



The Daily Bulletin: 2021-02-11

PUBLIC/HOUSE BILLS

H 4 (2021-2022) [EXTEND ABC PERMIT RENEWAL FEE DEFERRAL](#). Filed Jan 27 2021, *AN ACT TO EXTEND THE DELAY ON THE PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS AND TO DIRECT THE ABC COMMISSION TO REINSTATE OR REACTIVATE CERTAIN CANCELLED OR INACTIVATED ABC PERMITS.*

Senate committee substitute amends the 3rd edition as follows.

Modifies the proposed changes to and further amends Section 1 of SL 2020-94 regarding the deferral of permit fees for certain ABC permittees affected by Executive Order No. 141. Now provides for ABC permittees who were subject to an order of closure pursuant to Section 8 of Executive Order No. 141 (was, prohibited from operating under Executive Order No. 141) to defer payment of renewal or registration fees until 90 days after the date all executive orders limiting the full operation of the permittee in response to the COVID-19 pandemic are rescinded or expire (was, after the date all executive orders responding to the COVID-19 pandemic and limiting the full operation of the permittee are rescinded or expire). Makes identical changes in phrasing to Section 4 of the act concerning ABC permittees' refund requests for fees paid. Additionally, mandates that any permit held by a permittee who receives a refund must remain active.

Intro. by Moffitt, Boles, Bell, Paré.

UNCODIFIED

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[Alcoholic Beverage Control, Government, Public Safety and Emergency Management](#)

H 71 (2021-2022) [LIVING DONOR PROTECTION ACT](#). Filed Feb 11 2021, *AN ACT TO PROTECT LIVING DONORS FROM POTENTIAL INSURANCE DISCRIMINATION, TO PROVIDE AN INCOME TAX CREDIT FOR UNREIMBURSED MEDICAL EXPENSES RESULTING FROM CERTAIN ORGAN AND MARROW DONATIONS, AND TO PROVIDE UP TO THIRTY DAYS' PAID LEAVE TO STATE EMPLOYEES AND OTHER STATE-SUPPORTED PERSONNEL WHO SERVE AS LIVING ORGAN DONORS AND UP TO SEVEN DAYS' PAID LEAVE FOR BONE MARROW DONORS.*

Part I

Enacts GS 58-3-25(d) to prohibit an insurer from refusing to insure, limiting coverage to, or discriminating against an individual based solely and without any additional actuarial risks on the status of an individual as a living organ donor, including charging a different amount for the same coverage. Specifies that the protection applies to health benefit plans and life, accident, and health, accident, disability, disability income, and long-term care insurance policies. Defines living organ donor to mean a living individual who donates one or more of that individual's human organs, including bone marrow, to another individual to be transplanted using a medical procedure to the body of that other individual.

Amends GS 131E-294 to include the antidiscrimination provisions concerning living organ donors under GS 58-3-25, as amended, to those provisions applicable to provider sponsored organizations offering Medicare health insurance and health benefits.

Effective 30 days after the act becomes law and applies to insurance contracts issued, renewed, or amended on or after that date.

Part II

Enacts GS 105-153.11 to establish a tax credit for live organ donors at the lesser of the live organ donation expenses or \$5,000. Defines live organ donation and live organ donation expenses. Defines live organ donation expenses to include the amount of expenses, including travel, lodging, and lost wages, incurred that are not reimbursed and are directly related to a live organ

donation by the taxpayer or another individual the taxpayer is allowed to claim as a dependent. Sets forth limitations and allows for the credit to carry forward for the succeeding five years. Effective for taxable years beginning on or after January 1, 2021.

Part III

Enacts GS 126-8.6 to require the State Human Resources Commission (Commission) to adopt rules and policies to provide permanent, full-time State employees with up to 30 days of paid leave to serve as a living organ donor and seven days for serving as a bone marrow donor. Requires the same for permanent, part-time State employees at a pro rated amount. Limits eligibility to employees continuously employed by the State for at least 12 months preceding the first request for organ donation leave. Requires the leave to be available without exhaustion of other sick and vacation leave; to be in addition to shared leave or other leave authorized under state or federal law; to not be used for retirement purposes; and to bear no cash value upon termination. Defines the statute's scope to include all State employees, and all State-supported personnel, with the appropriate governing board adopting rules and policies to provide paid leave for its employees pursuant to the statute. Requires the Commission to annually report to the specified NCGA committee, and all State entities to annually report to the Commission on the leave program.

Amends GS 126-5 to specify that GS 126-8.6 applies to all State employees, public school employees, and community college employees.

Intro. by Shepard, Hurley, Morey.

GS 58, GS 105, GS 126, GS 131E

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Business and Commerce, Insurance, Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, UNC System, State Government, State Personnel, Tax, Health and Human Services, Health, Health Insurance

H 72 (2021-2022) **AUDIOLOGY MODIFICATIONS**. Filed Feb 11 2021, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE PRACTICE OF AUDIOLOGY TO BETTER REFLECT THE CHANGES IN EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.*

Includes whereas clauses. Makes the following changes to Article 22 of GS Chapter 90 concerning the licensure of audiologists.

Amends GS 90-292 to include protection of the public from unqualified persons to the State's declared policy concerning licensing audiologists and speech and language pathologists.

