

**2014 -- S 2878 SUBSTITUTE A**

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LC005310/SUB A/2  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

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A N A C T

RELATING TO INSURANCE - HEALTH MAINTENANCE ORGANIZATIONS

Introduced By: Senator James E.Doyle

Date Introduced: April 09, 2014

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 27-18-48 of the General Laws in Chapter 27-18 entitled "Accident  
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3           **27-18-48. Third party reimbursement for services of certain health care workers. --**

4           (a) Every individual or group hospital or medical services plan contract delivered, issued or  
5 renewed by an insurer or nonprofit or for profit health service corporation which provides  
6 benefits to individual subscribers and members within the state, or to all group members having a  
7 principal place of employment within the state, shall provide benefits for services rendered by a  
8 certified registered nurse anesthetist designated as a certified registered nurse anesthetist by the  
9 board of nurse registration and nursing education; provided, that the following conditions are met:

10           (1) ~~The certified registered nurse anesthetist provides certain health care services under~~  
11 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~  
12 ~~section 5-34.2-2(c), which requires substantial specialized knowledge, judgment and skill related~~  
13 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~  
14 ~~patients; administering anesthetics; monitoring patients during anesthesia; management of fluids~~  
15 ~~in intravenous therapy and management of respiratory care;~~ The certified registered nurse  
16 anesthetist adheres to the practice of certified registered nurse anesthesia as defined by and in  
17 accordance with § 5-34.2-2.

18           (2) The policy or contract currently provides benefits for identical services rendered by a  
19 provider of health care licensed by the state; and

1 (3) The certified registered nurse anesthetist is not a salaried employee of the licensed  
2 hospital or facility for which the accident and sickness insurer has an alternative contractual  
3 relationship to fund the services of a certified registered nurse anesthetist.

4 (b) It shall remain within the sole discretion of the health maintenance organization as to  
5 which certified registered nurse anesthetists it shall contract with. Reimbursement shall be  
6 provided according to the respective principles and policies of the health maintenance  
7 organization; provided, that no health maintenance organization may be required to pay for  
8 duplicative services actually rendered by a certified registered nurse anesthetist and any other  
9 health care provider. Nothing contained in this section shall preclude the health maintenance  
10 organization from conducting managed care, medical necessity or utilization review.

11 (c) Providers. -- A group health plan and a health insurance issuer offering group or  
12 individual health insurance coverage shall not discriminate with respect to participation under the  
13 plan or coverage against any health care provider who is acting within the scope of that provider's  
14 license or certification under applicable state law. This section shall not require that a group  
15 health plan or health insurance issuer contract with any health care provider willing to abide by  
16 the terms and conditions for participation established by the plan or issuer. Nothing in this section  
17 shall be construed as preventing a group health plan, or a health insurance issuer, from  
18 establishing varying reimbursement rates based on quality or performance measures.

19 SECTION 2. Section 27-19-40 of the General Laws in Chapter 27-19 entitled "Nonprofit  
20 Hospital Service Corporations" is hereby amended to read as follows:

21 **27-19-40. Third party reimbursement for services of certain health care workers. --**

22 (a) Every individual or group health insurance contract, plan or policy delivered, issued or  
23 renewed by an insurer or nonprofit or for profit health service corporation which provides  
24 benefits to individual subscribers and members within the state, or to all group members having a  
25 principal place of employment within the state, shall provide benefits for services rendered by a  
26 certified registered nurse anesthetist designated as a certified registered nurse anesthetist by the  
27 board of nurse registration and nursing education; provided, that the following conditions are met:

28 (1) The certified registered nurse anesthetist ~~provides certain health care services under~~  
29 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~  
30 ~~section 5-34.2-2(e), which requires substantial specialized knowledge, judgment and skill related~~  
31 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~  
32 ~~patients; administering anesthetics, monitoring patients during anesthesia; management of fluids~~  
33 ~~in intravenous therapy and management of respiratory care;~~ adheres to the practice of certified  
34 registered nurse anesthesia as defined by and in accordance with § 5-34.2-2.

1 (2) The policy or contract currently provides benefits for identical services rendered by a  
2 provider of health care licensed by the state; and

3 (3) The certified registered nurse anesthetist is not a salaried employee of the licensed  
4 hospital or facility for which the nonprofit hospital service corporation has an alternative  
5 contractual relationship to fund the services of a certified registered nurse anesthetist.

6 (b) It shall remain within the sole discretion of the nonprofit hospital service corporation  
7 as to which certified registered nurse anesthetists it shall contract with. Reimbursement shall be  
8 provided according to the respective principles and policies of the nonprofit hospital service  
9 corporation; provided, that no nonprofit hospital service corporation may be required to pay for  
10 duplicative services actually rendered by a certified registered nurse anesthetist and any other  
11 health care provider. Nothing contained in this section shall preclude the nonprofit hospital  
12 service corporation from conducting managed care, medical necessity or utilization review.

13 (c) Providers. -- A group health plan and a health insurance issuer offering group or  
14 individual health insurance coverage shall not discriminate with respect to participation under the  
15 plan or coverage against any health care provider who is acting within the scope of that provider's  
16 license or certification under applicable state law. This section shall not require that a group  
17 health plan or health insurance issuer contract with any health care provider willing to abide by  
18 the terms and conditions for participation established by the plan or issuer. Nothing in this section  
19 shall be construed as preventing a group health plan, or a health insurance issuer, from  
20 establishing varying reimbursement rates based on quality or performance measures.

