



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 168: Department of Health & Human Svcs Revisions.

2019-2020 General Assembly

Committee:	House Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 23, 2020
Introduced by:	Sens. McKissick, Hise	Prepared by:	Theresa Matula
Analysis of:	PCS to Fourth Edition S168-CSSH-42		Legislative Analyst

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 168 makes technical, conforming, and other changes to laws pertaining to the: i) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and the ii) Division of Public Health, within the Department of Health and Human Services.*

BILL ANALYSIS:

PART I: Technical, Conforming and other changes related to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

Section 1.1 amends the definition of "developmental disability" in the mental health statutes to define it as a severe, chronic disability of a person that among other requirements, "is attributable to a mental or physical impairment or combination of mental and physical impairments." The Department of Health and Human Services (DHHS) reports this change is necessary to conform to federal law.

Section 1.2 amends the statute outlining the powers and duties of the Secretary of DHHS for the provision of mental health services to include the duty to adopt a co-payment schedule for behavioral health services, intellectual and developmental disabilities services, and substance use disorder services based on the Medicaid co-payments for such services. This change conforms to S.L. 2011-145, Section 10.11(c) which required, effective January 1, 2012, the Division of Mental Health, Developmental Disabilities and Substance Abuse Services to implement a copayment for all mental health, developmental disabilities, and substance abuse services based upon the Medicaid co-payment rates."

Section 1.3 amends the licensure of mental health facilities statute to provide that decisions by the Secretary to waive certain rules may be appealed by filing a contested case under Article 3 of Chapter 150B of the General Statutes. The DHHS reports this change is requested to comply with G.S. 150B-34(a) providing an administrative law judge to make a final decision.

Section 1.4 makes a terminology change to conform with Section 1.4 of S.L. 2019-240, which enacted the Licensed Professional Counselors Act and changed the term "licensed professional counselor" to "licensed clinical mental health counselor."

Section 1.5 amends S.L. 2020-3, Section 3F.1(b), which expanded the use of telehealth to conduct first and second involuntary commitment examinations during the COVID-19 emergency. The language in Section 1.5 adds a reference to G.S. 122C-263(a) regarding the use of telehealth. G.S. 122C-263(a) currently already allows the use of telemedicine when a commitment examiner is not available. This

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change conforms to the intent of S.L. 2020-3, Section 3F.1 and would become effective when it becomes law and expire 30 days after Executive Order 116 is rescinded.

Section 1.6 allows the Secretary of DHHS to convene a work group to make recommendations to update the purpose, composition, powers, and duties of the Brain Injury Advisory Council created by G.S. 143B-216.65. The Department will report the work group's findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services by March 1, 2021. This section would become effective when it becomes law.

PART II: Technical, Conforming and other changes related to the Division of Public Health

Section 2.1 makes a technical correction in the statute pertaining to the regulation of food and lodging establishments to reference subsection (a) since that is the subsection that requires the Commission to adopt rules.

Section 2.2 amends Article 8 of Chapter 130A which provides for the regulation of public swimming pools in the State because they may affect the public health and safety. The change provides that the term "public swimming pool" includes "spas operating for display at temporary events."

Section 2.3 amends the statute pertaining to county medical examiners to allow the Chief Medical Examiner to appoint retired physicians, medicolegal death investigators, pathologists' assistants, and dentists, as county medical examiners.

Section 2.4 amends the county medical examiners statute to provide that during a state of emergency declared by the Governor, or by resolution of the General Assembly, or by the governing body of a county or municipality, the Chief Medical Examiner is authorized to appoint temporary medical examiners to serve for the duration of the declared state of emergency. Under this section a "temporary county medical examiner" means an individual who has been determined by the Chief Medical Examiner to have the appropriate training, education, and experience to serve as a county medical examiner during a declared state of emergency.

Section 2.5 adds a new statute pertaining to the confidentiality of death investigation information and records to provide that all information and records provided by a public entity to the Office of the Chief Medical Examiner concerning a death investigation will retain the same degree of confidentiality it had while in the possession of the public entity and will not become a public record unless the information was a public record while in possession of public entity.

EFFECTIVE DATE: Unless otherwise provided this bill will become effective October 1, 2020.