

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 435  
Corrected Copy 3/21/97

Short Title: Phys.-Patient Communications.

(Public)

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Sponsors: Senators Forrester; and Winner.

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Referred to: Pensions & Retirement and Insurance.

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March 20, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT HEALTH BENEFIT PLANS FROM RESTRICTING  
2 COMMUNICATIONS BETWEEN A PATIENT AND THE PATIENT'S HEALTH  
3 CARE PROVIDER.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. Article 3 of Chapter 58 of the General Statutes is amended by  
7 adding the following new section to read:

8 "**§ 58-3-170.1. Provider-patient communications not restricted.**

9 (a) A health benefit plan shall not limit a participating provider's ability to discuss  
10 with an enrollee the clinical treatment options available to the enrollee, the risks  
11 associated with the treatment, or a recommended course of treatment.

12 (b) As used in this section, the term 'health benefit plan' means any accident and  
13 health insurance policy or certificate; nonprofit hospital or medical service corporation  
14 contract; health, hospital, or medical service corporation plan contract; HMO subscriber  
15 contract; and any plan provided by a multiple employer welfare arrangement (MEWA) or  
16 any plan provided by other benefit arrangements, to the extent permitted by ERISA."

17 Section 2. This act is effective when it becomes law and applies to health  
18 benefit plan contracts issued, amended, or renewed on and after that date.