Modifies and adds to the defined terms set out in GS 90-293. Now defines *audiologist* to mean any person who is qualified by education, training, and clinical experience and is licensed under Article 22 to engage in the practice of audiology (was more generally any person who engages in the practice of audiology). Adds that an audiologist is an independent hearing health care practitioner providing services in hospitals, clinics, schools, private practices, and other settings in which audiologic services are relevant. Expands on the services a person offers which deem the person to be or hold him or herself out to be an audiologist, including hearing aid audiologist and hearing specialist. Adds that an association, company, or trust is included in the defined term *person*, and that any reference to a *licensed person* means a natural, individual person. Replaces the definition given for the *practice of audiology*, now defining the term to mean the application of principles, methods, and procedures related to disorders of the auditory and vestibular systems, and gives a nonexhaustive list of areas of audiology practice. Expands *the practice of speech and language pathology* to include evaluation, treatment and instruction related to the development and disorders of communication and cognitive-communication. Makes technical changes.

Makes organizational and technical changes to GS 90-294 regarding the exclusion of individuals licensed to fit and sell hearing aids under GS Chapter 93D from the scope of the Article. Makes further technical changes.

Enacts GS 90-294A to authorize licensed audiologists to treat minors with hearing impairment. Prohibits persons not licensed under the Article or licensed to practice medicine from making an assessment or managing health care services of a minor for hearing impairment treatment. Authorizes licensed audiologists to provide clinical treatment, home intervention, family support, case management and other audiologic services to minors. Further authorizes audiologists to participate in the development of individualized educational programs and consult on individual classroom matters. Authorizes audiologists to administer hearing screening programs in school and train and supervise nonaudiologists performing hearing screening in an educational setting.

Amends GS 90-295 to remove the specific hour requirements for certain areas in meeting the clinical experience hours required for permanent licensure as a speech and language pathologist; maintains the 400 hour minimum clinical hour requirement.

Makes the above changes effective October 1, 2021.

Allows the Board of Examiners for Speech and Language Pathologists and Audiologists to adopt temporary rules to implement the act.

Intro. by Lambeth, K. Baker, White, Cunningham.

GS 90

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Business and Commerce, Occupational Licensing, Education, Elementary and Secondary Education, Health and Human Services, Health, Health Care Facilities and Providers

H 73 (2021-2022) [TEMPORARILY WAIVE ABC PERMIT RENEWAL FEES](#). Filed Feb 11 2021, *AN ACT TO WAIVE CERTAIN ABC PERMIT RENEWAL AND REGISTRATION FEES DUE ON MAY 1, 2021, OR FOR THE PERIOD COVERING MAY 1, 2021, THROUGH APRIL 30, 2022.*

Requires the ABC Commission, for the period from May 1, 2021, through April 30, 2022, to renew or register without payment all of the following ABC permits that are active as of April 30, 2021: (1) on-premises malt beverage permit; (2) on-premises unfortified wine permit; (3) on-premises fortified wine permit; (4) mixed beverages permit; (5) culinary permit; (6) mixed beverages catering permit; (7) guest room cabinet permit; (8) wine tasting permit; (9) wine shop permit; (10) malt beverage tasting permit; (11) spirituous liquor tasting permit; (12) antique spirituous liquor permit; and (13) common area entertainment permit.

Allows any ABC permittee who has prepaid a fee that is waived under this act to request a refund. Requires the ABC Commission, in collaboration with the Department of Public Safety, to refund the prepaid fees no later than 30 days from the date it receives a refund request.

Intro. by Moffitt, Lambeth, Goodwin, Winslow.

UNCODIFIED

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Alcoholic Beverage Control, Government, State Agencies, Department of Public Safety

H 74 (2021-2022) [APSEED PILOT PROJECT/FUNDS](#). Filed Feb 11 2021, *AN ACT TO ESTABLISH THE "APSEED" PILOT PROJECT AND APPROPRIATE FUNDS FOR THAT PURPOSE.*

Includes whereas clauses. Directs the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (Division) to establish a three-year pilot project implementing the "ApSeed" program (program), which aims to ready preschool-aged children for prekindergarten through a learning device called a seedling. Requires participation from the following counties: Forsyth, Hoke, New Hanover, Watauga, and Yadkin. Directs selection of children to participate based on greatest need.

Appropriates \$2.5 million from the General Fund to the Division for each year of the 2021-23 biennium to provide equipment and cover associated costs of the pilot project. Requires allocation to the participating counties, with each county receiving up to \$500,000, as determined by the Division, for each year.

Directs the Director of Budget to include the needed nonrecurring funds in the base budget for 2023-24 to support the pilot project, with unexpended funds reverting to the General Fund.

Requires the Division to report to the specified NCGA committees and division within six months of the pilot project's completion. Details required content of the report, including the number of children served by age and county, the extent of parental involvement, and the amount of funds needed to expand the program statewide.

Effective July 1, 2021.

Intro. by Warren, Blackwell, Howard, Lambeth.

[APPROP, STUDY, Forsyth, Hoke, New Hanover, Watauga, Yadkin](#)

[View summary](#)

[Education, Preschool, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services](#)

H 75 (2021-2022) [GOV'T RETIREES TAX DEDUCTION](#). Filed Feb 11 2021, *AN ACT TO CREATE GREATER TAX EQUALITY IN THE TREATMENT OF GOVERNMENT RETIREES*.

