



# HOUSE BILL 190: Department of Health and Human Services Revisions.

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	November 20, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	S.L. 2023-65		Legislative Analyst

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**OVERVIEW:** *S.L. 2023-65 makes the following changes listed below.*

- *Implements the Emergency Solutions Grant Program.*
- *Equalizes State-County Special Assistance eligibility regardless of residence property value.*
- *Amends contract language pertaining to nonprofit grantees receiving government funds.*
- *Makes conforming name changes for the new Division of Child and Family Well-Being.*
- *Clarifies duties of the Medical Care Commission.*
- *Makes managed care related changes for local management entity/managed care organization (LME/MCO) populations.*
- *Changes "Substance Abuse" to "Substance Use" in the name of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services Division.*
- *Allows the newborn screening equipment fund to be used to maintain and support equipment.*
- *Expands the professionals who can serve as county medical examiners.*
- *Lengthens the duration of the County Plan for Work First/Temporary Assistance for Needy Families (TANF).*
- *Removes a requirement for the child abuse and neglect document required for public school students. This change became effective June 29, 2023, and applies beginning with the 2023-2024 school year.*
- *Amends definitions in the child support statutes and strengthens enforcement.*
- *Recognizes child welfare training completed in another state.*
- *Clarifies maximum daily rate setting for adult day care services.*
- *Renames the "Division of Vocational Rehabilitation Services" to the "Division of Employment and Independence for People with Disabilities".*
- *Amends the education and experience requirements for registered environmental health specialists. These changes became effective October 1, 2023.*
- *Authorizes opioid treatment program medication units and mobile units. The language requiring the adoption of rules related to these treatment programs became effective June 29, 2023. The remaining language becomes effective on the effective date of the emergency rules*

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*adopted by the Commission for Mental Health, Developmental Disabilities, and Substance Use Services.*

- *Adds gabapentin to the Controlled Substance Reporting System. The changes related to a veterinarian who prescribes gabapentin become effective March 1, 2025, the remaining changes become effective March 1, 2024.*
- *Requires electronic prescribing of codeine cough syrup in an effort to address forgery of prescriptions. This change became effective January 1, 2024.*
- *Adds over-the-counter opioid antagonists to the treatment and immunity statutes.*
- *Makes technical and clarifying changes to paid parental leave enacted by S.L. 2023-14. These changes became effective July 1, 2023, and apply to requests for paid parental leave related to births occurring on or after that date.*
- *Makes technical and clarifying changes to the informed consent to medical abortion law (G.S. 90-21.83A) enacted by S.L. 2023-14. This change became effective July 1, 2023.*
- *Makes technical and conforming changes to S.L. 2023-14 that became effective July 1, 2023.*

*Except as otherwise provided, the act became effective June 29, 2023.*

## **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 (DHHS) to enforce rules, for the Emergency Solutions Grant Program (G.S. 143B-139.1A). DHHS reports this transfers rule-making authority that was previously under the Department of Commerce.
- **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. DHHS 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. DHHS 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, DHHS'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). DHHS requested these changes due to the newly established Division of Child and Family Well-Being.

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**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). DHHS 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 the 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 from a biennial plan to a triennial plan. DHHS 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 act removes the requirement that the document list available resources and the anonymous safety tip line application. DHHS reports that the correct number to call is the abuse and neglect hotline for each county department of social services office and that the anonymous tip line is not staffed to handle abuse and neglect complaints. This section became effective June 29, 2023, and applies 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 DHHS 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.

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- **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. DHHS 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 became 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. DHHS reports this allows 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 becomes effective January 1, 2025. DHHS 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.** DHHS reports that this is necessary to address the forgery of prescriptions for codeine cough syrup. This section became effective January 1, 2024.

**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 XIII-A. Parental Leave Technical Changes.** Amends statutes (G.S. 126-8.6, 126-5 (c19)) enacted by S.L. 2023-14 and others (G.S. 115C-336.1, G.S. 115C-218.90, G.S. 115C-238.68, G.S. 116-239.10) to make technical and clarifying changes to paid parental leave. The changes in Section 13A became effective July 1, 2023, and apply to requests for paid parental leave related to births occurring on or after that date.

**PART XIII-B. In-Person Consultation.** Amends a statute (G.S. 90-21.83A) enacted by S.L. 2023-14 to make a technical and clarifying change. The changes in Section 13B became effective July 1, 2023.

**PART XIV. Technical and conforming changes to S.L. 2023-14.** Amends various statutes to make technical and conforming changes. The changes in Section 14 became effective July 1, 2023.

**EFFECTIVE DATE:** Except as otherwise provided, the act became effective June 29, 2023.