

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 885

Short Title: Pharmacists Reimbursement/Test/Treat. (Public)

Sponsors: Senator Burgin (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 27, 2022

A BILL TO BE ENTITLED

AN ACT TO ALLOW PHARMACISTS TO TEST AND TREAT FOR CERTAIN ILLNESSES WITH CERTAIN MEDICATIONS APPROVED BY THE BOARD OF PHARMACY, TO PROVIDE FOR FAIR AND EQUITABLE REIMBURSEMENT OF HEALTH CARE SERVICES OR PROCEDURES THAT ARE PERFORMED BY A PHARMACIST WITHIN THAT PHARMACIST'S SCOPE OF PRACTICE AND THAT ARE EQUIVALENT TO SERVICES PERFORMED BY OTHER HEALTH CARE PROFESSIONALS, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF INSURANCE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 90-85.3 reads as rewritten:

"§ 90-85.3. Definitions.

...

(b2) "CLIA-waived test" means a laboratory test approved by the Food and Drug Administration and determined by the Centers for Medicare and Medicaid Services to qualify for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988 and safe for use in non-laboratory settings.

(b3) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the guidelines and criteria for such title established by the joint subcommittee of the North Carolina Medical Board and the North Carolina Board of Pharmacy and is authorized to enter into drug therapy management agreements with physicians in accordance with the provisions of G.S. 90-18.4.

...."

SECTION 1.(b) G.S. 90-85.3A reads as rewritten:

"§ 90-85.3A. Practice of pharmacy.

...

(e) A pharmacist may order and perform a CLIA-waived test to do any of the following:

(1) Assist with clinical decision making related to the use and monitoring of medications.

(2) Treat influenza, pharyngitis caused by streptococcus, and other health conditions screened by utilizing a CLIA-waived test, in accordance with rules and protocols adopted by the Board of Pharmacy in consultation with the State Health Director. A pharmacist shall not treat a health condition under this section with any controlled substance classified in Schedules I-IV."

SECTION 1.(c) This section becomes effective October 1, 2022.



1 **SECTION 2.(a)** Part 7 of Article 50 of Chapter 58 of the General Statutes is amended
2 by adding a new section to read:

3 **"§ 58-50-296. Reimbursement and coverage of services provided by pharmacists.**

4 (a) For the purposes of this section, the following definitions apply:

5 (1) Health care services. – A health or medical procedure or service rendered by
6 a health care provider who does one of the following:

7 a. Provides testing, diagnosis, or treatment of a health condition, illness,
8 injury, or disease, including when the testing, diagnosis, or treatment
9 is rendered by a pharmacist acting within the pharmacist's scope of
10 practice.

11 b. Dispenses drugs, medical devices, medical appliances, or medical
12 goods for the treatment of a health condition, illness, injury, or disease.

13 c. Administers a vaccine or medication.

14 (2) Pharmacist. – An individual licensed to practice pharmacy under Article 4A
15 of Chapter 90 of the General Statutes.

16 (b) Health benefit plans offered by insurers in this State shall reimburse a pharmacist at
17 the same rate that other advanced practice or mid-level health care providers, such as nurse
18 practitioners or physician assistants, are reimbursed when providing the same or equivalent
19 health care services or procedures as long as all of the following are met:

20 (1) The service or procedure was performed within the pharmacist's licensed
21 lawful scope of practice.

22 (2) The health benefit plan would have provided reimbursement if the service or
23 procedure had been performed by another health care provider.

24 (3) The pharmacist provided the service or procedure in compliance with any
25 requirements of the insurer related to the service or procedure.

26 (c) Insurers offering a health benefit plan in this State that delegate credentialing
27 agreements to contracted health care facilities shall accept credentialing for pharmacists
28 employed or contracted with those facilities.

29 (d) Insurers offering a health benefit plan in this State shall reimburse a contracted health
30 care facility or a contracted pharmacist directly for covered services performed by a pharmacist
31 within that pharmacist's lawful scope of practice whether or not the pharmacist is a participating
32 provider in the insurer's provider network.

33 (e) The participation of a pharmacy in a drug benefit provider network of an insurer
34 offering a health benefit plan in this State shall not satisfy any requirement that insurers offering
35 health benefit plans include pharmacists in medical benefit provider networks.

36 (f) This section shall also apply to the following:

37 (1) Agents of an insurer offering a health benefit plan in this State.

38 (2) Third-party administrators, as defined under G.S. 58-56-2."

39 **SECTION 2.(b)** There is appropriated from the General Fund to the Department of
40 Insurance the sum of one hundred thousand dollars (\$100,000) in nonrecurring funds for the
41 2022-2023 fiscal year to be used by the Department to prepare for implementation of this act.

42 **SECTION 2.(c)** Subsection (a) of this section becomes effective October 1, 2022,
43 and applies to contracts entered into, renewed, or amended on or after that date. The remainder
44 of this section becomes effective July 1, 2022.

45 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
46 law.