

Report No. 11

REPORT ON
A STANDARD HOSPITALIZATION INSURANCE CLAIM FORM

North Carolina
Legislative Research Commission

Raleigh

1967

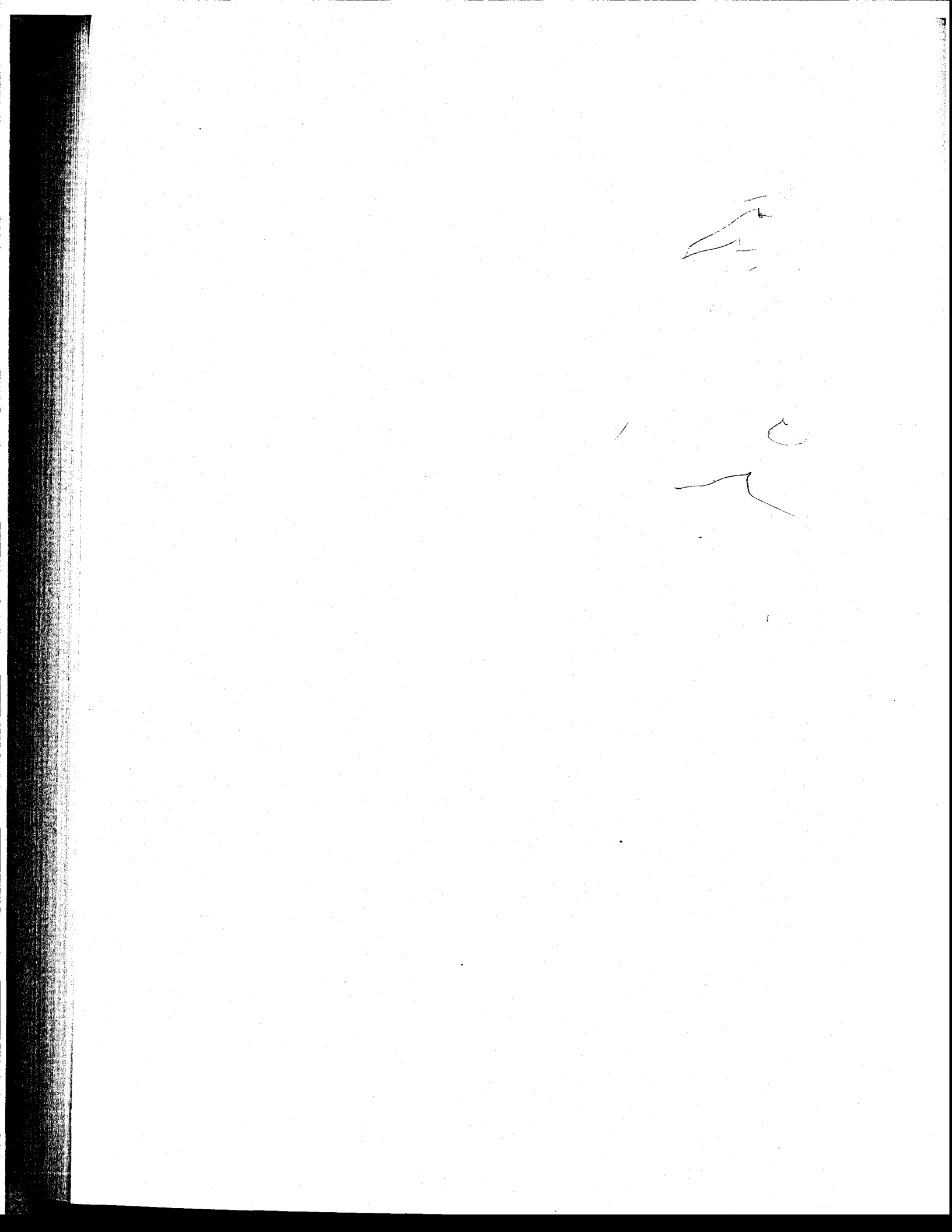
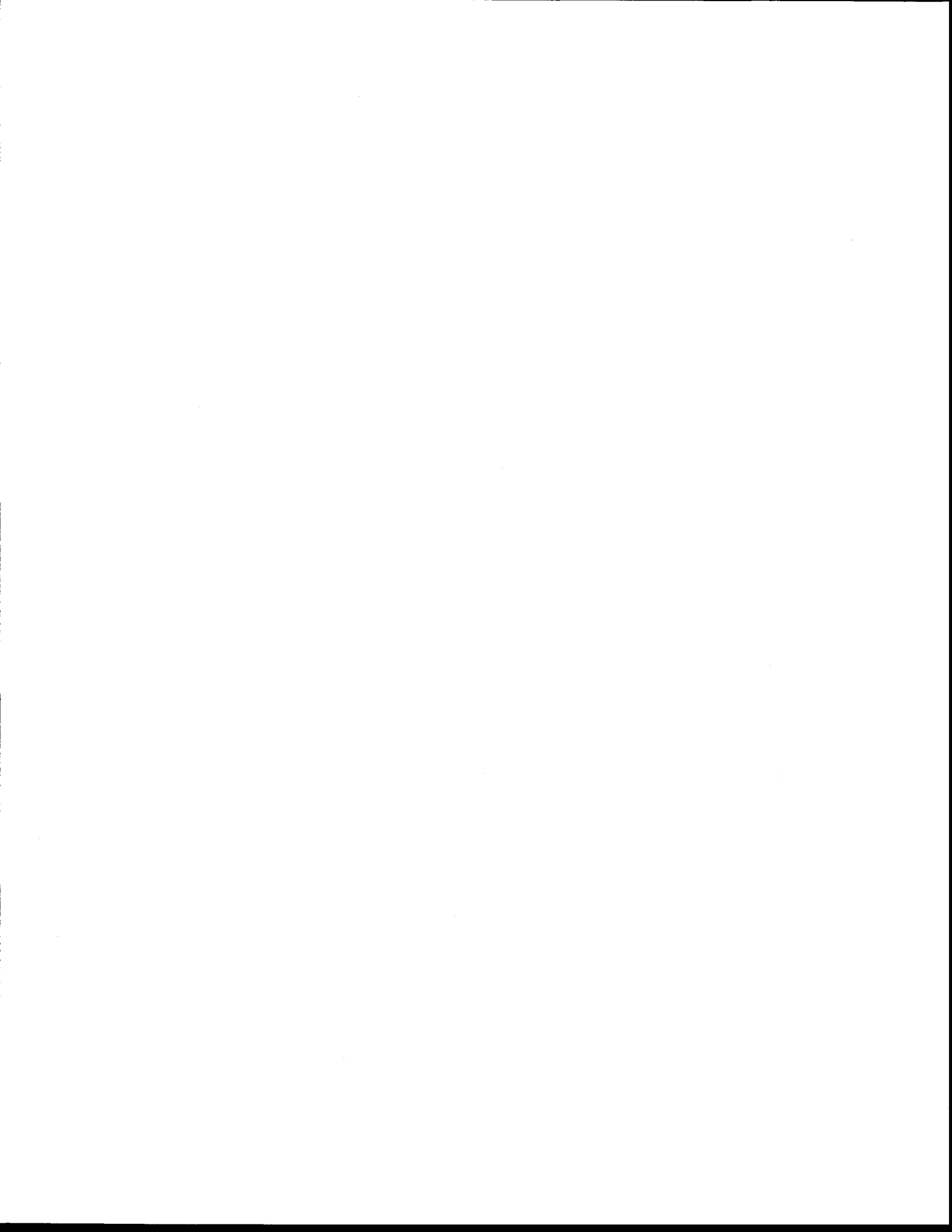
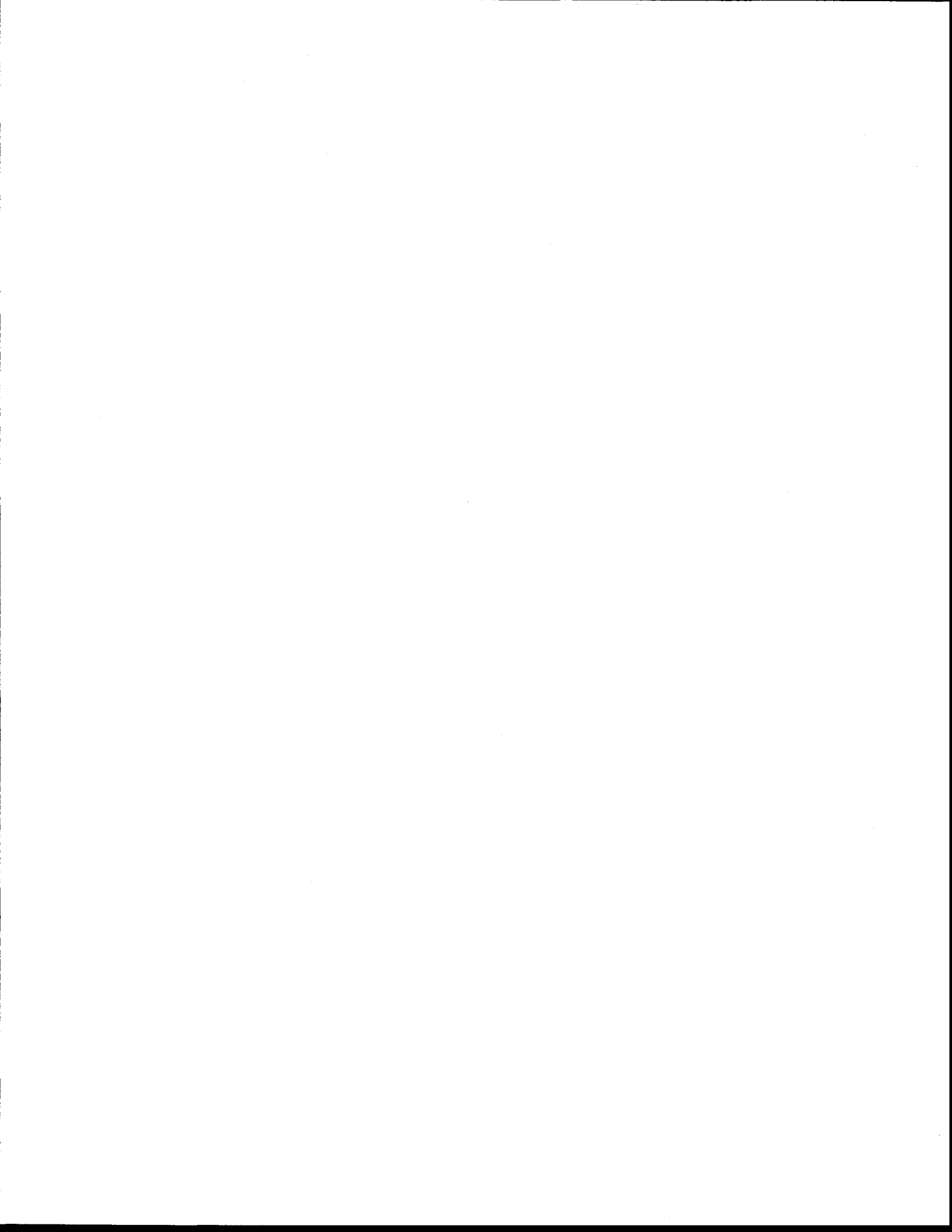


