



INTRODUCTION

MEDICAID EXPANSION

A decade-long stalemate over Medicaid expansion appears to be coming to an end. On Thursday, House and Senate Republican leaders announced that they had reached an agreement to expand Medicaid in North Carolina. The agreement was said to have been reached in final negotiations that ran late Wednesday night into Thursday morning. At the time of the press conference, legislative leaders had not discussed their agreement with Gov. Cooper, or their respective caucuses. “We wanted to go ahead and get it out there ... and get the details to the public, because it’s something we can all be very proud of,” said Speaker Moore regarding the timing.

The bill will include some Certificate of Need (CON) reforms and a provision to authorize HASP, a federal reimbursement program for hospitals. The compromise language “will eliminate certificate of need for behavioral health beds and for chemical dependency beds. It will raise the replacement equipment threshold to \$3 million and index that number to inflation. It will increase the threshold for diagnostic centers to \$3 million and index that to inflation.”

One measure that was noticeably missing from this agreement was the SAVE Act, a measure that would repeal the requirement for Advanced Practice Registered Nurses to obtain a physician's signature on a "collaborative practice" agreement in order for them to practice independently in the state. This provision was included in the Senate Medicaid expansion package passed last session. Even though physician groups strongly supported expanding Medicaid and advocated for Expansion for 10 years, they opposed the SAVE Act and its inclusion in any package deal. A new piece of evidence was used to bolster the arguments against the SAVE Act, including an AMA study of the VA System which showed that patient outcomes were worse and that costs actually increased when APRN’s practiced without the supervision of a physician.

Although the SAVE Act was not included into the Medicaid Expansion deal, there were bills filed last week in both the House and the Senate to allow APRN’s to practice without the supervision of a physician so the issue is still very much alive this session. Senate leader Berger said he continues to support



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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the SAVE Act, saying “I remain convinced that giving 600,000 people a card that says that their health care is going to be paid for is going to be somewhat problematic if we don’t increase the supply of folks that can treat them,” Berger said, “We’ve addressed part of that with the CON provisions. I remain committed to working towards the other part of it as well.”

Leaders say they haven’t worked out all the details of expansion yet, including specifically when expansion will take effect, but Governor Cooper and DHHS Sen. Kody Kinsley have pressed for an expansion bill to be passed by the end of this month, which would allow the first new beneficiaries to be enrolled by the end of this fiscal year. According to a DHHS press release: “Expansion and HASP will bring \$8 billion annually to North Carolina with no additional cost to the state, along with \$1.8 billion which can support behavioral health, public safety support, rural health care, and other needs. North Carolina can receive an additional \$1.8 billion in HASP payments if we are able to implement both these programs this fiscal year (June 30).”

To make that deadline even trickier, legislative leaders are tying the Medicaid expansion bill to the budget process this session. Senate leader Berger said in the press conference that this “has to do with matching it up with other money provisions.” This move also has another affect: it puts Gov. Cooper in the difficult position of finally achieving Medicaid Expansion but only if he signs the budget which may also include policy and funding decisions that he is adamantly opposed to implementing.

Gov. Cooper has been an advocate for Medicaid expansion throughout his time as Governor. While he has already made comments about liking Medicaid expansion to move forward on its own, the Governor has also commended the progress that was made to get to a Medicaid expansion agreement this week. “An agreement by legislative leaders to expand Medicaid in North Carolina is a monumental step that will save lives and I commend the hard work that got us here,” Gov. Cooper said.

MEDICAL MARIJUANA BILL

On back-to-back days at 4:20 pm, the Senate passed their medical marijuana bill with a 36-10 vote. Sen. Rabon said the first 4:20 pm vote on Tuesday was not on purpose, but Wednesday he thought it would be fun to do it again. The bill, which passed the Senate last session, is on its way to the House again. The House did not advance the proposal last session, but Speaker Moore has said he believes there is some support in his chamber to take it up.

