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## DEPARTMENT OF COMMERCE

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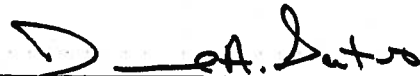
### Compensation of Medical Practitioners By Insurance Companies

The Division has recently been experiencing a number of complaints from various health care practitioners and inquiries from insurance companies concerning their responsibility to compensate different types of practitioners. This bulletin will outline the division's analysis in this regard.

A typical question arises where a health care practitioner, who is not a medical doctor, provides treatment and then seeks compensation from an insurance carrier. In the state of Nevada, numerous practitioners of the healing arts are defined and licensed; including: chiropractics, oriental medicine practitioners, psychologists, physical therapists, nurse practitioners, etc. Each of these practitioners is licensed pursuant to a chapter in the Nevada Revised Statutes, and those licensing statutes define the scope of practice for that practitioner.

In these cases the division believes that the insurance carrier, once it determines whether or not a benefit will be covered by the policy, does not have the ability to control whether or not a particular practitioner may or may not provide the service. In other words, if the insurance carrier determines that a particular treatment will be covered by the policy, the carrier may not specify the type of practitioner who provides that treatment. If a practitioner licensing statute provides that the treatment is within the authorized scope of practice, that practitioner may provide the treatment and bill the company for services rendered.

Any attempt by an insurance carrier to exclude a particular type of practitioner from providing a service that is within the scope of his or her practice will be evaluated by the division to determine if it is a violation of the unfair trade practices. Specifically, NRS 686A.090 makes it an unfair trade practice for any insurance carrier to engage in any act of "boycott, coercion, or intimidation" resulting in or tending to result in unreasonable restraint of . . . (the) business of insurance." An insurance carrier who is refusing to compensate a practitioner who has provided a service within the scope of his practice where the benefit would be covered if the treatment had been provided by another type of practitioner, in all probability, is violating the boycott provisions of Chapter 686A of the Nevada Revised Statutes.



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