21 SECTION 3. Section 27-20-35 of the General Laws in Chapter 27-20 entitled "Nonprofit  
22 Medical Service Corporations" is hereby amended to read as follows:

23 **27-20-35. Third party reimbursement for services of certain health care workers. --**

24 (a) Every individual or group health insurance contract, plan or policy delivered, issued or  
25 renewed by an insurer or nonprofit or for profit health service corporation which provides  
26 benefits to individual subscribers and members within the state, or to all group members having a  
27 principal place of employment within the state, shall provide benefits for services rendered by a  
28 certified registered nurse anesthetist designated as a certified registered nurse anesthetist by the  
29 board of nurse registration and nursing education; provided, that the following conditions are met:

30 (1) The certified registered nurse anesthetist ~~provides certain health care services under~~  
31 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~  
32 ~~section 5-34.2-2(e), which requires substantial specialized knowledge, judgment and skill related~~  
33 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~  
34 ~~patients; administering anesthetics; monitoring patients during anesthesia; management of fluids~~

1 ~~in intravenous therapy and management of respiratory care;~~ adheres to the practice of certified  
2 registered nurse anesthesia as defined by and in accordance with § 5-34.2-2.

3 (2) The policy or contract currently provides benefits for identical services rendered by a  
4 provider of health care licensed by the state; and

5 (3) The certified registered nurse anesthetist is not a salaried employee of the licensed  
6 hospital or facility for which the nonprofit medical service corporation has an alternative  
7 contractual relationship to fund the services of a certified registered nurse anesthetist.

8 (b) It shall remain within the sole discretion of the nonprofit medical service corporation  
9 as to which certified registered nurse anesthetists it shall contract with. Reimbursement shall be  
10 provided according to the respective principles and policies of the nonprofit medical service  
11 corporation; provided, that no nonprofit medical service corporation may be required to pay for  
12 duplicative services actually rendered by a certified registered nurse anesthetist and any other  
13 health care provider. Nothing contained in this section shall preclude the nonprofit medical  
14 service corporation from conducting managed care, medical necessity or utilization review.

15 (c) Providers. -- A group health plan and a health insurance issuer offering group or  
16 individual health insurance coverage shall not discriminate with respect to participation under the  
17 plan or coverage against any health care provider who is acting within the scope of that provider's  
18 license or certification under applicable state law. This section shall not require that a group  
19 health plan or health insurance issuer contract with any health care provider willing to abide by  
20 the terms and conditions for participation established by the plan or issuer. Nothing in this section  
21 shall be construed as preventing a group health plan, or a health insurance issuer, from  
22 establishing varying reimbursement rates based on quality or performance measures.

23 SECTION 4. Section 27-41-49 of the General Laws in Chapter 27-41 entitled "Health  
24 Maintenance Organizations" is hereby amended to read as follows:

25 **27-41-49. Third party reimbursement for services of certain health care workers. --**

26 (a) Every individual or group health insurance contract, plan or policy delivered, issued or  
27 renewed by an insurer, health maintenance organization, nonprofit or for profit health service  
28 corporation which provides benefits to individual subscribers and members within the state, or to  
29 all group members having a principal place of employment within the state, shall provide benefits  
30 for services rendered by a certified registered nurse anesthetist designated as a certified registered  
31 nurse anesthetist by the board of nurse registration and nursing education; provided, that the  
32 following conditions are met:

33 (1) The certified registered nurse anesthetist ~~provides certain health care services under~~  
34 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~

1 ~~section 5-34.2-2(c), which requires substantial specialized knowledge, judgment and skill related~~  
2 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~  
3 ~~patients; administering anesthetics; monitoring patients during anesthesia; management of fluids~~  
4 ~~in intravenous therapy and management of respiratory care;~~ adheres to the practice of certified  
5 registered nurse anesthesia as defined by and in accordance with § 5-34.2-2.

6 (2) The policy or contract currently provides benefits for identical services rendered by a  
7 provider of health care licensed by the state; and

8 (3) The certified registered nurse anesthetist is not a salaried employee of the licensed  
9 hospital or facility for which the health maintenance organization has an alternative contractual  
10 relationship to fund the services of a certified registered nurse anesthetist.

11 (b) It shall remain within the sole discretion of the health maintenance organization as to  
12 which certified registered nurse anesthetists it shall contract with. Reimbursement shall be  
13 provided according to the respective principles and policies of the health maintenance  
14 organization; provided, that no health maintenance organization may be required to pay for  
15 duplicative services actually rendered by a certified registered nurse anesthetist and any other  
16 health care provider. Nothing contained in this section shall preclude the health maintenance  
17 organization from conducting managed care, medical necessity or utilization review.

18 (c) Providers. -- A group health plan and a health insurance issuer offering group or  
19 individual health insurance coverage shall not discriminate with respect to participation under the  
20 plan or coverage against any health care provider who is acting within the scope of that provider's  
21 license or certification under applicable state law. This section shall not require that a group  
22 health plan or health insurance issuer contract with any health care provider willing to abide by  
23 the terms and conditions for participation established by the plan or issuer. Nothing in this section  
24 shall be construed as preventing a group health plan, or a health insurance issuer, from  
25 establishing varying reimbursement rates based on quality or performance measures.

26 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 - HEALTH MAINTENANCE ORGANIZATIONS

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1           This act would prohibit a group health plan and a health insurance issuer from  
2 discriminating with respect to participation under the plan or coverage against any health care  
3 provider who is acting within the scope of that provider's license or certification under applicable  
4 state law.

5           This act would take effect upon passage.

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