



The Daily Bulletin: 2019-05-23

PUBLIC/HOUSE BILLS

H 70 (2019-2020) [DELAY NC HEALTHCONNEX FOR CERTAIN PROVIDERS](#). Filed Feb 13 2019, *AN ACT EXTENDING THE DEADLINE BY WHICH CERTAIN PROVIDERS ARE REQUIRED TO CONNECT TO AND PARTICIPATE IN NORTH CAROLINA'S HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX*.

Senate committee substitute to the 2nd edition makes the following changes.

Amends the findings in GS 90-414.4 (Required participation in Health Information Exchange (HIE) Network for some providers) to more specifically refer to State-funded health care services rather than State-funded health services. Regarding the timeline for mandatory connection to HIE Network, adds the State Laboratory of Public Health is to begin submitting demographic and clinical data by June 1, 2021. Also requires State health care facilities operating under the jurisdiction of the Secretary of the Department of Health and Human Services (DHHS), such as alcohol and drug treatment centers and residential programs for children, to begin submitting claims data by June 1, 2021. Eliminates the provisions of the previous edition which required both the State Lab for Public Health and State health care facilities operated by the DHHS Secretary to begin submitting demographic and clinical data by June 1 of the fiscal year following the implementation of an electronic health record system or other technology enabling connectivity to the HIE Network. Makes conforming changes. Adds consultation with the State Health Plan for Teachers and State Employees (SHP) to the procedures for granting limited extensions to the time for providers and entities to connect to the HIE Network and begin submitting data as required. Now prohibits the Department of Information Technology, DHHS or the SHP from granting an extension (1) to a provider or entity that fails to provide the expected timeline for connection and data submission to the Department, DHHS and the SHP, (2) which would result in the provider or entity connecting and commencing data submission later than June 1, 2020 (previously extended to June 1, 2021), or (3) which would result in any provider or entity required to begin data submission by June 1, 2021 (specified in subdivisions (a1)(4) and (5)), to connect and commence data submission later than June 1, 2022 (previously eliminated; current law provides for June 1, 2021). Concerning the hardship exemption set forth in proposed subsection (a3), grants the Secretary or a designee the authority to grant the hardship exemptions to classes of providers and requires prompt notification of the Department of Information Technology of the classes of providers granted hardship exemptions (previously directed DHHS to establish an exemption process in consultation with the Department of Information Technology, providing factors to consider in determining undue hardship, and requiring written requests for the exception; did require prompt notification of providers granted exemptions). Adds a new provision to prohibit the Secretary or a designee from granting a hardship exemption that would result in any class of provider connection to the HIE Network and submitting data later than December 31, 2022. Modifies and adds to the providers included in proposed subsection (e), which provides for voluntary connection of those listed. Adds community-based long-term services and supports providers; intellectual and developmental disability services and supports providers; eye and vision services providers; and ambulance providers. Eliminates from that list respiratory, rehabilitative, restorative, assistive technology, and intellectual and developmental disability service providers; personal care; home health providers; hospice service providers and respite care service providers. Now refers in that list to local education agencies rather than referencing individual agencies. Concerning the confidentiality of HIE Network data, adds that data submitted to or through the Network containing protected health information, personally identifying information, or any combination thereof, in possession of the Department of Information Technology or any other agency, is confidential (previously did not provide for any combination of protected health or personally identifying information, and did not extend confidentiality to that information in the possession of other state agencies). Adds a clarification that proposed subsection (f) does not prohibit disclosure permitted under federal law.

Eliminates the proposed changes to GS 90-414.8, which increased the membership of the North Carolina Health Information Exchange Advisory Board from 12 to 14 members.

Intro. by Dobson, White, Murphy, Lambeth.

[GS 90](#)

[View summary](#)

[Health and Human Services, Health, Health Care Facilities](#)

and Providers

H 671 (2019-2020) **BEHAVIOR ANALYST LICENSURE**. Filed Apr 9 2019, *AN ACT TO CREATE LICENSURE PROCESS FOR BEHAVIOR ANALYSTS*.

House committee substitute to the 1st edition makes the following changes.

Modifies proposed Article 43, Behavior Analyst Licensure, to GS Chapter 90 as follows.

