



MIKE CAUSEY
INSURANCE COMMISSIONER

BULLETIN

COUNTIES AMENDED
Number 24-B-15
ADVISORY

To: All Insurance Companies and other Entities Licensed under Chapter 58 Of the North Carolina General Statutes offering Health Benefit Plans

From: Mike Causey, Commissioner of Insurance

Date: October 2, 2024, Amended November 14, 2024

Subject: Relief for Insureds Affected by Tropical Storm Helene

This advisory is for all insurance companies and other entities licensed under Chapter 58 of the North Carolina General Statutes offering health benefit plans to North Carolina residents.

On September 28, 2024, President Biden approved a major disaster declaration for North Carolina. The Federal Emergency Management Agency (FEMA) issued North Carolina Tropical Storm Helene Disaster Declaration (DR-4827-NC) for the following counties:

Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, Yancey and the Eastern Band of the Cherokee Indians of North Carolina.

FEMA subsequently updated its disaster declaration to add the following counties:

Cabarrus, Cherokee, Forsyth, Graham, Iredell, Lee, Mecklenburg, Nash, Rowan, Stanley, Surry, Swain, Union and Yadkin.

Tropical Storm Helene has had a dramatic impact on the western part of our State. To help those affected by the storm, which includes both insureds and health care providers, I am encouraging insurers and other licensed entities that offer health benefit plans to North Carolina residents to take the following immediate measures for insureds in the counties covered by the major disaster declaration:

- **Grievances and appeals deadlines:** The Department requests that insurers temporarily extend grievance or appeal deadlines that require an insured to take action within a certain period of time. Beginning on September 29, 2024, through October 31, 2024, the Department is requesting

the temporary extension of grievance or appeal deadlines applicable to insureds that occur during this time period for at least 30 days from the date they would have expired.

- **Network Adequacy and Access to Out-of-Network Services:** The Department requests that insurers offering managed care health plans contact their in-network providers to see if they are still able to offer services and to determine if there remains an adequate network of providers to provide necessary covered services. Insurers are reminded that pursuant to G.S. § 58-3-200(d), no insurer shall penalize an insured or subject an insured out-of-network benefit levels unless contracting health care providers able to meet health needs of the insured are reasonably available to the insured without unreasonable delay.
- **Access to Prescription Drugs:** In the event there is a shortage of a formulary drug or dispensary, insurers are encouraged to make expedited formulary exceptions. Similarly, if an insured cannot obtain a prescription through normal means, like due to a pharmacy closure or the interruption of mail delivery, an insurer should make exceptions to allow its insureds to receive their prescriptions from a different provider.

To allow the Department to respond to consumer inquiries, the Department further requests that all insurers offering health benefit plans in North Carolina communicate to the Department any actions they are taking to help insureds in the affected counties.

This advisory does not apply to entities licensed as prepaid health plans under Article 93 of Chapter 58 of the North Carolina General Statutes. Prepaid health plans should follow any guidance issued by the North Carolina Department of Health and Human Services.

This advisory is in addition to Bulletins 24-B-12 “Extra RX During State of Emergency” and 24-B-13 “Tropical Storm Helene – North Carolina Operations”

Please refer any questions regarding Life & Health to Ted Hamby at Ted.Hamby@ncdoi.gov

Please refer any questions regarding appeals, grievances, or external review to Bianca Cogdell at Bianca.Cogdell@ncdoi.gov