

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1031

Short Title: Limit Necessities Doctrine/Health Care Debt. (Public)

Sponsors: Senator Dorsett.

Referred to: Judiciary II.

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT RECOVERY OF HEALTH CARE DEBTS UNDER THE COMMON
3 LAW DOCTRINE OF NECESSARIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 16 of Chapter 131E of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 131E-271. Limitation on recovery against primary residence under the common law**
8 **doctrine of necessities.**

9 A health care provider seeking to recover under the common law doctrine of necessities for
10 services provided to a person's deceased spouse but for which the provider has not been
11 compensated under an insurance policy or from some other collateral source shall be limited in
12 its recovery to an amount not exceeding the amount that would have been reimbursable if the
13 services had been provided to the spouse under the State's Medical Assistance Program or the
14 federal Medicare program, whichever is greater. The limitation under this section shall only
15 apply to services that are reimbursable under the State's Medical Assistance Program or the
16 federal Medicare program, or both. The defendant shall bear the burden of proving the amount
17 that would have been reimbursable if the services at issue had been provided to the spouse
18 under the State's Medical Assistance Program or the federal Medicare program."

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



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