

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 457
Committee Substitute Favorable 5/4/93
Senate Insurance Committee Substitute Adopted 7/1/93

Short Title: Nurses Paid by Insurance.

(Public)

Sponsors:

Referred to:

March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO REMOVE BARRIERS IN INSURANCE POLICIES AND PLANS TO PROVIDE FOR REIMBURSEMENT TO ADVANCED PRACTICE REGISTERED NURSES PROVIDING SERVICES WITHIN THE SCOPE OF THEIR PRACTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-50-25 reads as rewritten:

"§ 58-50-25. Nurses' services.

No agency, institution or physician providing a service for which payment or reimbursement is required to be made under a policy governed by Articles 1 through 64 of this Chapter shall be denied such payment or reimbursement on account of the fact that such services were rendered through a registered nurse acting under authority of rules and regulations adopted by the Board of Medical Examiners and the Board of Nursing pursuant to G.S. 90-6 and 90-171.23.

~~Nothing herein shall be construed to authorize contracting with or making payments directly to any nurse not otherwise permitted."~~

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

"§ 58-50-30. Discrimination forbidden; right to choose services of optometrist, podiatrist, ~~dentist or chiropractor.~~ dentist, chiropractor, or advanced practice registered nurse.

Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by Articles 50 through 55 of this

1 Chapter, or in the benefits payable thereon, or in any of the terms or conditions of such
2 policy, or in any other manner whatsoever, is prohibited.

3 Whenever any policy of insurance governed by Articles 1 through 64 of this Chapter
4 provides for payment of or reimbursement for any service which is within the scope of
5 practice of a duly licensed optometrist, ~~or a~~ duly licensed podiatrist, ~~or a~~ duly licensed
6 dentist, ~~or a~~ duly licensed chiropractor, ~~or a~~ duly licensed practicing psychologist, or an
7 advanced practice registered nurse, the insured or other persons entitled to benefits
8 under such policy shall be entitled to payment of or reimbursement for such services,
9 whether such services be performed by a duly licensed ~~physician or physician~~, a duly
10 licensed optometrist, ~~or a~~ duly licensed podiatrist, ~~or a~~ duly licensed ~~dentist or dentist~~, a
11 duly licensed chiropractor, ~~or a~~ duly licensed practicing psychologist, or an advanced
12 practice registered nurse, notwithstanding any provision contained in such policy.
13 Whenever any policy of insurance governed by Articles 1 through 64 of this Chapter
14 provides for certification of disability which is within the scope of practice of a duly
15 licensed physician, ~~or a~~ duly licensed optometrist, ~~or a~~ duly licensed podiatrist, ~~or a~~ duly
16 licensed dentist, ~~or a~~ duly licensed chiropractor, ~~or a~~ duly licensed practicing
17 psychologist, or an advanced practice registered nurse, the insured or other persons
18 entitled to benefits under such policy shall be entitled to payment of or reimbursement
19 for such disability whether such disability be certified by a duly licensed physician, ~~or a~~
20 duly licensed optometrist, ~~or a~~ duly licensed podiatrist, ~~or a~~ duly licensed dentist, ~~or a~~
21 duly licensed chiropractor, ~~or a~~ duly licensed practicing psychologist, or an advanced
22 practice registered nurse, notwithstanding any provisions contained in such policy. The
23 policyholder, insured, or beneficiary shall have the right to choose the provider of such
24 services notwithstanding any provision to the contrary in any other statute.

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

30 Payment or reimbursement is required by this section for a service performed by an
31 advanced practice registered nurse only when:

- 32 (1) The service performed is within the nurse's lawful scope of practice;
- 33 (2) The policy currently provides benefits for identical services performed
34 by other licensed health care providers;
- 35 (3) The service is not performed while the nurse is a regular employee in
36 an office of a licensed physician;
- 37 (4) The service is not performed while the registered nurse is employed by
38 a nursing facility (including a hospital, skilled nursing facility,
39 intermediate care facility, or home care agency); and
- 40 (5) The supervising physician has not obtained an assignment of and is not
41 otherwise entitled to the benefits under the policy.

42 No lack of signature, referral, or employment by any other health care provider may be
43 asserted to deny benefits under this provision.

1 For purposes of this section, an 'advanced practice registered nurse' means only a
2 registered nurse who is duly licensed or certified as a nurse practitioner, clinical
3 specialist in psychiatric and mental health nursing, or nurse midwife."