Now includes in the definition of *behavior technician* a paraprofessional who delivers applied behavior analysis services and who practices under the close, ongoing supervision of a licensed behavior analyst, licensed assistant behavior analyst, or other professional licensed under GS Chapter 90 or 90B (previously did not include delivering behavioral analysis services and did not include supervision by other professionals licensed under GS Chapter 90 or 90B). Adds that the licensed professional's services must be within the scope of the license possessed by the licensed professional and the services performed commensurate with the licensed professional's education, training, and experience. Additionally modifies the exemption from licensure under the Article for behavior technicians, now exempting behavior technicians delivering applied behavior analysis services under the extended authority and discretion of a licensed behavior analyst, licensed assistant behavior analyst, or other licensed professional under GS Chapter 90 or 90B within the scope of the licensed professional's practice, education, training, and experience. Prohibits the behavior technician from designing assessment or intervention plans or procedures, but allows the technician to deliver services assigned by a supervisor responsible for the behavior technician's work. Removes the previous provisions which required behavior technicians to use titles indicating nonprofessional status and prohibited representing him- or herself as a licensed professional.

Modifies the membership of the NC Behavior Analysis Board, decreasing membership from seven to five members, with three appointed by the Governor and one each upon recommendation of the Speaker of the House of Representatives and the President Pro Tem. of the Senate (was, one public member appointed by the Governor and three certified analysts each upon recommendation of the Speaker and President Pro Tem.). Provides for appointment by the Governor of one certified behavior analyst to serve a three-year term, one certified assistant behavior analyst to serve a two-year term, and one public member to serve a one-year term who is not required to be licensed. Provides for legislative appointment of two certified behavior analysts, with the analyst recommended by the Speaker serving a three-year term and the analyst recommended by the President Pro Tem. serving a two-year term. Makes conforming changes.

Intro. by McGrady, Setzer, Jackson, Shepard.

[GS 8, GS 90](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 758 (2019-2020) **MSD EXPANSION AND GOVERNANCE**. Filed Apr 15 2019, *AN ACT TO EXPAND THE MEMBERSHIP OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS*.

House committee substitute to the 2nd edition makes the following changes.

Further amends proposed GS 162A-68.5 to specify that any territory of the requesting county (was, any requesting county) included within an existing sewerage district by resolution of the Environmental Commission adopted pursuant to the statute is subject to all debts of the district.

Intro. by McGrady.

[GS 162A](#)

[View summary](#)

[Government, Local Government, Public Enterprises and Utilities](#)

H 1014 (2019-2020) [2020 CENSUS VTD VERIFICATION PROGRAM](#). Filed May 6 2019, *AN ACT TO ALLOW THE STATE OF NORTH CAROLINA TO CONTINUE PARTICIPATION IN THE 2020 VOTING DISTRICT VERIFICATION PROJECT WITH THE UNITED STATES BUREAU OF THE CENSUS AND TO ESTABLISH A PROCESS TO REVIEW PRECINCT LINES IN ADVANCE OF THE 2030 CENSUS.*

Senate amendments make the following changes to the 1st edition.

Senate amendment #1 adds to the proposed changes to GS 163A-1065 to now require prior approval of the voting districts report by the Executive Director of the State Board of Elections (State Board) before the Legislative Services Officer submits the report to the Bureau of the Census (Bureau) for the 2020 Census Redistricting Program.

Senate amendment #2 further modifies the proposed changes to GS 163A-1065 to now require the Legislative Services Officer to provide a copy of the report submitted to the Bureau to the chair of each recognized political party in addition to the Executive Director of the State Board. Adds a new requirement for the Legislative Services Officer to post the report on the General Assembly's website at the time of the report to the Bureau.

Intro. by Rules, Calendar, and Operations of the House.

[GS 163A](#)

[View summary](#)

[Government, Elections](#)

PUBLIC/SENATE BILLS

S 434 (2019-2020) [MERGER OF CERTAIN SEWERAGE DISTRICTS](#). Filed Apr 1 2019, *AN ACT REQUIRING THE DISSOLUTION OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS AND TRANSFERRING THE DISSOLVING DISTRICTS' ASSETS AND LIABILITIES TO AN ADJACENT DISTRICT IN THE SAME COUNTY.*

Senate committee substitute to the 1st edition makes the following changes.