LT. GOV. ROBINSON

Gov. Cooper gave his State of the State address on Monday night and stressed education funding to keep North Carolina moving forward economically. Traditionally, a legislative leader of the party opposite of the Governor would deliver a response to the Governor’s address. However, this year, Republicans made a unique choice and chose Lt. Gov. Mark Robinson to deliver their response. The controversial Republican Lieutenant Governor is widely expected to announce his campaign for Governor in 2024 at any time and although he is known for his fiery speeches, the response was fairly muted and pre-recorded, which is a sure indication that he is preparing for his run for Governor.

SEN. RACHEL HUNT

Sen. Rachel Hunt has announced her candidacy for Lieutenant Governor next year. Democratic Sen. Hunt became a state House member in 2018, and won her Senate seat just this past November. She is the daughter of four-term Gov. Jim Hunt. Other announced candidates for this race include

former Spring Lake Mayor Chris Rey (D), and former aide to former Lt. Gov. Dan Forest, Hal Weatherman (R).

BILLS OF INTEREST

HOUSE BILL 189, NC Constitutional Carry Act, would make a variety of amendments to the laws regarding carrying concealed handguns and permits, including:

- providing that any person who is a US citizen and is at least 18 years old can carry a concealed handgun in North Carolina unless prohibited otherwise by law;
- making it unlawful for a person who meets any of the specified criteria to carry a concealed handgun, including a person who is under indictment for a felony, or who is or has been adjudicated to be a danger to self or others due to mental illness or lack of mental capacity;
- requiring a person to carry valid identification when carrying a concealed handgun, and to disclose to any law enforcement officer that the person is carrying a concealed handgun when approached or addressed by the officer, and to display the proper identification upon the officer's request;
- allowing the purchase of a handgun without a pistol purchase permit; and
- authorizing elected officials to carry a concealed firearm while performing their official duties if the official has a concealed handgun permit.

Introduced by Representatives Kidwell, Adams, Moss, and Pless and referred to the House Judiciary 2 Committee.

HOUSE BILL 196, DIT/Omnibus Law Changes, would make various modifications to laws relating to State information technology and the privacy of personal identifying information, including:

- creating the Office of Privacy and Data Protection within the Department of Information Technology to serve as a central point of contact for State agencies on policy matters involving data privacy and data protection and to do the following:
 - conduct an annual privacy review;
 - conduct an annual privacy training for State agencies and employees;
 - articulate privacy principles and best practices;
 - coordinate data protection in cooperation with the agency;
 - participate with the Office of the State CIO in the review of major State agency projects involving personally identifiable information;
 - serve as a resource to local governments and the public on data privacy and protection concerns by: (1) developing and promoting the dissemination of best practices for the collection and storage of personally identifiable information, including establishing and conducting a training program or programs for local governments; and (2) educating consumers about the use of personally identifiable information on mobile and digital networks and measures that can help protect this information;
 - by July 1, 2023, submit to the Joint Legislative Oversight Committee on Information Technology for review and comment the performance measures developed and a data collection plan; and
 - by October 1, 2023, report to the Joint Legislative Oversight Committee on Information Technology on the extent to which telecommunications providers in the State are deploying advanced telecommunications capability and the existence of any inequality in access to advanced telecommunications infrastructure experienced by residents of rural areas, tribal lands, and economically distressed communities;

