

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1968

Short Title: State Health Plan/ Repeal BMI Penalty. (Public)

Sponsors: Representatives Dollar, Blackwell, Folwell, Hurley (Primary Sponsors); Blackwood, Brown, Burris-Floyd, Cleveland, Current, Frye, Gillespie, Guice, Gulley, Harrison, Heagarty, Hilton, Iler, Ingle, Langdon, Lewis, McCormick, McGee, Moore, Randleman, Sager, Setzer, Stam, Steen, Stevens, and Wiley.

Referred to: Health, if favorable, Insurance, if favorable, Appropriations.

May 26, 2010

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE BODY MASS INDEX (BMI) PENALTY FROM THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2(b) of S.L. 2009-16, as amended by S.L. 2009-571, reads as rewritten:

"SECTION 2.(b) Implement ~~Comprehensive~~ Wellness Initiative.

(1) Program development. – The Plan shall develop a ~~Comprehensive~~ Wellness Initiative that includes a focus on smoking cessation and ~~weight management~~ and that is designed to be implemented effective ~~July 1, 2010, for smoking cessation and July 1, 2011, for weight management.~~ July 1, 2010. Benefit levels shall be determined by the Plan based upon tobacco use ~~or the inability of the member to meet national, evidence based healthy weight clinical guidelines.~~ use. For purposes of the ~~Comprehensive~~ Wellness Initiative, "member" includes all State Health Plan primary subscribers and their covered dependents. The Plan shall develop a process whereby a Plan member may appeal the Plan's basis for action it takes due to the member's failure or refusal to comply with the Plan's smoking cessation ~~or weight management~~ requirements.

(2) Smoking cessation. – Effective July 1, 2010, all members of the Plan who do not have Medicare as their primary coverage shall be enrolled in the Basic Plan under the Plan's PPO unless the subscriber can attest that the subscriber or any qualifying dependent does not smoke or otherwise use tobacco products. The Plan shall develop a mechanism for verifying that the member does not smoke or use other tobacco products. Tobacco use will be reassessed annually at the time of Plan enrollment. All subscribers who have attested that neither they nor their dependents use tobacco, or whose physician certifies in writing that the member is participating in a smoking cessation program, shall have the choice of remaining in the Basic Plan option or enrolling in the Standard Plan option. For purposes of the smoking cessation initiative, "member" includes all members covered under the Plan. As used in this section, "smoking cessation program" means active participation in a Plan-approved cessation program to include counseling or use of tobacco cessation medications.



1 (3) ~~Weight management. — Effective July 1, 2011, all members of the Plan who~~
2 ~~do not have Medicare as their primary coverage shall be enrolled in the~~
3 ~~Basic Plan under the Plan's PPO Plan unless the subscriber attests that the~~
4 ~~weight and height ratio of the member is within a range determined by the~~
5 ~~Plan based on evidence-based healthy weight clinical guidelines, or unless~~
6 ~~the member's physician certifies in writing that the member has a medical~~
7 ~~condition that prevents the attainment of the specified weight range or that~~
8 ~~the member is actively participating in a Plan-approved weight management~~
9 ~~program. In either case, the member shall have the option to enroll in the~~
10 ~~Basic or Standard Plan.~~

11 Not later than October 1, 2009, the Executive Administrator shall inform Plan
12 members of the healthy lifestyle initiatives, requirements for compliance, and consequences of
13 noncompliance. The Executive Administrator shall provide to members education and training
14 to assist members in complying with healthy lifestyle initiatives. The Executive Administrator
15 may implement incentive initiatives to further encourage member achievement in smoking
16 cessation, weight management, and other integrated health management programs.

17 The Executive Administrator shall report to the Committee on Employee Hospital
18 and Medical Benefits recommendations the Plan may have for additional sanctions that may be
19 imposed when the Executive Administrator finds that a member intentionally makes a false
20 statement on a Plan document. The five-year cessation of coverage requirement of
21 G.S. 135-45.2(j) does not apply to the smoking cessation ~~and weight management provisions~~
22 provision of this subsection."

23 **SECTION 2.** This act is effective when it becomes law.