dental carrier business practices and of health care providers of dental services.” This section provides guiderails for how a dental carrier should handle claims from a dental provider. Specifically, it provides timeframes for reviewing and approving, defines “clean claim,” and requires certain terms in a carrier-provider contract for services and reimbursement. Named stakeholders include dental carriers, representatives from the Virginia Dental Association (VDA) and Association of Dental Support Organizations, and other interested stakeholders. The work group must file its recommendations with the Chairs of the House Committee on Labor and Commerce and Senate Committee on Commerce and Labor by October 1, 2024.

In spring 2024, in advance of the work group meetings, dental providers and carriers began periodic meetings to discuss ways to enhance lines of communication, make the claims handling process more transparent, and learn how the legislative amendments to § 38.2-3407.15 of the Code<sup>1</sup> might foster a better working relationship between them and improve a competitive dental provider marketplace. Both support these forums as a venue to educate each other about their needs and concerns, and both desire open avenues for collaboration. Many meetings outside the work group venue are expected.

## **Methodology**

In late spring 2024, the VDA sent out a grievance survey and received over 200 responses from dental providers. It identified three primary areas of concern to discuss at the work group meetings: (i) carrier handling of down coding, bundling and upcoding of claims; (ii) radiographs or x-rays; and (iii) providing clear and sufficient documentation of crowns and build-ups, as required by carriers.

The work group held two meetings, one each in June and July 2024. Over 45 attended, consisting of representatives of VDA, the Association of Dental Support Organizations, and several insurance carriers; Bureau of Insurance staff; and other stakeholders.

## **Summary of Meetings**

### **June 26, 2024**

On June 26, 2024, the work group discussed key issues identified in the VDA survey, including down coding, bundling, upcoding, radiographs, and crown documentation.

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<sup>1</sup> As set forth in Chapter 270 of the Virginia Acts of Assembly, 2024 Session.

Provider groups raised concerns regarding the coding practices of carriers under recent amendments to § 38.2-3407.15 of the Code following the receipt of a clean claim. Dental providers preferred to discuss this topic with carriers at their individual meetings outside of the work group venue. Both emphasized the need for better education, transparency, and communication between providers and carriers. Additional issues were discussed, including assignment of benefits and non-covered services.

#### July 17, 2024

On July 17, the work group received updates on discussions with dental providers and a recent meeting with Delta Dental. The VDA and Delta Dental representatives praised recent meetings as productive and having led to a mutual understanding and plans for educational initiatives and better communication in claims processing. As part of the group's action items, providers have either met with or plan to meet with the major carriers writing dental coverage in Virginia to discuss the mutual goal of having more dentists accept electronic reimbursements from all carriers.

A discussion on coding changes revealed providers' concerns about the effect of timing on reimbursements. Delta Dental representatives said that payment of claims typically occurs within seven business days. Information on coding and bundling is available in provider contracts and on carrier websites. Providers had questions about filing complaints. Bureau staff explained the provider complaint process. It involves a 45-day review to determine if complaints have merit and are isolated incidents or part of a broader pattern.

#### **Key Outcomes**

After significant stakeholder input and discussion, the work group agreed that revisions to § 38.2-3407.15 of the Code are unnecessary at this time. The consensus revisions to that section of the Code resulting from last year's Ethics and Fairness Work Group discussions among medical providers, hospitals, and carriers, have only recently been implemented. The discussions have also produced the following key outcomes:

1. Provider-carrier discussions and educational efforts should continue through mid-2025, focusing on coding issues, radiographs, and required documentation for crowns. Providers expect to benefit as the amended requirements of § 38.2-3407.15 of the Code are implemented. Delta Dental has committed to offer seminars, webinars, and workshops, and review and possibly adjust processing policies and plan designs. The VDA has agreed to enhance communication with dentists through emails and newsletters and hopes for a similar meeting with Elevance Health – a representative of which has stated that the issues are under review and a meeting will soon be held.
2. The VDA has offered to serve as an additional conduit for general carrier notifications of dental providers by emailing members a notification link.

Given ongoing talks, the participants find no reason for further work group meetings.