

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 656
Insurance Committee Substitute Adopted 6/9/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S656-PCS85303-RC-57

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11 (a) Repealed by Session Laws 2001-297, s. 1, effective January 1, 2001.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



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1 policyholder, insured, or beneficiary must choose a provider of the services
2 within the network in order to obtain the higher level of benefits.

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

20 ...

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

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

27"

28 **SECTION 2.** G.S. 135-48.51(12) reads as rewritten:

29 **"§ 135-48.51. Coverage and operational mandates related to Chapter 58 of the General**
30 **Statutes.**

31 The following provisions of Chapter 58 of the General Statutes apply to the State Health
32 Plan:

33 ...

34 (12) G.S. 58-50-30, Right to choose services of optometrist, podiatrist, licensed
35 clinical social worker, certified substance abuse professional, licensed
36 professional counselor, dentist, physical therapist, chiropractor,
37 psychologist, pharmacist, certified fee-based practicing pastoral counselor,
38 advanced practice nurse, licensed marriage and family therapist, or physician
39 assistant.

40"

41 **SECTION 3.** This act becomes effective October 1, 2012.