

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 939
Committee Substitute Favorable 6/11/24

Short Title: Access to Transcranial Magnetic Stimulation.

(Public)

Sponsors:

Referred to:

May 1, 2024

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FAIR REIMBURSEMENT OF TRANSCRANIAL MAGNETIC
STIMULATION SERVICES UNDER HEALTH BENEFIT PLANS OFFERED IN THIS
STATE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 3 of Chapter 58 of the General Statutes is amended by adding
a new section to read:

"§ 58-3-254. Coverage of transcranial magnetic stimulation.

(a) The following definitions apply in this section:

(1) Reserved for future codification purposes.

(2) Insurer. – As defined in G.S. 58-3-167.

(3) Reserved for future codification purposes.

(4) Transcranial magnetic stimulation. – A noninvasive healthcare treatment that
uses pulsed magnetic fields to induce an electric current in a localized region
of a patient's brain.

(b) Insurers offering a health benefit plan in this State that provides coverage for
transcranial magnetic stimulation shall provide coverage for all transcranial magnetic stimulation
procedures performed by a healthcare facility or properly licensed healthcare provider for whom
ordering, performing, and supervising the treatment of depression and other mental disorders is
within their scope of practice in accordance with Chapter 90 of the General Statutes and may not
penalize any properly licensed healthcare provider or healthcare facility that properly submits a
claim for services related to transcranial magnetic stimulation based on the medical specialty of
the healthcare provider or healthcare facility submitting the claim.

(c) Notwithstanding subsection (b) of this section, it shall be within the discretion of each
insurer offering a health benefit plan in the State that provides coverage for transcranial magnetic
stimulation and the North Carolina State Health Plan for Teachers and State Employees to
determine the following:

(1) Whether to cover transcranial magnetic stimulation procedures.

(2) Indications for which transcranial magnetic stimulation procedures shall be
covered.

(3) Requirements for coverage for transcranial magnetic stimulation procedures.

(4) Reimbursement rates for transcranial magnetic stimulation procedures.

(d) Penalties prohibited under this section include the denial of, or the reduction of, or
the placement of limitations on the reimbursement of a properly submitted claim, or any other
negative treatment of a properly submitted claim.



(e) Reimbursement rates that differ based upon any of the following are allowable and shall not be considered a penalty prohibited under this section:

(1) A healthcare provider's participation or lack of participation in the network of an insurer.

(2) The location where the transcranial magnetic stimulation services are provided.

(3) The level of training, certification, or education of the healthcare provider, within that provider's medical specialty, that has provided the transcranial magnetic stimulation services."

SECTION 1.(b) G.S. 135-48.51 is amended by adding a new subdivision to read:

"(8a) G.S. 58-3-254, Coverage of transcranial magnetic stimulation."

SECTION 1.(c) This section is effective October 1, 2024, and applies to insurance contracts issued, renewed, or amended on or after that date.

SECTION 2. Effective July 1, 2024, there is appropriated from the General Fund to the Department of State Treasurer the sum of one million dollars (\$1,000,000) in recurring funds for the 2024-2025 fiscal year to ensure compliance with Section 1(b) of this act by the North Carolina State Health Plan for Teachers and State Employees.

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