

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 184

Short Title: Exempt State Health Plan From APA.

(Public)

Sponsors: Representatives Redwine, Creech, Nichols, Mitchell, and Mercer.

Referred to: Insurance.

February 17, 1997

A BILL TO BE ENTITLED

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2 **AN ACT TO EXEMPT THE NORTH CAROLINA TEACHERS' AND STATE**
3 **EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FROM ARTICLE**
4 **2A OF THE ADMINISTRATIVE PROCEDURE ACT AND TO REQUIRE THE**
5 **EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE TO MEET**
6 **AT LEAST QUARTERLY.**

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 150B-1(d) reads as rewritten:

9 "(d) Exemptions from Rule Making. – Article 2A of this Chapter does
10 not apply to the following:

11 (1) The Commission.

12 (2) The North Carolina Low-Level Radioactive Waste Management
13 Authority in administering the provisions of G.S. 104G-10 and G.S.
14 104G-11.

15 (3) The North Carolina Hazardous Waste Management Commission in
16 administering the provisions of G.S. 130B-13 and G.S. 130B-14.

17 (4) The Department of Revenue, with respect to the notice and hearing
18 requirements contained in Part 2 of Article 2A.

- 1 (5) The North Carolina Global TransPark Authority with respect to the
2 acquisition, construction, operation, or use, including fees or charges, of
3 any portion of a cargo airport complex.
- 4 (6) The Department of Correction, with respect to matters relating solely to
5 persons in its custody or under its supervision, including prisoners,
6 probationers, and parolees.
- 7 (7) The North Carolina Teachers' and State Employees' Comprehensive
8 Major Medical Plan in administering the provisions of Parts 2 and 3 of
9 Article 3 of Chapter 135 of the General Statutes."

10 Section 2. G.S. 135-38(c) reads as rewritten:

11 "(c) The Committee shall review programs of hospital, medical and related care
12 provided by Part 3 of this Article as recommended by the Executive Administrator and
13 Board of Trustees of the Plan. The Executive Administrator and the Board of Trustees
14 shall provide the Committee with any information or assistance requested by the
15 Committee in performing its duties under this Article. The Committee shall meet not less
16 than once each quarter to review the actions of the Executive Administrator and Board of
17 Trustees. At each meeting, the Executive Administrator shall report to the Committee on
18 any administrative and medical policies which have been issued as rules and regulations
19 in accordance with G.S. 135-39.8, and on any benefit denials, resulting from the policies,
20 which have been appealed to the Board of Trustees."

21 Section 3. G.S. 135-39.8 reads as rewritten:

22 "**§ 135-39.8. Rules and regulations.**

23 The Executive Administrator and Board of Trustees may issue rules and regulations to
24 implement Parts 2 and 3 of this Article. Rules and regulations adopted in accordance
25 with this section are exempt from the provisions of Article 2A of Chapter 150B of the
26 General Statutes. Rules and regulations of the Board of Trustees shall remain in effect
27 until amended or repealed by the Executive Administrator and Board of Trustees. The
28 Executive Administrator and Board of Trustees shall provide a written description of the
29 rules and regulations issued under this section to all employing units, all health benefit
30 representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care
31 providers affected by a rule or regulation, and to any other parties requesting a written
32 description and approved by the Executive Administrator and Board of Trustees to
33 receive a description on a timely basis."

34 Section 4. This act is effective when it becomes law.