

## 1 SENATE BILL NO. 243

2 INTRODUCED BY R. WEBB

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

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

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11 **Section 1.** Section 33-22-111, MCA, is amended to read:  
12 **"33-22-111. Policies and certificates to provide for freedom of choice of practitioners --**  
13 **professional practice not enlarged.** (1) All policies or certificates of disability insurance, including individual,  
14 group, and blanket policies or certificates, must provide that the insured has full freedom of choice in the selection  
15 of any licensed physician, physician assistant, dentist, osteopath, chiropractor, optometrist, podiatrist,  
16 psychologist, licensed social worker, licensed professional counselor, acupuncturist, naturopathic physician,  
17 physical therapist, or advanced practice registered nurse as specifically listed in 37-8-202 for treatment of any  
18 illness or injury within the scope and limitations of the person's practice. Whenever the policies or certificates  
19 insure against the expense of drugs, the insured has full freedom of choice in the selection of any licensed and  
20 registered pharmacist.

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

24 (3) (a) Notwithstanding any limits set by the insurer for a health care provider's services, an insurer shall  
25 compensate a health care provider at a rate that is equal to the rate paid for an equivalent service within the  
26 scope of practice of the health care provider.

27 (b) Rates for services are determined using the same current procedural terminology codes as published  
28 by the American medical association or any successor coding system."

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30 NEW SECTION. **Section 2. Coverage required for services provided by chiropractors.** A health

1 service corporation shall provide, in group and individual insurance contracts, coverage for health services  
 2 provided by a chiropractor licensed under Title 37, chapter 12, if health care services that chiropractors are  
 3 licensed to perform are covered by the contract.

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

6 **"33-30-305. Prohibited trade practices.** In order to regulate trade practices of health service  
 7 corporations, the following practices are prohibited:

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

12 ~~(1)(2)~~ No A person may not make, issue, circulate, or cause to be made, issued, or circulated any  
 13 estimate, circular, or statement misrepresenting:

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

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

16 ~~(2)(3)~~ No A person may not make any misleading representation or any misrepresentation as to the  
 17 financial condition of any health service corporation.

18 ~~(3)(4)~~ No A person may not make, publish, disseminate, circulate, or place before the public or cause,  
 19 directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in a newspaper,  
 20 magazine, or other publication or in the form of a notice, circular, pamphlet, letter, or poster or over any radio or  
 21 television station or in any other way an advertisement, announcement, or statement containing any assertion,  
 22 representation, or statement with respect to the business of a health service corporation ~~which~~ that is untrue,  
 23 deceptive, or misleading.

24 ~~(4)(5)~~ No A person may not make or issue or cause to be made or issued any written or oral statement  
 25 misrepresenting or making incomplete comparisons as to the terms, conditions, or benefits contained in any  
 26 health service corporation membership contract for the purpose of inducing or attempting or tending to induce  
 27 a member to cancel or convert any membership contract.

28 ~~(5)(6)~~ No A person may not file with any public official or make, publish, disseminate, circulate, or deliver  
 29 to any person or place before the public or cause directly or indirectly to be made, published, disseminated,  
 30 circulated, delivered to any person, or placed before the public any false statement of financial condition of a

1 health service corporation with intent to deceive.

2 ~~(6)(7)~~ (7) ~~No~~ A person may not make any false entry in any book, report, or statement of any health service  
3 corporation with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into  
4 any of its affairs or any public official to whom that health service corporation is required by law to report or who  
5 has authority by law to examine into its condition or into any of its affairs or, with like intent, willfully omit to make  
6 a true entry of any material fact pertaining to the business of that health service corporation in any book, report,  
7 or statement of the health service corporation.

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

14 ~~(8)(9)~~ (9) ~~No~~ A person may not enter into agreement to commit or by any concerted action commit any act  
15 of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of the operation of  
16 health service corporations."

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18 NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an  
19 integral part of Title 33, chapter 30, part 10, and the provisions of Title 33, chapter 30, part 10, apply to [section  
20 2].

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