


DEPARTMENT				
	<i>Policy and Procedure</i>			
	Policy Name:	Buy-Ups and Enrollee Fee Responsibility	Policy ID:	PLANCG-06
	Approved By:	Peer Review and Credentialing Committee	Last Revision Date:	03/28/2024
	States:	Oregon	Last Review Date:	04/26/2024
Application:	Medicaid	Effective Date:	04/27/2024	

PURPOSE

To establish Dental Care Organization’s (DCO’s) policy on buy-ups and enrollee’s fee responsibility for non-covered services.

POLICY

1. Buying-up means the practice of obtaining client payment in addition to the Division or managed care plan payment to obtain a non-covered service or item.
2. DCO providers are not permitted to bill and accept payment from OHA or the DCO for a covered service when:
 - A. A non-covered service has been provided; and
 - B. Additional payment is sought or accepted from the enrollee.
3. If an enrollee wants to purchase a non-covered service or item, they must be responsible for full payment. OHA or DCO payment for a covered service cannot be credited toward the non-covered service.

EXAMPLE: An additional enrollee payment to obtain a gold crown (not covered) instead of the stainless-steel crown (covered).

4. If enrollee wants a non-covered service, the provider must do the following:
 - A. Explain to enrollee that service is not covered and offer to submit a preauthorization to the DCO for verification.
 - B. Explain total cost of service prior to enrollee receiving service.
 - C. Be very specific about the service and cost so that the enrollee understands that they are choosing a non-covered service in place of a covered service and will be responsible for the full cost of the service.

EXAMPLE: Gold crown (non-covered) cost \$565. Enrollee is responsible for entire cost of \$565.

- D. Have enrollee sign the OHP [Agreement to Pay Form](#), which must include all of the above information. The completed Agreement to Pay Form is valid only if it contains all of the required information set forth in OAR 410-120-1280; the estimated fee does not change; and the service is scheduled within 30 days of the client’s signature.

a. Agreement to Pay Forms

In cases where an Oregon Health Plan (OHP) enrollee wants a non-covered service, an Agreement to Pay form must be completed. The completion of this form serves as an agreement between the enrollee and provider in which the enrollee agrees to pay for the service(s) not covered by OHP. Agreement to Pay forms are only valid if the estimated fee does not change and the service is scheduled within 30 days of the enrollee’s

signature.

Per OAR 410-120-1280: “Before providing the non-covered service, the client must sign the provider-completed Agreement to Pay... containing all of the information and elements of the 3165 or 3166... .” As such, it is critical that all fields on the Agreement to Pay form be completed. If the Agreement to Pay form is not completed in its entirety, the provider may be required to refund the enrollee in full. If the provider is required to refund the enrollee in full, such enrollee will receive the service free of charge.

Common mistakes to avoid in executing an invalid Agreement to Pay form include, but are not limited to:

- Failure to retain a signed copy of the Agreement to Pay form
- Failure to ensure all check boxes are completed on the Agreement to Pay form
- Failure to cite the condition being treated on the Agreement to Pay form
- Failure to provide the service(s) within 30 days of the enrollee signing the Agreement to Pay form
- Failure to obtain all necessary signatures (provider, enrollee and witness) on the Agreement to Pay form

If you have questions or would like additional training regarding Agreement to Pay forms, please contact Provider Relations at 888-480-4478 Option 4, or by email at providerrelations@advantagedental.com.

- E. Retain the signed Agreement to Pay Form in the enrollee’s chart. This will be audited by the DCO in the Chart Audit process.

DEFINITIONS

“**Buying Up**” means the practice of obtaining client payment in addition to the Division or managed care plan payment to obtain a non-covered service or item.

REFERENCES

OAR 410-120-0000 Acronyms and Definitions

OAR 410-120-1280 Billing

OAR 410-120-1350 Buying-Up

FORMS AND OTHER RELATED DOCUMENTS

Agreement to Pay Form

Revision History

Date:	Description
10/04/2012	Approval and adoption.
05/02/2014	Updates based on annual review.
02/23/2015	Updates based on annual review.
02/14/2017	Updates based on annual review.

03/12/2018	Updates based on annual review.
04/23/2019	Updates based on annual review.
12/05/2019	Conversion to revised policy and procedure format and naming convention.
10/23/2021	Updates based on annual review.
01/14/2022	Updates based on annual review.
12/31/2022	Updates based on annual review.
11/13/2023	Updates based on annual review.
3/28/2024	Updates based on annual review.