

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1437

Short Title: High-Risk Intervention Coverage/State Health Plan. (Public)

Sponsors: Senator Gulley.

Referred to: Health Care.

May 25, 2000

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE TEACHERS' AND STATE EMPLOYEES'
2 COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE FOR COVERAGE
3 OF HIGH-RISK INTERVENTION MENTAL HEALTH AND CHEMICAL
4 DEPENDENCY SERVICES PROVIDED IN RESIDENTIAL FACILITIES AS
5 DEFINED IN G.S. 122C-3(14)e. OF THE GENERAL STATUTES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 135-40.7B reads as rewritten:

9 **"§ 135-40.7B. Special provisions for chemical dependency and mental health**
10 **benefits.**

11 (a) Except as otherwise provided in this section, benefits for the treatment of
12 mental illness and chemical dependency are covered by the Plan and shall be subject to
13 the same deductibles, durational limits, and coinsurance factors as are benefits for
14 physical illness generally.

15 (b) Notwithstanding any other provision of this Part, the following necessary
16 services for the care and treatment of chemical dependency and mental illness shall be
17 covered under this section: allowable institutional and professional charges for inpatient
18 care, outpatient care, intensive outpatient program services, partial hospitalization
19 treatment, high-risk intervention, and residential care and treatment:

20 (1) For mental illness treatment:

- 1 a. Licensed psychiatric hospitals;
- 2 b. Licensed psychiatric beds in licensed general hospitals;
- 3 c. Licensed residential treatment facilities;
- 4 d. Area Mental Health, Developmental Disabilities, and Substance
- 5 Abuse Authorities;
- 6 e. Licensed intensive outpatient treatment programs; ~~and~~
- 7 f. Licensed partial hospitalization ~~programs.~~ programs; and
- 8 g. Residential facilities as defined in G.S. 122C-3(14)e.
- 9 (2) For chemical dependency treatment:
 - 10 a. Licensed chemical dependency units in licensed psychiatric
 - 11 hospitals;
 - 12 b. Licensed chemical dependency hospitals;
 - 13 c. Licensed chemical dependency treatment facilities;
 - 14 d. Area Mental Health, Developmental Disabilities, and Substance
 - 15 Abuse Authorities;
 - 16 e. Licensed intensive outpatient treatment programs;
 - 17 f. Licensed partial hospitalization programs; ~~and~~
 - 18 g. Medical detoxification facilities or ~~units.~~ units; and
 - 19 h. Residential facilities as defined in G.S. 122C-3(14)e.
- 20 (c) Notwithstanding any other provisions of this Part, the following providers and
- 21 no others may provide necessary care and treatment for mental health under this section:
 - 22 (1) Psychiatrists who have completed a residency in psychiatry approved by
 - 23 the American Council for Graduate Medical Education and who are
 - 24 licensed as medical doctors or doctors of osteopathy in the state in
 - 25 which they perform and services covered by the Plan;
 - 26 (2) Licensed or certified doctors of psychology;
 - 27 (3) Certified clinical social workers;
 - 28 (3a) Licensed professional counselors;
 - 29 (4) Certified clinical specialists in psychiatric and mental health nursing;
 - 30 (4a) Nurses working under the employment and direct supervision of such
 - 31 physicians, psychologists, or psychiatrists;
 - 32 (5) Repealed by Session Laws 1997-512, s. 14.
 - 33 (6) Psychological associates with a masters degree in psychology under the
 - 34 direct employment and supervision of a licensed psychiatrist or licensed
 - 35 or certified doctor of psychology;
 - 36 (7), (8) Repealed by Session Laws 1997-512, s. 14.
 - 37 (9) Certified fee-based practicing pastoral counselors; and
 - 38 (10) Licensed physician assistants under the supervision of a licensed
 - 39 psychiatrist and acting pursuant to G.S. 90-18.1 or the applicable laws
 - 40 and rules of the area in which the physician assistant is licensed or
 - 41 certified.

