



MIKE CAUSEY
INSURANCE COMMISSIONER

BULLETIN

COUNTIES AMENDED
Number 24-B-16
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 9, 2024, Amended November 14, 2024

Subject: Additional 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 resident and supplements the advisory 24-B-15.

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.

The Department is continuing to hear of problems in the affected counties caused by the damage to homes, businesses, and infrastructure from Tropical Storm Helene. As part of its continuing effort to help those affected by the storm, the Department is encouraging insurers and other licensed entities that offer health benefit plans to North Carolina residents to take the following additional immediate measures for insureds and providers in the counties covered by the major disaster declaration:

- **Deferral of Time Limits:** The Commissioner’s activation of deferral period in G.S. § 58-2-46(a)(2) applies to more than just the deferral of premiums:

This deferral period shall also serve to defer any time limits imposed on an insurer, insured, claimant, or customer to perform any act during the time period covered by the proclamation or declaration as may be required by any statute, rule, or other policy or contract provision and does not require a request to defer. Included in the deferral of time limits is the transmittal of information and communications, with respect to insurance policies or contracts, premium finance agreements, or debt instruments when the insurer, insured, claimant, or customer resides or is located in the designated area in the proclamation or declaration. Likewise, the deferral period shall apply to any time limitations imposed on insurers under the terms of a policy or contract or provisions of law related to individuals who reside within the designated area in the proclamation or declaration.

G.S. § 58-2-46(a)(2) (2024). Insurers shall make sure that any time limitations covered under the deferral period for things like prior authorizations for medications are deferred in accordance with the Commissioner’s order activating the provisions of G.S. § 58 2 46 for the affected counties.

- **Medicare Supplement Open Enrollment Period:** Because some Medicare beneficiaries in the affected area may be currently unable to enroll in a Medicare Supplement plan before the end of their six-month open enrollment period, the Department encourages insurers who offer Medicare Supplement policies allow additional time for Medicare beneficiaries to enroll in a Medicare Supplement plan after having enrolled in Medicare Part B without medical underwriting. For any Medicare beneficiary whose Medicare Supplement open enrollment period would end on or after September 29, 2024, through October 31, 2024, the Department is requesting the temporary extension of the open enrollment period for at least 30 days from the date it would have expired.
- **Pharmacy Audits:** The Department has heard of at least one pharmacy in the affected area that is still receiving pharmacy audits from a pharmacy benefit manager. Providers, like pharmacies, should be able to focus on helping insureds or recovering. The Department requests that insurers direct any contracted pharmacy benefit manager, third-party administrator, or any entity contracted to conduct pharmacy audits to immediately suspend pharmacy audits for at least 30 days.

To allow the Department to respond to consumer inquiries, the Department continues to request that all insurers offering health benefit plans in North Carolina continue 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,” and Advisory 24-B-15 “Relief for Insureds Affected by Tropical Storm Helene.”

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