

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 939
PROPOSED COMMITTEE SUBSTITUTE H939-PCS30496-BPa-25

Short Title: Access to Transcranial Magnetic Stimulation.

(Public)

Sponsors:

Referred to:

May 1, 2024

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FAIR REIMBURSEMENT OF TRANSCRANIAL MAGNETIC
3 STIMULATION SERVICES UNDER HEALTH BENEFIT PLANS OFFERED IN THIS
4 STATE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Article 3 of Chapter 58 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 58-3-254. Coverage of transcranial magnetic stimulation.**

9 (a) The following definitions apply in this section:

10 (1) Reserved for future codification purposes.

11 (2) Insurer. – As defined in G.S. 58-3-167.

12 (3) Reserved for future codification purposes.

13 (4) Transcranial magnetic stimulation. – A noninvasive healthcare treatment that
14 uses pulsed magnetic fields to induce an electric current in a localized region
15 of a patient's brain.

16 (b) Insurers offering a health benefit plan in this State that provides coverage for
17 transcranial magnetic stimulation shall provide coverage for all transcranial magnetic stimulation
18 procedures performed by a healthcare facility or properly licensed healthcare provider for whom
19 ordering, performing, and supervising the treatment of depression and other mental disorders is
20 within their scope of practice in accordance with Chapter 90 of the General Statutes and may not
21 penalize any properly licensed healthcare provider or healthcare facility that properly submits a
22 claim for services related to transcranial magnetic stimulation based on the medical specialty of
23 the healthcare provider or healthcare facility submitting the claim.

24 (c) Notwithstanding subsection (b) of this section, it shall be within the discretion of each
25 insurer offering a health benefit plan in the State that provides coverage for transcranial magnetic
26 stimulation and the North Carolina State Health Plan for Teachers and State Employees to
27 determine the following:

28 (1) Whether to cover transcranial magnetic stimulation procedures.

29 (2) Indications for which transcranial magnetic stimulation procedures shall be
30 covered.

31 (3) Requirements for coverage for transcranial magnetic stimulation procedures.

32 (4) Reimbursement rates for transcranial magnetic stimulation procedures.

33 (d) Penalties prohibited under this section include the denial of, or the reduction of, or
34 the placement of limitations on the reimbursement of a properly submitted claim, or any other
35 negative treatment of a properly submitted claim.



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1 (e) Reimbursement rates that differ based upon any of the following are allowable and
2 shall not be considered a penalty prohibited under this section:

3 (1) A healthcare provider's participation or lack of participation in the network of
4 an insurer.

5 (2) The location where the transcranial magnetic stimulation services are
6 provided.

7 (3) The level of training, certification, or education of the healthcare provider,
8 within that provider's medical specialty, that has provided the transcranial
9 magnetic stimulation services."

10 **SECTION 1.(b)** G.S. 135-48.51 is amended by adding a new subdivision to read:

11 "(8a) G.S. 58-3-254, Coverage of transcranial magnetic stimulation."

12 **SECTION 1.(c)** This section is effective October 1, 2024, and applies to insurance
13 contracts issued, renewed, or amended on or after that date.

14 **SECTION 2.** Effective July 1, 2024, there is appropriated from the General Fund to
15 the Department of State Treasurer the sum of one million dollars (\$1,000,000) in recurring funds
16 for the 2024-2025 fiscal year to ensure compliance with Section 1(b) of this act by the North
17 Carolina State Health Plan for Teachers and State Employees.

18 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
19 law.