

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 748\*  
Committee Substitute Favorable 5/2/07

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 and other stand-alone  
10 prescription medication plans issued by entities that are licensed by the Department  
11 shall have, when an event described in subdivision (b)(1) of this section occurs and the  
12 requirements of subdivisions (b)(2) and (b)(3) of this section are satisfied, a procedure  
13 in place to waive time restrictions on filling or refilling prescriptions for medication if  
14 requested by the covered person or subscriber. The procedure shall include waiver or  
15 override of electronic "refill too soon" edits to pharmacies and shall include provision  
16 for payment to the pharmacy in accordance with the prescription benefit plan and  
17 applicable pharmacy provider agreement. The procedure shall enable covered persons  
18 or subscribers to:

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

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

25 (b) All entities subject to this section shall authorize payment to pharmacies for  
26 any prescription dispensed in accordance with subsection (a) of this section regardless  
27 of the date upon which the prescription had most recently been filled by a pharmacist, if  
28 all of the following conditions apply:

- 1           (1) The Commissioner issues a Bulletin Advisory notifying all insurance  
2 carriers licensed in this State of a declared state of disaster or state of  
3 emergency in North Carolina. The Department shall provide a copy of  
4 the Bulletin to the North Carolina Board of Pharmacy.
- 5           (2) The covered person requesting coverage of the refill or replacement  
6 prescription resides in a county that:
- 7           a. Is covered under a proclamation of state of disaster issued by  
8 the Governor or by a resolution of the General Assembly under  
9 G.S. 166A-6, or a declaration of major disaster issued by the  
10 President of the United States under the Robert T. Stafford  
11 Disaster Relief and Emergency Assistance Act, 42 U.S.C. §  
12 5121, et seq., as amended; or
- 13           b. Is declared to be under a state of emergency in a proclamation  
14 issued by the Governor under G.S. 14-288.15.
- 15           (3) The prescription medication is requested within 29 days after the  
16 origination date of the conditions stated in subdivision (b)(1) of this  
17 section.
- 18           (c) The time period for the waiver of prescription medication refills may be  
19 extended in 30-day increments by an order issued by the Commissioner. Additional  
20 refills still remaining on a prescription shall be covered by the insurer as long as  
21 consistent with the orders of the prescriber or authority of the dispensing pharmacy.
- 22           (d) This section does not excuse or exempt an insured or subscriber from any  
23 other terms of the policy or certificate providing coverage for prescription medications.
- 24           (e) Quantity limitations shall be consistent with the original prescription and the  
25 extra or replacement fill may recognize proportionate dosage use prior to the disaster.
- 26           (f) No requirements additional to those under the pharmacy provider agreement  
27 or the prescription benefit plan may be placed upon the provider for coverage of the  
28 replacement fill or extra fill.
- 29           (g) Nothing in this section is intended to affect the respective authority or scope  
30 of practice of prescribers or pharmacies."

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