Modifies proposed GS 162A-82, which requires the Environmental Management Commission (Commission) to adopt a resolution dissolving a district and transferring the district's assets, liabilities, and other obligations to another district located in the same county when the two districts meet specified criteria. Modifies the criteria for mandatory mergers to include that the districts collectively provide services to no less than six of the nine or more municipalities (was, to no less than six of the municipalities). Further modifies the criteria by making organizational and clarifying changes. Amends the actions that must be taken before the dissolution and merger of districts under the statute, more specifically requiring the mandatory public hearing to discuss the proposed dissolution and merger rather than the merger only. Requires that the time and place of the public hearing be agreed to by the Commission chair and the chairs of each district board (was, the chairs of the board of directors). Specifies that the dissolution and merger become effective on the July 1 after the resolution is adopted by the Commission (previously only provided for the effective date of the merger). Now provides that, upon adoption of the resolution by the Commission, all ordinances and policies of the dissolved district continue in full force until the effective date of the merger, at which time the ordinances and policies of the merged district apply (previously established that all ordinances, rules, regulations, and policies of the dissolved district continue in full force and effect until repealed or amended by the governing body of the merged district). Makes an organizational change, placing the provision authorizing district boards to execute necessary documents pursuant to the statute into its own subsection.

Intro. by Sanderson.

[GS 162A](#)

[View summary](#)

[Environment, Government, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)

S 553 (2019-2020) [REGULATORY REFORM ACT OF 2019](#). Filed Apr 2 2019, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.*

Senate committee substitute modifies and adds to the 1st edition as follows.

Adds organizational parts to the act.

Part I. State and Local Government Regulation

Amends GS 14-234(d1), which sets forth an exception for certain public officers from the prohibition against public officers or employees benefiting from public contracts. Increases the maximum allowable contract amount in a 12-month period under the exception from \$40,000 to \$60,000 for contracts for goods or services (other than medically related services) between the village, town, city, county social services board, county or city board of education, local health board or area mental health, developmental disabilities and substance abuse board, or public hospital and one of its officials, as described, approved by resolution of the governing body as required by existing law.

Requires that Section 2902.6 of the NC Building Code and Table 403.1 of the Plumbing Code be implemented to no longer require drinking fountains for an occupant load of 30 or fewer, only require one water closet for business occupancies with an occupational load of 30 or fewer, and no longer require a service sink for business and mercantile occupancies with an occupant load of 30 or fewer. Requires the Building Code Council to adopt rules to amend Section 2902.6 of the Building Code and Table 403.1 of the Plumbing Code consistent with this provision.

Modifies the proposed changes to GS 93A-40(a) concerning real estate licensing requirements for time share salespeople. Now renders it unlawful for any person to engage or assume to engage in the business of a time share developer or time share salesperson to sell or offer to sell a time share in the state without the time share developer first obtaining a certificate of registration for the project to be offered for sale (previously did not require the developer to first obtain registration prior to engaging or assuming to engage in the business of a time share salesperson). Defines a *time share salesperson* to be a licensed real estate broker unless the salesperson meets the requirements for exemption from licensure under specified state law and has their income reported on the IRS W2 form.

Directs all occupational licensing boards which require continued education to study any available options offered for online continuing education. Requires each licensing board's study and report to (1) list and describe options available to each licensee or an explanation as to why no online methods are offered, (2) include the approximate number of offerings made available for each method and associated costs, and (3) include a description of access by the licensee to each method. Requires the licensing boards to report to the specified NCGA committee and division by December 1, 2019.

Part II. Agriculture, Energy, Environment, and Natural Resources Regulation

Amends GS 130A-309.10 to no longer prohibit the disposal of discarded computer equipment or discarded televisions in landfills or by incineration.

Amends Section 13.2 of SL 2018-5, as amended, which requires up to \$2 million of the funds credited to the Inactive Hazardous Sites Cleanup Fund to be used by the Division of Waste Management to provide a matching grant to Charlotte Motor Speedway, LLC for remediation activities at the Speedway, now providing for a 1:1 rather than 1:2 match of State dollars to non-State dollars by the grant.

Modifies the proposed changes to GS 130A-294(a4), providing that a life-of-site permit will remain valid until its expiration date, and a sanitary landfill may continue to operate, if the owner or operator substantially complies with the terms of the local government approval or franchise agreement. Eliminates the requirement that the owner or operator remains in substantial compliance with nonfinancial terms of the franchise and full compliance with financial terms until the permit expires, as previously proposed.

