

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 685

Short Title: Health Insurance/Phys. Assistants.

(Public)

Sponsors: Senators Lucas; Dannelly, Kinnaird, Phillips, Rand, and Shaw of Cumberland.

Referred to: Health Care.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT TREATMENT OR SERVICES RENDERED BY
2 PHYSICIAN ASSISTANTS SHALL BE REIMBURSABLE UNDER THE STATE
3 HEALTH PLAN AND OTHER HEALTH INSURANCE POLICIES UNDER
4 CERTAIN CIRCUMSTANCES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 50 of Chapter 58 of the General Statutes is amended by
8 adding the following new section to read:

9 "**§ 58-50-26. Physician services provided by physician assistants.**

10 No agency, institution, or physician providing a service for which payment or
11 reimbursement is required to be made under a policy governed by Articles 1 through 64
12 of this Chapter shall be denied the payment or reimbursement on account of the fact that
13 the services were rendered through a physician assistant acting under the authority of
14 rules adopted by the North Carolina Medical Board pursuant to G.S. 90-18.1."

15 Section 2. G.S. 58-50-30 reads as rewritten:

16 "**§ 58-50-30. Discrimination forbidden; right to choose services of optometrist,**
17 **podiatrist, certified clinical social worker, dentist, chiropractor,**
18 **psychologist, pharmacist, certified fee-based practicing pastoral counselor,**
19 **or ~~advanced practice registered nurse.~~ advanced practice nurse, or physician**
20 **assistant.**

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

5 Whenever any policy of insurance governed by Articles 1 through 64 of this Chapter
6 provides for payment of or reimbursement for any service rendered in connection with a
7 condition or complaint which is within the scope of practice of a duly licensed
8 optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed
9 chiropractor, a duly certified clinical social worker, a duly licensed psychologist, a duly
10 licensed pharmacist, a duly certified fee-based practicing pastoral counselor, a duly
11 licensed physician assistant, or an advanced practice registered nurse, the insured or other
12 persons entitled to benefits under the policy shall be entitled to payment of or
13 reimbursement for the services, whether the services be performed by a duly licensed
14 physician, a duly licensed physician assistant, a duly licensed optometrist, a duly licensed
15 podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical
16 social worker, a duly licensed psychologist, a duly licensed pharmacist, a duly certified
17 fee-based practicing pastoral counselor, or an advanced practice registered nurse,
18 notwithstanding any provision contained in the policy. Whenever any policy of insurance
19 governed by Articles 1 through 64 of this Chapter provides for certification of disability
20 that is within the scope of practice of a duly licensed physician, a duly licensed physician
21 assistant, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a
22 duly licensed chiropractor, a duly certified clinical social worker, a duly licensed
23 psychologist, a duly certified fee-based practicing pastoral counselor, or an advanced
24 practice registered nurse, the insured or other persons entitled to benefits under the policy
25 shall be entitled to payment of or reimbursement for the disability whether the disability
26 be certified by a duly licensed physician, a duly licensed physician assistant, a duly
27 licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed
28 chiropractor, a duly certified clinical social worker, a duly licensed psychologist, a duly
29 certified fee-based practicing pastoral counselor, or an advanced practice registered
30 nurse, notwithstanding any provisions contained in the policy. The policyholder, insured,
31 or beneficiary shall have the right to choose the provider of the services notwithstanding
32 any provision to the contrary in any other statute.

33 Whenever any policy of insurance provides coverage for medically necessary
34 treatment, the insurer shall not impose any limitation on treatment or levels of coverage if
35 performed by a duly licensed chiropractor acting within the scope of the chiropractor's
36 practice as defined in G.S. 90-151 unless a comparable limitation is imposed on the
37 medically necessary treatment if performed or authorized by any other duly licensed
38 physician.

39 (b) For the purposes of this section, a 'duly licensed psychologist' shall be defined
40 only to include a psychologist who is duly licensed in the State of North Carolina and has
41 a doctorate degree in psychology and at least two years clinical experience in a
42 recognized health setting, or has met the standards of the National Register of Health
43 Service Providers in Psychology. After January 1, 1995, a duly licensed psychologist

1 shall be defined as a licensed psychologist who holds permanent licensure and
2 certification as a health services provider psychologist issued by the North Carolina
3 Psychology Board.

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 (c1) For purposes of this section, a 'duly certified fee-based practicing pastoral
9 counselor' shall be defined only to include fee-based practicing pastoral counselors
10 certified by the North Carolina State Board of Examiners of Fee-Based Practicing
11 Pastoral Counselors pursuant to Article 26 of Chapter 90 of the General Statutes.

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

29 (e) Payment or reimbursement is required by this section for a service performed
30 by a duly licensed pharmacist only when:

- 31 (1) The service performed is within the lawful scope of practice of the
32 pharmacist;
- 33 (2) The service performed is not initial counseling services required under
34 State or federal law or regulation of the North Carolina Board of
35 Pharmacy;
- 36 (3) The policy currently provides reimbursement for identical services
37 performed by other licensed health care providers; and
- 38 (4) The service is identified as a separate service that is performed by other
39 licensed health care providers and is reimbursed by identical payment
40 methods.

41 Nothing in this subsection authorizes payment to more than one provider for the same
42 service.

1 (f) Payment or reimbursement is required by this section for a service performed
2 by a duly licensed physician assistant only when:

3 (1) The service performed is within the lawful scope of practice of the
4 physician assistant in accordance with rules adopted by the North
5 Carolina Medical Board pursuant to G.S. 90-18.1;

6 (2) The policy currently provides reimbursement for identical services
7 performed by other licensed health care providers; and

8 (3) The reimbursement is made to the physician, clinic, agency, or
9 institution employing the physician assistant.

