State of South Dakota

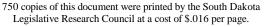
SEVENTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 1999

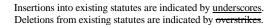
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HOUSE BILL NO. 1156

Introduced by: Representatives Cutler, Fischer-Clemens, and Hunt and Senators Brown (Arnold), Albers, Hainje, and Olson

- 1 FOR AN ACT ENTITLED, An Act to require certain insurance policies to reimburse the
- 2 services of licensed professional counselors -- mental health and marriage and family
- 3 therapists.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 5 Section 1. That § 58-17-54 be amended to read as follows:
- 6 58-17-54. Notwithstanding any provision of any policy of insurance subject to the general
- 7 provisions of this title, if a policy or contract provides for reimbursement for any service which
- 8 may be legally performed by a person licensed in this state for the practice of medicine, surgery,
- 9 anesthesia by a certified registered nurse anesthetist licensed under chapter 36-9, psychology,
- dentistry, osteopathy, social work by an independent social worker licensed under § 36-26-17,
- optometry, chiropractic, or podiatry, counseling by a licensed professional counselor -- mental
- health licensed under § 36-32-42, or therapy by a marriage and family therapist licensed under
- chapter 36-33, the reimbursement under that policy or contract may not be denied if the service
- is rendered by a person so licensed. The provisions of this section apply to all practitioners
- licensed pursuant to chapters 36-4A and 36-9A after July 1, 1980, and to any plan of
- self-insurance for public employees. Reimbursement may be denied to a policyholder treating





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1 himself <u>or herself</u> or any member of <u>his</u> the policyholder's family residing in <u>his</u> the policyholder's

2 household. However, reimbursement for durable medical equipment, pharmaceuticals, and

- prosthetic devices may not be denied if within policy coverages.
- 4 No policy, certificate, or contract may exclude or limit reimbursement for any lawful
- 5 diagnostic or treatment service by a licensee under chapter 36-5 if the exclusion or limitation is
- 6 based wholly or in part on any requirement that the service be performed in a place of service
- 7 not normally used by the licensee.

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- A policy, certificate or contract may only limit or make optional the reimbursement for any
- 9 lawful diagnostic or treatment service by a licensee under chapters 36-4 and 36-5 if the limitation
- 10 is based on a rational basis which is not solely related to the license under, or practices
- authorized by, chapter 36-5 or is not dependent upon a method of classification, categorization,
- or description based directly or indirectly upon differences in terminology used by different
- licensees in describing human ailments or in the diagnosis or treatment of human ailments.
- 14 This section does not require reimbursement for any method or service not necessary, not
- reasonable, or not generally accepted by the peers of the particular licensed health care provider.