

1 S.209

2 Introduced by Senators Miller and Snelling

3 Referred to Committee on Health and Welfare

4 Date: January 3, 2012

5 Subject: Health; naturopathic physicians; health insurance; Blueprint for  
6 Health; hospitals; health information technology

7 Statement of purpose: This bill proposes to require health insurers to include  
8 naturopathic physicians as primary care providers, include naturopathic  
9 physicians as medical homes under the Blueprint for Health, specify that  
10 naturopathic physicians may practice independently and without supervision,  
11 and allow naturopathic physicians to apply for loans and grants from the state's  
12 health information technology fund to enable them to purchase electronic  
13 health record programs.

14 An act relating to naturopathic physicians

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 ~~Sec. 1 8 V.S.A. § 4088d(a) is amended to read:~~

17 ~~(a) A health insurance plan shall provide coverage for medically necessary~~  
18 ~~health care services covered by the plan when provided by a naturopathic~~  
19 ~~physician licensed in this state for treatment within the scope of practice~~  
20 ~~described in chapter 81 of Title 26 V.S.A. chapter 81 and shall consider~~

1 ~~naturopathic physicians to be primary care physicians. Health care services~~  
2 provided by naturopathic physicians may be subject to reasonable deductibles,  
3 co-payment and co-insurance amounts, and fee or benefit limits; consistent  
4 with those applicable to other primary care physicians under the plan, as well  
5 as practice parameters, cost-effectiveness and clinical efficacy standards, and  
6 utilization review consistent with any applicable regulations published by the  
7 department of banking, insurance, securities, and health care administration.  
8 Any amounts, limits, standards, and review shall not function to direct  
9 treatment in a manner unfairly discriminative against naturopathic care, and  
10 collectively shall be no more restrictive than those applicable under the same  
11 policy to care or services provided by other primary care physicians, but may  
12 allow for the management of the benefit consistent with variations in practice  
13 patterns and treatment modalities among different types of health care  
14 providers. A health insurance plan may require that the naturopathic  
15 physician's services be provided by a licensed naturopathic physician under  
16 contract with the insurer or shall be covered in a manner consistent with  
17 out-of-network provider reimbursement practices for primary care physicians;  
18 however, this shall not relieve a health insurance plan from compliance with  
19 the applicable Rule 10 network adequacy requirements adopted by the  
20 commissioner. Nothing contained herein shall be construed as impeding or  
21 preventing either the provision or the coverage of health care services by

1 ~~licensed naturopathic physicians, within the lawful scope of naturopathic~~  
2 practice, in hospital facilities on a staff or employee basis.

3 Sec. 2. 8 V.S.A. § 4080f is amended to read:

4 § 4080f. CATAMOUNT HEALTH

5 (a) As used in this section:

6 \* \* \*

7 (8) "Primary care" means health services provided by health care  
8 professionals specifically trained for and skilled in first-contact and continuing  
9 care for individuals with signs, symptoms, or health concerns, not limited by  
10 problem origin, organ system, or diagnosis, and shall include prenatal care ~~and~~  
11 the treatment of mental illness, and services provided by a naturopathic  
12 physician licensed pursuant to 26 V.S.A. chapter 81.

13 \* \* \*

14 Sec. 3. 18 V.S.A. § 704 is amended to read:

15 § 704. MEDICAL HOME

16 (a) Consistent with federal law to ensure federal financial participation, a  
17 health care professional providing a patient's medical home shall:

18 \* \* \*

19 (b) To the extent permitted under federal law, a naturopathic physician  
20 licensed pursuant to 26 V.S.A. chapter 81 may serve as a patient's medical  
21 home. In the event that federal financial participation is unavailable for a

~~1 patient with a naturopathic physician as a medical home, the director of the~~

~~2 Blueprint shall consult with the physician to determine the best course of~~  
~~3 action with respect to the patient's care and the physician's compensation.~~

4 Sec. 4. 18 V.S.A. § 706(c) is amended to read:

5 (c)(1) The Blueprint payment reform methodologies shall include  
6 per-person per-month payments to medical home practices by each health  
7 insurer and Medicaid for their attributed patients and for contributions to the  
8 shared costs of operating the community health teams. Per-person per-month  
9 payments to practices shall be based on the official National Committee for  
10 Quality Assurance's Physician Practice Connections - Patient Centered  
11 Medical Home (NCQA PPC-PCMH) score to the extent practicable and shall  
12 be in addition to their normal fee-for-service or other payments.

