

SENATE BILL NO. 2331

Introduced by

Senators T. Mathern, Thane

Representative Fairfield

1 A BILL for an Act to create a new section to chapter 26.1-36 and a new section to chapter
2 54-52.1 of the North Dakota Century Code, relating to insurance coverage for medical services
3 provided to individuals under age twenty-one.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Health insurance policy and health service contract - Coverage of services for**
8 **children.**

9 1. As used in this section:

10 a. "Opinion supported by a consensus in the relevant medical community"
11 means a medical opinion supported by reliable scientific evidence that is
12 routinely accepted by at least seventy percent of the relevant specialty
13 practitioners.

14 b. "Similarly credentialled" means relevant training, relevant experience, and
15 relevant certifications at the same level of specialization. A medical
16 professional with credentials in a narrower specialty is similarly credentialled if
17 that specialty includes training, experience, and certification that more closely
18 matches the patient's needs.

19 2. An insurance company, a nonprofit service corporation, or a health maintenance
20 organization may not deliver, issue, execute, or renew any health insurance policy,
21 health service contract, or evidence of coverage on an individual, group, blanket,
22 franchise, or association basis unless the policy, contract, or evidence of coverage
23 provides coverage for a medical treatment, medical service, medical therapy,
24 medical equipment, or medical supply prescribed by a licensed medical

1 professional acting in the scope of that licensure for any individual under age
2 twenty-one who is covered under the policy. The purpose of prescribing this
3 medical treatment, medical service, medical therapy, medical equipment, or
4 medical supply must be to improve or prevent deterioration of a physical or
5 psychiatric illness, injury, or condition; achieve, prevent deterioration of, or mitigate
6 the speed or extent of deterioration of age-appropriate developmental capacity,
7 functional capacity, or growth; prevent or treat a condition that threatens to cause
8 or aggravate a disability, physical deformity, or malfunction; or reduce, alleviate, or
9 prevent pain. Coverage is not required under this section if a similarly
10 credentialed medical professional presents an opinion supported by a consensus
11 in the relevant medical community, that the prescribed medical treatment, medical
12 service, medical therapy, medical equipment, or medical supply will not improve or
13 prevent deterioration of the individual's physical or psychiatric illness, injury, or
14 condition, or will not reduce, alleviate, or prevent the individual's pain.

15 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Insurance to cover services for children.** The board shall provide medical benefits
18 coverage under a contract for insurance pursuant to section 54-52.1-04 or under a
19 self-insurance plan pursuant to section 54-52.1-04.2 for medical treatment, medical service,
20 medical therapy, medical equipment, and medical supply in the same manner as provided for
21 under section 1 of this Act.