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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Amore, and Giarrusso

Date Introduced: April 14, 2017

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:

3           **27-18-48.2. Patient access to alternative medicine.**

4           (a) Legislative purpose - Medications prescribed for the management of pain constitute a  
5 factor involved in the incidence of drug-related overdoses and deaths. The purpose of this section  
6 is to ensure patient access to alternative means of pain management, specifically, access to and  
7 reimbursement of medical services rendered by chiropractic physicians in the diagnosis and  
8 treatment of conditions associated with the usage of pain medications.

9           (b) Construction of health policies, plans and contracts. - Notwithstanding any other  
10 provision of law, when any health insurance policy, health care services plan, or other contract  
11 provides for the payment for medical expense benefits or procedures related to the treatment of  
12 pain, such policy, plan, or contract shall be construed to include equivalent payment to a  
13 chiropractic physician who provides the equivalent non-pharmaceutical medical service benefits  
14 or procedures which are within the scope of a chiropractic physician's license. Any limitation or  
15 condition placed upon services, diagnosis, treatment, or payments for pain conditions utilizing  
16 non-pharmaceutical interventions, by any licensed physician shall apply equally to all licensed  
17 physicians without unfair discrimination based upon the usual and customary treatment  
18 procedures of any class of physicians. Nothing in this section shall be construed as preventing a  
19 group health plan or a health insurance issuer from establishing varying reimbursement rates

1 based on quality or performance measures; provided, however, that:

2 (1) Reimbursement may not be arbitrarily capped and must be based on medical  
3 necessity;

4 (2) Reimbursement rates must be set utilizing industry standard relative value scale  
5 metrics, including equivalent co-payments for equivalent levels of service delivered by any  
6 licensed provider group; and

7 (3) No discriminatory contractual terms may be imposed based upon whether the treating  
8 provider is an allopathic, osteopathic, or chiropractic physician.

9 (c) Enforcement. The office of the health insurance commissioner shall enforce the  
10 provisions of this section.

11 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
12 Corporations" is hereby amended by adding thereto the following section:

13 **27-19-40.2. Patient access to alternative medicine.**

14 (a) Legislative purpose - Medications prescribed for the management of pain constitute a  
15 factor involved in the incidence of drug-related overdoses and deaths. The purpose of this section  
16 is to ensure patient access to alternative means of pain management, specifically, access to and  
17 reimbursement of medical services rendered by chiropractic physicians in the diagnosis and  
18 treatment of conditions associated with the usage of pain medications.

19 (b) Construction of health policies, plans and contracts. - Notwithstanding any other  
20 provision of law, when any health insurance policy, health care services plan, or other contract  
21 provides for the payment for medical expense benefits or procedures related to the treatment of  
22 pain, such policy, plan, or contract shall be construed to include equivalent payment to a  
23 chiropractic physician who provides the equivalent non-pharmaceutical medical service benefits  
24 or procedures which are within the scope of a chiropractic physician's license. Any limitation or  
25 condition placed upon services, diagnosis, treatment, or payments for pain conditions utilizing  
26 non-pharmaceutical interventions, by any licensed physician shall apply equally to all licensed  
27 physicians without unfair discrimination based upon the usual and customary treatment  
28 procedures of any class of physicians. Nothing in this section shall be construed as preventing a  
29 group health plan or a health insurance issuer from establishing varying reimbursement rates  
30 based on quality or performance measures; provided, however, that:

31 (1) Reimbursement may not be arbitrarily capped and must be based on medical  
32 necessity;

33 (2) Reimbursement rates must be set utilizing industry standard relative value scale  
34 metrics, including equivalent co-payments for equivalent levels of service delivered by any

1 licensed provider group; and

2 (3) No discriminatory contractual terms may be imposed based upon whether the treating  
3 provider is an allopathic, osteopathic, or chiropractic physician.

4 (c) Enforcement. The office of the health insurance commissioner shall enforce the  
5 provisions of this section.

