

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 729
PROPOSED COMMITTEE SUBSTITUTE H729-PCS10363-TK-36

Short Title: Standards for Chiropractic Peer Review.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING CHIROPRACTIC PEER REVIEW OF MOTOR VEHICLE
3 LIABILITY AND MEDICAL PAYMENT CLAIMS TO BE PERFORMED BY
4 INDIVIDUALS LICENSED TO PRACTICE CHIROPRACTIC IN THIS STATE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 8 of Chapter 90 of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 90-153.1. Chiropractic peer review.**

9 (a) Claims Subject to This Section. – This section shall apply only to motor vehicle
10 liability claims for personal injury and to motor vehicle medical payments claims. This section
11 shall not apply to workers' compensation claims, general accident and health insurance claims,
12 or claims submitted by, or on behalf of, enrollees to health benefit plans.

13 (b) Definitions. – As used in this section, "chiropractic peer review" means the
14 retrospective review of the treatment records of a chiropractic patient, performed by an
15 individual who was not the patient's treating chiropractor, for the purpose of advising a
16 third-party payer as to whether, in the reviewer's opinion, the services rendered by the treating
17 chiropractor were clinically necessary and supported by adequate documentation. Chiropractic
18 peer review shall not include automated screening programs.

19 (c) Qualifications of Reviewers. – Any individual who performs chiropractic peer
20 review of a chiropractor licensed under this Article shall meet all of the following criteria:

- 21 (1) Holds a current license to practice chiropractic in this State.
22 (2) Has practiced chiropractic in this State during the five-year period
23 immediately preceding the chiropractic peer review.
24 (3) Derives at least half of his or her professional income from providing care
25 and treatment to chiropractic patients.
26 (4) If reviewing the treatment records of a chiropractor who has been certified as
27 a Diplomate in a specialty recognized by the State Board of Chiropractic
28 Examiners, holds a diploma in the same specialty.
29 (5) Does not collect a fee based on the extent to which the third-party payer
30 reduces the treating chiropractor's bill.

31 (d) Standard of Care. – When performing a peer review, the reviewer shall apply the
32 standards of acceptable care in effect in this State at the time services were rendered.

33 (e) Enforcement. – Any chiropractor licensed under this Article by the Board of
34 Chiropractic Examiners who fails to comply with this section shall be guilty of unethical
35 conduct and shall be subject to disciplinary action under G.S. 90-154(b)(4). Any individual



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1 who performs chiropractic peer review without possessing a license as provided in this Article
2 shall be subject to prosecution and injunctive action as provided in G.S. 90-147."

3 **SECTION 2.** This act becomes effective October 1, 2015, and applies to reviews
4 conducted on or after that date.