Amends GS 105-153.5 to give an individual taxpayer the option to deduct from the taxpayer's gross adjusted income an amount received during the taxable year from State, local, or federal government retirement plans so long as the amount does not exceed the lesser of (1) the product of \$3,000 multiplied by the number of years the taxpayer has claimed the deduction, or (2) \$30,000.

Amends GS 105-153.3 to define *retirement plan* as it is used in the context of individual income tax. Defines the term to mean any written retirement plan established by the employer to provide payments to an employee or the beneficiary of an employee after the end of the employee's employment with the employer where the right of payment is based on the employment relationship. Includes written retirement plans for self-employed individuals or their beneficiaries, individual retirement plans, and plans treated as an individual retirement plan. Specifies that *employee* includes volunteer worker.

Effective for taxable years beginning on or after January 1, 2021.

Intro. by Cleveland, Blackwell, Hurley, Clampitt.

[GS 105](#)

[View summary](#)

[Employment and Retirement, Government, State Government, Tax, Local Government](#)

H 76 (2021-2022) [MODERNIZE DEBT SETTLEMENT PROHIBITION](#). Filed Feb 11 2021, *AN ACT TO MODERNIZE AND EXPAND THE PROHIBITION OF DEBT SETTLEMENT BY MAKING DEBT SETTLEMENT AN UNFAIR TRADE PRACTICE, CLARIFYING THE DEFINITION OF DEBT SETTLEMENT, EXPANDING CIVIL REMEDIES AVAILABLE TO DEBTORS, AND LIMITING DEBT SETTLEMENT ACTS THAT ARE AUTHORIZED AND TO MAKE OTHER ADMINISTRATIVE AND TECHNICAL CHANGES*.

Recodifies Article 56 of GS Chapter 14 as Article 7 of GS Chapter 75, now titled Adjusting and Debt Settlement Prohibited (was, Debt Adjusting). Makes the following changes to the Article.

Modifies and adds to the Article's defined terms. Defines debt adjusting as entering into or making a contract with a debtor whereby the debtor agrees to pay a certain amount of money periodically to the person engaged in the debt adjusting business and that person, for consideration, agrees to distribute or distributes the money among one or more creditors pursuant to an agreed upon plan. Modifies the definition used for debt adjusting to no longer include the business or practice of holding oneself out as acting or offering or attempting to act for consideration as an intermediary between debtor and creditors to settle, compound, or alter payment terms of a debtor, and receiving money or other property for payment to or distribution among the

debtor's creditors. Adds the defined term debt settlement, defined to mean the business whereby any person holds themselves out as acting for consideration as an intermediary between a debtor and one or more of the debtor's creditors for the purpose of reducing, settling, or altering the terms of the payment of any debt of the debtor (previously, included in the definition of debt adjusting; eliminates further specifications previously provided). Amends the definition of person to include "other entity." Eliminates the defined terms debt adjuster and nominal consideration. Adds the defined term affiliate.

Adds a new provision to expressly prohibit any person, directly or through affiliates, from engaging in, offering to engage in, or attempting to engage in debt adjusting or debt settlement. Modifies the existing language concerning criminal punishment for a violation of the Article to include debt settlement, thereby making both debt adjusting and debt settlement a Class 2 misdemeanor. Additionally, expands the provisions regarding enjoining actions brought under the Article, to include debt settlement, and allow a superior court judge to enjoin the continuation or offering of any debt adjusting or debt settlement business or services as an unfair trade practice. Adds that the authorized actions and remedies are in addition to other remedies available under GS Chapter 75.

Makes clarifying changes to the provisions providing for authorized acts under the Article and modifies the language to reflect the Article's defined terms, as amended. More specifically includes as an authorized act a licensed attorney acting within the attorney-client relationship with the debtor who has entered into any arrangement with a person engaged in, directly or through affiliates, in debt adjusting or debt settlement, excluding services provided to a debtor by an attorney or in the name of an attorney. Adds to the conditions for credit counseling, education and debt management by an organization to qualify as an authorized act to now require that the organization charges no fee or a fee to cover debt management plan administration that is no more than \$40 for origination or setup and 10% of the monthly payment disbursed under the plan, which is no more than \$40. Eliminates the previously authorized act of intermittent or casual adjustment of a debtor's debt for compensation for an individual or person who is not a debt adjuster, not engaged in or holding oneself out as being engaged in debt adjusting.

Deems contracts for debt adjusting or debt settlement void per se and deems any violation of the Article as an unfair trade practice under GS 75-1.1.

Applies to offenses committed on or after July 1, 2021.

Intro. by Howard, Saine, Wray, Szoka.

[GS 14, GS 75](#)

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[Business and Commerce, Consumer Protection, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure](#)

H 78 (2021-2022) [REPORT ON K-12 COMPUTER SCIENCE DATA](#). Filed Feb 11 2021, *AN ACT TO REQUIRE ANNUAL REPORTING ON PARTICIPATION ON COMPUTER SCIENCE COURSES AND COURSE OF STUDY, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.*

Amends GS 115C-12 to add annual computer science reporting to the duties of the State Board of Education (SBE) in the general supervision of the public school system. Requires reporting to include (1) the number of teachers employed to teach computational thinking and computer sciences, (2) all computer science and computational thinking courses offered statewide and the number of students enrolled in each, and (3) the numbers of students enrolled in computer science and computational thinking courses by grade level. Further specifies data reporting requirements.

