

1 SB234
2 189103-2
3 By Senators Dunn, Orr, Coleman-Madison, Beasley and Singleton
4 RFD: Health and Human Services
5 First Read: 25-JAN-18

1 SB234

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4 ENROLLED, An Act,

5 Relating to health care; to provide that a
6 chiropractic agreement, as defined, is not to be regulated as
7 insurance; to provide that a chiropractor offering, marketing,
8 selling, or entering into a chiropractic agreement is not
9 required to obtain an additional license or certificate of
10 authority; to require that a chiropractic agreement meet
11 certain requirements; and to provide for the discontinuance of
12 care for a patient under an agreement under certain
13 conditions.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and may be cited
16 as the Alabama Chiropractor Direct Pay Act.

17 Section 2. (a) For the purposes of this section, the
18 following words shall have the following meanings:

19 (1) CHIROPRACTOR. A person licensed to practice
20 chiropractic in this state.

21 (2) CHIROPRACTIC AGREEMENT or AGREEMENT. A contract
22 between a chiropractor and a patient or his or her legal
23 representative in which the chiropractor or the chiropractor's
24 chiropractic practice agrees to provide chiropractic services
25 to the patient for an agreed upon fee and period of time.

1 (3) CHIROPRACTIC PRACTICE. A chiropractor or a
2 chiropractic practice of a chiropractor that charges a
3 periodic fee for chiropractic services and which does not bill
4 a third party any additional fee for services for patients
5 covered under a chiropractic agreement. The per visit charge
6 of the practice shall be less than the monthly equivalent of
7 the periodic fee.

8 (b) A chiropractic agreement is not insurance, may
9 not be deemed an insurance arrangement, and is not subject to
10 state insurance laws.

11 (c) A patient or legal representative shall not
12 forfeit any insurance benefits or Medicare benefits by
13 purchasing medical services or products outside the system.

14 (d) A chiropractor offering, marketing, selling, or
15 entering into a chiropractic agreement may not be required to
16 obtain a certificate of authority or license other than to
17 maintain a current license to practice chiropractic in this
18 state.

19 (e) A chiropractic agreement is not a discount
20 medical plan.

21 (f) To be considered a chiropractic agreement for
22 the purposes of this section, the agreement shall satisfy all
23 of the following:

24 (1) Be in writing.

1 (2) Be signed by a chiropractor, or agent of the
2 chiropractor, and the patient or his or her legal
3 representative.

4 (3) Allow either party to terminate the agreement
5 upon written notice of at least 30 days to the other party.

6 (4) Describe the scope of health care services that
7 are covered by the periodic fee.

8 (5) Specify the periodic fee and any additional fees
9 outside of the periodic fee for ongoing health care.

10 (6) Specify the duration of the agreement and any
11 automatic renewal periods and require that no more than 12
12 months of the periodic fee be paid in advance.

13 (7) Prominently state in writing that is
14 conspicuously visible and in bold font all of the following:

15 a. The agreement does not constitute health
16 insurance of the laws of this state.

17 b. An uninsured patient that enters into an
18 agreement may still be subject to tax penalties under the
19 Patient Protection and Affordable Care Act, Public Law
20 111-148, for failing to obtain insurance.

21 c. Patients insured by health insurance plans that
22 are compliant with the Patient Protection and Affordable Care
23 Act already have coverage for certain preventive care benefits
24 at no cost to the patient.

1 d. Payments made by a patient for services rendered
2 under a chiropractic agreement may not count toward the
3 patient's health insurance deductibles and maximum
4 out-of-pocket expenses.

5 e. A patient is encouraged to consult with the
6 patient's health insurance plan before entering into the
7 agreement and receiving care.

8 (8) Provide that, upon termination of the agreement
9 by the patient, all unearned fees are to be returned to the
10 patient.

11 (g) A chiropractor providing chiropractic services
12 under a chiropractic agreement may decline to accept a patient
13 if, in the chiropractor's opinion, the patient's medical
14 condition is such that the provider is unable to provide the
15 appropriate level and type of health care the patient
16 requires. The chiropractor may discontinue care for patients
17 under the chiropractic agreement under any of the following
18 conditions:

19 (1) The patient fails to pay the periodic fee.

20 (2) The patient has performed an act of fraud.

21 (3) The patient repeatedly fails to adhere to the
22 recommended treatment plan.

23 (4) The patient is abusive or presents an emotional
24 or physical danger to the staff or other patients of the
25 chiropractic practice.

1 (5) The chiropractor or the chiropractor's
2 chiropractic practice discontinues operation as a chiropractic
3 practice.

4 (6) Any other condition consistent with the
5 Chiropractic Practice Act or the rules of the Alabama State
6 Board of Chiropractic Examiners.

7 Section 3. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB234

Senate 06-FEB-18

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 15-MAR-18

By: Senator Dunn