

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 712\*

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

Sponsors: Senators Purcell; Albertson, Atwater, Berger of Franklin, Dorsett, and Kinnaird.

Referred to: Commerce, Small Business and Entrepreneurship.

March 14, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE INSURERS TO COVER EXTRA PRESCRIPTIONS  
3 DURING A STATE OF 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, when an event described in subdivision (b)(1) of this section occurs  
14 and the requirements of subdivision (b)(2) of this section are satisfied, waive time  
15 restrictions on filling or refilling prescriptions for medication, which includes  
16 suspension of electronic "refill too soon" edits to pharmacies, to enable covered persons  
17 or subscribers to:

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

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

24 (b) All entities subject to this section shall authorize payment to pharmacies for  
25 any prescription dispensed in accordance with subsection (a) of this section regardless  
26 of the date upon which the prescription had most recently been filled by a pharmacist, as  
27 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.