Intro. by Blackwell, Clemmons, Elmore, Hurley.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education](#)

H 79 (2021-2022) [STUDENT DIGITAL LEARNING ACCESS](#). Filed Feb 11 2021, *AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO MAINTAIN A DIGITAL LEARNING DASHBOARD UPDATED ANNUALLY BY PUBLIC SCHOOL UNITS AND TO*

REQUIRE RECOMMENDATIONS TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE BASED ON INFORMATION ON STUDENT DIGITAL LEARNING ACCESS DURING COVID-19, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

Enacts GS 115C-102.9 to require the State Board of Education (SBE) to establish and maintain an electronic dashboard to publicly display information related to digital learning. Prescribes required information to be included, related to issues of available digital devices to students, out-of-school internet connectivity for students, and available digital devices to students outside of school. Requires public school units to annually update all categories of information by November 15. Directs SBE to annually report to the specified NCGA committee by February 15 on statewide trends and recommendations, as specified. Amends GS 115C-75.9, GS 115C-218.75, GS 115C-238.66, GS 115C-239.8, and SL 2018-32, to require innovative schools, charter schools, regional schools, laboratory schools (appears to intended) and renewal school systems to also annually update their respective information to the digital learning dashboard. Applies beginning with the 2021-22 school year.

Requires the Department of Public Instruction (DPI) and the Department of Information Technology (DIT) to conduct a statewide data assessment of out-of-school internet and device access for students obtained during the physical school closure and at-home learning due to COVID-19 during the 2019-20 and 2020-21 school year. Requires DPI and DIT to collaborate with NC State University's Friday Institute for Educational Innovation and identify the scope of students lacking out-of-school internet access or devices at home, reasons for such lack of access or devices, and methods used during the described period to address the lack of access or devices. Requires public school units to provide requested relevant data. Requires DPI and DIT to recommend programs and policies to close the gap and maintain data on the gap. Directs the Superintendent of Public Instruction to coordinate data access and reporting, and report to the specified NCGA committee on the assessment by October 15, 2021.

Intro. by Blackwell, Clemmons, Elmore, Hurley.

STUDY, GS 115C, GS 116

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Education, Elementary and Secondary Education, Higher Education, Government, Public Safety and Emergency Management, State Agencies, UNC System, Department of Information Technology, Department of Public Instruction

PUBLIC/SENATE BILLS

S 37 (2021-2022) **IN-PERSON LEARNING CHOICE FOR FAMILIES**. Filed Feb 1 2021, *AN ACT TO PROVIDE ACCESS TO IN-PERSON LEARNING FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE*.

House amendment #1 amends the 3rd edition as follows.

Concerning the provision of reasonable accommodations to classroom teachers upon implementation of the proposed mandate for in-person instruction to K-12 students for the remainder of the 2020-21 school year, specifies that the act's provisions do not require a local board of education to provide any accommodation to an employee where no reasonable accommodation exists.

Intro. by Ballard, Lee, Hise.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, Local Government, Health and Human Services, Health, Public Health

S 55 (2021-2022) **CONFIRM REID WILSON/SEC. N & CR**. Filed Feb 3 2021, *A SENATE RESOLUTION CONFIRMING D. REID WILSON AS SECRETARY OF THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES*.

Senate amendment amends the 1st edition to confirm Reid Wilson as Secretary of the Department of Natural and Cultural Resources. Changes the act's long title and removes the act's whereas clauses.

Intro. by Sanderson, B. Jackson, Edwards.

[SENATE RES](#)

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Government, General Assembly, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)

S 85 (2021-2022) [ALLOW VISION SERVICE CORPORATIONS](#). Filed Feb 11 2021, *AN ACT TO ALLOW VISION SERVICE CORPORATIONS AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO CHAPTER 58 OF THE GENERAL STATUTES*.

Part I

Makes the following changes to Part 1, Hospital, Medical and Dental Service Corporations, of Article 65 of GS Chapter 58, which governs hospital, medical and dental service corporations.

Amends GS 58-65-1 to expand the scope of Articles 65 and 66 to include corporations organized for the purpose of maintaining and operating a nonprofit vision service plan whereby vision services can be provided by the corporation or optometrists participating in the plan(s) (Article 66 regulates the readability of hospital, medical and dental service corporations' insurance certificates). Explicitly exempts such corporations from all other state insurance laws, except as otherwise provided. Authorizes all corporations subject to Articles 65 and 66 with certificates of incorporation which authorize the operation of either a dental, hospital, medical, or vision service plan, or any combination of the plans, to, with the approval of the Commissioner of Insurance (Commissioner): (1) issue subscribers' contracts or certificates for the provision of or payment of fees for services or care; and (2) enter into contracts with health care providers for the provision of or the payment of fees for services or care (previously, authorities reserved for hospital service corporations only).

Enacts 58-65-1.1 to set forth the Article's defined terms. Moves the seven defined terms previously set forth in GS 58-65-1 to this statute, with technical changes and modifications discussed below. Adds the terms *dental service corporation* and *vision service corporation*. Adds the term *vision service plan* and defines the term to mean any contract for the provision of or the payment of fees for vision care or vision services, including any other professional services permitted to be provided by a duly licensed optometrist or ophthalmologist. Replaces the definition of *hospital service corporation*, now defining the term to mean any nonprofit corporation that operates a hospital service plan (previously, included operation of hospital, medical or dental service plans). Modifies the term *single-service corporation* to mean any corporation organized under the provisions of the Article that offers only a dental service plan, a vision service plan, or both a dental service plan and a vision service plan but no other plans (previously, a corporation that offered only a dental service plan).

