

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 748*
Committee Substitute Favorable 5/2/07
Third Edition Engrossed 5/7/07

Short Title: Insurers/Cover Rx in Emergencies.-AB

(Public)

Sponsors:

Referred to:

March 15, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF
3 EMERGENCY OR DISASTER.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 58 of the General Statutes is amended by
6 adding a new section to read:

7 "§ 58-3-228. Coverage for extra prescriptions during a state of emergency or
8 disaster.

9 (a) All health benefit plans as defined in G.S. 58-3-167, the Teachers' and State
10 Employees' Comprehensive Major Medical Plan, and any optional plans or programs
11 operating under Part 2 of Article 3 of Chapter 135 of the General Statutes, and other
12 stand-alone prescription medication plans issued by entities that are licensed by the
13 Department shall have, when an event described in subdivision (b)(1) of this section
14 occurs and the requirements of subdivisions (b)(2) and (b)(3) of this section are
15 satisfied, a procedure in place to waive time restrictions on filling or refilling
16 prescriptions for medication if requested by the covered person or subscriber. The
17 procedure shall include waiver or override of electronic "refill too soon" edits to
18 pharmacies and shall include provision for payment to the pharmacy in accordance with
19 the prescription benefit plan and applicable pharmacy provider agreement. The
20 procedure shall enable covered persons or subscribers to:

21 (1) Obtain one refill on a prescription if there are authorized refills
22 remaining, or

23 (2) Fill one replacement prescription for one that was recently filled, as
24 prescribed or approved by the prescriber of the prescription that is
25 being replaced and not contrary to the dispensing authority of the
26 dispensing pharmacy.

27 (b) All entities subject to this section shall authorize payment to pharmacies for
28 any prescription dispensed in accordance with subsection (a) of this section regardless

1 of the date upon which the prescription had most recently been filled by a pharmacist, if
2 all of the following conditions apply:

3 (1) The Commissioner issues a Bulletin Advisory notifying all insurance
4 carriers licensed in this State of a declared state of disaster or state of
5 emergency in North Carolina. The Department shall provide a copy of
6 the Bulletin to the North Carolina Board of Pharmacy.

7 (2) The covered person requesting coverage of the refill or replacement
8 prescription resides in a county that:

9 a. Is covered under a proclamation of state of disaster issued by
10 the Governor or by a resolution of the General Assembly under
11 G.S. 166A-6, or a declaration of major disaster issued by the
12 President of the United States under the Robert T. Stafford
13 Disaster Relief and Emergency Assistance Act, 42 U.S.C. §
14 5121, et seq., as amended; or

15 b. Is declared to be under a state of emergency in a proclamation
16 issued by the Governor under G.S. 14-288.15.

17 (3) The prescription medication is requested within 29 days after the
18 origination date of the conditions stated in subdivision (b)(1) of this
19 section.

20 (c) The time period for the waiver of prescription medication refills may be
21 extended in 30-day increments by an order issued by the Commissioner. Additional
22 refills still remaining on a prescription shall be covered by the insurer as long as
23 consistent with the orders of the prescriber or authority of the dispensing pharmacy.

24 (d) This section does not excuse or exempt an insured or subscriber from any
25 other terms of the policy or certificate providing coverage for prescription medications.

26 (e) Quantity limitations shall be consistent with the original prescription and the
27 extra or replacement fill may recognize proportionate dosage use prior to the disaster.

28 (f) No requirements additional to those under the pharmacy provider agreement
29 or the prescription benefit plan may be placed upon the provider for coverage of the
30 replacement fill or extra fill.

31 (g) Nothing in this section is intended to affect the respective authority or scope
32 of practice of prescribers or pharmacies."

33 **SECTION 2.** This act is effective when it becomes law.