



HOUSE BILL 190: Dept. of Health and Human Services Revisions.

2023-2024 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: May 31, 2023
Introduced by: Rep. Potts	Prepared by: Theresa Matula
Analysis of: Fourth Edition	Legislative Analyst

OVERVIEW: *House Bill 190 would make the following changes:*

- *Implement the Emergency Solutions Grant Program.*
- *Equalize State-County Special Assistance regardless of residence.*
- *Amend contract language pertaining to nonprofit grantees receiving government funds.*
- *Make conforming name changes for the new Division of Child and Family Well-Being.*
- *Clarify duties of the Medical Care Commission.*
- *Make managed care related changes for LME/MCO populations.*
- *Change "Substance Abuse" to "Substance Use" in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services Division.*
- *Allow the newborn screening equipment fund to be used to maintain and support equipment.*
- *Expand the professionals who can serve as county medical examiners.*
- *Lengthen the duration of the County Plan for Work First/Temporary Assistance for Needy Families (TANF).*
- *Remove a requirement for the child abuse and neglect document required for public school students.*
- *Amend definitions in the child support statutes and strengthen enforcement.*
- *Recognize child welfare training completed in another state.*
- *Clarify maximum daily rate setting for adult day care services.*
- *Rename the "Division of Vocational Rehabilitation Services" to the "Division of Employment and Independence for People with Disabilities".*
- *Amend the education and experience requirements for registered environmental health specialists.*
- *Authorize opioid treatment program medication units and mobile units.*
- *Add Gabapentin to the Controlled Substance Reporting System.*
- *Require electronic prescribing of codeine cough syrup.*
- *Add over-the-counter opioid antagonists to the treatment and immunity statutes.*

BILL ANALYSIS:

Part I. Laws Pertaining to the Division of Aging and Adult Services. Makes the changes outlined below.

- **Section 1.1** authorizes the Secretary of Health and Human Services to adopt rules, and the Department of Health and Human Services to enforce rules, for the Emergency Solutions Grant Program (G.S. 143B-139.1A). The Department reports this would transfer rule-making authority that was previously under the Department of Commerce.

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- **Section 1.2 and 1.3** amend statutory language (G.S. 108A-41 and G.S. 108A-47) to remove a property tax threshold for eligibility determination and to clarify that in-home State-County Special Assistance (SA) recipients receive the same payment as those who reside in an adult care home. The Department reports that this language is necessary to conform to federal SSI policy and align with State-County SA changes in S.L. 2021-180. Section 1.3 also changes "may" to "shall" since SA In-Home is an entitlement program.

Part II. Laws Pertaining to the Division of Central Management and Support. Amends language (Section 2 of S.L. 2022-52) pertaining to contracts for nonprofit grantees receiving government funds through a financial assistance contract, including language relating to automatic contract extensions. The Department reports that the determination of "financial assistance" or "purchase of service" dictates the contracting process and that the contract extension language is needed to clarify that automatic extensions have the same obligations as the original contract.

Part III. Laws pertaining to the Division of Child and Family Well-Being. Replaces references to the "Maternal and Child Health Section" with the "Division of Public Health" and makes conforming name changes for the new Division of Child and Family Well-Being and as it relates to membership on the NC Child Fatality Task Force, the NC Child Fatality Prevention Team, the Department's Rapid Response Team, and other places in the statutes (G.S. 7B-1402, G.S. 7B-1404, G.S. 122C-113, G.S. 122C-142.2). The Department requested these changes due to the newly established Division of Child and Family Well-Being.

Part IV. Laws Pertaining to the Division of Health Service Regulation. Amends and clarifies the duties of the Medical Care Commission (G.S. 143B-165). The Department reports that this clarification of statutory authority is needed for rules before the Rules Review Commission.

Part V. Laws Pertaining to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. Makes the changes outlined below.

- **Section 5.1** makes technical changes pertaining to managed care in statutes (G.S. 122C-115, G.S. 108D-60, G.S. 122C-3) pertaining to the LME/MCOs.
- **Section 5.2** changes "Substance Abuse" to "Substance Use" in references to the Division of Mental Health, Developmental Disability and Substance Abuse Services (G.S. 143B-138.1). Requests the Revisor of Statutes to replace the phrase "MH/DD/SAS" with "MH/DD/SUS".

Part VI. Laws Pertaining to the Division of Public Health. Makes the changes outlined below.

