

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 169
PROPOSED COMMITTEE SUBSTITUTE H169-PCS40626-BC-26

Short Title: State Health Plan Data Transparency.-AB

(Public)

Sponsors:

Referred to:

March 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS
3 AND STATE EMPLOYEES TO ACCESS AND UTILIZE ITS OWN CLAIMS PAYMENT
4 DATA WHILE CONTINUING TO PROTECT THE CONFIDENTIALITY OF THE
5 INFORMATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 135-48.1(2b) reads as rewritten:

8 "(2b) Claim Payment Data. – Data fields within a Claims Data Feed that reflect the
9 provider and the amount the provider billed for services provided to a Plan
10 member, the allowed amount applied to the claim by the Claims Processor,
11 ~~and the amount paid by the Plan on the claim. The term "Claim Payment Data"~~
12 ~~includes any document, material, or other work, whether tangible or~~
13 ~~electronic, that is derived from, is based on, or reflects any of the foregoing~~
14 ~~data fields or information contained therein. claim, and the rate negotiated~~
15 ~~with, or agreed to by, the provider. If the Claims Processor designates Claim~~
16 ~~Payment Data as a trade secret, the Claim Payment Data shall be treated as a~~
17 ~~trade secret as defined in G.S. 66-152(3)."~~

18 **SECTION 2.** G.S. 135-48.32 reads as rewritten:

19 "**§ 135-48.32. Contracts to provide benefits.**

20 (a) The Plan benefits shall be provided under contracts between the Plan and the claims
21 processors selected by the Plan. The contracts necessarily will conform to applicable State law.

22 (b) Unless otherwise directed by the Plan, each Claims Processor shall provide the Plan
23 with a Claims Data Feed, which includes all Claim Payment Data, at a frequency agreed to by
24 the Plan and the Claims Processor. The frequency shall be no less than monthly. If a claim was
25 paid with State funds, then the Claims Processor shall disclose the Claims Payment Data on a
26 member level. The Claims Processor is ~~not~~ required to disclose Claim Payment Data that reflects
27 rates negotiated with or agreed to by a noncontracted third party ~~but, upon request, shall provide~~
28 ~~to the Plan sufficient documentation to support the payment of claims for which Claim Payment~~
29 ~~Data is withheld on such basis.~~ party.

30 (c) Any provision of any contract between a Claims Processor and a health care provider,
31 subcontractor, or third party that would prevent or prohibit the Claims Processor from disclosing
32 Claim Payment Data to the Plan, in accordance with this section, shall be void and unenforceable,
33 but only to the extent the provision prevents and prohibits disclosure to the Plan.

34 (d) The Plan may use and disclose Claim Payment Data solely for the purpose of
35 administering and operating the State Health Plan for Teachers and State Employees in
36 accordance with G.S. 135-48.2 and the provisions of this Article. ~~The Plan shall not make any~~



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1 ~~use or disclosure of Claim Payment Data that would compromise the proprietary nature of the~~
2 ~~data or, as applicable, its status as a trade secret, or otherwise misappropriate the data.~~In
3 accordance with G.S. 135-48.10(a), Claim Payment Data shall be exempt from the provisions of
4 Chapter 132 of the General Statutes or any other provision requiring information and records
5 held by State agencies to be made public or accessible to the public. The Plan shall not make any
6 use or disclosure of the Claim Payment Data that would compromise the proprietary nature of
7 the data, or, as applicable, its status as a trade secret, or otherwise misappropriate the data.

8 (e) ~~The Plan may not use a provider's Claim Payment Data to negotiate rates, fee~~
9 ~~schedules, or other master charges with that provider or any other provider.~~The Plan may not use
10 a provider's Claim Payment Data to negotiate rates, fee schedules, or other master changes with
11 that provider or any other provider.

12 (f) ~~The Plan may disclose Claim Payment Data to a third party to use on the Plan's behalf~~
13 ~~as agreed upon between the Plan and the Claims Processor.~~auditor to verify the legitimacy of
14 claims paid on behalf of the Plan. Any disclosure to a third-party auditor is subject to the
15 provisions of this section with regard to the use and further disclosure of Claim Payment Data.
16 The Plan must obtain the agreement of provide notice to the Claims Processor for each third party
17 to whom the Plan seeks to disclose Claim Payment Data and for each use the third party will
18 make of the data. The Plan may not disclose Claim Payment Data to any third party without first
19 entering into a contract with the third party that contains restrictions on the use and disclosure of
20 the Claim Payment Data by the third party that are at least as restrictive as the provisions of this
21 section.

22 (g) ~~A Claims Processor who discloses Claim Payment Data in accordance with this~~
23 ~~section shall not incur any civil liability and shall not be subject to equitable relief in connection~~
24 ~~for the disclosure.~~Anyone who discloses Claim Payment Data in violation of the provisions of
25 this section is subject to a civil penalty no greater than two hundred fifty dollars (\$250.00) per
26 violation."

27 **SECTION 3.** This act becomes effective January 1, 2022.