



INTRODUCTION

The 2019 Long Session is continuing its slow start despite a steady stream of newly introduced bills and important health policy developments. On the health front, Medicaid continues to take center stage. Gov. Roy Cooper has been pushing expansion, but some Senate leaders remain opposed to the idea, citing concerns that costs would ultimately be shifted from the federal government to the state. Rep. Donny Lambeth, R-Forsyth, has indicated he plans to reintroduce his "Carolina Cares" bill. "Carolina Cares" would expand Medicaid in exchange for work requirements for some recipients to access benefits.

At the same time, North Carolina's shift to Medicaid managed care continues to move forward. Just last week, the Department of Health and Human Services announced the five managed care groups that will receive Medicaid contracts. The managed care companies will be paid a per person, monthly rate to cover all of an individuals' needs. Four companies will receive statewide contracts:

- AmeriHealth Caritas North Carolina
- Blue Cross and Blue Shield of North Carolina
- UnitedHealthcare of North Carolina
- WellCare of North Carolina

Carolina Complete Health, a provider-led group backed by the NC Medical Society, was added to the mix in Regions 3 and 5, which include counties surrounding Charlotte and in the southeastern corner of the state.

We can expect to hear more on Medicaid expansion and the shift to managed care in the coming weeks and months.

On the education policy front, a bill to bring back master's degree pay for certain teachers was introduced by Sen. Danny Britt and Sen. Rick Horner. The bill has received a number of additional bipartisan co-sponsors. Masters pay was cut by the General Assembly in 2013.

In other news, the General Assembly has finalized its appointments to the revived State Ethics Commission. Both the House and Senate approved the selection of former Speaker Carl Stewart, recent Sen. Shirley Randleman, ex-Rep. Roger West, and former Shaw University President Clarence Newsome. Governor Cooper will choose the other four commissioners.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILLS OF INTEREST

HOUSE BILL 20, Remove Silent Sam/UNC-Chapel Hill, would direct the chancellor of the University of North Carolina at Chapel Hill to: (1) permanently remove from the campus of UNC-Chapel Hill the monument, including the pedestal and statue, that is an object of remembrance depicting a Confederate soldier, commonly identified as "Silent Sam"; and (2) transfer the entire monument into the custody of the Department of Natural and Cultural Resources. The Department would move the monument to a new site in a cemetery located in the State that is the burial location of a significant number of Confederate soldiers of the Civil War. The bill would further prohibit the UNC Board of Governors from directing the relocation of the monument unless it is in accordance with these provisions. **Introduced by Representative Alexander and referred to the House State and Local Government Committee.**

HOUSE BILL 22, Woman's Right to Know Addition/Ashley's Law, would:

- require additional information to be provided to a woman seeking a medical abortion under the Woman's Right to Know Act;
- require that, immediately before administering the drug Mifepristone, the physician or qualified health professional inform the woman that:
 - it is possible to stop a drug-induced abortion by not taking the Mifepristone and taking progesterone to reverse the effects of the Mifepristone;
 - information on how, where, and from whom women can obtain assistance in discontinuing a medical abortion is available on the Department of Health and Human Services' website;
- require that, immediately before administering the drug Misoprostol, the physician or qualified professional provide medical proof to the woman that fetal death has occurred; and
- require DHHS to update its website to include the above information relating to the drug Mifepristone as well as information on how, where, and from whom women can obtain assistance in discontinuing the drug-induced abortion process.

Introduced by Representative Pittman and referred to the House Judiciary Committee.

HOUSE BILL 28, Prohibit Abortions After 13 Weeks, would make it lawful to advise, procure, or cause a miscarriage or abortion during the first 13 weeks of a woman's pregnancy (currently, during the first 20 weeks), or after the thirteenth week (currently, after the 20th week) if there is a medical emergency, when the procedure is performed by a qualified, licensed physician in a licensed hospital. **Introduced by Representatives Kidwell, Speciale, and Presnell and referred to the House Judiciary Committee.**

HOUSE BILL 29, Standing Up for Rape Victims Act of 2019, would:

- enact a statewide sexual assault examination kit testing protocol, setting out notification and submission requirements for kits completed on or after July 1, 2019, including:
 - require collecting agencies to preserve kits and notify the appropriate law enforcement agency;
 - require the law enforcement agency to take custody of kits within 7 days of notification, submit reported kits to the State Crime Lab or other approved lab within 45 days of taking custody, and submit unreported kits to the Department of Public Safety within 45 days of taking custody;
- establish a process for handling kits completed on or before January 1, 2018, including:

- direct law enforcement agencies with kits completed on or before January 1, 2018, to establish a review team within three months of the legislation becoming law to determine the priority of kits to be submitted to the State Crime Lab for testing;
- prohibit submission to the State Crime lab of kits that are unreported (and must be sent to DPS for storage), that are confirmed unfounded by the law enforcement agency and review team, and that resulted in a criminal conviction where the convicted person does not seek DNA testing and the convicted person's DNA profile is already in CODIS;
- establish parameters for the State Crime Laboratory or another approved laboratory's testing of these kits and the entering of eligible DNA profiles developed from those kits into the CODIS database
- establish that lack of compliance with the statute does not constitute grounds to challenge the validity of DNA evidence in any criminal or civil proceeding, justify the exclusion of evidence generated from a sexual assault examination kit, or provide a basis for request that an accused or convicted person's case be dismissed or conviction set aside, or providing a cause of action or civil claim;
- require the Department of Justice and other entities to develop and provide training programs to law enforcement and their sexual assault examination kit review teams;
- require a law enforcement agency that receives an actionable CODIS hit on a submitted DNA sample to provide electronic notice of the specified arrest or conviction information to the State Crime Laboratory within 15 days of the triggering event; and
- appropriate \$3 million in nonrecurring funds from the General Fund to the Department of Justice for each fiscal year of the 2019-21 fiscal biennium for testing of untested sexual assault examination kits and \$800,000 in recurring funds for 2019-20 from the General Fund to the Department of Justice for six full-time forensic scientist positions.

