

**481—574.12(153) Representation of treatment and fees.** Licensees and registrants shall not represent the care being rendered to their patients or the fees being charged for providing the care in a false or misleading manner.

**574.12(1)** The following billing practices are deemed to constitute deception, misrepresentation, overbilling, fraud or a combination thereof:

- a.* Accepting a third-party payment under a copayment plan as payment in full and not collecting the patient's portion without disclosing that to the third-party payer.
- b.* Increasing a fee to a patient merely because the patient has insurance.
- c.* Submitting a claim form to a third party and knowingly reporting incorrect treatment dates.
- d.* Describing a dental procedure incorrectly on a third-party claim form in order to receive a greater payment or intentionally making a noncovered procedure appear to be a covered procedure.
- e.* Recommending or performing unnecessary dental services or procedures.
- f.* Billing for services not rendered. A dentist may bill for those services that have started or been rendered, for actual costs incurred in the treatment of the patient, or for missed appointments.
- g.* Billing or drawing on a patient's line of credit prior to services being started or rendered. A dentist may bill or draw on a patient's line of credit for those services that have been rendered or for actual costs incurred in the treatment of the patient.

**574.12(2)** A dentist may allow patients to prepay for services, in whole or in part, on a voluntary basis.

**574.12(3)** Payments accepted by a dentist under a government-funded program, a sponsored access program, or a participating agreement entered into under a program of a third party are not considered as evidence of overbilling when determining whether a charge to a patient or to another third party on behalf of a patient not covered under any of these programs constitutes overbilling under this rule.

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