Amends GS 143-215.54 regarding the regulation of flood hazard areas. Adds aquaculture to the permitted uses of flood hazard areas without a permit so long as the use complies with local land-use ordinances and any other applicable laws or regulations. Prohibits local governments from adopting ordinances or requiring permits to regulate the allowable agricultural and wildlife uses in flood hazard areas when the loss of flood storage capacity in the area caused by the new use is offset by the use of compensatory storage. Otherwise authorizes local governments to adopt ordinances or require permits to regulate allowable agricultural and wildlife uses in flood hazard areas and allows a local government to charge a permit application fee of no more than \$100.

Modifies the proposed study and report on the expansion of express permitting by the Department of Environmental Quality (DEQ) to require that the Department also provide its report and recommendations to the Environmental Review Commission.

Also extends the date by which DEQ must report to the Environmental Review Commission and the specified NCGA committee and division from December 1, 2019, to March 1, 2020.

Amends GS 130A-335, concerning wastewater collection, treatment, and disposal by residences, businesses, and public places. Authorizes local health departments to determine site suitability for a ground absorption sewage treatment and disposal system under rules adopted by the Public Health Commission or based on documentation indicating the system's effluent will be nonpathogenic, noninfectious, nontoxic, and nonhazardous; will not contaminate groundwater or surface water; and will not be exposed on the ground surface or discharged to surface waters where it could come into contact with people, animals, or vectors.

Part III. Severability and Effective Date

Maintains the act's severability and effective date provisions.

Makes conforming organizational changes.

Intro. by Sanderson, Wells.

STUDY, GS 14, GS 93A, GS 130A, GS 143

[View summary](#)

Agriculture, Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Property and Housing, Environment, Government, State Agencies, Department of Environmental Quality (formerly DENR), Local Government, Health and Human Services, Health, Public Health

ACTIONS ON BILLS

PUBLIC BILLS

H 70: DELAY NC HEALTHCONNEX FOR CERTAIN PROVIDERS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 233: STATE AUDITOR/LOCAL FINANCE OFFICER AMENDS. (NEW)

House: Cal Pursuant 36(b)

House: Placed On Cal For 05/28/2019

H 388: IMMUNIZING PHARMACISTS.

Senate: Reptd Fav

Senate: Placed On Cal For 05/28/2019

H 532: DNCR ADD NEW TRAILS & VARIOUS CHANGES.

House: Cal Pursuant 36(b)

House: Placed On Cal For 05/28/2019

H 646: ID APPROVAL/FLEX MUNI ONE-STOP.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 671: BEHAVIOR ANALYST LICENSURE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/28/2019

H 758: MSD EXPANSION AND GOVERNANCE.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/28/2019

H 1014: 2020 CENSUS VTD VERIFICATION PROGRAM.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Cal Pursuant 36(b)

House: Placed On Cal For 05/28/2019

H 1015: CONFIRM CHRIS AYERS/EX. DIR. UTILITES COMM PS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 55: CONTINUING EDUCATION FOR GENERAL CONTRACTORS.

House: Withdrawn From Com

House: Re-ref to the Com on Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

S 151: BREAK OR ENTER PHARMACY/INCREASE PENALTY.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

S 354: STUDENT NOTICE/CHARTER SCHOOL CLOSURE/RESTR.

House: Withdrawn From Com

House: Re-ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

S 434: MERGER OF CERTAIN SEWERAGE DISTRICTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

S 553: REGULATORY REFORM ACT OF 2019.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

S 677: CONFIRM COREY VIERS TO MINING COMMISSION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 678: CONFIRM ROBERT CONNER TO MINING COMMISSION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

LOCAL BILLS**H 187: AMEND TOWN OF ELON CHARTER/PARKING ORDINANCES.**

House: Regular Message Sent To Senate

S 138: EVEN-YR MUNICIPAL ELECTIONS/TOWN OF BLACK MTN.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 139: EVEN-YR. MUNICIPAL ELECTIONS/TOWN OF MONTREAT.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 674: SURRY CO./MT. AIRY/ELKIN CITY/BD. ED PARTISAN.

Senate: Reptd Fav

Senate: Placed On Cal For 05/28/2019

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