

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

3

HOUSE BILL 729
Committee Substitute Favorable 4/27/15
Third Edition Engrossed 4/28/15

Short Title: Standards for Chiropractic Peer Review.

(Public)

Sponsors:

Referred to:

April 15, 2015

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, 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 or reviews performed by individuals hired for the purpose of providing expert testimony in or preparing for litigation of personal injury claims.

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

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



* H 7 2 9 - V - 3 *

1 (e) Enforcement. – Any chiropractor licensed under this Article by the Board of
2 Chiropractic Examiners who fails to comply with this section shall be guilty of unethical
3 conduct and shall be subject to disciplinary action under G.S. 90-154(b)(4). Any individual
4 who performs chiropractic peer review without possessing a license as provided in this Article
5 shall be subject to prosecution and injunctive action as provided in G.S. 90-147."

6 **SECTION 2.** This act becomes effective October 1, 2015, and applies to reviews
7 conducted on or after that date.