

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**SENATE BILL 730
Health Care Committee Substitute Adopted 6/11/20
Appropriations/Base Budget Committee Substitute Adopted 6/17/20
Fourth Edition Engrossed 6/19/20
House Committee Substitute Favorable 6/24/20
Sixth Edition Engrossed 6/25/20**

Short Title: The No Patient Left Alone/Collaboratory Funds.

(Public)

Sponsors:

Referred to:

May 14, 2020

A BILL TO BE ENTITLED

1
2 AN ACT PROVIDING PATIENT VISITATION RIGHTS AND APPROPRIATING FUNDS
3 TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF
4 HEALTH SERVICE REGULATION, TO DEVELOP AND DISSEMINATE TO
5 HOSPITALS FREE INFORMATIONAL MATERIALS EXPLAINING THESE RIGHTS,
6 AND TO APPROPRIATE FUNDS FROM THE CORONAVIRUS RELIEF FUND FOR
7 THE NORTH CAROLINA POLICY COLLABORATORY TO CARRY OUT A
8 STATEWIDE TESTING, TRACKING, AND TRACING INITIATIVE FOR COVID-19
9 RESEARCH AND BUSINESS REOPENING PURPOSES AND TO PROVIDE GRANTS
10 FOR BUSINESSES THAT CLOSED AS A RESULT OF THE COVID-19 PANDEMIC.

11 Whereas, the COVID-19 pandemic has caused great uncertainty and anxiety across
12 our State and has significantly affected the medical community, including hospitals; and

13 Whereas, hospitals have made many efforts to keep patients and employees in a safe
14 environment and have endeavored to minimize, to the extent possible, the risk of spread of the
15 coronavirus disease; and

16 Whereas, as a result of COVID-19 prevention measures, many unintended
17 consequences have occurred to hospital patients who were not diagnosed with COVID-19; and

18 Whereas, the General Assembly has become aware of numerous patients across our
19 State who were not diagnosed with COVID-19, but as a result of hospital visitation policies have
20 been prohibited from having any visitors, including a spouse, parent, close family member,
21 guardian, health care agent, or caregiver; and

22 Whereas, as a result, many patients not diagnosed with COVID-19 have been forced
23 to be alone during their treatment for serious conditions, traumas, illnesses, heart attacks, and
24 routine and emergency surgeries; and

25 Whereas, some of these patients have been forced to be alone for the entire course of
26 their treatment and in some cases have died alone; and

27 Whereas, many families have been unable to be physically present with their loved
28 ones while in the hospital setting and have been limited to electronic video communications, if
29 any, with the patient; and

30 Whereas, the patients who have been affected in the above-described manner have
31 included adults, minors, and individuals with intellectual or developmental disabilities; and



1 Whereas, the General Assembly finds that it is in the interest of the State and its
2 residents that hospital patients be allowed at least one immediate family member, designated
3 health care agent, guardian, or person standing in loco parentis physically present at reasonable
4 times throughout the hospitalization; Now, therefore,
5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** This act shall be known as "The No Patient Left Alone Act."

7 **SECTION 2.** Article 5 of Chapter 131E of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 131E-79.3. Visitation rights of hospital patients.**

10 (a) A hospital shall allow a support person of the patient's choice to be present during the
11 patient's stay, unless the individual's presence infringes on others' rights or safety or is medically
12 or therapeutically contraindicated. The individual support person may or may not be the patient's
13 surrogate decision-maker or legally authorized representative.

14 (b) A hospital must have written policies and procedures regarding the visitation rights
15 of patients, including those setting forth any clinically necessary or reasonable restriction or
16 limitation that the hospital may need to place on such rights and the reasons for the clinical
17 restriction or limitation. A hospital must inform each patient, or support person where
18 appropriate, of his or her visitation rights, including any clinical restriction or limitation on such
19 rights, and shall ensure that all visitors enjoy full and equal visitation privileges consistent with
20 patient preferences."

