

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 993

Short Title: Managed Care/Collateral Source.

(Public)

Sponsors: Senator Odom.

Referred to: Commerce.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO PERMIT MANAGED CARE INSURED, ENROLLEES AND HEALTH CARE PROVIDERS TO RECOVER FROM COLLATERAL SOURCES.

The General Assembly of North Carolina enacts:

Section 1. Article 50 of Chapter 58 of the General Statutes is amended by adding the following new section to read:

"§ 58-50-57. Recovery from collateral sources permitted.

(a) No preferred provider contract issued under this Article or Article 65 of this Chapter shall restrict the right of an insured to pursue claims against collateral sources of recovery, including, but not limited to, motor vehicle liability insurance claims, medical payments claims, uninsured or underinsured motorist claims and civil actions arising in tort. If an insured elects to pursue a claim against a collateral source, any health care provider under contract as a preferred provider who treats the insured for injuries related to the claim may recover, from the collateral source, the difference between the usual and customary charges for the provider's services and the amount paid to the provider pursuant to the preferred provider contract.

(b) The difference due the health care provider under subsection (a) of this section shall be subject to the lien created by Article 9, Chapter 44 of the General Statutes."

Section 2. Article 67 of Chapter 58 of the General Statutes is amended by adding the following new section to read:

"§ 58-67-86. Recovery from collateral sources permitted.

(a) No health care plan written by a health maintenance organization shall restrict the right of an enrollee to pursue claims against collateral sources of recovery, including, but not limited to, motor vehicle liability insurance claims, medical payments claims, uninsured or underinsured motorist claims, and civil actions arising in tort. If an enrollee elects to pursue a claim against a collateral source, any health care provider under contract to the plan who treats the enrollee for injuries related to the claim may recover, from the collateral source, the difference between the usual and customary charges for the provider's services and the amount paid to the provider by the plan.

(b) The difference due the health care provider under subsection (a) of this section shall be subject to the lien created by Article 9, Chapter 44 of the General Statutes."

Section 3. This act is effective when it becomes law and applies to preferred provider contracts entered into on and after July 1, 1999, and to health benefit plans written by health maintenance organizations that are delivered, issued for delivery, or renewed on and after July 1, 1999. For purposes of this act, renewal of a health benefit plan is presumed to occur on each anniversary of the date on which coverage was first effective on the person or persons covered by the health benefit plan.