10 Nothing in this subsection is intended to authorize payment to more than one provider for
11 the same service. For the purposes of this section, a 'duly licensed physician assistant' is
12 a physician assistant as defined by G.S. 90-18.1."

13 Section 3. G.S. 58-50-56(j) reads as rewritten:

14 "(j) A list of the current participating providers in the geographic area in which a
15 substantial portion of health care services will be available shall be provided to insureds
16 and contracting parties. The list shall include participating physician assistants and their
17 supervising physician."

18 Section 4. Article 65 of Chapter 58 of the General Statutes is amended by
19 adding the following new section to read:

20 **"§ 58-65-36. Physician services provided by physician assistants.**

21 No agency, institution, or physician providing a service for which payment or
22 reimbursement is required to be made under a contract governed by this Article or Article
23 66 of this Chapter shall be denied the payment or reimbursement on account of the fact
24 that the service was rendered through a physician assistant acting under authority of rules
25 adopted by the North Carolina Medical Board pursuant to G.S. 90-18.1."

26 Section 5. G.S. 58-65-1(a) reads as rewritten:

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

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

1 The term 'medical service plan' as used in this Article and Article 66 of this Chapter
2 includes the contracting for the payment of fees toward, or furnishing of, medical,
3 obstetrical, surgical and/or any other professional services authorized or permitted to be
4 furnished by a duly licensed physician, except that in any plan in any policy of insurance
5 governed by this Article and Article 66 of this Chapter that includes services which are
6 within the scope of practice of a duly licensed optometrist, a duly licensed chiropractor, a
7 duly licensed psychologist, a duly licensed pharmacist, an advanced practice registered
8 nurse, a duly certified clinical social worker, a duly certified fee-based practicing pastoral
9 counselor, a duly licensed physician assistant, and a duly licensed physician, then the
10 insured or beneficiary shall have the right to choose the provider of the care or service,
11 and shall be entitled to payment of or reimbursement for such care or service, whether the
12 provider be a duly licensed optometrist, a duly licensed chiropractor, a duly licensed
13 psychologist, a duly licensed pharmacist, an advanced practice registered nurse, a duly
14 certified clinical social worker, a duly certified fee-based practicing pastoral counselor, a
15 duly licensed physician assistant, or a duly licensed physician notwithstanding any
16 provision to the contrary contained in such policy. The term 'medical services plan' also
17 includes the contracting for the payment of fees toward, or furnishing of, professional
18 medical services authorized or permitted to be furnished by a duly licensed provider of
19 health services licensed under Chapter 90 of the General Statutes."

20 Section 6. G.S. 58-65-1 is amended by adding the following new subdivision
21 to read:

22 "(b2) Payment or reimbursement is required by this section for a service performed
23 by a duly licensed physician assistant only when:

24 (1) The service performed is within the lawful scope of practice of the
25 physician assistant in accordance with rules adopted by the North
26 Carolina Medical Board, pursuant to G.S. 90-18.1;

27 (2) The policy currently provides reimbursement for identical services
28 performed by other licensed health care providers; and

29 (3) The reimbursement is made to the physician, clinic, agency, or
30 institution employing the physician assistant.

31 Nothing in this subsection is intended to authorize payment to more than one provider for
32 the same service. For the purposes of this section a 'duly licensed physician assistant' is a
33 physician assistant as defined by G.S. 90-18.1."

34 Section 7. G.S. 135-40.6 is amended by adding the following new subdivision
35 to read:

36 "(11) Coverage for Physician Services Provided by Physician Assistants. –
37 Notwithstanding any other provision of this section or the Plan, benefits
38 shall be payable for physician services performed by a duly licensed
39 physician assistant subject to the following limitations:

40 a. The service performed is within the lawful scope of practice of
41 the physician assistant in accordance with rules adopted by the
42 North Carolina Medical Board, pursuant to G.S. 90-18.1;

- 1 b. The plan currently provides reimbursement for identical services
2 performed by other licensed health care providers;
3 c. The reimbursement is made to the physician, clinic, agency, or
4 institution employing the physician assistant; and
5 d. Nothing in this subdivision authorizes payment to more than one
6 provider for the same service.

7 As used in this subdivision, a 'duly licensed physician assistant' is a
8 physician assistant as defined by G.S. 90-18.1."

9 Section 8. G.S. 135-40.7B(c) reads as rewritten:

10 "(c) Notwithstanding any other provisions of this Part, the following providers and
11 no others may provide necessary care and treatment for mental health under this section:

- 12 (1) Psychiatrists who have completed a residency in psychiatry approved by
13 the American Council for Graduate Medical Education and who are
14 licensed as medical doctors or doctors of osteopathy in the state in
15 which they perform and services covered by the Plan;
16 (2) Licensed or certified doctors of psychology;
17 (3) Certified clinical social workers;
18 (3a) Licensed professional counselors;
19 (4) Certified clinical specialists in psychiatric and mental health nursing;
20 (4a) Nurses working under the employment and direct supervision of such
21 physicians, psychologists, or psychiatrists;
22 (5) Repealed by Session Laws 1997-512, s. 14.
23 (6) Psychological associates with a masters degree in psychology under the
24 direct employment and supervision of a licensed psychiatrist or licensed
25 or certified doctor of psychology; ~~and~~
26 (7), (8) Repealed by Session Laws 1997-512, s. 14.
27 (9) Certified fee-based practicing pastoral ~~counselors~~-counselors; and
28 (10) Licensed physician assistants, pursuant to G.S. 90-18.1, under the
29 supervision of a licensed psychiatrist."

30 Section 9. This act becomes effective January 1, 2000, and applies to treatment
31 or services rendered on or after that date.