

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

1

SENATE BILL 248

Short Title: Choice of Hearing Aid Specialist. (Public)

Sponsors: Senators Hartsell (Primary Sponsor); and J. Davis.

Referred to: Health Care.

March 12, 2013

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR HEARING AID SPECIALIST UNDER THEIR HEALTH BENEFIT PLANS AND TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 58-50-30 reads as rewritten:

"§ 58-50-30. **Right to choose services of optometrist, podiatrist, licensed clinical social worker, certified substance abuse professional, licensed professional counselor, dentist, chiropractor, hearing aid specialist, physical therapist, psychologist, pharmacist, certified fee-based practicing pastoral counselor, advanced practice nurse, licensed marriage and family therapist, or physician assistant.**

(a) Repealed by Session Laws 2001-297, s. 1, effective January 1, 2001.

(a1) Whenever any health benefit plan, subscriber contract, or policy of insurance issued by a health maintenance organization, hospital or medical service corporation, or insurer governed by Articles 1 through 67 of this Chapter provides for coverage for, payment of, or reimbursement for any service rendered in connection with a condition or complaint that is within the scope of practice of a duly licensed optometrist, a duly licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly licensed hearing aid specialist, a duly licensed physical therapist, a duly licensed clinical social worker, a duly certified substance abuse professional, a duly licensed professional counselor, a duly licensed psychologist, a duly licensed pharmacist, a duly certified fee-based practicing pastoral counselor, a duly licensed physician assistant, a duly licensed marriage and family therapist, or an advanced practice registered nurse, the insured or other persons entitled to benefits under the policy shall be entitled to coverage of, payment of, or reimbursement for the services, whether the services be performed by a duly licensed physician, or a provider listed in this subsection, notwithstanding any provision contained in the plan or policy limiting access to the providers. The policyholder, insured, or beneficiary shall have the right to choose the provider of services notwithstanding any provision to the contrary in any other statute, subject to the utilization review, referral, and prior approval requirements of the plan that apply to all providers for that service; provided that:

- (1) In the case of plans that require the use of network providers as a condition of obtaining benefits under the plan or policy, the policyholder, insured, or beneficiary must choose a provider of the services within the network; and
- (2) In the case of plans that require the use of network providers as a condition of obtaining a higher level of benefits under the plan or policy, the



1 policyholder, insured, or beneficiary must choose a provider of the services  
2 within the network in order to obtain the higher level of benefits.

3 (a2) Whenever any policy of insurance governed by Articles 1 through 64 of this  
4 Chapter provides for certification of disability that is within the scope of practice of a duly  
5 licensed physician, a duly licensed physician assistant, a duly licensed optometrist, a duly  
6 licensed podiatrist, a duly licensed dentist, a duly licensed chiropractor, a duly licensed hearing  
7 aid specialist, a duly licensed physical therapist, a duly licensed clinical social worker, a duly  
8 certified substance abuse professional, a duly licensed professional counselor, a duly licensed  
9 psychologist, a duly certified fee-based practicing pastoral counselor, a duly licensed marriage  
10 and family therapist, or an advanced practice registered nurse, the insured or other persons  
11 entitled to benefits under the policy shall be entitled to payment of or reimbursement for the  
12 disability whether the disability be certified by a duly licensed physician, or a provider listed in  
13 this subsection, notwithstanding any provisions contained in the policy. The policyholder,  
14 insured, or beneficiary shall have the right to choose the provider of the services  
15 notwithstanding any provision to the contrary in any other statute; provided that for plans that  
16 require the use of network providers either as a condition of obtaining benefits under the plan  
17 or policy or to access a higher level of benefits under the plan or policy, the policyholder,  
18 insured, or beneficiary must choose a provider of the services within the network, subject to the  
19 requirements of the plan or policy.

20 ...

21 (c5) For purposes of this section, a "duly licensed physical therapist" is a person licensed  
22 by the North Carolina Board of Physical Therapy Examiners pursuant to Article 18B of  
23 Chapter 90 of the General Statutes.

24 (c6) For purposes of this section, a "duly licensed hearing aid specialist" is a person  
25 licensed by the North Carolina State Hearing Aid Dealers and Fitters Board pursuant to Chapter  
26 93D of the General Statutes.

27 ...."

28 **SECTION 2.** G.S. 93D-5 reads as rewritten:

29 "**§ 93D-5. Requirements for registration; examinations; licenses.**

30 (a) No person shall begin the fitting and selling of hearing aids in this State unless the  
31 person has been issued a license by the Board or is an apprentice working under the supervision  
32 of a Registered Sponsor. Except as hereinafter provided, each applicant for a license shall pay a  
33 fee set by the Board, not to exceed ~~two hundred fifty dollars (\$250.00),~~ five hundred dollars  
34 (\$500.00), which fee may be prorated by the Board, and shall show to the satisfaction of the  
35 Board that the applicant:

- 36 (1) Is a person of good moral character.
- 37 (2) Is 18 years of age or older.
- 38 (3) Has an education equivalent to a four-year course in an accredited high  
39 school.

40 ...."

41 **SECTION 3.** G.S. 135-48.51(12) reads as rewritten:

42 "(12) G.S. 58-50-30, Right to choose services of optometrist, podiatrist, licensed  
43 clinical social worker, certified substance abuse professional, licensed  
44 professional counselor, dentist, hearing aid specialist, physical therapist,  
45 chiropractor, psychologist, pharmacist, certified fee-based practicing  
46 pastoral counselor, advanced practice nurse, licensed marriage and family  
47 therapist, or physician assistant."

48 **SECTION 4.** This act becomes effective October 1, 2012.