

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 473
Health Care Committee Substitute Adopted 4/25/13
Finance Committee Substitute Adopted 5/8/13
House Committee Substitute Favorable 7/24/13
House Committee Substitute #2 Favorable 7/25/13

Short Title: Health Cost Transp/Speaker and PPT Standing.

(Public)

Sponsors:

Referred to:

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISIONS OF HOUSE BILL 834 RELATED TO HEALTH CARE COST REDUCTION AND TRANSPARENCY AND FAIR HEALTH CARE BILLING AND COLLECTIONS PRACTICES; AND TO ALLOW THE SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE, AS AGENTS OF THE STATE, TO JOINTLY INTERVENE ON BEHALF OF THE GENERAL ASSEMBLY IN ANY JUDICIAL PROCEEDING CHALLENGING A NORTH CAROLINA STATUTE OR A PROVISION OF THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. If House Bill 834, 2013 Regular Session becomes law, G.S. 131E-273, as enacted by House Bill 834 reads as rewritten:

"§ 131E-273. Certain charges/payments prohibited.

It shall be unlawful for any provider of health care services to charge or accept payment for any health care procedure or component of any health care procedure that was not performed or supplied. If a procedure requires the informed consent of a patient, the charge for any component of the procedure performed prior to consent being given shall not exceed the actual cost to the provider if the patient elects not to consent to the procedure."

SECTION 2. If House Bill 834, 2013 Regular Session becomes law, G.S. 131E-91(d)(5), as enacted by House Bill 834 reads as rewritten:

(5) For debts arising from the provision of care by a hospital or ambulatory surgical center, the doctrine of necessities as it existed at common law shall apply equally to both spouses, except where they are permanently living separate and apart, but shall in no event create any liability between the spouses as to each other. No lien arising out of a judgment for a debt owed a hospital or ambulatory surgical facility under this section shall attach to the judgment debtors' principal ~~residence~~-residence, or, if the land upon which the principal residence is located is greater than five acres, then no lien shall attach to the judgment debtors' principal residence and the surrounding five acres, held by them as tenants by the entireties or that was held by them as tenants by the entireties prior to the death of either spouse where the tenancy terminated as a result of the death of either spouse."



1 **SECTION 3.** Article 6 of Chapter 1 of the General Statutes is amended by adding a
2 new section to read:

3 "**§ 1-72.2. Standing of legislative officers.**

4 The Speaker of the House of Representatives and the President Pro Tempore of the Senate,
5 as agents of the State, shall jointly have standing to intervene on behalf of the General
6 Assembly as a party in any judicial proceeding challenging a North Carolina statute or
7 provision of the North Carolina Constitution."

8 **SECTION 4.** Section 1 of this act becomes effective December 1, 2013, and
9 applies to health care procedures and services rendered on or after that date. Section 1 shall not
10 apply to administrative actions or litigation filed before the effective date of the section.
11 Section 2 of this act becomes effective October 1, 2013, and applies to hospital and ambulatory
12 surgical facility billings and collections practices occurring on or after that date. The remainder
13 of this act is effective when it becomes law.