6 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
7 Corporations" is hereby amended by adding thereto the following section:

8 **27-20-35.2 Patient access to alternative medicine.**

9 (a) Legislative purpose - Medications prescribed for the management of pain constitute a  
10 factor involved in the incidence of drug-related overdoses and deaths. The purpose of this section  
11 is to ensure patient access to alternative means of pain management, specifically, access to and  
12 reimbursement of medical services rendered by chiropractic physicians in the diagnosis and  
13 treatment of conditions associated with the usage of pain medications.

14 (b) Construction of health policies, plans and contracts. - Notwithstanding any other  
15 provision of law, when any health insurance policy, health care services plan, or other contract  
16 provides for the payment for medical expense benefits or procedures related to the treatment of  
17 pain, such policy, plan, or contract shall be construed to include equivalent payment to a  
18 chiropractic physician who provides the equivalent non-pharmaceutical medical service benefits  
19 or procedures which are within the scope of a chiropractic physician's license. Any limitation or  
20 condition placed upon services, diagnosis, treatment, or payments for pain conditions utilizing  
21 non-pharmaceutical interventions, by any licensed physician shall apply equally to all licensed  
22 physicians without unfair discrimination based upon the usual and customary treatment  
23 procedures of any class of physicians. Nothing in this section shall be construed as preventing a  
24 group health plan or a health insurance issuer from establishing varying reimbursement rates  
25 based on quality or performance measures; provided, however, that:

26 (1) Reimbursement may not be arbitrarily capped and must be based on medical  
27 necessity;

28 (2) Reimbursement rates must be set utilizing industry standard relative value scale  
29 metrics, including equivalent co-payments for equivalent levels of service delivered by any  
30 licensed provider group; and

31 (3) No discriminatory contractual terms may be imposed based upon whether the treating  
32 provider is an allopathic, osteopathic, or chiropractic physician.

33 (c) Enforcement. The office of the health insurance commissioner shall enforce the  
34 provisions of this section.

1 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance  
2 Organizations" is hereby amended by adding thereto the following section:

3 **27-41-49.2. Patient access to alternative medicine.**

4 (a) Legislative purpose - Medications prescribed for the management of pain constitute a  
5 factor involved in the incidence of drug-related overdoses and deaths. The purpose of this section  
6 is to ensure patient access to alternative means of pain management, specifically, access to and  
7 reimbursement of medical services rendered by chiropractic physicians in the diagnosis and  
8 treatment of conditions associated with the usage of pain medications.

9 (b) Construction of health policies, plans and contracts. - Notwithstanding any other  
10 provision of law, when any health insurance policy, health care services plan, or other contract  
11 provides for the payment for medical expense benefits or procedures related to the treatment of  
12 pain, such policy, plan, or contract shall be construed to include equivalent payment to a  
13 chiropractic physician who provides the equivalent non-pharmaceutical medical service benefits  
14 or procedures which are within the scope of a chiropractic physician's license. Any limitation or  
15 condition placed upon services, diagnosis, treatment, or payments for pain conditions utilizing  
16 non-pharmaceutical interventions, by any licensed physician shall apply equally to all licensed  
17 physicians without unfair discrimination based upon the usual and customary treatment  
18 procedures of any class of physicians. Nothing in this section shall be construed as preventing a  
19 group health plan or a health insurance issuer from establishing varying reimbursement rates  
20 based on quality or performance measures; provided, however, that:

21 (1) Reimbursement may not be arbitrarily capped and must be based on medical  
22 necessity;

23 (2) Reimbursement rates must be set utilizing industry standard relative value scale  
24 metrics, including equivalent co-payments for equivalent levels of service delivered by any  
25 licensed provider group; and

26 (3) No discriminatory contractual terms may be imposed based upon whether the treating  
27 provider is an allopathic, osteopathic, or chiropractic physician.

28 (c) Enforcement. The office of the health insurance commissioner shall enforce the  
29 provisions of this section.

30 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

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- 1           This act would require insurance reimbursement for chiropractic diagnosis and treatment
- 2 of conditions associated with the use of pain medications.
- 3           This act would take effect upon passage.

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