

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 109**

Short Title: Reimbursement for Marriage/Family Therapists. (Public)

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Sponsors: Representatives Alexander; Earle, Easterling, Fox, Goodwin, Hackney, Hall, Hill, Insko, Jarrell, Luebke, Preston, Underhill, Wainwright, Weiss, Wright, and Yongue.

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Referred to: Rules, Calendar, and Operations of the House.

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February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 135-40.7B reads as rewritten:

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

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

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

(1) For mental illness treatment:

- a. Licensed psychiatric hospitals;
- b. Licensed psychiatric beds in licensed general hospitals;
- c. Licensed residential treatment facilities;
- d. Area Mental Health, Developmental Disabilities, and Substance Abuse Authorities;
- e. Licensed intensive outpatient treatment programs; and
- f. Licensed partial hospitalization programs.

(2) For chemical dependency treatment:

- 1 a. Licensed chemical dependency units in licensed psychiatric
- 2 hospitals;
- 3 b. Licensed chemical dependency hospitals;
- 4 c. Licensed chemical dependency treatment facilities;
- 5 d. Area Mental Health, Developmental Disabilities, and Substance
- 6 Abuse Authorities;
- 7 e. Licensed intensive outpatient treatment programs;
- 8 f. Licensed partial hospitalization programs; and
- 9 g. Medical detoxification facilities or units.

10 (c) Notwithstanding any other provisions of this Part, the following providers  
11 and no others may provide necessary care and treatment for mental health under this  
12 section:

- 13 (1) Psychiatrists who have completed a residency in psychiatry approved
- 14 by the American Council for Graduate Medical Education and who are
- 15 licensed as medical doctors or doctors of osteopathy in the state in
- 16 which they perform and services covered by the Plan;
- 17 (2) Licensed or certified doctors of psychology;
- 18 (3) Certified clinical social workers;
- 19 (3a) Licensed professional counselors;
- 20 (4) Certified clinical specialists in psychiatric and mental health nursing;
- 21 (4a) Nurses working under the employment and direct supervision of such
- 22 physicians, psychologists, or psychiatrists;
- 23 (5) Repealed by Session Laws 1997-512, s. 14.
- 24 (6) Psychological associates with a masters degree in psychology under
- 25 the direct employment and supervision of a licensed psychiatrist or
- 26 licensed or certified doctor of psychology;
- 27 (7), (8) Repealed by Session Laws 1997-512, s. 14.
- 28 (9) Certified fee-based practicing pastoral counselors; ~~and~~
- 29 (10) Licensed physician assistants under the supervision of a licensed
- 30 psychiatrist and acting pursuant to G.S. 90-18.1 or the applicable laws
- 31 and rules of the area in which the physician assistant is licensed or
- 32 ~~certified~~certified; ~~and~~
- 33 (11) Licensed marriage and family therapists.

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

- 37 (1) The following providers with appropriate substance abuse training and
- 38 experience in the field of alcohol and other drug abuse as determined
- 39 by the mental health case manager, in facilities described in
- 40 subdivision (b)(2) of this section, in day/night programs or outpatient
- 41 treatment facilities licensed after July 1, 1984, under Article 2 of
- 42 Chapter 122C of the General Statutes or in North Carolina area
- 43 programs in substance abuse services are authorized to provide
- 44 treatment for chemical dependency under this section:

- 1 a. Licensed physicians including, but not limited to, physicians
- 2 who are certified in substance abuse by the American Society of
- 3 Addiction Medicine (ASAM);
- 4 b. Licensed or certified psychologists;
- 5 c. Psychiatrists;
- 6 d. Certified substance abuse counselors working under the direct
- 7 supervision of such physicians, psychologists, or psychiatrists;
- 8 e. Psychological associates with a masters degree in psychology
- 9 working under the direct supervision of such physicians,
- 10 psychologists, or psychiatrists;
- 11 f. Nurses working under the direct supervision of such physicians,
- 12 psychologists, or psychiatrists;
- 13 g. Certified clinical social workers;
- 14 h. Certified clinical specialists in psychiatric and mental health
- 15 nursing;
- 16 i. Licensed professional counselors;
- 17 j. Certified fee-based practicing pastoral counselors; ~~and~~
- 18 k. Substance abuse professionals certified under Article 5C of
- 19 Chapter 90 of the General ~~Statutes~~. ~~Statutes~~; and
- 20 l. Licensed marriage and family therapists.
- 21 (2) The following providers with appropriate substance abuse training and
- 22 experience in the field of alcohol and other drug abuse as determined
- 23 by the mental health case manager are authorized to provide treatment
- 24 for chemical dependency in outpatient practice settings:
- 25 a. Licensed physicians who are certified in substance abuse by the
- 26 American Society of Addiction Medicine (ASAM);
- 27 b. Licensed or certified psychologists;
- 28 c. Psychiatrists;
- 29 d. Certified substance abuse counselors working under the
- 30 employment and direct supervision of such physicians,
- 31 psychologists, or psychiatrists;
- 32 e. Psychological associates with a masters degree in psychology
- 33 working under the employment and direct supervision of such
- 34 physicians, psychologists, or psychiatrists;
- 35 f. Nurses working under the employment and direct supervision
- 36 of such physicians, psychologists, or psychiatrists;
- 37 g. Certified clinical social workers;
- 38 h. Certified clinical specialists in psychiatric and mental health
- 39 nursing;
- 40 i. Licensed professional counselors;
- 41 j. Certified fee-based practicing pastoral counselors;
- 42 1. Substance abuse professionals certified under Article 5C
- 43 of Chapter 90 of the General Statutes; ~~and~~
- 44 j1. Licensed marriage and family therapists; and

- 1 k. In the absence of meeting one of the criteria above, the Mental  
2 Health Case Manager could consider, on a case-by-case basis, a  
3 provider who supplies:  
4 1. Evidence of graduate education in the diagnosis and  
5 treatment of chemical dependency, and  
6 2. Supervised work experience in the diagnosis and  
7 treatment of chemical dependency (with supervision by  
8 an appropriately credentialed provider), and  
9 3. Substantive past and current continuing education in the  
10 diagnosis and treatment of chemical dependency  
11 commensurate with one's profession.

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

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

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

35 **SECTION 2.** This act becomes effective October 1, 2001, and applies to  
36 claims for payment or reimbursement for services rendered on or after that date.