Amends GS 58-65-2, which identifies specific insurance laws applicable to service corporations subject to the Article. More specifically makes the identified statutes applicable to all full-service (defined as corporations offering a medical service plan or a hospital plan) and single-service corporations subject to the Article (previously, all service corporations subject to the Article). Adds GS 58-50-300, *Health benefit plans or insurers contracting for the provision of vision services or materials; no limitation on fees for noncovered services or materials*, to the statutes identified.

Amends GS 58-65-5, authorizing both full-service and single-service corporations (was, any corporation) to contract with other firms and corporations for joint assumption or underwriting of any or all risks undertaken, subject to Commissioner approval of the terms and conditions. Makes similar changes throughout to reference both full-service and single-service corporations where appropriate.

Makes technical and clarifying changes to GS 58-65-10 regarding payment of premiums.

Makes conforming changes to GS 58-65-25 (concerning various types of contracts), making existing language applicable to vision services as appropriate. Makes technical changes and makes language gender neutral.

Amends GS 58-65-50 to explicitly require a certificate or license issued by the Commissioner for a corporation to issue contracts for the rendering of vision services to subscribers, and making existing application requirements applicable to such corporations. Makes conforming and technical changes. Makes language gender neutral.

Make conforming and technical changes to GS 58-65-55 concerning the issuance and continuances of licenses upon fee payment.

Amends GS 58-65-60 concerning subscriber contracts to require all subscriber contracts of corporations subject to the Article and Article 66 to be in writing with a certificate stating the terms and conditions furnished to the subscriber to keep. Makes conforming, technical and clarifying changes. Makes language gender neutral.

Makes technical and conforming changes to GS 58-65-65, regarding required coverage for active medical treatment in tax-supported institutions.

Makes technical and conforming changes to GS 58-65-70, concerning required coverage of persons possessing the sickle cell trait or hemoglobin C trait.

Makes conforming and clarifying changes to GS 58-65-95 and GS 58-65-110 concerning corporations' investments and reserves, and expenses.

Makes technical and conforming changes to GS 58-65-120 regarding transacting through licensed agents, and GS 58-65-131 and GS 58-65-132 regarding required procedures for full-service and single-service corporations to convert to a stock accident and health insurance company or stock life insurance company subject to separate GS Chapter 58 Articles.

Makes conforming, technical and clarifying changes to GS 58-65-135 concerning group service plans administered on a cost plus administrative expense basis.

Amends GS 58-65-150 regarding the scope and construction of Articles 65 and 66. Authorizes the Commissioner to require full-service and single-service plans or medical service associations to provide information necessary to determine whether the service plan or medical service association is exempt from the provisions of Articles 65 and 66. Makes conforming changes. Makes organizational and technical changes. Makes language gender neutral.

Makes conforming changes to GS 58-65-155 concerning mergers and consolidations. Makes organizational and clarifying changes. Adds an explicit requirement that the terms of merger or consolidation agreements be written, with content and signatures of directors or trustees as presently required. No longer allows for voting by proxy at the required meeting for adoption of an agreement for merger or consolidation. Makes technical changes and makes language gender neutral.

Makes technical and conforming changes to GS 58-65-165 concerning the determination of exempt corporations. Makes language gender neutral.

Part II

Amends GS 58-65-166, which sets forth the defined terms as used in Part 2 of Article 65 concerning indemnification. Includes nonprofit domestic vision service corporations and their successors in the definition of *corporation*.

Modifies Article 66, Hospital, Medical and Dental Service Corporation Readable Insurance Certificates Act, of GS Chapter 58. Expands the Article's scope to include vision service corporations. Makes conforming changes to GS 58-66-35 concerning filing requirements.

Makes conforming changes to GS 58-38-35 regarding readable insurance policies, GS 58-49-25 regarding required disclosure, GS 58-50-5 regarding general health insurance guidelines, and GS 58-50-45 regarding required notice to insurance fiduciaries. Additionally, makes clarifying changes to GS 58-50-5, and makes language gender neutral.

Part III

Makes the act applicable to contracts issued, amended, or renewed on or after October 1, 2021.

Intro. by Corbin, Burgin, Woodard.

GS 58

[View summary](#)

Business and Commerce, Insurance, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance

S 86 (2021-2022) [MEDICAID RECS./CWBTC](#). Filed Feb 11 2021, *AN ACT TO ENSURE INCREASED AWARENESS OF SCHOOL-BASED HEALTH SERVICES THAT ARE REIMBURSABLE UNDER NORTH CAROLINA'S MEDICAID STATE PLAN AND TO REQUIRE THE PROGRAM EVALUATION DIVISION TO EVALUATE THE SUCCESS OF THE INTEGRATED CARE FOR KIDS MEDICAID PILOT PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL.*

Part I.