Introduced by Representatives Boles, Belk, C. Smith, and Richardson and referred to the House Judiciary Committee.

HOUSE BILL 30, Official State Frozen Treat, would adopt ice cream as the official frozen treat of the State of North Carolina. **Introduced by Representative Torbett and referred to the House State and Local Government Committee.**

HOUSE JOINT RESOLUTION 36, Invite Governor/State of State, would require the appointment of a committee of six Representatives and six Senators by the presiding officers of the respective houses to invite Governor Roy Cooper to address a joint session of the House and Senate at 7:00 P.M. on February 18, 2019, and would invite Governor Cooper's cabinet nominees to attend the joint session. **Introduced by Representative Lewis. The resolution was approved by the House and will next be considered by the Senate.**

HOUSE BILL 37, Child Sex Abuse/Extend Statute of Limitations would authorize plaintiffs to file civil actions against a defendant for sexual abuse suffered while the plaintiff was under 18 years of age, until the plaintiff reaches 45 years of age. Effective from January 1, 2020, to December 31, 2020, the bill would also “revive any civil action for child sexual abuse otherwise time- barred under (existing law) as it existed immediately before the enactment” of H37. **Introduced by Representatives Riddell, White, Torbett, and B. Turner and referred to the Judiciary Subcommittee on Civil Matters and, if favorable, the Appropriations Subcommittee on Justice and Public Safety and, if favorable, Rules, Calendar, and Operations of the House.**

HOUSE BILL 43, Establish Standards for Surgical Technology, would:

- define surgical technology and surgical technologist;
- establish that a surgical technologist can only be employed in a hospital or ambulatory surgical facility if he or she has met one of the following requirements:
 - successfully completed a program accredited by the Commission on Accreditation of Allied Health Education Programs or another nationally accredited educational program for surgical technologists and holds and maintains the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting or its successor; or
 - successfully completed an appropriate training program for surgical technology in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or in the United States Public Health Service; or
 - was employed in a hospital or ambulatory surgical center on December 31, 2019 or during the two years immediately preceding December 31, 2019; or
 - practiced surgical technology as an employee of an agency or institution of the federal government;
- allow a hospital or ambulatory surgical facility to employ or contract with an individual to practice surgical technology for a probationary 12-month period immediately following completion of an accredited surgical technology program but prohibit continued employment unless the individual holds the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting;
- allow a hospital or ambulatory surgical facility to employ or contract with an individual, who has not completed an accredited surgical technology program but meets one of the other established qualifications to practice surgical technology as long as that individual completes 15 hours per year of continuing education approved by the National Board of Surgical Technology and Surgical Assisting;
- allow a hospital or ambulatory surgical facility to employ or contract with an individual who does not meet any of the qualifications previously specified if:
 - the hospital or facility makes a diligent effort, but is unable, to employ or contract a sufficient number of qualified surgical technologists; and
 - the hospital or facility retains, on the premises, a written record of its efforts to employ or contract with a sufficient number of qualified surgical technologists;
- clarify that this legislation does not prohibit a licensed practitioner from performing surgical technology tasks or functions if the practitioner is acting within the scope of his or her license; and
- allow the Department of Health and Human Services to take adverse action against hospital or a facility for a violation of their respective statute.

Introduced by Representatives Murphy, Lambeth, and Humphrey and referred to the House Health Committee.

SENATE BILL 19, Repeal 2015 Law Relating to Monuments, is identical to House Bill 10, summarized in the February 4, 2019, Legislative Report. **Introduced by Senators Lowe and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 20, Emergency Worker Protection Act, would:

- make assault with a firearm on a law enforcement, probation, or parole officer or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility a Class D felony (currently, Class E felony);

- make assault on those law enforcement officers that inflicts serious injury a Class E felony (currently Class F) and assault that causes physical injury a Class H felony (currently Class I);
- make assault with a firearm on a firefighter, an emergency medical technician, medical responder or hospital personnel a Class E felony (currently, Class F) and assault on these individuals that inflicts serious injury or uses a deadly weapon other than a firearm a Class G felony (currently, class H);
- make assault causing physical injury on emergency personnel a Class H felony (currently, Class I), and assault on emergency personnel with a dangerous weapon or substance a Class E felony (currently, Class F);
- create a new Class D felony for maliciously committing assault and battery on an emergency worker with any deadly weapon in a secret manner with intent to kill; and
- make it a Class A1 misdemeanor to threaten to commit an act of violence against a public safety worker. A public safety worker includes law enforcement officers, emergency medical technicians, medical responders, firefighters, persons employed at a State or local government detention facility, and school safety officers and school resource officers even if they are not law enforcement officers.

Introduced by Senators Britt, Ballard and McInnis and referred to the Senate Judiciary Committee.

SENATE BILL 27, Eminent Domain, is identical to House Bill 3, summarized in the February 4, 2019, Legislative Report. **Introduced by Senators B. Jackson, Britt, Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 29, Move Over Law/Increase Penalties, would amend the current law which contains penalties for failing to move over upon approach of law enforcement, fire department, or rescue squad vehicles or ambulances; driving over a fire hose or blocking fire-fighting equipment; and parking near a law enforcement, fire department, or rescue squad vehicle or ambulance by increasing the penalties for various offenses. **Introduced by Senators Brit and McInnis and referred to the Committee on Judiciary and, if favorable, Rules and Operations of the Senate.**

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