

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 160

Short Title: Ins. Reimb. to Psychiatric Nurses.

(Public)

Sponsors: Senators Staton, Tally, and Lee.

Referred to: Human Resources.

February 21, 1991

A BILL TO BE ENTITLED

AN ACT TO REMOVE BARRIERS TO DIRECT INSURANCE REIMBURSEMENT
TO CERTIFIED CLINICAL SPECIALISTS IN PSYCHIATRIC AND MENTAL
HEALTH NURSING FOR PROFESSIONAL SERVICES WITHIN THEIR SCOPE
OF PRACTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-50-30 reads as rewritten:

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

Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by Articles 47 and 49 through 53 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.

Whenever any policy of insurance governed by Articles 1 through 64 of this Chapter provides for payment of or reimbursement for any service which is within the scope of practice of a duly licensed optometrist, or duly licensed podiatrist, or a duly licensed dentist, or duly licensed chiropractor, or duly licensed practicing psychologist, a certified specialist in psychiatric and mental health nursing the insured or other persons entitled to benefits under such policy shall be entitled to payment of or reimbursement for such services, whether such services be performed by a duly licensed physician or a duly licensed optometrist, or a duly licensed podiatrist, or a duly licensed dentist or a duly licensed chiropractor, or a duly licensed practicing psychologist, a certified specialist in psychiatric and mental health nursing notwithstanding any provision contained in such policy. Whenever any policy of insurance governed by Articles 1

1 through 64 of this Chapter provides for certification of disability which is within the
2 scope of practice of a duly licensed physician, or a duly licensed optometrist, or a duly
3 licensed podiatrist, or a duly licensed dentist, or a duly licensed chiropractor, or a duly
4 licensed practicing psychologist, a certified specialist in psychiatric and mental health
5 nursing the insured or other persons entitled to benefits under such policy shall be
6 entitled to payment of or reimbursement for such disability whether such disability be
7 certified by a duly licensed physician, or a duly licensed optometrist, or a duly licensed
8 podiatrist, or a duly licensed dentist, or a duly licensed chiropractor, ~~or~~ a duly licensed
9 practicing psychologist, or a certified specialist in psychiatric and mental health nursing
10 notwithstanding any provisions contained in such policy. The policyholder, insured, or
11 beneficiary shall have the right to choose the provider of such services notwithstanding
12 any provision to the contrary in any other statute.

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

18 For the purposes of this section, a 'certified clinical specialist in psychiatric and
19 mental health nursing' shall be defined as a registered nurse who is duly licensed in the
20 State of North Carolina, has a graduate degree (masters or doctorate), and has obtained
21 certification as a clinical specialist in psychiatric and mental health nursing from the
22 American Nurses' Association."

23 Sec. 2. G.S. 58-65-1 reads as rewritten:

24 "**§ 58-65-1. Regulation and definitions; application of other laws; profit and**
25 **foreign corporations prohibited.**

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

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

42 The term 'medical service plan' as used in this Article and Article 66 of this Chapter
43 includes the contracting for the payment of fees toward, or furnishing of, medical,
44 obstetrical, surgical and/or any other professional services authorized or permitted to be

1 furnished by a duly licensed physician, except that in any plan in any policy of
2 insurance governed by this Article and Article 66 of this Chapter that includes services
3 which are within the scope of practice of a duly licensed optometrist, a duly licensed
4 chiropractor, a duly licensed practicing psychologist, and a duly licensed physician, then
5 the insured or beneficiary shall have the right to choose the provider of the care or
6 service, and shall be entitled to payment of or reimbursement for such care or service,
7 whether the provider be a duly licensed optometrist, a duly licensed chiropractor, a duly
8 licensed practicing psychologist, or a duly licensed physician notwithstanding any
9 provision to the contrary contained in such policy. The term 'medical services plan'
10 also includes the contracting for the payment of fees toward, or furnishing of,
11 professional medical services authorized or permitted to be furnished by a duly licensed
12 provider of health services licensed under Chapter 90 of the General Statutes.

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

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

22 For the purposes of this section, a 'certified clinical specialist in psychiatric and
23 mental health nursing' shall be defined as a registered nurse who is duly licensed in the
24 State of North Carolina, has a graduate degree (masters or doctorate), and has obtained
25 certification as a clinical specialist in psychiatric and mental health nursing from the
26 American Nurses' Association.

27 The insured or beneficiary of every 'medical service plan' and of every 'dental
28 service plan,' as those terms are used in this Article and Article 66 of this Chapter, or of
29 any policy of insurance issued thereunder, that includes services which are within the
30 scope of practice of both a duly licensed physician and a duly licensed dentist shall have
31 the right to choose the provider of such care or service, and shall be entitled to payment
32 of or reimbursement for such care or service, whether the provider be a duly licensed
33 physician or a duly licensed dentist notwithstanding any provision to the contrary
34 contained in any such plan or policy.

35 The term 'hospital service corporation' as used in this Article and Article 66 of this
36 Chapter is intended to mean any nonprofit corporation operating a hospital and/or
37 medical and/or dental service plan, as herein defined. Any corporation heretofore or
38 hereafter organized and coming within the provisions of this Article and Article 66 of
39 this Chapter, the certificate of incorporation of which authorizes the operation of either
40 a hospital or medical and/or dental service plan, or any or all of them, may, with the
41 approval of the Commissioner of Insurance, issue subscribers' contracts or certificates
42 approved by the Commissioner of Insurance, for the payment of either hospital or
43 medical and/or dental fees, or the furnishing of such services, or any or all of them, and
44 may enter into contracts with hospitals for physicians and/or dentists, or any or all of

1 them, for the furnishing of fees or services respectively under a hospital or medical
2 and/or dental service plan, or any or all of them.

3 The term 'preferred provider' as used in this Article and Article 66 of this Chapter
4 with respect to contracts, organizations, policies or otherwise means a health care
5 service provider who has agreed to accept, from a corporation organized for the
6 purposes authorized by this Article and Article 66 of this Chapter or other applicable
7 law, special reimbursement terms in exchange for providing services to beneficiaries of
8 a plan administered pursuant to this Article and Article 66 of this Chapter. Except to
9 the extent prohibited either by G.S. 58-65-140 or by regulations promulgated by the
10 Department of Insurance not inconsistent with this Article and Article 66 of this
11 Chapter, the contractual terms and conditions for special reimbursement shall be those
12 which the corporation and preferred provider find to be mutually agreeable.

13 No foreign or alien hospital or medical and/or dental service corporation as herein
14 defined shall be authorized to do business in this State."

15 Sec. 3. This act is effective upon ratification.