

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 656  
Insurance Committee Substitute Adopted 6/9/11

Short Title: Right to Choose Physical Therapist.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR  
3 PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 58-50-30. Right to choose services of optometrist, podiatrist, licensed clinical social  
7 worker, certified substance abuse professional, licensed professional counselor,  
8 dentist, chiropractor, physical therapist, psychologist, pharmacist, certified  
9 fee-based practicing pastoral counselor, advanced practice nurse, licensed  
10 marriage and family therapist, or physician assistant.

11 (a) Repealed by Session Laws 2001-297, s. 1, effective January 1, 2001.

12 (a1) Whenever any health benefit plan, subscriber contract, or policy of insurance issued  
13 by a health maintenance organization, hospital or medical service corporation, or insurer  
14 governed by Articles 1 through 67 of this Chapter provides for coverage for, payment of, or  
15 reimbursement for any service rendered in connection with a condition or complaint that is  
16 within the scope of practice of a duly licensed optometrist, a duly licensed podiatrist, a duly  
17 licensed dentist, a duly licensed chiropractor, a duly licensed physical therapist, a duly licensed  
18 clinical social worker, a duly certified substance abuse professional, a duly licensed  
19 professional counselor, a duly licensed psychologist, a duly licensed pharmacist, a duly  
20 certified fee-based practicing pastoral counselor, a duly licensed physician assistant, a duly  
21 licensed marriage and family therapist, or an advanced practice registered nurse, the insured or  
22 other persons entitled to benefits under the policy shall be entitled to coverage of, payment of,  
23 or reimbursement for the services, whether the services be performed by a duly licensed  
24 physician, or a provider listed in this subsection, notwithstanding any provision contained in  
25 the plan or policy limiting access to the providers. The policyholder, insured, or beneficiary  
26 shall have the right to choose the provider of services notwithstanding any provision to the  
27 contrary in any other statute, subject to the utilization review, referral, and prior approval  
28 requirements of the plan that apply to all providers for that service; provided that:

29 (1) In the case of plans that require the use of network providers as a condition  
30 of obtaining benefits under the plan or policy, the policyholder, insured, or  
31 beneficiary must choose a provider of the services within the network; and

32 (2) In the case of plans that require the use of network providers as a condition  
33 of obtaining a higher level of benefits under the plan or policy, the  
34 policyholder, insured, or beneficiary must choose a provider of the services  
35 within the network in order to obtain the higher level of benefits.



1 (a2) Whenever any policy of insurance governed by Articles 1 through 64 of this  
2 Chapter provides for certification of disability that is within the scope of practice of a duly  
3 licensed physician, a duly licensed physician assistant, a duly licensed optometrist, a duly  
4 licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly licensed  
5 physical therapist, a duly licensed clinical social worker, a duly certified substance abuse  
6 professional, a duly licensed professional counselor, a duly licensed psychologist, a duly  
7 certified fee-based practicing pastoral counselor, a duly licensed marriage and family therapist,  
8 or an advanced practice registered nurse, the insured or other persons entitled to benefits under  
9 the policy shall be entitled to payment of or reimbursement for the disability whether the  
10 disability be certified by a duly licensed physician, or a provider listed in this subsection,  
11 notwithstanding any provisions contained in the policy. The policyholder, insured, or  
12 beneficiary shall have the right to choose the provider of the services notwithstanding any  
13 provision to the contrary in any other statute; provided that for plans that require the use of  
14 network providers either as a condition of obtaining benefits under the plan or policy or to  
15 access a higher level of benefits under the plan or policy, the policyholder, insured, or  
16 beneficiary must choose a provider of the services within the network, subject to the  
17 requirements of the plan or policy.

18 ...

19 (c4) For purposes of this section, a "duly licensed marriage and family therapist" is a  
20 person licensed by the North Carolina Marriage and Family Therapy Licensure Board pursuant  
21 to Article 18C of Chapter 90 of the General Statutes.

22 (c5) For purposes of this section, a "duly licensed physical therapist" is a person licensed  
23 by the North Carolina Board of Physical Therapy Examiners pursuant to Article 18B of  
24 Chapter 90 of the General Statutes.

25 ...."

26 **SECTION 2.** G.S. 135-48.51(12), as enacted by S.L. 2011-85, reads as rewritten:

27 "(12) G.S. 58-50-30, Right to choose services of optometrist, podiatrist, licensed  
28 clinical social worker, certified substance abuse professional, licensed  
29 professional counselor, dentist, physical therapist, chiropractor,  
30 psychologist, pharmacist, certified fee-based practicing pastoral counselor,  
31 advanced practice nurse, licensed marriage and family therapist, or physician  
32 assistant."

33 **SECTION 3.** Section 2 of this act becomes effective January 1, 2012. The  
34 remainder of this act becomes effective October 1, 2011.