

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 787

Short Title: Direct Reimbursement/Pharmacists.

(Public)

Sponsors: Representative Black.

Referred to: Insurance.

April 10, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PHARMACISTS
UNDER HEALTH INSURANCE POLICIES AND PLANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-50-30 reads as rewritten:

"§ 58-50-30. **Discrimination forbidden; right to choose services of optometrist, podiatrist, certified clinical social worker, dentist, chiropractor, ~~or~~ psychologist, pharmacist, or advanced practice registered nurse.**

(a) Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by Articles 50 through 55 of this Chapter, or in the benefits payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever, is prohibited.

Whenever any policy of insurance governed by Articles 1 through 64 of this Chapter provides for payment of or reimbursement for any service rendered in connection with a condition or complaint which is within the scope of practice of a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly licensed psychologist, a duly licensed pharmacist, or an advanced practice registered nurse, the insured or other persons entitled to benefits under such policy shall be entitled to payment of or reimbursement for such services, whether such services be performed by a duly licensed

1 physician, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist,
2 a duly licensed chiropractor, a duly certified clinical social worker, a duly licensed
3 psychologist, a duly licensed pharmacist, or an advanced practice registered nurse,
4 notwithstanding any provision contained in such policy. Whenever any policy of
5 insurance governed by Articles 1 through 64 of this Chapter provides for certification of
6 disability which is within the scope of practice of a duly licensed physician, a duly
7 licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed
8 chiropractor, a duly certified clinical social worker, a duly licensed psychologist, or an
9 advanced practice registered nurse, the insured or other persons entitled to benefits under
10 such policy shall be entitled to payment of or reimbursement for such disability whether
11 such disability be certified by a duly licensed physician, a duly licensed optometrist, a
12 duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly
13 certified clinical social worker, a duly licensed psychologist, or an advanced practice
14 registered nurse, notwithstanding any provisions contained in such policy. The
15 policyholder, insured, or beneficiary shall have the right to choose the provider of such
16 services notwithstanding any provision to the contrary in any other statute.

17 Whenever any policy of insurance provides coverage for medically necessary
18 treatment, the insurer shall not impose any limitation on treatment or levels of coverage if
19 performed by a duly licensed chiropractor acting within the scope of his practice as
20 defined in G.S. 90-151 unless a comparable limitation is imposed on such medically
21 necessary treatment if performed or authorized by any other duly licensed physician.

22 (b) For the purposes of this section, a 'duly licensed psychologist' shall be defined
23 only to include a psychologist who is duly licensed in the State of North Carolina and has
24 a doctorate degree in psychology and at least two years clinical experience in a
25 recognized health setting, or has met the standards of the National Register of Health
26 Service Providers in Psychology. After January 1, 1995, a duly licensed psychologist
27 shall be defined as a licensed psychologist who holds permanent licensure and
28 certification as a health services provider psychologist issued by the North Carolina
29 Psychology Board.

30 (c) For the purposes of this section, a 'duly certified clinical social worker' is a
31 'certified clinical social worker' as defined in G.S. 90B-3(2) and certified by the North
32 Carolina Certification Board for Social Work pursuant to Chapter 90B of the General
33 Statutes.

34 (d) Payment or reimbursement is required by this section for a service performed
35 by an advanced practice registered nurse only when:

- 36 (1) The service performed is within the nurse's lawful scope of practice;
- 37 (2) The policy currently provides benefits for identical services performed
38 by other licensed health care providers;
- 39 (3) The service is not performed while the nurse is a regular employee in an
40 office of a licensed physician;
- 41 (4) The service is not performed while the registered nurse is employed by
42 a nursing facility (including a hospital, skilled nursing facility,
43 intermediate care facility, or home care agency); and

1 (5) Nothing in this section is intended to authorize payment to more than
2 one provider for the same service.

3 No lack of signature, referral, or employment by any other health care provider may be
4 asserted to deny benefits under this provision.

5 For purposes of this section, an 'advanced practice registered nurse' means only a
6 registered nurse who is duly licensed or certified as a nurse practitioner, clinical specialist
7 in psychiatric and mental health nursing, or nurse midwife."

8 Sec. 2. G.S. 58-65-1 reads as rewritten:

9 **"§ 58-65-1. Regulation and definitions; application of other laws; profit and foreign**
10 **corporations prohibited.**

11 (a) Any corporation heretofore or hereafter organized under the general
12 corporation laws of the State of North Carolina for the purpose of maintaining and
13 operating a nonprofit hospital and/or medical and/or dental service plan whereby hospital
14 care and/or medical and/or dental service may be provided in whole or in part by said
15 corporation or by hospitals and/or physicians and/or dentists participating in such plan, or
16 plans, shall be governed by this Article and Article 66 of this Chapter and shall be
17 exempt from all other provisions of the insurance laws of this State, heretofore enacted,
18 unless specifically designated herein, and no laws hereafter enacted shall apply to them
19 unless they be expressly designated therein.

20 The term 'hospital service plan' as used in this Article and Article 66 of this Chapter
21 includes the contracting for certain fees for, or furnishing of, hospital care, laboratory
22 facilities, X-ray facilities, drugs, appliances, anesthesia, nursing care, operating and
23 obstetrical equipment, accommodations and/or any and all other services authorized or
24 permitted to be furnished by a hospital under the laws of the State of North Carolina and
25 approved by the North Carolina Hospital Association and/or the American Medical
26 Association.