1 (c1) Notwithstanding any other provisions of this Part, the following providers and
2 no others may provide necessary care and treatment for chemical dependency under this
3 section:

4 (1) The following providers with appropriate substance abuse training and
5 experience in the field of alcohol and other drug abuse as determined by
6 the mental health case manager, in facilities described in subdivision
7 (b)(2) of this section, in day/night programs or outpatient treatment
8 facilities licensed after July 1, 1984, under Article 2 of Chapter 122C of
9 the General Statutes or in North Carolina area programs in substance
10 abuse services are authorized to provide treatment for chemical
11 dependency under this section:

- 12 a. Licensed physicians including, but not limited to, physicians who
13 are certified in substance abuse by the American Society of
14 Addiction Medicine (ASAM);
- 15 b. Licensed or certified psychologists;
- 16 c. Psychiatrists;
- 17 d. Certified substance abuse counselors working under the direct
18 supervision of such physicians, psychologists, or psychiatrists;
- 19 e. Psychological associates with a masters degree in psychology
20 working under the direct supervision of such physicians,
21 psychologists, or psychiatrists;
- 22 f. Nurses working under the direct supervision of such physicians,
23 psychologists, or psychiatrists;
- 24 g. Certified clinical social workers;
- 25 h. Certified clinical specialists in psychiatric and mental health
26 nursing;
- 27 i. Licensed professional counselors;
- 28 j. Certified fee-based practicing pastoral counselors; and
- 29 k. Substance abuse professionals certified under Article 5C of
30 Chapter 90 of the General Statutes.

31 (2) The following providers with appropriate substance abuse training and
32 experience in the field of alcohol and other drug abuse as determined by
33 the mental health case manager are authorized to provide treatment for
34 chemical dependency in outpatient practice settings:

- 35 a. Licensed physicians who are certified in substance abuse by the
36 American Society of Addiction Medicine (ASAM);
- 37 b. Licensed or certified psychologists;
- 38 c. Psychiatrists;
- 39 d. Certified substance abuse counselors working under the
40 employment and direct supervision of such physicians,
41 psychologists, or psychiatrists;

- 1 e. Psychological associates with a masters degree in psychology
- 2 working under the employment and direct supervision of such
- 3 physicians, psychologists, or psychiatrists;
- 4 f. Nurses working under the employment and direct supervision of
- 5 such physicians, psychologists, or psychiatrists;
- 6 g. Certified clinical social workers;
- 7 h. Certified clinical specialists in psychiatric and mental health
- 8 nursing;
- 9 i. Licensed professional counselors;
- 10 j. Certified fee-based practicing pastoral counselors;
- 11 1. Substance abuse professionals certified under Article 5C
- 12 of Chapter 90 of the General Statutes; and
- 13 k. In the absence of meeting one of the criteria above, the Mental
- 14 Health Case Manager could consider, on a case-by-case basis, a
- 15 provider who supplies:
- 16 1. Evidence of graduate education in the diagnosis and
- 17 treatment of chemical dependency, and
- 18 2. Supervised work experience in the diagnosis and
- 19 treatment of chemical dependency (with supervision by an
- 20 appropriately credentialed provider), and
- 21 3. Substantive past and current continuing education in the
- 22 diagnosis and treatment of chemical dependency
- 23 commensurate with one's profession.

24 Provided, however, that nothing in this subsection shall prohibit the Plan from
25 requiring the most cost-effective treatment setting to be utilized by the person undergoing
26 necessary care and treatment for chemical dependency.

27 (d) Benefits provided under this section shall be subject to a case management
28 program for medical necessity and medical appropriateness consisting of (i)
29 precertification of outpatient visits beyond 26 visits each Plan year, (ii) all
30 electroconvulsive treatment, (iii) inpatient utilization review through preadmission and
31 length-of-stay certification for nonemergency admissions to the following levels of care:
32 inpatient units, partial hospitalization programs, residential treatment centers, chemical
33 dependency detoxification and treatment programs, and intensive outpatient programs,
34 (iv) length-of-stay certification of emergency inpatient admissions, and (v) a network of
35 qualified, available providers of inpatient and outpatient psychiatric and chemical
36 dependency treatment. Care which is not both medically necessary and medically
37 appropriate will be noncertified, and benefits will be denied. Where qualified preferred
38 providers of inpatient and outpatient care are reasonably available, use of providers
39 outside of the preferred network shall be subject to a twenty percent (20%) coinsurance
40 rate up to five thousand dollars (\$5,000) per fiscal year to be assessed against each
41 covered individual in addition to the general coinsurance percentage and maximum fiscal
42 year amount specified by G.S. 135-40.4 and G.S. 135-40.6.

1 (e) For the purpose of this section, "emergency" is the sudden and unexpected
2 onset of a condition manifesting itself by acute symptoms of sufficient severity that, in
3 the absence of an immediate psychiatric or chemical dependency inpatient admission,
4 could imminently result in injury or danger to self or others."

5 Section 2. This act is effective when it becomes law.