- prohibiting confidential data from being entered into or processed through any information technology system or network established until safeguards for both the data's security and privacy satisfactory to the State CIO have been designed and installed and are fully operational;
- defining *privacy incident* as an occurrence which raises a reasonable risk of harm, whether suspected or confirmed: (1) where a person other than an authorized user has actual or potential access to identifying information, personal information, or protected health information in usable physical or electronic form; (2) where an authorized user has access to identifying information or personal information for an unauthorized purpose; or (3) that otherwise involves loss of control, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar compromise affecting information;
- amending the definition of *identifying information* as it is used in Article 19C (Identity Theft) of GS Chapter 14, to include: (1) numbers or information that can be used to access a person's resources to cause harm (was, limited to a person's financial resources and did not require causing harm), which includes the stated harms; and (2) information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual; and
- amending the statute that prohibits a person from knowingly broadcast or publishing to the public on radio, television, cable television, in a writing of any kind, or on the Internet, the personal information of another with actual knowledge that the person whose personal information is disclosed has previously objected to any such disclosure by expanding *personal information* to also include a person's first name or first initial and last name in combination with information that can be used to distinguish to trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.

Introduced by Representative Johnson and referred to the House State Government Committee.

HOUSE BILL 199, DMV Proposed Legislative Changes, would direct the Division of Motor Vehicles to study and provide a plan for implementing mobile drivers licenses and mobile special identification cards. A mobile drivers license would be a supplemental digital version of a valid drivers license that is: (1) approved by the Commissioner; (2) issued by the Division of Motor Vehicles; (3) comprised of the same data elements as are found on a valid drivers license; and (4) is capable of, and limited to, being linked to, and displayed by a mobile device owned by the person to whom the valid drivers license is issued. The bill also would amend the statute pertaining to issuance and renewal of driver's licenses to: (1) add disclosure of an applicant's social security number to the State Board of Elections to verify voter registration data as an additional circumstance where the DMV is authorized to disclose a driver's license applicant's social security number; and (2) increase the duration of a driver's license for a person between the ages of 18-66 from eight years to sixteen years. **Introduced by Representatives B. Jones, Shepard, McNeely, and Tyson and referred to the House Transportation Committee.**

HOUSE BILL 209, Consumer Credit Card Protection Act, would prohibit a person that engages in the business of selling goods or services at retail, a State agency or local government, a restaurant, or a landlord from imposing an extra charge for payments by credit card or debit card. The Secretary of Commerce could assess a civil penalty against a person, other than a State agency or local government, of not more than \$2,500 for the first violation or \$5,000 for a subsequent violation. **Introduced by Representative Humphrey and referred to the House Banking Committee.**

HOUSE BILL 210, Reduce Barriers to State Employment, would direct the State Human Resources Commission to do the following:

- regularly assess the educational, experiential, and training requirements necessary for each position within each State agency, department, and institution;
- determine when practical experience and training, such as military service, an apprenticeship, or a trade school education, rather than a four-year college degree, is the appropriate qualification for a position;
- identify jobs for which the educational, experiential, and training requirements could be reduced from their present level;
- remove language for a four-year college degree in position descriptions, to the extent practicable, when they are not necessary for the position; and
- report to the Joint Legislative Oversight Committee on General Government, beginning October 1, 2023, and then annually thereafter, on its efforts to reduce barriers to State employment.

Introduced by Representatives Bell, Balkcom, Gillespie, and Sauls and referred to the House State Personnel Committee.

HOUSE BILL 215, General Assembly/"In God We Trust" Display, would require the Legislative Services Officer to display the national motto "In God We Trust" directly above and behind the dais of the Speaker of the House of Representatives and the President of the Senate. The display would be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives. The bill would require the Legislative Services Officer to first use any funds gifted or otherwise provided to the State by a private individual or entity for this purpose. **Introduced by Representatives Moss, Kidwell, McNeely, and Sossamon and referred to the House Appropriations Committee.**

HOUSE BILL 218/SENATE BILL 175, The SAVE Act, is this session's version of the SAVE Act which has been introduced each session for many sessions now. Interestingly, even though the bill has not been approved for several sessions, there appears to be no real effort to reach some sort of middle ground on this bill by the nurses. This bill would:

- define advanced practice registered nurse or APRN as an individual licensed by the North Carolina Board of Nursing as an advanced practice registered nurse within one of the following four roles: (1) certified nurse practitioner or CNP; (2) certified nurse midwife or CNM; (3) clinical nurse specialist or CNS; or (4) certified registered nurse anesthetist; and
- empower the Nursing Board to grant prescribing, ordering, dispensing, and furnishing authority to holders of the advanced practice registered nurse's license.

