

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 477\*  
Insurance Committee Substitute Adopted 5/14/13  
Third Edition Engrossed 5/15/13

Short Title: No Set Fee/Noncovered Vision Services.

(Public)

Sponsors:

Referred to:

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPTOMETRIST, AND TO REQUIRE OPTOMETRISTS TO PROVIDE A WRITTEN DISCLOSURE TO PATIENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 7 of Article 50 of Chapter 58 of the General Statutes is amended by adding a new section to read as follows:

**"§ 58-50-300. Health benefit plans or insurers contracting for provision of vision services or materials; no limitation on fees for noncovered services or materials.**

(a) No agreement between an insurer or an entity that writes vision insurance and an optometrist for the provision of vision services on a preferred or in-network basis to plan members or insurance subscribers in connection with coverage under a stand-alone vision plan, a medical plan, or health insurance policy may require that an optometrist provide services or materials at a fee limited or set by the plan or insurer unless the services or materials are reimbursed as covered services under the contract.

(b) For purposes of this section, "covered services" means a service for which reimbursement is available under an insurer's policy without regard to contractual limitations by a deductible, copayment, coinsurance, waiting period, annual or lifetime maximum, frequency limitation, alternative benefit payment, or other limitation. For purposes of this section, "materials" includes lenses, devices containing lenses, prisms, lens treatments and coatings, contact lenses, orthoptics, vision training, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or its adnexa.

(c) An optometrist duly licensed in this State shall disclose in writing to any patient to whom a service is given that results in the writing of a prescription for glasses, contact lenses, or other prescription vision products, the following in no smaller than ten point type: "YOU, AS A PATIENT, ARE UNDER NO OBLIGATION TO PURCHASE GLASSES, CONTACT LENSES, OR OTHER PRESCRIPTION VISION PRODUCTS FROM THIS PRESCRIBING PROVIDER, OR ANY AFFILIATE OF THE PROVIDER. YOU, AS A PATIENT, HAVE THE FREEDOM TO OBTAIN AT THE TIME OF PAYMENT FOR SERVICES RENDERED, A WRITTEN PRESCRIPTION FROM YOUR PROVIDER TO USE IN THE



1 PURCHASE OF GLASSES, CONTACT LENSES, OR OTHER PRESCRIPTION VISION  
2 PRODUCTS FROM ANY OTHER VENDOR."

3       **SECTION 2.** This act becomes effective October 1, 2013, and applies to contracts  
4 entered into, amended, or renewed on or after that date.