21 **SECTION 3.** The Department of Health and Human Services, Division of Health
22 Service Regulation, shall develop and disseminate to hospitals licensed under Article 5 of
23 Chapter 131E of the General Statutes free informational materials explaining the rights specified
24 in G.S. 131E-79.3, as enacted by Section 2 of this act.

25 **SECTION 4.** There is appropriated from the General Fund to the Department of
26 Health and Human Services, Division of Health Service Regulation, the sum of five thousand
27 dollars (\$5,000) in nonrecurring funds for the 2020-2021 fiscal year, to develop and disseminate
28 to hospitals licensed under Article 5 of Chapter 131E of the General Statutes free informational
29 materials about the patient rights specified in G.S. 131E-79.3, as enacted by Section 2 of this act.

30 **SECTION 4.1.(a)** The provisions of the State Budget Act, Chapter 143C of the
31 General Statutes, are reenacted and shall remain in full force and effect and are incorporated in
32 this act by reference.

33 **SECTION 4.1.(b)** Except where expressly repealed or amended by this act, the
34 provisions of any other legislation enacted during the 2019 Regular Session of the General
35 Assembly expressly appropriating funds to an agency, a department, or an institution covered
36 under this act shall remain in effect.

37 **SECTION 5.** Transfer of Funds from Reserves to Relief Fund. – The State Controller
38 shall transfer ten million dollars (\$10,000,000) for the 2020-2021 fiscal year from the
39 Coronavirus Relief Reserve established in Section 2.1 of S.L. 2020-4 to the Coronavirus Relief
40 Fund established in Section 2.2 of S.L. 2020-4.

41 **SECTION 6.** Appropriation of Funds from Relief Fund. – There is appropriated from
42 the Coronavirus Relief Fund to the Office of State Budget and Management the sum of ten
43 million dollars (\$10,000,000) in nonrecurring funds for the 2020-2021 fiscal year to be allocated
44 to the University of North Carolina at Chapel Hill for the North Carolina Policy Collaboratory
45 (Collaboratory) at the University of North Carolina at Chapel Hill to carry out a statewide testing,
46 tracking, and tracing initiative for the coronavirus disease 2019 (COVID-19) to provide the
47 necessary data for businesses across North Carolina to safely reopen and remain open in a manner
48 that facilitates economic activity while, at the same time, protecting the public health of the
49 employees and customers of businesses in the State.

50 **SECTION 7.** Use of Funds. – The funds shall be used for (i) creating an
51 Internet-based portal for businesses based in North Carolina with an interest in utilizing testing,

1 tracking, and tracing initiatives to sign up as candidates for participation in the program, (ii)
2 selecting a geographically balanced representation of businesses based on the economic tier of
3 the county in which they operate and the State's economic opportunity zones, (iii) selecting a
4 diverse sampling of businesses based on their sector, including agriculture, manufacturing,
5 restaurants, lodging, retail, and entertainment, (iv) selecting technologies to be deployed in
6 businesses to carry out an effective testing, tracking, and tracing program, (v) collecting,
7 synthesizing, analyzing, visualizing, and reporting data to show the efficacy of public health best
8 practices in conjunction with businesses remaining open, and (vi) any other research or activity
9 related to monitoring, assessing, or addressing the public health and economic impacts of
10 COVID-19.

11 **SECTION 8.** Reporting Requirements. – The Collaboratory shall report on the
12 progress of the use of the appropriated funds received pursuant to this act to the Joint Legislative
13 Oversight Committee on Health and Human Services by no later than September 1, 2020.

14 **SECTION 9.** Exemptions. – The provisions of Article 3 of Chapter 143 of the
15 General Statutes, G.S. 143-129, and G.S. 116-31.10 shall not apply to the purchase of apparatus,
16 supplies, material, or equipment with any of the funds appropriated under this act.

