



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

DIRECTIVE 212

TO: ALL HEALTH INSURANCE ISSUERS AND HEALTH MAINTENANCE ORGANIZATIONS

FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE

RE: NON-DISCRIMINATION PROVISIONS OF La. R.S. 22:995

DATE: JULY 13, 2018

Act 589 of the 2018 Regular Legislative Session amended and re-enacted La. R.S. 22:995 relative to the selection of treatment and reimbursement for chiropractic services. The amendment to R.S. 22:995 by Act 589, effective August 1, 2018, reads as follows:

§995. Selection of type of treatment; reimbursement

A.(1) Notwithstanding any provision of any policy or contract of insurance or health benefits issued after the effective date of this Section, whenever such policy or contract provides for payment or reimbursement for any service, and such service may be legally performed by a chiropractor licensed in this state, such payment or reimbursement under such policy or contract shall not be denied the chiropractor when such service is rendered by a person so licensed. Terminology in such policy or contract deemed discriminatory against any such person or method of practice, including but not limited to the manner of payment or reimbursement under the policy, shall be null and void. The provisions of this Paragraph shall not affect any provision of the policy or contract regarding payment for services provided by a non-contracted provider.

It has come to my attention that some health insurance issuers and health maintenance organizations (issuers), have recently instituted payment/reimbursement policies for sums owed to chiropractors that are based not upon fee-for-service, but for a single visit regardless of the number of services provided by the chiropractor in each visit. The nondiscrimination provision as amended by Act 589 prohibits the utilization of a per-visit payment methodology for chiropractors when other types of providers are not reimbursed by a per-visit methodology for the same services. The Department of

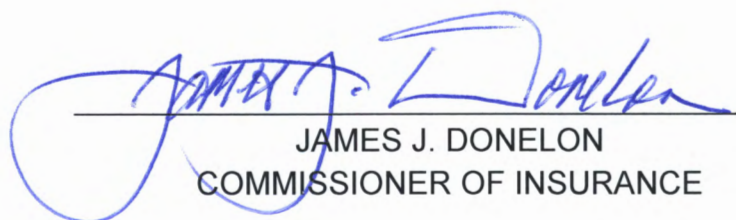
Insurance will enforce the nondiscrimination provision similarly in situations where chiropractors are treated differently from other types of providers providing the same services.

Additionally, R.S. 22:995 as amended and re-enacted makes the non-discrimination provisions applicable directly to chiropractors, rather than just applicable to covered persons seeking services from chiropractors. The non-discrimination language enacted in Act 589 extends to the payment and reimbursement of chiropractors. Efforts to classify chiropractors as specialists in order to circumvent the provisions of the statute will be regarded as a violation of R.S. 22:995 as amended by Act 589. Issuers will not be permitted to create distinctions between chiropractors and other providers providing the same or similar services in order to establish a differentiation in the manner of payment or reimbursement for chiropractors.

All issuers are directed to bring their practices into compliance with Act 589 of the 2018 Regular Session.

Please be governed accordingly.

Baton Rouge, Louisiana, this 13th day of July, 2018.



JAMES J. DONELON
COMMISSIONER OF INSURANCE