Introduced by Representatives White, Lambeth, Sasser, and Cunningham and referred to the House Health Committee. The Senate version was introduced by Senators Hise, Krawiec, and Adcock and referred to the Senate Rules Committee.

HOUSE BILL 222, No CV19 Vaccine Mandates for NC Students, would prohibit the Commission for Public Health, State and local public health agencies, and State and local public health officials from requiring that any child or student present in this State be immunized against coronavirus disease (COVID-19) for any reason. The bill also would amend the statute regarding required immunizations, to make exceptions regarding the COVID-19 vaccine, and to include among the rules for the implementation of an immunization program that is to be enforced by the Department of Health and Human Services, to also include (1) reasonable fees that health care providers may charge for the administration of vaccines provided by the State, and (2) limitations on the requirements that can be placed on children and their parents, guardians, or custodians as a

condition for receiving vaccines. **Introduced by Representatives Cleveland, Setzer, Pless, and Goodwin and referred to the House Health Committee.**

HOUSE BILL 228, Rev. Laws Tech., Clarifying, & Admin. Chngs, would make various technical, clarifying, and administrative changes to the State's revenue laws. **Introduced by Representatives Bradford, Setzer, Kidwell, and Wray and referred to the House Finance Committee.**

HOUSE JOINT RESOLUTION 235, Application for a Convention of the States, would apply to Congress for the calling of a convention of the states limited to proposing amendments to the US Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress. **Introduced by Representatives Riddell, Bell, Hardister, and Saine and referred to the House Judiciary 3 Committee.**

HOUSE BILL 243, Repeal Collective Bargaining Ban, would repeal the ban on public employee collective bargaining. **Introduced by Representatives Logan, Harrison, Hawkins, and Majeed and referred to the House Rules Committee.**

HOUSE BILL 249, January 6 Riot/Attempt Overthrow of Gov't., would make it a Class F felony for a person to: (1) willfully engage in a riot if, in the course of the riot, the person attempts to overthrow the government of the United States, the State of North Carolina, or any political subdivision; or (2) willfully incite or urge another to engage in a riot, and such inciting or urging is a contributing cause of a riot in which a person attempts to overthrow the government of the United States, the State of North Carolina, or political subdivision. **Introduced by Representative Everitt and referred to the House Rules Committee.**

HOUSE BILL 253, Prevent Students from Harm Act, would:

- require each local board of education to implement high-quality character education instruction at all grade levels;
- authorize experienced nonprofits to provide child sexual abuse and sex trafficking training programs for educators; and
- require boards of education to provide age-appropriate information and resources on prevention of suicide, abuse, and neglect as part of the health curriculum.

Introduced by Representatives Elmore, K. Baker, White, Clemmons and referred to Education K-12 Committee.

HOUSE BILL 254, Storage of Firearms to Protect Minors, would require a person who owns or possesses a firearm and resides in the same premises as a minor to store or keep the firearm in a locked container except when the firearm is being lawfully carried or used. **Introduced by Representatives A. Jones, Morey, Hawkins and referred to the House Rules Committee.**

HOUSE BILL 268, Modify Age Limits of Judges, would allow a district court judge who turns 72 years of age with less than two years remaining on the judge's term of office to continue in office until the end of the judge's term of office. The age of the judge at the end of the judge's term would constitute, for that judge, the maximum age limit for service as a judge. **Introduced by Representative Elmore and referred to the House Judiciary 1 Committee.**

