

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

3

SENATE BILL 954
Second Edition Engrossed 5/13/93
House Committee Substitute Favorable 7/15/93

Short Title: Ins.–Nurses/Social Workers.

(Public)

Sponsors:

Referred to:

April 22, 1993

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE DIRECT PAYMENT OF CERTIFIED SOCIAL WORKERS AND CERTAIN ADVANCED PRACTICE REGISTERED NURSES UNDER HEALTH INSURANCE POLICIES AND PLANS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-39-15(17) reads as rewritten:

"(17) 'Medical professional' means any person licensed or certified to provide health care services to natural persons, including but not limited to, a physician, dentist, nurse, chiropractor, optometrist, physical or occupational therapist, ~~psychiatric~~ certified clinical social worker, clinical dietitian, clinical psychologist, pharmacist, or speech therapist."

Sec. 2. G.S. 58-50-30, as amended by Chapter 347 of the 1993 Session Laws, reads as rewritten:

"§ 58-50-30. **Discrimination forbidden; right to choose services of optometrist, podiatrist, certified clinical social worker, dentist, chiropractor, 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.

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

24 For the purposes of this section, a 'duly licensed practicing psychologist' shall be
25 defined to only include a psychologist who is duly licensed or certified in the State of
26 North Carolina and has a doctorate degree in psychology and at least two years clinical
27 experience in a recognized health setting, or has met the standards of the National
28 Register of Health Providers in Psychology.

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

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

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

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

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

8 Sec. 3. (a) G.S. 135-40.7B(c) reads as rewritten:

9 "(c) Notwithstanding any other provisions of this Part, the following providers are
10 authorized to provide necessary care and treatment for mental illness under this section:
11 licensed psychiatrists and doctors of psychology licensed or certified in their states of
12 practice, psychiatric nurses or social workers or psychological associates with a master's
13 degree in psychology under the direct employment and supervision of a licensed
14 ~~psychiatrist-physician~~ or licensed or certified doctor of psychology, licensed psychiatric
15 hospitals and licensed general hospitals providing psychiatric treatment programs and
16 certified residential treatment facilities, community mental health centers, and partial
17 hospitalization facilities."

18 (b) This section is effective January 1, 1993, and expires on September 30, 1993.

19 Sec. 3.1. G.S. 58-65-1 as rewritten by Chapter 347 of the 1993 Session Laws
20 reads as rewritten:

21 "**§ 58-65-1. Regulation and definitions; application of other laws; profit and**
22 **foreign corporations prohibited.**

23 (a) Any corporation heretofore or hereafter organized under the general
24 corporation laws of the State of North Carolina for the purpose of maintaining and
25 operating a nonprofit hospital and/or medical and/or dental service plan whereby
26 hospital care and/or medical and/or dental service may be provided in whole or in part
27 by said corporation or by hospitals and/or physicians and/or dentists participating in
28 such plan, or plans, shall be governed by this Article and Article 66 of this Chapter and
29 shall be exempt from all other provisions of the insurance laws of this State, heretofore
30 enacted, unless specifically designated herein, and no laws hereafter enacted shall apply
31 to them unless they be expressly designated therein.

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

39 The term 'medical service plan' as used in this Article and Article 66 of this Chapter
40 includes the contracting for the payment of fees toward, or furnishing of, medical,
41 obstetrical, surgical and/or any other professional services authorized or permitted to be
42 furnished by a duly licensed physician, except that in any plan in any policy of
43 insurance governed by this Article and Article 66 of this Chapter that includes services
44 which are within the scope of practice of a duly licensed optometrist, a duly licensed

1 chiropractor, a duly licensed practicing psychologist, an advanced practice registered
2 nurse, a duly certified clinical social worker, and a duly licensed physician, then the
3 insured or beneficiary shall have the right to choose the provider of the care or service,
4 and shall be entitled to payment of or reimbursement for such care or service, whether
5 the provider be a duly licensed optometrist, a duly licensed chiropractor, a duly licensed
6 practicing psychologist, an advanced practice registered nurse, a duly certified clinical
7 social worker, or a duly licensed physician notwithstanding any provision to the
8 contrary contained in such policy. The term 'medical services plan' also includes the
9 contracting for the payment of fees toward, or furnishing of, professional medical
10 services authorized or permitted to be furnished by a duly licensed provider of health
11 services licensed under Chapter 90 of the General Statutes.

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

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

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

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

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

33 For the purposes of this section, a 'duly licensed practicing psychologist' shall be
34 defined to only include a psychologist who is duly licensed or certified in the State of
35 North Carolina and has a doctorate degree in psychology and at least two years clinical
36 experience in a recognized health setting, or has met the standards of the National
37 Register of Health Providers in Psychology.

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

42 The insured or beneficiary of every 'medical service plan' and of every 'dental
43 service plan,' as those terms are used in this Article and Article 66 of this Chapter, or of
44 any policy of insurance issued thereunder, that includes services which are within the

1 scope of practice of both a duly licensed physician and a duly licensed dentist shall have
 2 the right to choose the provider of such care or service, and shall be entitled to payment
 3 of or reimbursement for such care or service, whether the provider be a duly licensed
 4 physician or a duly licensed dentist notwithstanding any provision to the contrary
 5 contained in any such plan or policy.

