

2014 -- S 2878 SUBSTITUTE A

LC005310/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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 (CRNA) provides certain health care services in collaboration with anesthesiologists,
17 licensed physicians, or licensed dentists in accordance with § 5-31.1-1(16) which requires
18 substantial specialized knowledge, judgment and skill related to the administration of anesthesia,
19 including preoperative and postoperative assessment of patients; administering anesthetics;

1 monitoring patients during anesthesia; management of fluid in intravenous therapy and
2 management of respiratory care. It also includes, in connection with the immediate perioperative
3 care of a patient, the ability to issue a medication order for drugs or medications to be
4 administered by a licensed, certified, or registered health care provider; to order and evaluate
5 laboratory and diagnostic test results and perform point of care testing that the CRNA is qualified
6 to perform; and order and evaluate radiographic imaging studies that the CRNA is qualified to
7 order and interpret. For the purposes of this section, the "immediate perioperative care" of a
8 patient shall be defined as the period commencing on the day prior to surgery and ending upon
9 discharge of the patient from post-anesthesia care;

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

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

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

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

30 SECTION 2. Sections 27-19-40 and 27-19-40.1 of the General Laws in Chapter 27-19
31 entitled "Nonprofit Hospital Service Corporations" are hereby amended to read as follows:

32 **27-19-40. Third party reimbursement for services of certain health care workers. --**

33 (a) Every individual or group health insurance contract, plan or policy delivered, issued or
34 renewed by an insurer or nonprofit or for profit health service corporation which provides

1 benefits to individual subscribers and members within the state, or to all group members having a
2 principal place of employment within the state, shall provide benefits for services rendered by a
3 certified registered nurse anesthetist designated as a certified registered nurse anesthetist by the
4 board of nurse registration and nursing education; provided, that the following conditions are met:

5 (1) ~~The certified registered nurse anesthetist provides certain health care services under~~
6 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~
7 ~~section 5-34.2-2(e), which requires substantial specialized knowledge, judgment and skill related~~
8 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~
9 ~~patients; administering anesthetics, monitoring patients during anesthesia; management of fluids~~
10 ~~in intravenous therapy and management of respiratory care; The certified registered nurse~~
11 anesthetist (CRNA) provides certain health care services in collaboration with anesthesiologists,
12 licensed physicians, or licensed dentists in accordance with § 5-31.1-1(16) which requires
13 substantial specialized knowledge, judgment and skill related to the administration of anesthesia,
14 including preoperative and postoperative assessment of patients; administering anesthetics;
15 monitoring patients during anesthesia; management of fluid in intravenous therapy and
16 management of respiratory care. It also includes, in connection with the immediate perioperative
17 care of a patient, the ability to issue a medication order for drugs or medications to be
18 administered by a licensed, certified, or registered health care provider; to order and evaluate
19 laboratory and diagnostic test results and perform point of care testing that the CRNA is qualified
20 to perform; and order and evaluate radiographic imaging studies that the CRNA is qualified to
21 order and interpret. For the purposes of this section, the "immediate perioperative care" of a
22 patient shall be defined as the period commencing on the day prior to surgery and ending upon
23 discharge of the patient from post-anesthesia care;

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

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

29 (b) It shall remain within the sole discretion of the nonprofit hospital service corporation
30 as to which certified registered nurse anesthetists it shall contract with. Reimbursement shall be
31 provided according to the respective principles and policies of the nonprofit hospital service
32 corporation; provided, that no nonprofit hospital service corporation may be required to pay for
33 duplicative services actually rendered by a certified registered nurse anesthetist and any other
34 health care provider. Nothing contained in this section shall preclude the nonprofit hospital

1 service corporation from conducting managed care, medical necessity or utilization review.

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

10 **27-19-40.1. Third party reimbursement for services of registered nurse first**

11 **assistants.** -- (a) Every individual or group health insurance contract, plan or policy delivered,
12 issued or renewed by an insurer or nonprofit or for profit health service corporation which
13 provides benefits to individual subscribers and members within the state, or to all group members
14 having a principal place of employment within the state, shall provide benefits for services
15 rendered by a registered nurse first assistant designated as a registered nurse first assistant
16 provided, that the following conditions are met:

