

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1266

Short Title: Surgical Nurses/3rd Party Pmt.

(Public)

Sponsors: Representatives Wright, Hiatt, and Brubaker.

Referred to: Insurance.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR DIRECT PAYMENT OF REGISTERED NURSE FIRST ASSISTANTS UNDER HEALTH INSURANCE POLICIES AND PLANS.

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, certified clinical social worker, certified substance abuse professional, dentist, chiropractor, psychologist, pharmacist, certified fee-based practicing pastoral counselor, advanced practice nurse, registered nurse first assistant, or physician assistant.

(a) 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 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 rendered in connection with a condition or complaint that is within the scope of practice of a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly certified substance abuse professional, a duly licensed psychologist, a duly licensed pharmacist, a duly certified fee-based practicing pastoral counselor, a duly licensed physician assistant, registered nurse first assistant, or an advanced practice registered nurse, the insured or other persons entitled to benefits under the policy shall be entitled to payment of or reimbursement for the services, whether the services be performed by a duly licensed physician, a duly licensed physician assistant, a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a duly certified substance abuse professional, a duly licensed psychologist, a duly licensed pharmacist, a duly certified fee-based practicing pastoral

1 counselor, a registered nurse first assistant, or an advanced practice registered nurse,
2 notwithstanding any provision contained in the policy. Whenever any policy of
3 insurance governed by Articles 1 through 64 of this Chapter provides for certification of
4 disability that is within the scope of practice of a duly licensed physician, a duly
5 licensed physician assistant, a duly licensed optometrist, a duly licensed podiatrist, a
6 duly licensed dentist, a duly licensed chiropractor, a duly certified clinical social
7 worker, a duly certified substance abuse professional, a duly licensed psychologist, a
8 duly certified fee-based practicing pastoral counselor, registered nurse first assistant, or
9 an advanced practice registered nurse, the insured or other persons entitled to benefits
10 under the policy shall be entitled to payment of or reimbursement for the disability
11 whether the disability be certified by a duly licensed physician, a duly licensed
12 physician assistant, a duly licensed optometrist, a duly licensed podiatrist, a duly
13 licensed dentist, a duly licensed chiropractor, a duly certified clinical social worker, a
14 duly certified substance abuse professional, a duly licensed psychologist, a duly
15 certified fee-based practicing pastoral counselor, registered nurse first assistant, or an
16 advanced practice registered nurse, notwithstanding any provisions contained in the
17 policy. The policyholder, insured, or beneficiary shall have the right to choose the
18 provider of the services notwithstanding any provision to the contrary in any other
19 statute.

20 Whenever any policy of insurance provides coverage for medically necessary
21 treatment, the insurer shall not impose any limitation on treatment or levels of coverage
22 if performed by a duly licensed chiropractor acting within the scope of the chiropractor's
23 practice as defined in G.S. 90-151 unless a comparable limitation is imposed on the
24 medically necessary treatment if performed or authorized by any other duly licensed
25 physician.

26 (b) For the purposes of this section, a "duly licensed psychologist" shall be
27 defined only to include a psychologist who is duly licensed in the State of North
28 Carolina and has a doctorate degree in psychology and at least two years clinical
29 experience in a recognized health setting, or has met the standards of the National
30 Register of Health Service Providers in Psychology. After January 1, 1995, a duly
31 licensed psychologist shall be defined as a licensed psychologist who holds permanent
32 licensure and certification as a health services provider psychologist issued by the North
33 Carolina Psychology Board.

34 (c) For the purposes of this section, a "duly certified clinical social worker" is a
35 "certified clinical social worker" as defined in G.S. 90B-3(2) and certified by the North
36 Carolina Certification Board for Social Work pursuant to Chapter 90B of the General
37 Statutes.

38 (c1) For purposes of this section, a "duly certified fee-based practicing pastoral
39 counselor" shall be defined only to include fee-based practicing pastoral counselors
40 certified by the North Carolina State Board of Examiners of Fee-Based Practicing
41 Pastoral Counselors pursuant to Article 26 of Chapter 90 of the General Statutes.

42 (c2) For purposes of this section, a "duly certified substance abuse professional" is
43 a person certified by the North Carolina Substance Abuse Professional Certification
44 Board pursuant to Article 5C of Chapter 90 of the General Statutes.

1 (d) Payment or reimbursement is required by this section for a service performed
2 by an advanced practice registered nurse only when:

- 3 (1) The service performed is within the nurse's lawful scope of practice;
- 4 (2) The policy currently provides benefits for identical services performed
5 by other licensed health care providers;
- 6 (3) The service is not performed while the nurse is a regular employee in
7 an office of a licensed physician;
- 8 (4) The service is not performed while the registered nurse is employed by
9 a nursing facility (including a hospital, skilled nursing facility,
10 intermediate care facility, or home care agency); and
- 11 (5) Nothing in this section is intended to authorize payment to more than
12 one provider for the same service.

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

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

18 (d1) For purposes of this section, a "registered nurse first assistant" is a person
19 who:

- 20 (1) Is licensed as a registered nurse in this State,
 - 21 a. Is certified in perioperative nursing, and
 - 22 b. Has successfully completed a registered nurse first assistant
23 education program that meets the Association of Perioperative
24 Registered Nurses, Inc.'s education standard for the registered
25 nurse first assistant; or
- 26 (2) Was holding the title of and practicing as a registered nurse first
27 assistant as of January 1, 1993.

