

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 150
Committee Substitute Favorable 3/14/17
Committee Substitute #2 Favorable 3/30/17
Fourth Edition Engrossed 4/5/17

Short Title: Standards for Chiropractic Peer Review.

(Public)

Sponsors:

Referred to:

February 22, 2017

A BILL TO BE ENTITLED

AN ACT REQUIRING CHIROPRACTIC PEER REVIEW OF MOTOR VEHICLE LIABILITY AND MEDICAL PAYMENT CLAIMS TO BE PERFORMED BY INDIVIDUALS LICENSED TO PRACTICE CHIROPRACTIC IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-153.1. Chiropractic peer review.

(a) Claims Subject to This Section. – This section shall apply only to motor vehicle liability claims for personal injury and to motor vehicle medical payments claims. This section shall not apply to workers' compensation claims, general accident and health insurance claims, or claims submitted by, or on behalf of, enrollees to health benefit plans.

(b) Definitions. – As used in this section, "chiropractic peer review" means the retrospective review of the treatment records of a chiropractic patient when requested by a third-party payer, performed by an individual who was not the patient's treating chiropractor, for the purpose of advising a third-party payer as to whether, in the reviewer's opinion, the services rendered by the treating chiropractor were clinically necessary and supported by adequate documentation. Chiropractic peer review shall not include automated screening programs, reviews limited to coding and billing entries, or reviews performed by a third-party payer's in-house employees or individuals hired for the purpose of providing expert testimony in or preparing for litigation of personal injury claims. Materials submitted for chiropractic peer review shall be redacted to remove any information that would identify the provider of the chiropractic services.

(c) Qualifications of Reviewers. – Any individual who performs chiropractic peer review of a chiropractor licensed under this Article shall meet all of the following criteria:

- (1) Holds a current license to practice chiropractic in this State.
- (2) Has practiced chiropractic in this State during the five-year period immediately preceding the chiropractic peer review.
- (3) Derives at least half of his or her professional income from providing care and treatment to chiropractic patients.
- (4) If reviewing the treatment records of a chiropractor who has been certified as a Diplomate in a specialty recognized by the State Board of Chiropractic Examiners, holds a diploma in the same specialty.



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1 (5) Does not collect a fee based on the extent to which the third-party payer
2 reduces the treating chiropractor's bill.

3 (d) Standard of Care. – When performing a peer review, the reviewer shall apply the
4 standards of acceptable care in effect in this State at the time services were rendered.

5 (e) Enforcement. – Any chiropractor licensed under this Article by the Board of
6 Chiropractic Examiners is subject to disciplinary action under G.S. 90-154(b)(22).

7 (f) Penalties. – Any individual who performs chiropractic peer review without
8 possessing a license as provided in this Article shall be subject to prosecution and injunctive
9 action as provided in G.S. 90-147."

10 **SECTION 2.** G.S. 90-154(b) is amended by adding a new subdivision to read:

11 "(b) Any one of the following is grounds for disciplinary action by the Board under
12 subsection (a):

13 ...
14 (22) Failing to comply with G.S. 90-153.1 while performing a chiropractic peer
15 review."

16 **SECTION 3.** This act becomes effective October 1, 2017, and applies to reviews
17 conducted on or after that date.