

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 402

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO INSURANCE; REQUIRING THE SUPERINTENDENT OF  
INSURANCE TO PROMULGATE RULES ESTABLISHING A TIME FRAME FOR  
HEALTH INSURANCE CARRIERS TO LOAD INFORMATION ON APPROVED  
DENTISTS AND DENTAL HYGIENISTS INTO THEIR PROVIDER PAYMENT  
SYSTEMS; REQUIRING HEALTH INSURANCE CARRIERS TO REIMBURSE  
APPROVED DENTISTS AND DENTAL HYGIENISTS IF THE HEALTH INSURANCE  
CARRIERS FAIL TO LOAD THAT INFORMATION WITHIN THIRTY DAYS OF  
RECEIVING A COMPLETE CREDENTIALING APPLICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Short-Term Health Plan  
and Excepted Benefit Act is enacted to read:

"[NEW MATERIAL] DENTAL PLAN--PROVIDER CREDENTIALING--  
REQUIREMENTS--DEADLINE.--

A. The superintendent shall adopt and promulgate

1 rules to provide for a uniform and efficient provider  
2 credentialing process. The superintendent shall approve no  
3 more than two forms of application to be used for the  
4 credentialing of dentists and dental hygienists.

5 B. A health insurance carrier shall not require a  
6 dentist or dental hygienist to submit information not required  
7 by a credentialing application established pursuant to  
8 Subsection A of this section.

9 C. The provisions of this section apply equally to  
10 initial credentialing applications and applications for  
11 recredentialing.

12 D. The rules that the superintendent adopts and  
13 promulgates shall require primary credential verification no  
14 more frequently than every three years and allow provisional  
15 credentialing for a period of one year.

16 E. Nothing in this section shall be construed to  
17 require a health insurance carrier to credential or  
18 provisionally credential a dentist or dental hygienist.

19 F. The rules that the superintendent adopts and  
20 promulgates shall establish that a health insurance carrier or  
21 a health insurance carrier's agent shall:

22 (1) assess and verify the qualifications of a  
23 dentist or dental hygienist who is applying to become a  
24 participating provider within thirty calendar days of receipt  
25 of a complete credentialing application and issue a decision in

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1 writing to the applicant approving or denying the credentialing  
2 application;

3 (2) be permitted to extend the credentialing  
4 period to assess and issue a determination by an additional  
5 fifteen calendar days if, upon review of a complete  
6 application, it is determined that the circumstance presented,  
7 including an admission of sanctions by the state licensing  
8 board, an investigation or a felony conviction, a revocation of  
9 clinical privileges or a denial of insurance coverage, requires  
10 additional consideration;

11 (3) within ten working days after receipt of a  
12 credentialing application, send a written notification via  
13 United States certified mail to the applicant requesting any  
14 information or supporting documentation that the health  
15 insurance carrier requires to approve or deny the credentialing  
16 application. The notice to the applicant shall include a  
17 complete and detailed description of all of the information or  
18 supporting documentation required and the name, address and  
19 telephone number of a person who serves as the applicant's  
20 point of contact for completing the credentialing application  
21 process. Any information required pursuant to this section  
22 shall be reasonably related to the information in the  
23 application; and

24 (4) no later than thirty calendar days as  
25 described in Paragraph (1) of this subsection or an additional

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1 fifteen days as described in Paragraph (2) of this subsection,  
2 load into the health insurance carrier's provider payment  
3 system all dentist or dental hygienist information, including  
4 all information needed to correctly reimburse a newly approved  
5 dentist or dental hygienist according to the dentist's or  
6 dental hygienist's contract. The health insurance carrier or  
7 health insurance carrier's agent shall add the approved  
8 dentist's or dental hygienist's data to the provider directory  
9 upon loading the dentist's or dental hygienist's information  
10 into the health insurance carrier's provider payment system.

11 G. A health insurance carrier shall reimburse a  
12 dentist or dental hygienist for covered health care services  
13 for any claims from the dentist or dental hygienist that the  
14 health insurance carrier receives with a date of service more  
15 than thirty calendar days after the date on which the health  
16 insurance carrier received a complete credentialing application  
17 for that dentist or dental hygienist if:

18 (1) the dentist or dental hygienist:

19 (a) has submitted a complete  
20 credentialing application and any supporting documentation that  
21 the health insurance carrier has requested in writing within  
22 the time frame established in Paragraph (3) of Subsection F of  
23 this section;

24 (b) has no past or current license  
25 sanctions or limitations, as reported by the New Mexico board

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1 of dental health care or another pertinent licensing and  
2 regulatory agency or a similar out-of-state licensing and  
3 regulatory entity for a dentist or dental hygienist who is  
4 licensed in another state; and

5 (c) has professional liability insurance  
6 or is covered under the Medical Malpractice Act; and

7 (2) the health insurance carrier:

8 (a) has approved, or has failed to  
9 approve or deny, the applicant's complete credentialing  
10 application within the time frame established pursuant to  
11 Paragraph (1) or (2) of Subsection F of this section; or

12 (b) fails to load the approved  
13 applicant's information into the health insurance carrier's  
14 provider payment system in accordance with Paragraph (4) of  
15 Subsection F of this section.

16 H. A dentist or dental hygienist who, at the time  
17 services were rendered, was not employed by a practice or group  
18 that has contracted with the health insurance carrier to  
19 provide services at specified rates of reimbursement shall be  
20 paid by the health insurance carrier in accordance with the  
21 health insurance carrier's standard reimbursement rate.

22 I. A dentist or dental hygienist who, at the time  
23 services were rendered, was employed by a practice or group  
24 that has contracted with the health insurance carrier to  
25 provide services at specified rates of reimbursement shall be

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1 paid by the health insurance carrier in accordance with the  
2 terms of that contract.

3 J. The superintendent shall adopt and promulgate  
4 rules to provide for the resolution of disputes relating to  
5 reimbursement and credentialing arising in cases where  
6 credentialing is delayed beyond thirty days after application.

7 K. A health insurance carrier shall reimburse a  
8 dentist or dental hygienist pursuant to Subsections G, H and I  
9 of this section until the earlier of the following occurs:

10 (1) the health insurance carrier's approval or  
11 denial of the dentist's or dental hygienist's complete  
12 credentialing application; or

13 (2) the passage of three years from the date  
14 the health insurance carrier received the dentist's or dental  
15 hygienist's complete credentialing application.

16 L. As used in this section:

17 (1) "credentialing" means the process of  
18 obtaining and verifying information about a dentist or dental  
19 hygienist and evaluating that dentist or dental hygienist when  
20 that dentist or dental hygienist seeks to become a  
21 participating provider;

22 (2) "dental hygienist" means an individual who  
23 has graduated and received a degree from a dental hygiene  
24 educational program that is accredited by the commission on  
25 dental accreditation, provides a minimum of two academic years

.231438.1

1 of dental hygiene curriculum and is an institution of higher  
2 education; and "dental hygienist" means, except as the context  
3 otherwise requires, an individual who holds a license to  
4 practice dental hygiene in New Mexico; and

5 (3) "dentist" means a person who has graduated  
6 and received a degree from a school of dentistry that is  
7 accredited by the commission on dental accreditation and holds  
8 a license to practice dentistry in New Mexico."

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