

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 803

Short Title: DoI Jurisdiction Clarification.

(Public)

Sponsors: Senator Johnson.

Referred to: Insurance.

April 12, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAWS RELATING TO THE STATE'S JURISDICTION
3 OVER PROVIDERS OF HEALTH CARE BENEFITS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 58-49-1 reads as rewritten:

6 "**§ 58-49-1. Purposes.**

7 The purposes of this ~~Article-section~~ and G.S. 58-49-5 though G.S. 58-49-25 are: To
8 give the State jurisdiction over providers of health care benefits; to indicate how each
9 provider of health care benefits may show under what jurisdiction it falls; to allow for
10 examinations by the State if the provider of health care benefits is unable to show it is
11 subject to the exclusive jurisdiction of another jurisdiction; governmental agency; to
12 make such a provider of health care benefits subject to the laws of the State if it cannot
13 show that it is subject to the exclusive jurisdiction of another jurisdiction; governmental
14 agency; and to disclose the purchasers of such health care benefits whether or not the
15 plans are fully insured."

16 Sec. 2. G.S. 58-49-5 reads as rewritten:

17 "**§ 58-49-5. Authority and jurisdiction of Commissioner.**

18 Notwithstanding any other provision of law, and except as provided in this Article,
19 any person that provides coverage in this State for medical, surgical, chiropractic,
20 physical therapy, speech pathology, audiology, ~~professional~~ professional mental health,
21 dental, hospital, or optometric expenses, whether such coverage is by direct payment,
22 reimbursement, or otherwise, shall be presumed to be subject to the exclusive
23 jurisdiction of the Commissioner, unless the person shows that while providing such

1 services it is subject to the jurisdiction of another agency or subdivision of this State or
2 of the federal government."

3 Sec. 3. G.S. 58-49-10 reads as rewritten:

4 **"§ 58-49-10. How to show jurisdiction.**

5 A person may show that it is subject to the exclusive jurisdiction of another agency
6 or subdivision of this State or the federal government, by providing to the
7 Commissioner the appropriate certificate, license, or other document issued by the other
8 governmental agency that permits or qualifies it to provide those services. If no
9 documentation is issued by that other agency, the person may provide a certification by
10 an official of that agency that states that the person is under the exclusive jurisdiction of
11 that agency."

12 Sec. 4. G.S. 58-49-15 reads as rewritten:

13 **"§ 58-49-15. Examination.**

14 Any person that is unable to show under G.S. 58-49-10 that it is subject to the
15 exclusive jurisdiction of another agency or subdivision of this State or of the federal
16 government, shall submit to an examination by the Commissioner to determine the
17 organization and solvency of the person, and to determine whether or not such person
18 complies with the applicable provisions of ~~Articles 1 through 64 or 65 and 66 or 67~~ of this
19 Chapter."

20 Sec. 5. G.S. 58-49-20 reads as rewritten:

21 **"§ 58-49-20. Subject to State laws.**

22 Any person unable to show that it is subject to the exclusive jurisdiction of another
23 agency or subdivision of this State or the federal government, shall be subject to all
24 appropriate provisions of ~~Articles 1 through 64 or 65 and 66 or 67~~ of this Chapter regarding
25 the conduct of its business."

26 Sec. 6. This act is effective upon ratification.