Requires the Department of Health and Human Services, Division of Health Benefits (DHB), to develop and implement a plan to work with the Department of Public Instruction, local education administrative units, and local management entities/managed care organizations to increase awareness of school-based health services, beyond Individualized Education Program (IEP) services, that are reimbursable under the State's Medicaid State Plan. Requires that the plan include an assessment of the feasibility of enhanced rates and other mechanisms that encourage private agencies to provide school-based health services to students who are receiving or who are eligible to receive Medicaid and NC Health Choice benefits. Requires DHB to submit the plan and any recommended legislative changes to the specified NCGA committee and committee chairs by August 1, 2022.

Part II.

Requires the Joint Legislative Program Evaluation Oversight Committee to revise the 2023-24 Program Evaluation Division (PED) work plan to include an evaluation of the success of the Integrated Care for Kids Medicaid pilot program. Specifies what is to be considered in the evaluation. Requires PED to submit its evaluation by March 1, 2025.

Intro. by Krawiec, Burgin, Perry.

STUDY, UNCODIFIED

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Education, Elementary and Secondary Education, Government, General Assembly, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Insurance, Social Services, Child Welfare, Public Assistance

S 87 (2021-2022) [MEDICAID REIMBURSEMENT/CHARTER SCHOOLS](#). Filed Feb 11 2021, *AN ACT TO DEEM CHARTER SCHOOLS AS LOCAL GOVERNMENTAL ENTITIES AS NECESSARY TO ALLOW CHARTER SCHOOLS TO RECEIVE MEDICAID REIMBURSEMENT IN THE SAME MANNER AS LOCAL EDUCATION AGENCIES.*

Amends GS 115C-218.105 to deem a charter school, that is approved by the State as a public school, as a local government entity that is responsible, or assumes responsibility, for the payment of the nonfederal share for reimbursable medical services, including administrative activities related to those services, that are medically necessary and for which federal payment is available under the NC Medicaid Program. Requires the nonfederal share to consist of public funds. Defines *nonfederal share* to mean the share of expenditures for the reimbursable medical services that draws down federal financial participation.

Amends GS 108D-35 (services covered by PHPs) to specify that the capitated contracts required by the statute do not cover services documented in an individualized education program or other document described in the Medicaid State Plan and provided or billed by a charter school that is qualified to certify public expenditures.

Effective July 1, 2021.

Intro. by Krawiec, Burgin, Perry.

GS 108D, GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Health and Human Services, Health, Health Insurance, Social Services,

Child Welfare, Public Assistance

S 88 (2021-2022) **NC FAST CHILD WELFARE CASE MGMT./PED STUDY**. Filed Feb 11 2021, *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT VARIOUS CHANGES REGARDING THE CHILD WELFARE CASE MANAGEMENT COMPONENT OF THE NORTH CAROLINA FAMILIES ACCESSING SERVICES THROUGH TECHNOLOGY (NC FAST) SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Requires the Department of Health and Human Services (DHHS) to contract with a qualified organization to implement a statewide child welfare practice model by June 30, 2022. Details required qualifications of the contracted organization. Requires development of a training program to operationalize the practice model and promote standardization of business practices statewide.

Directs DHHS to ensure that the contracted organization conducts culture change readiness training by December 31, 2022, that (1) identifies ways to efficiently use existing county resources in implementing the child welfare case management component of NC FAST (NC Families Accessing Services through Technology); (2) assist counties in determining what additional resources may be required to implement the child welfare component of NC FAST; and (3) in assessing resources, consider creating county-specific plans to enhance the provision of child welfare services.

Dependent upon legislative appropriations for the NC FAST system for the 2021-22 fiscal year, directs the Department of Information Technology (DIT) to collaborate with DHHS to assign a staff person to the child welfare case management component of NC FAST to provide additional oversight to ensure adequate progress towards goals, additional reporting to DIT and the NCGA regarding implementation progress, efficient use of funding, and protection of taxpayer investment. Requires compliance with this requirement within one month of enactment of legislative appropriations to NC FAST.

Requires DHHS to prioritize usability with any future vendor contracts regarding software for the child welfare case management component of NC FAST. Requires DHHS to report to the specified NCGA committees and division on the requirements by April 30, 2022.

Mandates that DHHS require that any vendor providing additional software due to its pending request for information for the child welfare case management component of NC FAST provide a free proof of concept that demonstrates the ability of the vendor's technology to successfully work with NC FAST, as specified. Requires DHHS to implement the requirements by April 30, 2022.

Intro. by Krawiec, Burgin.

UNCODIFIED

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Department of Information Technology, Health and Human Services, Social Services, Child Welfare, Public Assistance

S 89 (2021-2022) **REGIONAL SUPERVISION/REFORMS/CWBTC RECS**. Filed Feb 11 2021, *AN ACT TO IMPLEMENT VARIOUS PROVISIONS RELATED TO SOCIAL SERVICES REFORM AND MAKE APPROPRIATIONS TO TRANSITION TO REGIONAL SUPERVISION, AS RECOMMENDED BY THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL.*

Requires the Department of Health and Human Services (DHHS), in accordance with the specified report submitted by the Social Services Regional Supervision and Collaboration Working Group (SSWG) to the Joint Legislative Oversight Committee on Health and Human Services, to establish seven regions for regional supervision of child welfare and social services and begin providing oversight and support in those regions through State regional staff and the central office team by March 1, 2021. Requires specified staffing changes. Requires DHHS to pursue obtaining offices within the regions beginning in March 2023 and requires prioritizing staffing to improve the child welfare system. Requires DHHS to move towards full implementation of a regional model, with offices, by March 1, 2024. Appropriates \$914,790 in recurring funds for 2021-22 from the General Fund to DHHS, Division of Social Services, to support new staff positions to improve regional supervision and support of child welfare services under the plan. Effective July 1, 2021.