4 Sec. 3. G.S. 58-65-1 reads as rewritten:

5 **"§ 58-65-1. Regulation and definitions; application of other laws; profit and**
6 **foreign corporations prohibited.**

7 Any corporation heretofore or hereafter organized under the general corporation
8 laws of the State of North Carolina for the purpose of maintaining and operating a
9 nonprofit hospital and/or medical and/or dental service plan whereby hospital care
10 and/or medical and/or dental service may be provided in whole or in part by said
11 corporation or by hospitals and/or physicians and/or dentists participating in such plan,
12 or plans, shall be governed by this Article and Article 66 of this Chapter and shall be
13 exempt from all other provisions of the insurance laws of this State, heretofore enacted,
14 unless specifically designated herein, and no laws hereafter enacted shall apply to them
15 unless they be expressly designated therein.

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

23 The term 'medical service plan' as used in this Article and Article 66 of this Chapter
24 includes the contracting for the payment of fees toward, or furnishing of, medical,
25 obstetrical, surgical and/or any other professional services authorized or permitted to be
26 furnished by a duly licensed physician, except that in any plan in any policy of
27 insurance governed by this Article and Article 66 of this Chapter that includes services
28 which are within the scope of practice of a duly licensed optometrist, a duly licensed
29 chiropractor, a duly licensed practicing psychologist, an advanced practice registered
30 nurse, and a duly licensed physician, then the insured or beneficiary shall have the right
31 to choose the provider of the care or service, and shall be entitled to payment of or
32 reimbursement for such care or service, whether the provider be a duly licensed
33 optometrist, a duly licensed chiropractor, a duly licensed practicing psychologist, an
34 advanced practice registered nurse, or a duly licensed physician notwithstanding any
35 provision to the contrary contained in such policy. The term 'medical services plan' also
36 includes the contracting for the payment of fees toward, or furnishing of, professional
37 medical services authorized or permitted to be furnished by a duly licensed provider of
38 health services licensed under Chapter 90 of the General Statutes.

39 Payment or reimbursement is required by this section for a service performed by an
40 advanced practice registered nurse only when:

- 41 (1) The service performed is within the nurse's lawful scope of practice;
- 42 (2) The policy currently provides benefits for identical services performed
43 by other licensed health care providers;

- 1 (3) The service is not performed while the nurse is a regular employee in
2 an office of a licensed physician;
3 (4) The service is not performed while the registered nurse is employed by
4 a nursing facility (including a hospital, skilled nursing facility,
5 intermediate care facility, or home care agency); and
6 (5) The supervising physician has not obtained an assignment of and is not
7 otherwise entitled to the benefits under the policy.

8 No lack of signature, referral, or employment by any other health care provider may be
9 asserted to deny benefits under this provision.

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

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

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

42 The term 'preferred provider' as used in this Article and Article 66 of this Chapter
43 with respect to contracts, organizations, policies or otherwise means a health care
44 service provider who has agreed to accept, from a corporation organized for the

1 purposes authorized by this Article and Article 66 of this Chapter or other applicable
2 law, special reimbursement terms in exchange for providing services to beneficiaries of
3 a plan administered pursuant to this Article and Article 66 of this Chapter. Except to
4 the extent prohibited either by G.S. 58-65-140 or by regulations promulgated by the
5 Department of Insurance not inconsistent with this Article and Article 66 of this
6 Chapter, the contractual terms and conditions for special reimbursement shall be those
7 which the corporation and preferred provider find to be mutually agreeable.

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

10 Sec. 4. G.S. 58-65-35 reads as rewritten:

11 **"§ 58-65-35. Nurses' services.**

12 No agency, institution or physician providing a service for which payment or
13 reimbursement is required to be made under a contract governed by this Article and
14 Article 66 of this Chapter shall be denied such payment or reimbursement on account of
15 the fact that the service was rendered through a registered nurse acting under authority
16 of rules and regulations adopted by the Board of Medical Examiners and the Board of
17 Nursing pursuant to G.S. 90-6 and 90-171.23.

18 ~~Nothing herein shall be construed to authorize contracting with or making payments~~
19 ~~directly to a nurse not otherwise permitted."~~

20 Sec. 5. This act becomes effective October 1, 1993, and applies to all plans
21 and policies with an inception, renewal, or anniversary date on or after October 1, 1993.
22 This act expires October 1, 1998.