27 The term 'medical service plan' as used in this Article and Article 66 of this Chapter
28 includes the contracting for the payment of fees toward, or furnishing of, medical,
29 obstetrical, surgical and/or any other professional services authorized or permitted to be
30 furnished by a duly licensed physician, except that in any plan in any policy of insurance
31 governed by this Article and Article 66 of this Chapter that includes services which are
32 within the scope of practice of a duly licensed optometrist, a duly licensed chiropractor, a
33 duly licensed psychologist, a duly licensed pharmacist, an advanced practice registered
34 nurse, a duly certified clinical social worker, and a duly licensed physician, then the
35 insured or beneficiary shall have the right to choose the provider of the care or service,
36 and shall be entitled to payment of or reimbursement for such care or service, whether the
37 provider be a duly licensed optometrist, a duly licensed chiropractor, a duly licensed
38 psychologist, a duly licensed pharmacist, an advanced practice registered nurse, a duly
39 certified clinical social worker, or a duly licensed physician notwithstanding any
40 provision to the contrary contained in such policy. The term 'medical services plan' also
41 includes the contracting for the payment of fees toward, or furnishing of, professional
42 medical services authorized or permitted to be furnished by a duly licensed provider of
43 health services licensed under Chapter 90 of the General Statutes.

1 (b) Payment or reimbursement is required by this section for a service performed
2 by an advanced practice registered nurse only when:

- 3 (1) The service performed is within the nurse's lawful scope of practice;
4 (2) The policy currently provides benefits for identical services performed
5 by other licensed health care providers;
6 (3) The service is not performed while the nurse is a regular employee in an
7 office of a licensed physician;
8 (4) The service is not performed while the registered nurse is employed by
9 a nursing facility (including a hospital, skilled nursing facility,
10 intermediate care facility, or home care agency); and
11 (5) Nothing in this section is intended to authorize payment to more than
12 one provider for the same service.

13 No lack of signature, referral, or employment by any other health care provider may be
14 asserted to deny benefits under this provision.

15 (c) For purposes of this section, an 'advanced practice registered nurse' means only
16 a registered nurse who is duly licensed or certified as a nurse practitioner, clinical
17 specialist in psychiatric and mental health nursing, or nurse midwife.

18 For the purposes of this section, a 'duly certified clinical social worker' is a 'certified
19 clinical social worker' as defined in G.S. 90B-3(2) and certified by the North
20 Carolina Certification Board for Social Work pursuant to Chapter 90B of the General
21 Statutes.

22 For the purposes of this section, a 'duly licensed psychologist' shall be defined only to
23 include a psychologist who is duly licensed in the State of North Carolina and has a
24 doctorate degree in psychology and at least two years clinical experience in a recognized
25 health setting, or has met the standards of the National Register of Health Providers in
26 Psychology. After January 1, 1995, a duly licensed psychologist shall be defined as a
27 licensed psychologist who holds permanent licensure and certification as a health
28 services provider psychologist issued by the North Carolina Psychology Board.

29 The term 'dental service plan' as used in this Article and Article 66 of this Chapter
30 includes contracting for the payment of fees toward, or furnishing of dental and/or any
31 other professional services authorized or permitted to be furnished by a duly licensed
32 dentist.

33 The insured or beneficiary of every 'medical service plan' and of every 'dental service
34 plan,' as those terms are used in this Article and Article 66 of this Chapter, or of any
35 policy of insurance issued thereunder, that includes services which are within the scope
36 of practice of both a duly licensed physician and a duly licensed dentist shall have the
37 right to choose the provider of such care or service, and shall be entitled to payment of or
38 reimbursement for such care or service, whether the provider be a duly licensed physician
39 or a duly licensed dentist notwithstanding any provision to the contrary contained in any
40 such plan or policy.

41 The term 'hospital service corporation' as used in this Article and Article 66 of this
42 Chapter is intended to mean any nonprofit corporation operating a hospital and/or
43 medical and/or dental service plan, as herein defined. Any corporation heretofore or

1 hereafter organized and coming within the provisions of this Article and Article 66 of this
2 Chapter, the certificate of incorporation of which authorizes the operation of either a
3 hospital or medical and/or dental service plan, or any or all of them, may, with the
4 approval of the Commissioner of Insurance, issue subscribers' contracts or certificates
5 approved by the Commissioner of Insurance, for the payment of either hospital or
6 medical and/or dental fees, or the furnishing of such services, or any or all of them, and
7 may enter into contracts with hospitals for physicians and/or dentists, or any or all of
8 them, for the furnishing of fees or services respectively under a hospital or medical
9 and/or dental service plan, or any or all of them.

10 The term 'preferred provider' as used in this Article and Article 66 of this Chapter
11 with respect to contracts, organizations, policies or otherwise means a health care service
12 provider who has agreed to accept, from a corporation organized for the purposes
13 authorized by this Article and Article 66 of this Chapter or other applicable law, special
14 reimbursement terms in exchange for providing services to beneficiaries of a plan
15 administered pursuant to this Article and Article 66 of this Chapter. Except to the extent
16 prohibited either by G.S. 58-65-140 or by regulations promulgated by the Department of
17 Insurance not inconsistent with this Article and Article 66 of this Chapter, the contractual
18 terms and conditions for special reimbursement shall be those which the corporation and
19 preferred provider find to be mutually agreeable.

20 (d) No foreign or alien hospital or medical and/or dental service corporation as
21 herein defined shall be authorized to do business in this State."

22 Sec. 3. This act becomes effective July 1, 1995, and applies to claims for
23 payment or reimbursement for services rendered on or after that date.