28 This section shall not apply to a registered nurse first assistant who is employed by
29 the requesting physician or renders services in the capacity as an employee of the
30 hospital where services are rendered.

31 (e) Payment or reimbursement is required by this section for a service performed
32 by a duly licensed pharmacist only when:

- 33 (1) The service performed is within the lawful scope of practice of the
34 pharmacist;
- 35 (2) The service performed is not initial counseling services required under
36 State or federal law or regulation of the North Carolina Board of
37 Pharmacy;
- 38 (3) The policy currently provides reimbursement for identical services
39 performed by other licensed health care providers; and
- 40 (4) The service is identified as a separate service that is performed by
41 other licensed health care providers and is reimbursed by identical
42 payment methods.

43 Nothing in this subsection authorizes payment to more than one provider for the
44 same service.

1 (f) Payment or reimbursement is required by this section for a service performed
2 by a duly licensed physician assistant only when:

- 3 (1) The service performed is within the lawful scope of practice of the
4 physician assistant in accordance with rules adopted by the North
5 Carolina Medical Board pursuant to G.S. 90-18.1;
6 (2) The policy currently provides reimbursement for identical services
7 performed by other licensed health care providers; and
8 (3) The reimbursement is made to the physician, clinic, agency, or
9 institution employing the physician assistant.

10 Nothing in this subsection is intended to authorize payment to more than one provider
11 for the same service. For the purposes of this section, a "duly licensed physician
12 assistant" is a physician assistant as defined by G.S. 90-18.1."

13 **SECTION 2.(a)** G.S. 58-65-1(a) reads as rewritten:

14 **"§ 58-65-1. Regulation and definitions; application of other laws; profit and
15 foreign corporations prohibited.**

16 (a) Any corporation heretofore or hereafter organized under the general
17 corporation laws of the State of North Carolina for the purpose of maintaining and
18 operating a nonprofit hospital and/or medical and/or dental service plan whereby
19 hospital care and/or medical and/or dental service may be provided in whole or in part
20 by said corporation or by hospitals and/or physicians and/or dentists participating in
21 such plan, or plans, shall be governed by this Article and Article 66 of this Chapter and
22 shall be exempt from all other provisions of the insurance laws of this State, heretofore
23 enacted, unless specifically designated herein, and no laws hereafter enacted shall apply
24 to them unless they be expressly designated therein.

25 The term "hospital service plan" as used in this Article and Article 66 of this Chapter
26 includes the contracting for certain fees for, or furnishing of, hospital care, laboratory
27 facilities, X-ray facilities, drugs, appliances, anesthesia, nursing care, operating and
28 obstetrical equipment, accommodations and/or any and all other services authorized or
29 permitted to be furnished by a hospital under the laws of the State of North Carolina and
30 approved by the North Carolina Hospital Association and/or the American Medical
31 Association.

32 The term "medical service plan" as used in this Article and Article 66 of this Chapter
33 includes the contracting for the payment of fees toward, or furnishing of, medical,
34 obstetrical, surgical and/or any other professional services authorized or permitted to be
35 furnished by a duly licensed physician, except that in any plan in any policy of
36 insurance governed by this Article and Article 66 of this Chapter that includes services
37 which are within the scope of practice of a duly licensed optometrist, a duly licensed
38 chiropractor, a duly licensed psychologist, a duly licensed pharmacist, a registered nurse
39 first assistant, an advanced practice registered nurse, a duly certified clinical social
40 worker, a duly certified substance abuse professional, a duly certified fee-based
41 practicing pastoral counselor, a duly licensed physician assistant, and a duly licensed
42 physician, then the insured or beneficiary shall have the right to choose the provider of
43 the care or service, and shall be entitled to payment of or reimbursement for such care
44 or service, whether the provider be a duly licensed optometrist, a duly licensed

1 chiropractor, a duly licensed psychologist, a duly licensed pharmacist, a registered nurse
2 first assistant, an advanced practice registered nurse, a duly certified clinical social
3 worker, a duly certified substance abuse professional, a duly certified fee-based
4 practicing pastoral counselor, a duly licensed physician assistant, or a duly licensed
5 physician notwithstanding any provision to the contrary contained in such policy. The
6 term "medical services plan" also includes the contracting for the payment of fees
7 toward, or furnishing of, professional medical services authorized or permitted to be
8 furnished by a duly licensed provider of health services licensed under Chapter 90 of the
9 General Statutes."

10 **SECTION 2.(b)** G.S. 58-65-1 is amended by adding the following new
11 subsection to read:

12 "(c1) For purposes of this section, a "registered nurse first assistant" is a person
13 who:

- 14 (1) Is licensed as a registered nurse in this State,
15 a. Is certified in perioperative nursing, and
16 b. Has successfully completed a registered nurse first assistant
17 education program that meets the Association of Perioperative
18 Registered Nurses, Inc.'s education standard for the registered
19 nurse first assistant; or
20 (2) Was holding the title of and practicing as a registered nurse first
21 assistant as of January 1, 1993.

22 This section shall not apply to a registered nurse first assistant who is employed by
23 the requesting physician or renders services in the capacity as an employee of the
24 hospital where services are rendered."

25 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
26 claims for payment or reimbursement for services rendered on or after that date.