

HOUSE BILL NO. 741

INTRODUCED BY L. JONES, CLARK, THOMAS, STAHL, AUGARE, BOGGIO

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURERS AND HEALTH SERVICE CORPORATIONS TO PAY AT EQUAL RATES FOR THE EQUIVALENT SERVICE BY A HEALTH CARE PROVIDER; INCLUDING CHIROPRACTORS AMONG THE HEALTH CARE PROVIDERS THAT MAY BE COVERED BY HEALTH SERVICE CORPORATION CONTRACTS; AND AMENDING SECTIONS 33-22-111 AND 33-30-305, MCA; ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies and certificates to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies or certificates of disability insurance, including individual, group, and blanket policies or certificates, must provide that the insured has full freedom of choice in the selection of any licensed physician, physician assistant, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, licensed professional counselor, acupuncturist, naturopathic physician, physical therapist, or advanced practice registered nurse as specifically listed in 37-8-202 for treatment of any illness or injury within the scope and limitations of the person's practice. Whenever the policies or certificates insure against the expense of drugs, the insured has full freedom of choice in the selection of any licensed and registered pharmacist.

(2) This section may not be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1). This section may not be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals.

~~(3) (a) An insurer shall compensate any health care provider, separate and apart from~~ NOTWITHSTANDING any limits set by the insurer for a health care provider's services, AN INSURER SHALL COMPENSATE A HEALTH CARE PROVIDER at a rate that is equal to that rate paid for an equivalent service within the scope of practice of any other ~~THE~~ health care provider listed in subsection (1).

~~(b) Services are equivalent if the services are described~~ RATES FOR SERVICES ARE DETERMINED using the same current procedural terminology codes as published by the American medical association or any successor

1 coding system."

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3 NEW SECTION. **Section 2. Coverage required for services provided by chiropractors.** A health
4 service corporation shall provide, in group and individual insurance contracts, coverage for health services
5 provided by a chiropractor licensed under Title 37, chapter 12, if health care services that chiropractors are
6 licensed to perform are covered by the contract.

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8 **Section 3.** Section 33-30-305, MCA, is amended to read:

9 **"33-30-305. Prohibited trade practices.** In order to regulate trade practices of health service
10 corporations, the following practices are prohibited:

11 (1) Separate and apart from any limits set by the insurer for any specific health services, a health service
12 corporation may not discriminate in its reimbursement rates for services by health care providers under this
13 chapter if the health services have the equivalent description in the current procedural terminology codes as
14 published by the American medical association or any successor coding system.

15 ~~(1)(2)~~ No A person may not make, issue, circulate, or cause to be made, issued, or circulated any
16 estimate, circular, or statement misrepresenting:

17 (a) the terms of any health service corporation membership contract issued or to be issued; or

18 (b) the benefits or advantages promised ~~thereby~~ by the contract.

19 ~~(2)(3)~~ No A person may not make any misleading representation or any misrepresentation as to the
20 financial condition of any health service corporation.

21 ~~(3)(4)~~ No A person may not make, publish, disseminate, circulate, or place before the public or cause,
22 directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in a newspaper,
23 magazine, or other publication or in the form of a notice, circular, pamphlet, letter, or poster or over any radio or
24 television station or in any other way an advertisement, announcement, or statement containing any assertion,
25 representation, or statement with respect to the business of a health service corporation ~~which~~ that is untrue,
26 deceptive, or misleading.

27 ~~(4)(5)~~ No A person may not make or issue or cause to be made or issued any written or oral statement
28 misrepresenting or making incomplete comparisons as to the terms, conditions, or benefits contained in any
29 health service corporation membership contract for the purpose of inducing or attempting or tending to induce
30 a member to cancel or convert any membership contract.

1 (5)(6) ~~No~~ A person may not file with any public official or make, publish, disseminate, circulate, or deliver
2 to any person or place before the public or cause directly or indirectly to be made, published, disseminated,
3 circulated, delivered to any person, or placed before the public any false statement of financial condition of a
4 health service corporation with intent to deceive.

5 (6)(7) ~~No~~ A person may not make any false entry in any book, report, or statement of any health service
6 corporation with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into
7 any of its affairs or any public official to whom that health service corporation is required by law to report or who
8 has authority by law to examine into its condition or into any of its affairs or, with like intent, willfully omit to make
9 a true entry of any material fact pertaining to the business of that health service corporation in any book, report,
10 or statement of the health service corporation.

11 (7)(8) ~~No~~ A person may not make, publish, disseminate, or circulate, directly or indirectly, or aid, abet,
12 or encourage the making, publishing, disseminating, or circulating of any oral or written statement or any
13 pamphlet, circular, article, or literature ~~which~~ that is false or maliciously critical of or derogatory to the financial
14 condition of a health service corporation or of an organization proposing to become a health service corporation
15 and ~~which~~ that is calculated to injure any person engaged or proposing to engage in the business of operating
16 a health service corporation.

17 (8)(9) ~~No~~ A person may not enter into agreement to commit or by any concerted action commit any act
18 of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of the operation of
19 health service corporations."

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21 NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an
22 integral part of Title 33, chapter 30, part 10, and the provisions of Title 33, chapter 30, part 10, apply to [section
23 2].

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25 ~~NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.~~

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