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Findings and Recommendations

An examination of claims forms now being used suggest the conclusion that the standardization of a form probably would not be effective in preventing the evils under consideration,

In lieu of preparing a suggested standard form, we would recommend for consideration by the 1967 General Assembly the enactment of an amendment of Chapter 8 of the General Statutes of North Carolina on Evidence, so as to establish an additional rule of evidence, which could be substantially as follows:

Any written statement, waiver, release, receipt or other representation of any kind by any person made while a patient in any hospital and taken by any person in connection with health, accident or hospitalization insurance, shall be presumed to have been obtained by means of fraud, duress or undue influence on the part of the person or persons taking same unless the attending physician of such patient shall certify in writing that at the time such written statement was made or at the time such written statement, waiver, release, receipt, or other representation was signed by such patient, that such patient was not in shock and was not appreciably under the influence of any drug, including drugs given primarily for sedation.

The foregoing could be designated as Article 4B of Chapter 8 of the General Statutes of North Carolina and further designated as Section 8-45.5. (See Appendix B)

We would further recommend for consideration by the 1967 General Assembly the enactment of legislation making it unlawful for any investigator, claimsman, or other such person to seek information from any person while a patient in the hospital, concerning any illness, injury, or disease other than the illness, injury or disease for which such patient is then being treated. The General Assembly might also consider enactment of legislation making it unlawful for any person, firm or corporation, or any officer, agent, or other representative of any person, firm, or corporation, to seek information from any doctor, nurse, or hospital attendant concerning any person while such person is a patient in the hospital, without the authorization of such patient in writing.