13 (2) Consistent with the recommendation of the Blueprint expansion  
14 design and evaluation committee, the director of the Blueprint may implement  
15 changes to the payment amounts or to the payment reform methodologies  
16 described in subdivision (1) of this subsection, including by providing for  
17 enhanced payment to health care professional practices which operate as a  
18 medical home, including naturopathic physicians' practices; payment toward  
19 the shared costs for community health teams; or other payment methodologies  
20 required by the Centers for Medicare and Medicaid Services (CMS) for  
21 participation by Medicaid or Medicare.

1 \* \* \*

2 Sec. 5. 26 V.S.A. § 4131 is added to read:

3 § 4131. SUPERVISION

4 A naturopathic physician licensed pursuant to this chapter shall be  
5 authorized to work independently and shall not require supervision by any  
6 other health care professional; provided, however, that this section shall not be  
7 construed to limit the regulatory authority of the director or office of  
8 professional regulation.

9 Sec. 6. 33 V.S.A. § 1823 is amended to read:

10 § 1823. DEFINITIONS

11 For purposes of this subchapter:

12 \* \* \*

13 (10) "Primary care" means health services provided by health care  
14 professionals specifically trained for and skilled in first-contact and continuing  
15 care for individuals with signs, symptoms, or health concerns, not limited by  
16 problem origin, organ system, or diagnosis, and shall include family planning,  
17 prenatal care, ~~and~~ mental health and substance abuse treatment, and services  
18 provided by a naturopathic physician licensed pursuant to 26 V.S.A.  
19 chapter 81.

20 \* \* \*

1 ~~Sec. 7. HEALTH INFORMATION TECHNOLOGY~~

2 ~~VITE shall apply for funds from the Health IT-fund established in~~  
3 ~~32 V.S.A. § 10301 to provide grants and loans to naturopathic physicians for~~  
4 ~~the purpose of establishing electronic health records systems in the physicians'~~  
5 ~~practices.~~

6 Sec. 8. EFFECTIVE DATES

7 (a) Secs. 1 and 2 (insurance provisions) of this act shall take effect on  
8 October 1, 2012, and shall apply to all health benefit plans on and after  
9 October 1, 2012 on such date as a health insurer offers, issues, or renews the  
10 health benefit plan, but in no event later than October 1, 2013.

11 ~~(b) The remaining sections of this act shall take effect on passage.~~

*Sec. 1. 8 V.S.A. § 4088d(a) is amended to read:*

*(a) A health insurance plan shall provide coverage for medically necessary health care services covered by the plan when provided by a naturopathic physician licensed in this state for treatment within the scope of practice described in ~~chapter 81 of Title 26 V.S.A. chapter 81~~ and shall recognize naturopathic physicians who practice primary care to be primary care physicians. Health care services provided by naturopathic physicians may be subject to reasonable deductibles, co-payment and co-insurance amounts, and fee or benefit limits, consistent with those applicable to other primary care physicians under the plan, as well as practice parameters, cost-effectiveness and clinical efficacy standards, and utilization review consistent with any applicable regulations published by the department of banking, insurance, securities, and health care administration. Any amounts, limits, standards, and review shall not function to direct treatment in a manner unfairly discriminative against naturopathic care, and collectively shall be no more restrictive than those applicable under the same policy to care or services provided by other primary care physicians, but may allow for the management of the benefit consistent with variations in practice patterns and treatment modalities among different types of health care providers. A health insurance plan may require that the naturopathic physician's services be provided by a*

