

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 535

Short Title: Health Insurance Coverage/Lymphedema. (Public)

Sponsors: Representatives Cotham, Insko, England, Stewart (Primary Sponsors);
M. Alexander, Blue, Boles, Brown, Bryant, Burris-Floyd, Carney, Current,
Earle, Faison, Gibson, Glazier, Goforth, Gulley, Harrell, Harrison, Howard,
Jones, Lucas, Mackey, McLawhorn, Rapp, Tarleton, Tillis, Wainwright,
Whilden, and Wilkins.

Referred to: Health, if favorable, Insurance, if favorable, Appropriations.

March 12, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN,
3 TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF
4 LYMPHEDEMA.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 3 of Chapter 58 of the General Statutes is amended by adding
7 the following new section to read:

8 "**§ 58-3-280. Coverage for the diagnosis and treatment of lymphedema.**

9 (a) Every health benefit plan, as defined in G.S. 58-3-167, shall provide coverage for
10 the diagnosis, evaluation, and treatment of lymphedema. The coverage required by this section
11 shall include benefits for equipment, supplies, complex decongestive therapy, gradient
12 compression garments, and outpatient self-management training and education, if the treatment
13 is determined to be medically necessary and is provided by a health care professional that is
14 adequately trained and has demonstrated competence as determined by the North Carolina
15 Board of Physical Therapy Examiners, or the North Carolina Board of Occupational Therapy,
16 as applicable, and is licensed or certified in this State to provide diagnosis, evaluation, and
17 treatment for lymphedema.

18 (b) The same deductibles, coinsurance, and other limitations as apply to similar services
19 covered under the health benefit plan apply to coverage for the diagnosis, evaluation, and
20 treatment of lymphedema required to be covered under this section.

21 (c) As used in this section, gradient compression garments:

22 (1) Require a prescription;

23 (2) Are custom-fit for the covered individual; and

24 (3) Do not include disposable medical supplies such as over-the-counter
25 compression or elastic knee-high or other stocking products."

26 SECTION 2.(a) G.S. 90-270.26 reads as rewritten:

27 "**§ 90-270.26. Powers of the Board.**

28 The Board shall have the following general powers and duties:

29 (1) Examine and determine the qualifications and fitness of applicants for a
30 license to practice physical therapy in this State;

31 (2) Issue, renew, deny, suspend, or revoke licenses to practice physical therapy
32 in this State, or reprimand or otherwise discipline licensed physical
33 therapists and physical therapist assistants;



- 1 (3) Conduct investigations for the purpose of determining whether violations of
2 this Article or grounds for disciplining licensed physical therapists or
3 physical therapist assistants exist;
- 4 (3a) Establish mechanisms for assessing the continuing competence of licensed
5 physical therapists or physical therapist assistants to engage in the practice
6 of physical therapy, including approving rules requiring licensees to
7 periodically, or in response to complaints or incident reports, submit to the
8 Board: (i) evidence of continuing education experiences; (ii) evidence of
9 minimum standard accomplishments; or (iii) evidence of compliance with
10 other Board-approved measures, audits, or evaluations; (iv) evidence of
11 adequate training and demonstrated competence in the treatment of
12 lymphedema, and specify remedial actions if necessary or desirable to obtain
13 license renewal or reinstatement;
- 14 (4) Employ such professional, clerical or special personnel necessary to carry
15 out the provisions of this Article, and may purchase or rent necessary office
16 space, equipment and supplies;
- 17 (5) Conduct administrative hearings in accordance with Chapter 150B of the
18 General Statutes when a "contested case" as defined in G.S. 150B-2(2) arises
19 under this Article;
- 20 (6) Appoint from its own membership one or more members to act as
21 representatives of the Board at any meeting where such representation is
22 deemed desirable;
- 23 (7) Establish reasonable fees for applications for examination, certificates of
24 licensure and renewal, and other services provided by the Board;
- 25 (8) Adopt, amend, or repeal any rules or regulations necessary to carry out the
26 purposes of this Article and the duties and responsibilities of the Board.

27 The powers and duties enumerated above are granted for the purpose of enabling the Board
28 to safeguard the public health, safety and welfare against unqualified or incompetent
29 practitioners of physical therapy, and are to be liberally construed to accomplish this objective.
30 In instances where the Board makes a decision to discipline physical therapists or physical
31 therapist assistants under powers set out by any of subsections (2) through (5) of this section, it
32 may as part of its decision charge the reasonable costs of investigation and hearing to the
33 person disciplined."

34 **SECTION 2.(b)** G.S. 90-270.69 is amended by adding the following new
35 subdivision to read:

36 "**§ 90-270.69. Powers and duties of the Board.**

37 The Board shall have the following powers and duties:

- 38 (1a) Establish mechanisms for assessing the training and competence of
39 occupational therapists to perform lymphedema treatment.

40"

41 **SECTION 3.** This act becomes effective January 1, 2010, and applies to all health
42 benefits plans that are delivered, issued for delivery, or renewed on and after that date.