6 The term 'hospital service corporation' as used in this Article and Article 66 of this
 7 Chapter is intended to mean any nonprofit corporation operating a hospital and/or
 8 medical and/or dental service plan, as herein defined. Any corporation heretofore or
 9 hereafter organized and coming within the provisions of this Article and Article 66 of
 10 this Chapter, the certificate of incorporation of which authorizes the operation of either
 11 a hospital or medical and/or dental service plan, or any or all of them, may, with the
 12 approval of the Commissioner of Insurance, issue subscribers' contracts or certificates
 13 approved by the Commissioner of Insurance, for the payment of either hospital or
 14 medical and/or dental fees, or the furnishing of such services, or any or all of them, and
 15 may enter into contracts with hospitals for physicians and/or dentists, or any or all of
 16 them, for the furnishing of fees or services respectively under a hospital or medical
 17 and/or dental service plan, or any or all of them.

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

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

30 Sec. 4. G.S. 135-40.7B(c) reads as rewritten:

31 "(c) Notwithstanding any other provisions of this Part, the following providers are
 32 authorized to provide necessary care and treatment for mental illness under this section:

33 (1) ~~licensed psychiatrists and doctors~~ Licensed psychiatrists;

34 (2) Licensed or certified doctors of psychology ~~psychology;~~

35 (3) ~~licensed or certified in their states of practice,~~ Certified clinical social
 36 workers;

37 (4) ~~psychiatric nurses~~ Psychiatric nurses; ~~or~~

38 (5) Other social workers under the direct employment and supervision of a
 39 licensed psychiatrist or licensed doctor of psychology; ~~or~~

40 (6) ~~psychological~~ Psychological associates with a master's degree in
 41 psychology under the direct employment and supervision of a licensed
 42 psychiatrist or licensed or certified doctor of ~~psychology,~~ psychology;

43 (7) ~~licensed~~ Licensed psychiatric hospitals and licensed general hospitals
 44 providing psychiatric treatment ~~programs~~ programs; and

1 ~~certified~~ Certified residential treatment facilities, community mental
2 health centers, and partial hospitalization facilities."

3 Sec. 5. G.S. 135-40.7A(c) reads as rewritten:

4 "(c) Notwithstanding any other provision of this Part, provisions for benefits for
5 necessary care and treatment of chemical dependency under this Part shall provide for
6 benefit payments for the following providers of necessary care and treatment of
7 chemical dependency:

8 (1) The following units of a general hospital licensed under Article 5 of
9 General Statutes Chapter 131E:

10 a. Chemical dependency units in facilities licensed after October
11 1, 1984;

12 b. Medical units;

13 c. Psychiatric units; and

14 (2) The following facilities licensed after July 1, 1984, under Article 2 of
15 General Statutes Chapter 122C:

16 a. Chemical dependency units in psychiatric hospitals;

17 b. Chemical dependency hospitals;

18 c. Residential chemical dependency treatment facilities;

19 d. Social setting detoxification facilities or programs;

20 e. Medical detoxification facilities or programs; and

21 (3) Duly licensed physicians and duly licensed practicing ~~psychologists~~
22 psychologists, certified clinical social workers, certified clinical
23 specialists in psychiatric and mental health nursing, and certified
24 professionals working under the direct supervision of such physicians
25 or psychologists in facilities described in (1) and (2) above and in
26 day/night programs or outpatient treatment facilities licensed after July
27 1, 1984, under Article 2 of General Statutes Chapter 122C.

28 Provided, however, that nothing in this subsection shall prohibit the Plan from requiring
29 the most cost effective treatment setting to be utilized by the person undergoing
30 necessary care and treatment for chemical dependency."

31 Sec. 6. G.S. 135-40.6 is amended by adding the following new subdivision:

32 "(10) Coverage for Services of Advanced Practice Registered Nurses. –
33 Notwithstanding any other provision of this section or the Plan,
34 benefits shall be payable for services performed by an advanced
35 practice registered nurse subject to the following limitations:

36 a. The service performed is within the nurse's lawful scope of
37 practice;

38 b. The Plan provides benefits for identical services performed by
39 other licensed health care providers;

40 c. The service is not performed while the nurse is a regular
41 employee in an office of a licensed physician;

42 d. The service is not performed while the registered nurse is
43 employed by a nursing facility (including a hospital, skilled

1 nursing facility, intermediate care facility, or home care
2 agency); and

3 e. Nothing in this subdivision is intended to authorize payment to
4 more than one provider for the same service.

5 No lack of signature, referral, or employment by any other health care
6 provider may be asserted to deny benefits under this subdivision.

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

11 Sec. 7. G.S. 135-40.7(5) reads as rewritten:

12 "(5) Charges for any care, treatment, services or supplies other than those
13 which are certified by a physician who is attending the individual as
14 being required for the medically necessary treatment of the injury or
15 disease. This subdivision shall not be construed, however, to require
16 certification by an attending physician for a service provided by an
17 advanced practice registered nurse acting within the nurse's lawful
18 scope of practice, subject to the limitations of G.S. 135-40.6(10)."

19 Sec. 8. Sections 1, 2, 3.1, 4, 5, 6, 7, and 8 of this act become effective
20 October 1, 1993. Section 3 of this act becomes effective and expires as provided in
21 subsection (b) of that section. Sections 2 and 3.1 of this act expire on June 30, 1999.