The foregoing could be accomplished by enacting legislation substantially as follows:

It shall be unlawful for any person, firm or corporation, or any officer, agent or other representative of any person, firm or corporation, to seek to obtain or to use in any manner any information obtained from any person while a patient in any hospital, concerning any illness, injury or disease other than the illness, injury or disease for which such patient is then being treated.

It shall be unlawful for any person, firm or corporation, or any officer, agent or other representative of any person, firm or corporation, to seek information from any doctor, nurse or hospital attendant concerning any person while a patient in a hospital without authorization of such patient in writing.

Provided, that the provisions of this section shall not apply to an attending physician or anyone under his direction in obtaining or using such information in connection with the care or treatment of such person while a patient.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$_____ nor more than \$_____ for the first offense and not less than \$_____ nor more than \$_____ for each subsequent offense, or imprisoned in the discretion of the Court.

The foregoing, if enacted, could amend Article 20 of Chapter 14 of the General Statutes of North Carolina by adding thereto an additional section to be designated as Section 14-118.3.

(See Appendix C)

Appendix A

HOUSE RESOLUTION

A HOUSE RESOLUTION DIRECTING THE LEGISLATIVE COUNCIL OR ITS SUCCESSOR TO STUDY THE FEASIBILITY OF ADOPTING A STANDARD FORM FOR CLAIMING REIMBURSEMENT OF HOSPITAL OR MEDICAL INSURANCE CLAIMS.

Be it resolved by the House of Representatives:

Section 1. The Legislative Council or its successor is hereby directed to study the feasibility of adopting a statewide form for claiming reimbursement, payment, or settlement of hospital or medical insurance claims by the holder of a certificate or policy of such insurance. Such study shall include, but not be limited to, the feasibility of limiting the search of health and medical records to the specific illness for which the claim is filed. The Legislative Council or its successor shall report its findings and recommendations to the 1967 General Assembly.

Sec. 2. This Resolution shall become effective upon its adoption.

[Adopted by the House of Representatives June 11, 1965.]

Appendix B

A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 8 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE AN ADDITIONAL RULE OF EVIDENCE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 8 of the General Statutes is hereby amended by adding thereto a new Article immediately following G.S. 8-45.4 to be designated as Article 4B, and to read as follows:

§8-45.5. Any written statement, waiver, release, receipt or other representation of any kind by any person made while a patient in any hospital and taken by any person in connection with health, accident or hospitalization insurance, shall be presumed to have been obtained by means of fraud, duress or undue influence on the part of the person or persons taking same unless the attending physician of such patient shall certify in writing that at the time such written statement was made or at the time such written statement, waiver, release, receipt, or other representation was signed by such patient, that such patient was not in shock and was not appreciably under the influence of any drug, including drugs given primarily for sedation.

Sec. 2. All answers made by applicants for health, accident and hospitalization insurance shall constitute representations and not warranties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

Appendix C

A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROHIBIT THE FRAUDULENT ACQUISITION AND USE OF INFORMATION OBTAINED FROM PATIENTS IN HOSPITALS.

The General Assembly of North Carolina do enact:

Section 1. Article 20 of Chapter 14 of the General Statutes is hereby amended by adding a new Section immediately following G.S. 14-118.2, to be numbered G.S. 14-118.3 and to read as follows:

It shall be unlawful for any person, firm or corporation, or any officer, agent or other representative of any person, firm or corporation to obtain or seek to obtain from any person while a patient in any hospital information concerning any illness, injury or disease of such patient other than information concerning the illness, injury or disease for which such patient is then hospitalized and being treated, or to use any information so obtained in regard to such other illness, injury or disease without specific authorization in writing by such patient or someone authorized to act in his or her behalf for such purpose; provided, that the provisions of this section shall not apply to an attending physician or anyone under his direction in obtaining or using such information in connection with the care or treatment of such person while a patient.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$_____ nor more than \$_____ for the first offense and not less than \$_____ nor more than \$_____ for each subsequent offense, or imprisoned in the discretion of the Court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

