



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 287

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BR

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S287-ALN-4 [v.7]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date 3-24, 2009

Senator Rand

1 moves to amend the bill on page 10, line 29, by inserting between lines 29 and 30 the
2 following:

3 "SECTION 5.(f) G.S. 135-43(b) reads as rewritten:

4 "(b) Notwithstanding the provisions of this Article, the Executive Administrator and
5 Board of Trustees of the State Health Plan for Teachers and State Employees may contract with
6 providers of institutional and professional medical care and services to establish preferred
7 provider networks.

8 ~~The terms pertaining to reimbursement rates or other terms of consideration of any contract~~
9 ~~between hospitals, hospital authorities, doctors, or other medical providers, or a pharmacy~~
10 ~~benefit manager and the Plan, or contracts pertaining to the provision of any medical benefit~~
11 ~~offered under the Plan, including its optional alternative comprehensive benefit plans, and~~
12 ~~programs available under the optional alternative plans, shall not be a public record under~~
13 ~~Chapter 132 of the General Statutes for a period of 30 months after the date of the expiration of~~
14 ~~the contract. The terms of a contract between the Plan and its third party administrator or~~
15 ~~between the Plan and its pharmacy benefit manager are a public record except that the terms in~~
16 ~~those contracts that contain trade secrets or proprietary or competitive information are not a~~
17 ~~public record under Chapter 132 of the General Statutes and any such proprietary or~~
18 ~~competitive information and trade secrets contained in the contract shall be redacted by the~~
19 ~~Plan prior to making it available to the public. Provided, however, nothing in this subsection~~

20 ~~shall be deemed to~~ This subsection shall not be construed to prevent or restrict the release of any
21 information made not a public record under this subsection to the State Auditor, the Attorney
22 General, the Director of the State Budget, the Plan's Executive Administrator, ~~the Department~~
23 ~~of Health and Human Services solely for the purpose of implementing the transition of NC~~
24 ~~Health Choice from the Plan to the Department of Health and Human Services, and the~~
25 ~~Committee on Employee Hospital and Medical Benefits solely and exclusively for their use in~~
26 ~~the furtherance of their duties and responsibilities.~~ responsibilities, and to the Department of
27 Health and Human Services solely for the purpose of implementing the transition of NC Health
28 Choice from the Plan to the Department of Health and Human Services. The design, adoption,
29 and implementation of the preferred provider contracts, networks, and optional alternative
30 comprehensive health benefit plans, and programs available under the optional alternative
31 plans, as authorized under G.S. 135-45 are not subject to the requirements of Chapter 143 of
32 the General Statutes. The Executive Administrator and Board of Trustees shall make reports as
33 requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker

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1 of the House of Representatives, and the Committee on Employee Hospital and Medical
2 Benefits."
3
4

SIGNED *Toy Ravel*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 47-0 FAILED _____ TABLED _____

3-24-09

Janet Pruitt

ADOPTED

KWS
JH-AN
3/24/09