

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50196-LN-165* (3/5)

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

Sponsors: Representative Glazier.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE INSURERS TO COVER EXTRA PRESCRIPTIONS
DURING A STATE OF EMERGENCY OR DISASTER.

The General Assembly of North Carolina enacts:

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

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

(a) All health benefit plans as defined in G.S. 58-3-167, the Teachers' and State
Employees' Comprehensive Major Medical Plan, and any optional plans or programs
operating under Part 2 of Article 3 of Chapter 135 of the General Statutes, and other
stand-alone prescription medication plans issued by entities that are licensed by the
Department shall, when an event described in subdivision (b)(1) of this section occurs
and the requirements of subdivision (b)(2) of this section are satisfied, waive time
restrictions on filling or refilling prescriptions for medication, which includes
suspension of electronic "refill too soon" edits to pharmacies, to enable covered persons
or subscribers to:

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

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

(b) All entities subject to this section shall authorize payment to pharmacies for
any prescription dispensed in accordance with subsection (a) of this section regardless
of the date upon which the prescription had most recently been filled by a pharmacist, as
long as the following conditions are met:

- 1 (1) The covered person requesting coverage of the refill or replacement
2 prescription resides in a county that:
3 a. Is declared to be under a state of emergency in an executive
4 order or proclamation issued by the Governor of the State of
5 North Carolina, or by a resolution of the North Carolina
6 General Assembly;
7 b. Has activated its emergency operations center and its
8 emergency management plan; or
9 c. Is covered under a proclamation of state of disaster issued by
10 the Governor under G.S. 166A-6 or a declaration of major
11 disaster issued by the President of the United States under the
12 Robert T. Stafford Disaster Relief and Emergency Assistance
13 Act, 42 U.S.C. § 5121, et seq., as amended.
14 (2) The prescription medication is requested within 29 days after the
15 origination date of the conditions stated in subsection (b)(1) of this
16 section.
17 (c) The time period for the waiver of prescription medication refills may be
18 extended in 30-day increments by emergency orders issued by the Commissioner, in
19 which case additional refills still remaining on a prescription shall be covered by the
20 entities subject to this section as long as consistent with the orders of the prescriber or
21 authority of the dispensing pharmacy.
22 (d) This section does not excuse or exempt an insured or subscriber from
23 compliance with all other terms of the policy or certificate providing prescription
24 medication coverage.
25 (e) Nothing in this section is intended to affect the respective authority or
26 practice of prescribers or pharmacies."

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