

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 150

Short Title: Standards for Chiropractic Peer Review. (Public)

Sponsors: Representatives Conrad, Lambeth, and Setzer (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Insurance, if favorable, Judiciary III

February 22, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING CHIROPRACTIC PEER REVIEW OF MOTOR VEHICLE LIABILITY  
3 AND MEDICAL PAYMENT CLAIMS TO BE PERFORMED BY INDIVIDUALS  
4 LICENSED TO PRACTICE CHIROPRACTIC IN THIS STATE.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 90-153.1. Chiropractic peer review.**

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

13 (b) Definitions. – As used in this section, "chiropractic peer review" means the  
14 retrospective review of the treatment records of a chiropractic patient, performed by an individual  
15 who was not the patient's treating chiropractor, for the purpose of advising a third-party payer as to  
16 whether, in the reviewer's opinion, the services rendered by the treating chiropractor were  
17 clinically necessary and supported by adequate documentation. Chiropractic peer review shall not  
18 include automated screening programs or reviews performed by individuals hired for the purpose  
19 of providing expert testimony in or preparing for litigation of personal injury claims.

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

- 22 (1) Holds a current license to practice chiropractic in this State.
- 23 (2) Has practiced chiropractic in this State during the five-year period immediately  
24 preceding the chiropractic peer review.
- 25 (3) Derives at least half of his or her professional income from providing care and  
26 treatment to chiropractic patients.
- 27 (4) If reviewing the treatment records of a chiropractor who has been certified as a  
28 Diplomate in a specialty recognized by the State Board of Chiropractic  
29 Examiners, holds a diploma in the same specialty.
- 30 (5) Does not collect a fee based on the extent to which the third-party payer reduces  
31 the treating chiropractor's bill.

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

34 (e) Enforcement. – Any chiropractor licensed under this Article by the Board of  
35 Chiropractic Examiners who fails to comply with this section shall be guilty of unethical conduct



1 and shall be subject to disciplinary action under G.S. 90-154(b)(4). Any individual who performs  
2 chiropractic peer review without possessing a license as provided in this Article shall be subject to  
3 prosecution and injunctive action as provided in G.S. 90-147."

4           **SECTION 2.** This act becomes effective October 1, 2017, and applies to reviews  
5 conducted on or after that date.