

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 105

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S105-ALG-15 [v.7]

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Amends Title [NO]
Fifth Edition

Date _____, 2021

Representative Bell

1 moves to amend the bill, on page 32, line 1, by deleting "\$20,000,000" and substituting
2 "\$5,000,000"; and

3
4 on page 34, lines 31-32, by inserting between those lines a new subdivision to read:

5 "(27) \$15,000,000 to the Department of Insurance to establish and administer a pilot
6 program in the 2021-2022 fiscal year to provide health benefits to firefighters
7 diagnosed with cancer on or after January 1, 2022."; and

8
9 on page 500, lines 23-24, by inserting between those lines the following new section to read:

10
11 **"PILOT PROGRAM ESTABLISHING SUPPLEMENTAL INSURANCE POLICY FOR**
12 **FIREFIIGHTERS DIAGNOSED WITH CANCER**

13 **SECTION 30.4.(a)** Firefighters' Health Benefits Pilot Program. – The Department
14 of Insurance shall establish and administer a pilot program to provide health benefits as
15 authorized by this section to eligible firefighters with a new diagnosis of cancer on or after
16 January 1, 2022. The health benefits provided under the pilot program shall be supplemental to
17 any other health benefits authorized by law for firefighters. The pilot program shall end on June
18 30, 2023, but claims for health benefits filed by that date shall be paid as long as funds
19 appropriated for the pilot program are available.

20 **SECTION 30.4.(b)** Definitions. – The following definitions apply in this section:

- 21 (1) Cancer. – Malignant neoplasms of the body that may be caused by exposure
22 to heat, radiation, or a known carcinogen, as defined by the World Health
23 Organization's International Agency for Research on Cancer.
24 (2) Eligible firefighter. – A firefighter who meets the requirements of subsection
25 (c) of this section.
26 (3) Fire Department. – Any organization that is not a federal agency, including
27 any public or government-sponsored organization, that is located and based in
28 this State and provides rescue, fire suppression, and related activities.
29 (4) Firefighter. – As defined in G.S. 58-84-5.

30 **SECTION 30.4.(c)** Eligibility. – To be eligible to receive benefits under the pilot
31 program, a firefighter:



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- 1 (1) Must have served in a North Carolina fire department for a minimum of five
- 2 continuous years.
- 3 (2) Must have received a new diagnosis of cancer on or after January 1, 2022. A
- 4 firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible
- 5 for benefits in the pilot program for that previously diagnosed cancer type but
- 6 remains eligible for benefits in the pilot program upon diagnosis of any other
- 7 cancer type. A firefighter is not eligible to receive benefits under the pilot
- 8 program if the firefighter is receiving benefits related to cancer under Article
- 9 1 of Chapter 97 of the General Statutes, the North Carolina Workers'
- 10 Compensation Act.
- 11 (3) Must have filed a claim with the Department seeking benefits under this
- 12 section no later than June 30, 2023.

13 **SECTION 30.4.(d)** Benefits under pilot program. – To the extent that funds are
14 available, the following benefits shall be provided under the pilot program:

- 15 (1) Medical Costs Reimbursement. – An eligible firefighter shall receive
- 16 reimbursement of up to twelve thousand dollars (\$12,000) for any
- 17 out-of-pocket medical expenses incurred, including deductibles, copayments,
- 18 or coinsurance costs, for each diagnosis of cancer.
- 19 (2) Lump Sum Benefit. – Not to exceed a total of fifty thousand dollars (\$50,000),
- 20 a lump sum benefit of twenty-five thousand dollars (\$25,000) for each
- 21 diagnosis of cancer shall be payable to an eligible firefighter upon sufficient
- 22 proof to the insurance carrier, the Department, or other applicable payor of a
- 23 diagnosis of cancer by a board-certified, licensed physician in the medical
- 24 specialty appropriate for the type of cancer diagnosed.
- 25 (3) Disability Benefit. – Upon sufficient proof to the insurance carrier, the
- 26 Department, or other applicable payor of total disability resulting from the
- 27 diagnosis of cancer or that the cancer precludes the firefighter from serving as
- 28 a firefighter, the following disability benefits shall be paid to an eligible
- 29 firefighter beginning six months after the total disability or inability to
- 30 perform the duties of a firefighter, whichever applies:
- 31 a. For a nonvolunteer firefighter. – A monthly benefit that is either (i)
- 32 equal to seventy-five percent (75%) of the firefighter's monthly salary
- 33 or (ii) five thousand dollars (\$5,000), whichever is less.
- 34 b. For a volunteer firefighter. – A monthly benefit of one thousand five
- 35 hundred dollars (\$1,500).

36 **SECTION 30.4.(e)** Limitations on disability benefit. – The following limitations
37 apply to disability benefits under this section:

- 38 (1) Disability benefits shall continue for no more than 36 consecutive months;
- 39 provided, however, disability benefits shall continue only until funds
- 40 appropriated for the pilot program are available. Upon the expenditure of all
- 41 funds appropriated for the pilot program, all disability payments under the
- 42 pilot program shall terminate and the Department shall have no other
- 43 responsibility to provide benefits under the pilot program.

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- 1 (2) Any firefighter receiving disability benefits may be required to have his or her
2 condition reevaluated to determine if that firefighter has regained the ability
3 to perform the duties of a firefighter. If that reevaluation indicates that the
4 firefighter has regained the ability to perform the duties of a firefighter, then
5 the monthly disability benefits shall cease on the last day of the month the
6 reevaluation was conducted.
- 7 (3) If there is no reevaluation performed under subdivision (2) of this subsection,
8 but the firefighter's treating physician determines that the firefighter is again
9 able to perform the duties of a firefighter, then the disability benefits shall
10 cease on the last day of the month that the physician made the determination.
- 11 (4) If a firefighter returns to work as a firefighter before exhaustion of the 36
12 months of disability benefit an eligible firefighter may receive under this
13 section, and if there is a subsequent recurrence of disability caused by cancer
14 that again precludes the firefighter from performing the duties of a firefighter,
15 then the firefighter shall be entitled to any remaining monthly disability
16 benefits, not to exceed 36 months in total, as long as funds are available under
17 the pilot program.
- 18 (5) The monthly disability benefit shall be subordinate to any other benefit paid
19 from any source to the firefighter solely for a disability related to the cancer
20 diagnosis, so long as that source is not private insurance purchased solely by
21 the firefighter. Disability benefits under this section shall be limited to the
22 difference between the benefit amount paid by the other source and the
23 amounts specified under subdivision (3) of subsection (d) of this section.

24 **SECTION 30.4.(f)** Reporting requirements. – On January 1, 2023 and July 1, 2023,
25 the Department shall submit a report to the General Assembly and to the Governor that includes
26 the following information:

- 27 (1) The number, type, and primary work location of all firefighters participating
28 in the pilot program.
- 29 (2) The number of benefit claims filed.
- 30 (3) The types of cancer for which benefit claims were filed.
- 31 (4) All benefits paid out under this section.

32 **SECTION 30.4.(g)** This section becomes effective January 1, 2022.

33 **SECTION 30.4.(h)** No later than January 1, 2022, the Department of Insurance shall
34 show proof of insurance coverage that meets the requirements of this section for all firefighters
35 included on the Certified Roster submitted to the North Carolina State Firefighters' Association.";
36 and

37
38 by adjusting the appropriate totals accordingly.

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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