SENATE BILL 168, North Carolina CROWN Act, would prohibit a person, firm, corporation, unincorporated association, State agency, local government, or any public or private entity from

denying or refusing employment to any person or discharging any person from employment because employment on account of the person's race, color, creed, religion, sex, or national origin. Protective hairstyles would include, but not be limited to, such hairstyles as bantu knots, braids, locks, and twists. Race would include traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles. **Introduced by Senators Murdock, Salvador, and Smith and referred to the Senate Rules Committee.**

SENATE BILL 174, Rev. Laws Tech., Clarifying, & Admin. Chngs, is identical to House Bill 228, summarized above in this Legislative Report. **Introduced by Senators P. Newton, Perry, and Rabon and referred to the Senate Finance Committee. The bill has already been heard and amended in the Senate Finance Committee and will next be considered by the Senate Rules Committee.**

SENATE BILL 182, No Privilege Tax for Certain Professions, would repeal the law that requires personal privilege licenses for professions including attorneys, physicians, dentists, veterinarians, and others who practice the art of healing. **Introduced by Representatives Sawrey, Settle, and Overcash and referred to the Senate Rules Committee.**

SENATE BILL 189, Fentanyl Drug Offenses/Increase Punishment, would increase the fine imposed on persons convicted of trafficking in heroin, fentanyl, or carfentanil and modify the offense of death by distribution to include the unlawful delivery and ingestion of certain controlled substances that proximately cause the death of a person. The bill would also increase the punishments for a person who commits the offense of death by distribution and add possession of less than one gram of fentanyl to the list of offenses for which limited immunity from prosecution applies for an individual who seeks medical assistance. A task force on enforcement of fentanyl and heroin drug violations would also be created. **Introduced by Senators McInnis, Britt, and Lazzara and referred to the Senate Rules Committee.**

SENATE BILL 191, General Assembly/"In God We Trust" Display, is identical to House Bill 215, summarized in this Legislative Report. **Introduced by Senators Hanig, Alexander, and Ford and referred to the Senate Rules Committee.**

SENATE BILL 193, Career Development Plans, would provide for career development plans for middle and high school students and would:

- require all middle and high school students to complete a career development plan;
- require local boards of education to ensure that students are provided assistance in completion of the plan as well as instruction on how to access that plan throughout the student's enrollment;
- prohibit a student from being promoted from seventh grade until a career development plan is created or promoted from tenth grade until the career development plan is revised, and encourage local boards of education to require more frequent revisions as appropriate;
- require local boards of education to ensure that career development plans are easily accessible to students and parents, and provide parents written notice of the initial creation of a career development plan and information on how to access the plan;
- direct the State Board of Education to adopt rules establishing minimum requirements for career development plans and require local boards of education to provide access to all career development plans through a designated electronic application;
- require career development plans to include at least the following:
 - self-assessment of the student's aptitudes, skills, values, personality, and career interests;

- exploration and identification of pathways for careers aligned with the student's self-assessment that include the following for each career: identification of needed education, training, and certifications; information on the most cost-efficient path to entry; and opportunities within the school setting to explore and prepare for the career;
- alignment of academic courses and extracurricular activities with the student's identified career interests, including the following: inventory of aligned courses in middle and high school in grades 6 through 10, and development of best strategies for course selection in grades 11 and 12 to achieve identified career interests; and available record of completed dual-enrollment courses, extracurricular activities, and awards and recognitions; and
- creation of a career portfolio, which could include documentation of postsecondary plans, completion of the free application for federal student aid with parental consent, resume, and occupational outlook for identified career interest;
- direct the State Board of Education to establish a pilot of at least 20 local school administrative units during the 2023-2024 school year to develop the plan requirements and professional development necessary for successful statewide implementation of career development plans in the 2024-2025 school year; and
- direct the Department of Public Instruction to develop and provide a career development plan electronic application to local boards of education and participating charter schools no later than the 2024-2025 school year that will provide access for all students and parents to the student's career development plan and will integrate with career information available through other State agencies.

Introduced by Senators Galey and Lee and referred to the Senate Rules Committee.

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