

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 137
PROPOSED COMMITTEE SUBSTITUTE S137-PCS75287-TK-4

Short Title: Prohibit Co-pay Waiver/Medicaid Providers.

(Public)

Sponsors:

Referred to:

February 27, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING
3 REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY
4 CERTAIN PROVIDERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 108C of the General Statutes is amended by adding a new
7 section to read:

8 "**§ 108C-13. Certain waivers of Medicaid and Health Choice co-payments prohibited.**

9 (a) No provider that has obtained a permit pursuant to G.S. 90-85.21 or G.S. 90-85-21A
10 shall waive the collection of co-payments owed by recipients of Medicaid and Health Choice,
11 as required by the respective program, with the intent to induce recipients to purchase, lease, or
12 order items or services from the provider. For enforcement purposes, a provider that waives a
13 co-payment owed by a recipient of Medicaid or Health Choice is in violation of this subsection
14 regardless of the monetary amount that is waived by the provider. A provider shall not be in
15 violation of this subsection if the provider waives a co-payment owed by a recipient of
16 Medicaid or Health Choice for any of the following reasons:

- 17 (1) The waiver is authorized under the Medical Assistance Program or the North
18 Carolina Health Insurance Program for Children.
19 (2) The provider determines on an individual basis that the collection of the
20 co-payment amount would create a substantial financial hardship for the
21 recipient, provided the waiver of co-payments is not a regular business
22 practice of the provider. For the purposes of this subdivision, a provider shall
23 be considered engaged in the regular business practice of waiving
24 co-payments if the provider holds himself or herself out to recipients as
25 waiving required co-payments.
26 (3) The provider has made a good faith effort to collect the co-payment amount,
27 but the provider's reasonable collection efforts fail.
28 (4) The provider is a health care facility regulated pursuant to Chapter 131E or
29 Chapter 122C of the General Statutes or that is owned or operated by the
30 State of North Carolina.

31 (b) A violation of this section shall result in suspension or termination by the
32 Department of a provider's participation in Medicaid and Health Choice in accordance with
33 administrative sanctions and remedial measures established by the Department for violations of
34 this section."

35 SECTION 2. This act becomes effective October 1, 2013, and applies to acts
36 committed on or after that date.



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