17 **SECTION 10.** Limitations. – Of the funds appropriated from the Coronavirus Relief
18 Fund by this act, funds shall only be used for necessary eligible expenditures incurred during the
19 period that begins on March 1, 2020, and ends on December 30, 2020. The funds appropriated
20 by this act shall not revert at the end of the 2019-2020 fiscal year but shall remain available to
21 expend until December 30, 2020. If the Coronavirus Aid, Relief, and Economic Security
22 (CARES) Act, P.L. 116-136, is amended to allow the use of federal funds beyond December 30,
23 2020, the funds appropriated by this act shall not revert until the later date authorized by that act
24 or until June 30, 2022, whichever occurs first.

25 **SECTION 10.6.(a)** Transfer; Appropriation. – The State Controller shall transfer the
26 sum of one hundred million dollars (\$100,000,000) for the 2020-2021 fiscal year from the
27 Reserve established in Section 2.1 of S.L. 2020-4 to the Fund established in Section 2.2 of S.L.
28 2020-4, and there is appropriated from that Fund to OSBM the sum of one hundred million
29 dollars (\$100,000,000) to be allocated to the Department of Commerce and used as provided in
30 this section.

31 **SECTION 10.6.(b)** Purpose. – The purpose of this section is to use funds from the
32 Coronavirus Relief Fund to help businesses in North Carolina that closed during the COVID-19
33 pandemic by providing grants awarded by the Economic Investment Committee for costs of
34 COVID-19 related preventative measures to protect staff and patrons upon re-opening.

35 **SECTION 10.6.(c)** Safe Business Program. – There is created the COVID-19 Safe
36 Business Program to be administered by the Economic Investment Committee. The Committee
37 may provide a one-time grant to each qualifying business. The Committee shall prioritize grants
38 to qualifying businesses that (i) did not participate in the Paycheck Protection Program, the Main
39 Street Lending Program, or the Rapid Recovery Loan Program and have not applied for the Job
40 Retention Grant program created in Section 4.2B of S.L. 2020-4, as enacted by this act and (ii)
41 employed no more than 100 full-time employees, or full-time equivalent employees, for the pay
42 period ending on or about February 28, 2020.

43 **SECTION 10.6.(d)** Grant Program Application; Limitations. – A qualifying
44 business must apply to the Economic Investment Committee for a grant on a form prescribed by
45 the Committee and must include any supporting documentation required by the Committee. The
46 application must be filed with the Committee on or before September 1, 2020. The Committee
47 may not accept late applications. The grant amount to a qualifying business may not exceed fifty
48 thousand dollars (\$50,000), and the total of all funds granted under this Program may not exceed
49 one hundred million dollars (\$100,000,000). The Committee's grant determinations based on
50 applications timely filed are final.

51 **SECTION 10.6.(e)** Definitions. – The following definitions apply in this section:

- 1 (1) CARES Act. – The federal Coronavirus Aid, Relief, and Economic Security
2 Act, P.L. 116-136.
3 (2) COVID-19 period. – The period beginning on March 1, 2020, and ending on
4 August 31, 2020.
5 (3) Economic Investment Committee. – Defined in G.S. 143B-437.51.
6 (4) Full-time employee. – Defined in G.S. 143B-437.51.
7 (5) Main Street Lending Program. – Defined in section 4027 of the CARES Act.
8 (6) Paycheck Protection Program. – Defined in sections 1102 and 1106 of the
9 CARES Act.
10 (7) Qualifying business. – An entity subject to income tax under Article 4 of
11 Chapter 105 of the General Statutes that ceased business operations as a result
12 of the COVID-19 pandemic during the COVID-19 period.
13 (8) Rapid Recovery Loan Program. – Loans provided under Section 4.2 of S.L.
14 2020-4.

15 **SECTION 11.** Section 4 of this act becomes effective July 1, 2020. The remainder
16 of this act is effective when it becomes law.