Amends GS 108A-9 to require members of the county board of social services to attend education and training sessions provided for new members during the first year they serve on the board. Effective April 1, 2022. Requires all current county board of social services members to have participated by April 1, 2024.

Requires the Division of Social Services to collaborate with key stakeholders, including the four specified entities to create formal education and training sessions for new county boards of social services members, including a segment on potential liabilities. Requires the sessions to be available statewide by September 1, 2021.

Intro. by Krawiec, Burgin, Perry.

[APPROP, GS 108A](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, UNC System, Department of Health and Human Services, Local Government, Health and Human Services, Social Services, Child Welfare](#)

S 90 (2021-2022) [SOCIAL SERVICES REFORM/CWBTC RECS](#). Filed Feb 11 2021, *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT VARIOUS STUDIES AND MAKE REFORMS TO IMPROVE SOCIAL SERVICES, THE FOSTER CARE SYSTEM, AND CHILD WELFARE SERVICES; TO IMPROVE INTERCOUNTY COLLABORATION BETWEEN DEPARTMENTS OF SOCIAL SERVICES; AND TO SUPPORT THE IMPLEMENTATION OF THE FAMILY FIRST PREVENTION SERVICES ACT, AS RECOMMENDED BY THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL.*

Part I

Directs the Department of Health and Human Service (DHHS), Division of Social Services (DSS), to develop policies and procedures that require coordination between counties for children who reside outside of the county that has custody of the child no later than 90 days after the child's 17th birthday. Requires ensuring a point of contact with the custody county to assist with securing public assistance and access to physical and mental health services for which the child is eligible. Requires the policies and procedures to ensure educational plans, employment plans, and mechanisms to ensure continuity and amplify services for children transitioning out of foster care. Directs DHHS to report to the specified NCGA committee chairs by February 1, 2022, on its progress in policy development and implementation, its method of dissemination to counties, and DHHS's oversight and accountability for county implementation.

Directs DSS to develop policies and procedures to outline the permanency plan process and to require all county caseworkers to begin developing permanency plans no later than 90 days after the child's 17th birthday and to finalize permanency plans no later than 15 days prior to transitioning out of foster care on a child's 18th birthday, subject to federal law. Directs DSS to study the current age of transitioning out of foster care and evaluate if the age of transition should be changed and the associated impacts, benefits, and outcomes. Requires DHHS to report to the specified NCGA committee chairs by April 1, 2022, on the policies and procedures, and recommended legislation.

Directs DHHS to develop and implement a plan to encourage keeping foster children in community-based settings and avoid inappropriate residential behavioral health placement. Requires implementation of the plan by April 1, 2022, with reporting to the specified NCGA committee chairs by July 1, 2022.

Directs DHHS to study the statutory requirements of the social services system, juvenile justice system, and the Medicaid and NC Health Choice program applicable to children of foster care. Identifies five required areas of study, including (1) differences, consistencies, overlaps, and gaps in those state systems and programs as applied to children in foster care, and (2) benefits and challenges of the current managed care arrangement with LME/MCOs for providing services to children and their families. Requires DHHS to report to the specified NCGA committees by February 1, 2023.

Directs DHHS to develop and identify standardized, trauma-informed assessment tools and require that only trained clinicians deemed as appropriate by DHHS assess the applicability of the use of the tool in the treatment. Requires DHHS to evaluate the costs and benefits of implementing the tools including training and administration, and costs of measuring and monitoring fidelity of the tools, including data collection and analysis. Requires DHHS to report to the specified NCGA committee chairs by June 1, 2022.

Part II

Directs DSS to define and implement oversight mechanisms for the Guardianship Assistance Program and the Kinship Care Program (programs); increase the use of the programs statewide; explore the feasibility of reducing the ages served by the programs; reduce the age of eligibility of the Guardianship Assistance Program to 12; and provide recommendations to incentive the use of the programs with cost estimates and anticipated outcomes. Specifies that the provisions do not provide for guardianship replacing or supplanting permanency. Directs DHHS to report to the specified NCGA committee chairs by February 1, 2022.

Part III

Directs DSS and the NC Association of Regional Councils of Governments to explore entering into a memorandum of agreement to use the Councils' physical space and office-related needs for DSS staff and facilitate cooperation between regions. Requires evaluation of estimated costs by region for the office space and sample agreements. Requires DSS to file a report to the specified NCGA committee chairs by June 1, 2022.

Part IV

Directs DHHS to compile a list of programs that qualify for federal reimbursement through the Family First Prevention Services Act, as specified in federal law, and submit an annual report to the specified NCGA committee beginning December 1, 2022, and through December 1, 2025, as specified.

Part V

Directs DSS to study the confidentiality laws that apply to State social services and programs. Requires DSS to request recommendations to improve intercounty cross-sector communication and delivery of services. Identifies four required areas of study, including studying all state laws imposing confidentiality that apply to social services and specified chapters of the NC Administrative Code, and revisions necessary to accommodate the anticipated changes to the judicial system's IT platform. Requires consultation with specified state departments, divisions and agencies. Requires DSS to report to the specified NCGA committee chairs by June 1, 2022.