*licensed naturopathic physician under contract with the insurer or shall be covered in a manner consistent with out-of-network provider reimbursement practices for primary care physicians; however, this shall not relieve a health insurance plan from compliance with the applicable Rule ~~H~~ H-2009-3 network adequacy requirements adopted by the commissioner. Nothing contained herein shall be construed as impeding or preventing either the provision or the coverage of health care services by licensed naturopathic physicians, within the lawful scope of naturopathic practice, in hospital facilities on a staff or employee basis.*

*Sec. 2. 8 V.S.A. § 4080f is amended to read:*

*§ 4080f. CATAMOUNT HEALTH*

*(a) As used in this section:*

*\* \* \**

*(8) “Primary care” means health services provided by health care professionals, including naturopathic physicians licensed pursuant to 26 V.S.A. chapter 81, who are specifically trained for and skilled in first-contact and continuing care for individuals with signs, symptoms, or health concerns, not limited by problem origin, organ system, or diagnosis, and shall include prenatal care and the treatment of mental illness.*

*\* \* \**

*Sec. 3. 18 V.S.A. § 704 is amended to read:*

*§ 704. MEDICAL HOME*

*(a) Consistent with federal law to ensure federal financial participation, a health care professional providing a patient’s medical home shall:*

*\* \* \**

*(b) A naturopathic physician licensed pursuant to 26 V.S.A. chapter 81 may serve as a patient’s medical home.*

*Sec. 4. 18 V.S.A. § 706(c) is amended to read:*

*(c)(1) The Blueprint payment reform methodologies shall include per-person per-month payments to medical home practices by each health insurer and Medicaid for their attributed patients and for contributions to the shared costs of operating the community health teams. Per-person per-month payments to practices shall be based on the official National Committee for Quality Assurance’s Physician Practice Connections - Patient Centered Medical Home (NCQA PPC-PCMH) score to the extent practicable and shall be in addition to their normal fee-for-service or other payments.*

(2) *Consistent with the recommendation of the Blueprint expansion design and evaluation committee, the director of the Blueprint may implement changes to the payment amounts or to the payment reform methodologies described in subdivision (1) of this subsection, including by providing for enhanced payment to health care professional practices which operate as a medical home, including primary care naturopathic physicians' practices; payment toward the shared costs for community health teams; or other payment methodologies required by the Centers for Medicare and Medicaid Services (CMS) for participation by Medicaid or Medicare.*

\* \* \*

*Sec. 5. 26 V.S.A. § 4131 is added to read:*

§ 4131. SUPERVISION

*A naturopathic physician licensed pursuant to this chapter shall be authorized to work independently and shall not require supervision by any other health care professional; provided, however, that this section shall not be construed to limit the regulatory authority of the director or office of professional regulation.*

*Sec. 6. 33 V.S.A. § 1823 is amended to read:*

§ 1823. DEFINITIONS

*For purposes of this subchapter:*

\* \* \*

(10) *“Primary care” means health services provided by health care professionals, including naturopathic physicians licensed pursuant to 26 V.S.A. chapter 81, who are specifically trained for and skilled in first-contact and continuing care for individuals with signs, symptoms, or health concerns, not limited by problem origin, organ system, or diagnosis, and shall include family planning, prenatal care, and mental health and substance abuse treatment.*

\* \* \*

Sec. 7. HEALTH INFORMATION TECHNOLOGY

*Vermont's health information technology coordinator shall actively seek to secure electronic health record funding opportunities and incentives for naturopathic physician practices comparable to those available to other health care practitioners.*



*Sec. 8. EFFECTIVE DATES*

*(a) Secs. 1 and 2 (insurance provisions) of this act shall take effect on October 1, 2012, and shall apply to all health benefit plans on and after October 1, 2012 on such date as a health insurer offers, issues, or renews the health benefit plan, but in no event later than October 1, 2013.*

*(b) The remaining sections of this act shall take effect on passage.*