

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 477\*  
Insurance Committee Substitute Adopted 5/14/13

Short Title: No Set Fee/Noncovered Vision Services.

(Public)

Sponsors:

Referred to:

March 28, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING  
3 OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR  
4 SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE  
5 COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT  
6 WITH THE OPTOMETRIST, AND TO REQUIRE OPTOMETRISTS TO PROVIDE A  
7 WRITTEN DISCLOSURE TO PATIENTS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Part 7 of Article 50 of Chapter 58 of the General Statutes is amended  
10 by adding a new section to read as follows:

11 "**§ 58-50-295. Health benefit plans or insurers contracting for provision of vision services**  
12 **or materials; no limitation on fees for noncovered services or materials.**

13 (a) No agreement between an insurer or an entity that writes vision insurance and an  
14 optometrist for the provision of vision services on a preferred or in-network basis to plan  
15 members or insurance subscribers in connection with coverage under a stand-alone vision plan,  
16 a medical plan, or health insurance policy may require that an optometrist provide services or  
17 materials at a fee limited or set by the plan or insurer unless the services or materials are  
18 reimbursed as covered services under the contract.

19 (b) For purposes of this section, "covered services" means a service for which  
20 reimbursement is available under an insurer's policy without regard to contractual limitations  
21 by a deductible, copayment, coinsurance, waiting period, annual or lifetime maximum,  
22 frequency limitation, alternative benefit payment, or other limitation. For purposes of this  
23 section, "materials" includes lenses, devices containing lenses, prisms, lens treatments and  
24 coatings, contact lenses, orthoptics, vision training, and prosthetic devices to correct, relieve, or  
25 treat defects or abnormal conditions of the human eye or its adnexa.

26 (c) An optometrist duly licensed in this State shall disclose in writing to any patient to  
27 whom a service is given that results in the writing of a prescription for glasses, contact lenses,  
28 or other prescription vision products, the following in no smaller than ten point type: "YOU,  
29 AS A PATIENT, ARE UNDER NO OBLIGATION TO PURCHASE GLASSES, CONTACT  
30 LENSES, OR OTHER PRESCRIPTION VISION PRODUCTS FROM THIS PRESCRIBING  
31 PROVIDER, OR ANY AFFILIATE OF THE PROVIDER. YOU, AS A PATIENT, HAVE  
32 THE FREEDOM TO OBTAIN AT THE TIME OF PAYMENT FOR SERVICES  
33 RENDERED, A WRITTEN PRESCRIPTION FROM YOUR PROVIDER TO USE IN THE  
34 PURCHASE OF GLASSES, CONTACT LENSES, OR OTHER PRESCRIPTION VISION  
35 PRODUCTS FROM ANY OTHER VENDOR."



1                   **SECTION 2.** This act becomes effective October 1, 2013, and applies to contracts  
2 entered into, amended, or renewed on or after that date.