



**NATIONAL  
ASSOCIATION  
OF DENTAL PLANS**

# **Comments on Proposed Amendments to the NCOIL Transparency in Dental Benefits Contracting Model Act**

September 19, 2025

# Background

- Extensive amendments propose a drastic structural change from the carefully negotiated original model.
- States agree that NCOIL landed on the correct approach with the original Model – see high rates of state adoption of Model provisions
  - 11 states adopting the virtual credit card provisions
  - 15 states adopting the network leasing provisions
- The current model represents sound policy

# What does the current opt-out model offer?

- Consumer benefits
  - More robust networks with lower in-network costs, OOP cost predictability, provider options, and quality standards
- Provider empowerment
  - Providers may exercise their choice to opt out of network leasing arrangements and virtual credit cards (not take-it-or-leave-it demands)
  - Providers currently receive advance notice of network leases and payment options
  - Providers can leave networks that are not providing value
- Administrability
  - It takes a lot of resources and time to build a network
  - Opt-in will be very cumbersome and confusing for providers and plan, and will naturally result in less robust networks.

# The Proposed Amendments are a Drastic Departure from the Current Model

- Shifting from an opt-out to an opt-in approach represents a major shift in practice and operations
- There is not sufficient policy justification to rewrite the current Model
  - Providers (large and small) join networks because they see value (e.g., greater customer base, payment predictability, etc.)
  - Networks (leased or otherwise) are thoughtfully constructed to benefit consumers, meet regulatory requirements (i.e., network adequacy), and help smaller insurance companies compete with larger carriers promoting competition in the market
  - An opt-in approach puts a heavier burden on providers who want to take advantage of expanding plan options

# Opportunities to Improve the Model Without Depending its Framework

- We have submitted suggestions to make the current Model even stronger and that are aligned with the original amendment proposal:
  - An “affiliate” definition to make network leasing rules even clearer for all stakeholders
  - An **additional** notice for network leases to give providers more opportunity to evaluate the pros and cons for their business
  - “Future proofing” for innovative payment options by making the right to opt-out more generally applicable to payment types with fees
  - Ensuring that a providers opt-out payment choice “sticks” until a different choice is affirmatively made



# Thank You

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