17 (1) ~~The registered nurse first assistant provides certain health care services under the~~
18 ~~supervision of a licensed physician; is currently licensed as a registered nurse in Rhode Island;~~
19 ~~has successfully completed a course in preparing the registered nurse as a first assistant in~~
20 ~~accordance with the Association of Operating Room Nurses core curriculum guide for the~~
21 ~~registered nurse first assistant and includes a minimum of one academic year in a college or~~
22 ~~university with didactic instruction and clinical internship programs; and is certified in~~
23 ~~perioperative nursing by the Certification Board Perioperative Nursing (minimum of two (2)~~
24 ~~years perioperative experience);~~ The registered nurse first assistant provides certain health care
25 services in collaboration with anesthesiologists, licensed physicians, or licensed dentists in
26 accordance with § 5-31.1-1(16) which requires substantial specialized knowledge, judgment and
27 skill related to the administration of anesthesia, including preoperative and postoperative
28 assessment of patients; administering anesthetics; monitoring patients during anesthesia;
29 management of fluid in intravenous therapy and management of respiratory care. It also includes,
30 in connection with the immediate perioperative care of a patient, the ability to issue a medication
31 order for drugs or medications to be administered by a licensed, certified, or registered health care
32 provider; to order and evaluate laboratory and diagnostic test results and perform point of care
33 testing that the registered nurse first assistant is qualified to perform; and order and evaluate
34 radiographic imaging studies that the registered nurse first assistant is qualified to order and

1 interpret. For the purposes of this section, the "immediate perioperative care" of a patient shall be
2 defined as the period commencing on the day prior to surgery and ending upon discharge of the
3 patient from post-anesthesia care;

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

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

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

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

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

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

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

34 (1) ~~The certified registered nurse anesthetist provides certain health care services under~~

1 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~
2 ~~section 5-34.2-2(e), which requires substantial specialized knowledge, judgment and skill related~~
3 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~
4 ~~patients; administering anesthetics; monitoring patients during anesthesia; management of fluids~~
5 ~~in intravenous therapy and management of respiratory care;~~ The certified registered nurse
6 anesthetist (CRNA) provides certain health care services in collaboration with anesthesiologists,
7 licensed physicians, or licensed dentists in accordance with § 5-31.1-1(16) which requires
8 substantial specialized knowledge, judgment and skill related to the administration of anesthesia,
9 including preoperative and postoperative assessment of patients; administering anesthetics;
10 monitoring patients during anesthesia; management of fluid in intravenous therapy and
11 management of respiratory care. It also includes, in connection with the immediate perioperative
12 care of a patient, the ability to issue a medication order for drugs or medications to be
13 administered by a licensed, certified, or registered health care provider; to order and evaluate
14 laboratory and diagnostic test results and perform point of care testing that the CRNA is qualified
15 to perform; and order and evaluate radiographic imaging studies that the CRNA is qualified to
16 order and interpret. For the purposes of this section, the "immediate perioperative care" of a
17 patient shall be defined as the period commencing on the day prior to surgery and ending upon
18 discharge of the patient from post-anesthesia care;

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

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

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

31 (c) Providers. -- A group health plan and a health insurance issuer offering group or
32 individual health insurance coverage shall not discriminate with respect to participation under the
33 plan or coverage against any health care provider who is acting within the scope of that provider's
34 license or certification under applicable state law. This section shall not require that a group

1 health plan or health insurance issuer contract with any health care provider willing to abide by
2 the terms and conditions for participation established by the plan or issuer. Nothing in this section
3 shall be construed as preventing a group health plan, or a health insurance issuer, from
4 establishing varying reimbursement rates based on quality or performance measures.

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

7 **27-41-49. Third party reimbursement for services of certain health care workers. --**

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

15 (1) ~~The certified registered nurse anesthetist provides certain health care services under~~
16 ~~the supervision of anesthesiologists, licensed physicians or licensed dentists in accordance with~~
17 ~~section 5-34.2-2(e), which requires substantial specialized knowledge, judgment and skill related~~
18 ~~to the administration of anesthesia, including pre-operative and post-operative assessment of~~
19 ~~patients; administering anesthetics; monitoring patients during anesthesia; management of fluids~~
20 ~~in intravenous therapy and management of respiratory care;~~ The certified registered nurse
21 anesthetist (CRNA) provides certain health care services in collaboration with anesthesiologists,
22 licensed physicians, or licensed dentists which requires substantial specialized knowledge,
23 judgment, and skill related to the administration of anesthesia, including preoperative and
24 postoperative assessment of patients; administering anesthetics; monitoring patients during
25 anesthesia; management of fluid in intravenous therapy and management of respiratory care. It
26 also includes, in connection with the immediate perioperative care of a patient, the ability to issue
27 a medication order for drugs or medications to be administered by a licensed, certified, or
28 registered health care provider; to order and evaluate laboratory and diagnostic test results and
29 perform point of care testing that the CRNA is qualified to perform; and order and evaluate
30 radiographic imaging studies that the CRNA is qualified to order and interpret. For the purposes
31 of this section, the "immediate perioperative care" of a patient shall be defined as the period
32 commencing on the day prior to surgery and ending upon discharge of the patient from post-
33 anesthesia care;

34 (2) The policy or contract currently provides benefits for identical services rendered by a

1 provider of health care licensed by the state; and

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

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

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

20 SECTION 5. This act shall take effect upon passage.

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LC005310/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO INSURANCE - HEALTH MAINTENANCE ORGANIZATIONS

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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