

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1294  
Committee Substitute Favorable 5/5/09  
Third Edition Engrossed 5/13/09  
PROPOSED SENATE COMMITTEE SUBSTITUTE H1294-PCS10986-RG-35

Short Title: NC Risk Pool Premiums/Notice Requirements.

(Public)

Sponsors:

Referred to:

April 9, 2009

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL  
3 TO PROVIDE PREMIUM SUBSIDIES IF FUNDS ARE AVAILABLE AND TO  
4 REQUIRE INSURERS TO NOTIFY APPLICANTS FOR HEALTH INSURANCE  
5 COVERAGE ABOUT THE EXISTENCE OF THE POOL.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** G.S. 58-50-180(e) reads as rewritten:  
8 "(e) The Pool shall have the general powers and authority granted under the laws of this  
9 State to health insurers and the specific authority to do all of the following:  
10 (1) Enter into contracts as are necessary or proper to carry out the provisions  
11 and purposes of this Part, including the authority, with the approval of the  
12 Executive Director acting upon the approval or authorization of the Board, to  
13 enter into contracts with similar plans of other states for the joint  
14 performance of common administrative functions or with persons or other  
15 organizations for the performance of administrative functions.  
16 (2) Sue or be sued.  
17 (3) Take legal action as necessary to:  
18 a. Avoid the payment of improper claims against the Pool or the  
19 coverage provided by or through the Plan.  
20 b. Recover any amounts erroneously or improperly paid by the Plan.  
21 c. Recover any amounts paid by the Pool as a result of mistake of fact  
22 or law.  
23 d. Recover other amounts due the Pool.  
24 (4) Establish rates and rate schedules in accordance with this Part.  
25 (4a) Provide premium subsidies if federal grant funds are available for  
26 individuals with incomes up to three hundred percent (300%) of the federal  
27 poverty guidelines and the Board deems it is fiscally prudent to do so.  
28 (5) Issue policies of insurance in accordance with the requirements of this Part.  
29 (6) Appoint appropriate legal, actuarial, and other committees as necessary to  
30 provide technical assistance in the operation of the Pool, policy, and other  
31 contract design, and any other function within the Pool's authority.



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- 1 (7) Establish policies, conditions, and procedures for reinsuring risks of  
2 participating health insurers, as defined in G.S. 58-68-25(a), desiring to issue  
3 Pool coverage in their own name. Provision of reinsurance shall not subject  
4 the Pool to any of the capital or surplus requirements, if any, otherwise  
5 applicable to reinsurers.
- 6 (8) Employ and fix the compensation of employees.
- 7 (9) Prepare and distribute certificate of eligibility forms and enrollment  
8 instruction forms to insurance producers and to the general public.
- 9 (10) Provide for reinsurance for the Pool.
- 10 (11) Issue additional types of health insurance policies to provide optional  
11 coverage, including Medicare supplemental insurance coverage.
- 12 (12) Provide for and employ cost containment measures and requirements  
13 including preadmission screening, second surgical opinion, concurrent  
14 utilization review, disease management, individual case management, health  
15 and wellness programs including a smoking cessation initiative, and other  
16 commonly used benefit plan design features for the purpose of making  
17 health insurance coverage offered by the Pool more cost-effective.
- 18 (13) Design, utilize, contract, or otherwise arrange for the delivery of  
19 cost-effective health care services, including establishing or contracting with  
20 preferred provider organizations, health maintenance organizations, and  
21 other limited network provider arrangements.
- 22 (14) Adopt bylaws, policies, and procedures as may be necessary or convenient  
23 for the implementation of this Part and the operation of the Pool."

24 **SECTION 2.** Article 3 of Chapter 58 of the General Statutes is amended by adding  
25 a new section to read:

26 "**§ 58-3-276. Notice relating to the North Carolina Health Insurance Risk Pool.**

27 (a) An insurer shall provide a written notice of the existence of the North Carolina  
28 Health Insurance Risk Pool to an applicant for individual health insurance coverage upon the  
29 insurer making a determination that any of the following apply:

- 30 (1) The applicant is eligible for coverage by the Pool as provided in  
31 G.S. 58-50-195(a)(1) or (2).
- 32 (2) The applicant is an "eligible individual" as defined in G.S. 58-68-60(b).
- 33 (3) The applicant is eligible for the credit for health insurance costs under the  
34 Trade Adjustment Assistance Reform Act of 2002, section 35 of the Internal  
35 Revenue Code of 1986.

36 (b) The notice required in subsection (a) of this section shall be issued to an applicant  
37 no later than 10 business days after the insurer reaches a determination under subsection (a) of  
38 this section. An insurer may issue a single notice relating to multiple applicants located at a  
39 single address provided the notice lists the name of each individual affected separately.

40 (c) The Commissioner may adopt rules to implement this section, including rules  
41 establishing the language, content, format, and methods of distribution of the notice required by  
42 this section.

43 (d) For purposes of this section:

- 44 (1) "Applicant" means any person who seeks to contract for individual health  
45 insurance coverage, including any dependent for which application is made  
46 and about whom an independent underwriting decision is made by an  
47 insurer.
- 48 (2) "Health insurance coverage" is as defined in G.S. 58-50-175(10).
- 49 (3) "Insurer" is as defined in G.S. 58-50-175(13)."

50 **SECTION 3.** Section 1.4 of S.L. 2007-532 reads as rewritten:

1        "**SECTION 1.4.** Notwithstanding G.S. 58-50-210(a), individuals enrolling in the Pool  
2 within ~~six months~~12 months of the date that enrollment into the Pool first begins shall be  
3 subject to a six-month preexisting condition waiting period."

4               **SECTION 4.** Section 2 of this act applies to applications for health insurance  
5 coverage made on or after October 1, 2009. The remainder of this act is effective when it  
6 becomes law.