- **Section 6.1** amends the Newborn Screening Equipment Replacement and Acquisition Fund statute (G.S. 130A-125) to provide that in addition to the current law allowing purchase or replacement, monies could also be used to purchase, replace, maintain, or support laboratory instruments, equipment, and information technology systems.
- **Section 6.2** expands the law (G.S. 130A-382) to allow the Chief Medical Examiner (CME) to appoint the following additional professionals as county medical examiners: dentists, physical therapists licensed to practice in NC, pathologists' assistants certified by the American Society for Clinical Pathology, pathologists' assistants or medicolegal death investigators certified by a nationally recognized certifying body determined by the CME, and clarified that emergency medical technicians or paramedics must be credentialed under G.S. 131E-159. This section also adds statutory language to allow the CME flexibility to appoint temporary county medical examiners to serve during a declared state of emergency.

Part VII. Laws Pertaining to the Division of Social Services. Makes the changes outlined below.

- **Section 7.1** amends the statutes (G.S. 108A-24, G.S. 108A-27.3, G.S. 108A-27.4) pertaining to the county plan for the Work First Program/Temporary Assistance for Needy Families (TANF) to change it

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from a biennial plan to a triennial plan. The Department reports that the Administration of Children and Families requires the state to submit a plan for TANF every three years.

- **Section 7.2** amends a statute (G.S. 115C-12) to remove an item that is currently required to be included on the child abuse and neglect document for public school students in grades 6-12. The bill would remove the requirement that the document list available resources and the anonymous safety tip line application. The Department reports that the correct number to call is the abuse and neglect hotline for each county DSS office and that the anonymous tip line is not staffed to handle abuse and neglect complaints. This section would become effective when it becomes law and apply beginning with the 2023-2024 school year.
- **Section 7.3** amends child support statutes (G.S. 110-129) to add definitions for: financial management services, Internal Revenue Service, and offset. It adds duties (G.S. 108A-27.4) to the Department to certify obligors (the individual who owes child support, alimony, or postseparation support) to the federal Office of Child Support Enforcement in specified situations. It also adds new statutory (G.S.110-143, G.S. 110-144) sections requiring participation in the federal Passport Denial Program and the Administrative Offset Program.
- **Section 7.4** amends the statutes (G.S. 131D-19.6A) pertaining to required training by the Division of Social Services to allow an exception to the 72 hours of preservice training for an individual who has child welfare work experience in another state and has completed child welfare training equivalent to NC training.
- **Section 7.5** amends the statute (G.S. 143B-153) to specify that reimbursement rates for adult day care services, adult day health services, and associated transportation services are specifically determined by the county department of social services or a designee of the board of county commissioners.

Part VIII. Laws Pertaining to the Division of Vocational Rehabilitation Services. Amends various statutes (G.S. 108A-26, G.S. 111-11.1, G.S. 122C-22, G.S. 131D-2.3, G.S. 143-545.1, G.S. 143-547, G.S. 143-548) to change the name of the "Division of Vocational Rehabilitation Services" to the "Division of Employment and Independence for People with Disabilities."

Part IX. Modification of Educational Requirements for Registered Environmental Health Specialists. Amends the statute (G.S. 90A-53) to change the education and experience requirements for a certificate as a registered environmental health specialty or a registered environmental health specialist intern. The Department reports that they are loosening the education and experience requirements to be a Registered Environmental Health Specialist in order to increase the candidate pool, but the requirement to pass an exam remains in place. This section would become effective October 1, 2023.

Part X. Allow Opioid Treatment Program Medication Units and Mobile Units. Adds definitions for mobile unit, opioid treatment program, opioid treatment program medication unit, opioid treatment program mobile unit and provides for the licensure of opioid treatment program medication units and opioid treatment program mobile units (G.S. 122C-35). Requires the Medical Care Commission to adopt rules. The Department reports this would allow for more opioid treatment options in rural areas.

Part XI. Add Gabapentin to Controlled Substance Reporting System (CSRS). Requires dispensers to report prescriptions for gabapentin to the CSRS. Provides an effective date of January 1, 2024, except the portion impacting veterinarians would become effective January 1, 2025. The Department reports that this does not make Gabapentin a controlled substance, but it is necessary so that prescribers who are prescribing controlled substances can see when patients are receiving gabapentin.

PART XII. Require Electronic Prescribing of Codeine Cough Syrup. The Department reports that this is necessary to address forgery of prescriptions for codeine cough syrup. This section becomes effective January 1, 2024.

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Part XIII. Over-The-Counter Opioid Antagonist Treatment. Adds opioid antagonists that are obtained over-the-counter to the statutes pertaining to treatment of an overdose and immunity (G.S. 90-12.7).

PART XIV. EFFECTIVE DATE: Except as otherwise provided, the bill would become effective when it becomes law.