

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

Short Title: Standards for Chiropractic Peer Review.

(Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING CHIROPRACTIC PEER REVIEW OF MOTOR VEHICLE
3 LIABILITY AND MEDICAL PAYMENT CLAIMS TO BE PERFORMED BY
4 INDIVIDUALS 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
7 a 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,
12 or 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
15 individual who was not the patient's treating chiropractor, for the purpose of advising a
16 third-party payer as to whether, in the reviewer's opinion, the services rendered by the treating
17 chiropractor were clinically necessary and supported by adequate documentation. Chiropractic
18 peer review shall not include automated screening programs or reviews performed by
19 individuals hired for the purpose of providing expert testimony in or preparing for litigation of
20 personal injury claims. Materials submitted for chiropractic peer review shall be redacted to
21 remove any information that would identify the provider of the chiropractic services.

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

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

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



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

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

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

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

9 ...

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

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