

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 656

Short Title: Right to Choose Physical Therapist. (Public)

Sponsors: Senators Davis; Purcell and Rabon.

Referred to: Insurance.

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR  
PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS.

The General Assembly of North Carolina enacts:

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

"§ 58-50-30. **Right to choose services of optometrist, podiatrist, licensed clinical social worker, certified substance abuse professional, licensed professional counselor, dentist, chiropractor, physical therapist, psychologist, pharmacist, certified fee-based practicing pastoral counselor, advanced practice nurse, licensed marriage and family therapist, or physician assistant.**

(a) Repealed by Session Laws 2001-297, s. 1, effective January 1, 2001.

(a1) Whenever any health benefit plan, subscriber contract, or policy of insurance issued by a health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter provides for coverage 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 licensed physical therapist, a duly licensed clinical social worker, a duly certified substance abuse professional, a duly licensed professional counselor, a duly licensed psychologist, a duly licensed pharmacist, a duly certified fee-based practicing pastoral counselor, a duly licensed physician assistant, a duly licensed marriage and family therapist, or an advanced practice registered nurse, the insured or other persons entitled to benefits under the policy shall be entitled to coverage of, payment of, or reimbursement for the services, whether the services be performed by a duly licensed physician, or a provider listed in this subsection, notwithstanding any provision contained in the plan or policy limiting access to the providers. The policyholder, insured, or beneficiary shall have the right to choose the provider of services notwithstanding any provision to the contrary in any other statute, subject to the utilization review, referral, and prior approval requirements of the plan that apply to all providers for that service; provided that:

(1) In the case of plans that require the use of network providers as a condition of obtaining benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network; and

(2) In the case of plans that require the use of network providers as a condition of obtaining a higher level of benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network in order to obtain the higher level of benefits.

(a2) Whenever any policy of insurance governed by Articles 1 through 64 of this Chapter provides for certification of disability that is within the scope of practice of a duly



1 licensed physician, a duly licensed physician assistant, a duly licensed optometrist, a duly  
2 licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly licensed  
3 physical therapist, a duly licensed clinical social worker, a duly certified substance abuse  
4 professional, a duly licensed professional counselor, a duly licensed psychologist, a duly  
5 certified fee-based practicing pastoral counselor, a duly licensed marriage and family therapist,  
6 or an advanced practice registered nurse, the insured or other persons entitled to benefits under  
7 the policy shall be entitled to payment of or reimbursement for the disability whether the  
8 disability be certified by a duly licensed physician, or a provider listed in this subsection,  
9 notwithstanding any provisions contained in the policy. The policyholder, insured, or  
10 beneficiary shall have the right to choose the provider of the services notwithstanding any  
11 provision to the contrary in any other statute; provided that for plans that require the use of  
12 network providers either as a condition of obtaining benefits under the plan or policy or to  
13 access a higher level of benefits under the plan or policy, the policyholder, insured, or  
14 beneficiary must choose a provider of the services within the network, subject to the  
15 requirements of the plan or policy.

16 ...

17 (c4) For purposes of this section, a "duly licensed marriage and family therapist" is a  
18 person licensed by the North Carolina Marriage and Family Therapy Licensure Board pursuant  
19 to Article 18C of Chapter 90 of the General Statutes.

20 (c5) For purposes of this section, a "duly licensed physical therapist" is a person licensed  
21 by the North Carolina Board of Physical Therapy Examiners pursuant to Article 18B of  
22 Chapter 90 of the General Statutes.

23 ...."

24 **SECTION 2.** If Senate Bill 265 of the 2011 Regular Session becomes law, then,  
25 effective January 1, 2012, G.S. 143-48.51(12) reads as rewritten:

26 "(12) G.S. 58-50-30, Right to choose services of optometrist, podiatrist, licensed  
27 clinical social worker, certified substance abuse professional, licensed  
28 professional counselor, dentist, physical therapist, chiropractor,  
29 psychologist, pharmacist, certified fee-based practicing pastoral counselor,  
30 advanced practice nurse, licensed marriage and family therapist, or physician  
31 assistant."

32 **SECTION 3.** Except as otherwise provided, this act becomes effective October 1,  
33 2011.