Part VI

Repeals GS 131D-10.9A, which establishes the Permanency Innovation Initiative Oversight Committee.

Part VII

Amends GS 115C-378 to require the Department of Public Instruction to annual notify all school social workers employed in a public school of the attendance requirement for children ages 7-16.

Intro. by Krawiec, Burgin, Perry.

STUDY, GS 115C, GS 131D

[View summary](#)

Courts/Judiciary, Juvenile Law, Education, Elementary and Secondary Education, Government, General Assembly, State Agencies, Department of Health and Human Services, Department of Public Instruction, Local Government, Health and Human Services, Health, Health Insurance, Social Services, Child Welfare, Public Assistance

S 92 (2021-2022) **INSURANCE REFERRAL FEE CAP**. Filed Feb 11 2021, *AN ACT PLACING A CAP ON INSURANCE REFERRAL FEES PAID TO NONLICENSED PERSONS*.

Amends GS 58-33-82 to cap at \$50 commissions, fees, or other valuable consideration paid to an unlicensed person for referral of insurance business to a licensed insurance agent or broker, with violations punishable by up to a \$2,000 fine in addition to other legal penalties. Applies to referrals of insurance business made on or after October 1, 2021.

Intro. by Johnson, Burgin, Corbin.

GS 58

[View summary](#)**Business and Commerce, Insurance, Courts/Judiciary, Civil,
Civil Law**

LOCAL/HOUSE BILLS

H 77 (2021-2022) [SCHOOL CALENDAR FLEXIBILITY/MOORE COUNTY](#). Filed Feb 11 2021, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO MOORE COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided in GS 115C-84.2(d). Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates. Allows Moore County Schools to open as early as August 10 (currently, no earlier than the Monday closest to August 26), excluding year round schools. Deletes all provisions of subsection (d) concerning waiver of the opening and closing date requirements upon a showing of good cause.

Amends GS 115C-174.12(a)(4) to allow Moore County Schools to administer assessments prior to the conclusion of a semester when the fall semester ends before December 31.

Applies beginning with the 2021-22 school year.

Intro. by Boles, McNeill.[Moore](#)[View summary](#)**Education, Elementary and Secondary Education**

LOCAL/SENATE BILLS

S 84 (2021-2022) [43RD SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 11 2021, *AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT*.

Blank bill.

Intro. by Harrington.[Gaston](#)[View summary](#)

S 91 (2021-2022) [9TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 11 2021, *AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT*.

Blank bill.

Intro. by Lee.[New Hanover](#)[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS**H 4: EXTEND ABC PERMIT RENEWAL FEE DEFERRAL.**

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 65: ABC ADMINISTRATIVE PENALTIES/PED STUDY.

House: Passed 1st Reading

House: Ref to the Com on Alcoholic Beverage Control, if favorable, Rules, Calendar, and Operations of the House

H 66: EXPAND ELIGIBILITY FOR UTILITY ACCOUNT.

House: Passed 1st Reading

House: Ref to the Com on Commerce, if favorable, Rules, Calendar, and Operations of the House

H 67: GSC TECHNICAL CORRECTIONS 2021.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 68: GSC LICENSING BOARDS AND COMM'NS/RULE CRIMES.

House: Passed 1st Reading

House: Ref to the Com on State Government, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 69: EDUCATION ON THE HOLOCAUST AND GENOCIDE.

House: Passed 1st Reading

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

H 70: HISTORIC SCHOOL PRESERVATION ACT.

House: Passed 1st Reading

House: Ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

H 71: LIVING DONOR PROTECTION ACT.

House: Filed

H 72: AUDIOLOGY MODIFICATIONS.

House: Filed

H 73: TEMPORARILY WAIVE ABC PERMIT RENEWAL FEES.

House: Filed

H 74: APSEED PILOT PROJECT/FUNDS.

House: Filed

H 75: GOV'T RETIREES TAX DEDUCTION.

House: Filed

H 76: MODERNIZE DEBT SETTLEMENT PROHIBITION.

House: Filed

H 78: REPORT ON K-12 COMPUTER SCIENCE DATA.

House: Filed

H 79: STUDENT DIGITAL LEARNING ACCESS.

House: Filed

S 37: IN-PERSON LEARNING CHOICE FOR FAMILIES.

House: Amend Adopted A1

House: Amend Failed A2

House: Amend Failed A4

House: Amend Failed A5

House: Amend Failed A6

House: Amend Failed A3

House: Amendment Withdrawn A7

House: Amend Failed A8

House: Amend Failed A7

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Placed on Today's Calendar

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

House: Conf Com Appointed

S 54: CONFIRM GOVERNOR'S APPTS/MINING COMMISSION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 55: CONFIRM REID WILSON/SEC. N & CR.

Senate: Amend Adopted A1

Senate: Adopted

Senate: Engrossed

S 78: A SAFE RETURN FOR IN-PERSON LEARNING.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 80: SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 81: TEACHER DIVERSITY/PED STUDY.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 82: STUDENT FINANCIAL ASSISTANCE/PED STUDY.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 85: ALLOW VISION SERVICE CORPORATIONS.

Senate: Filed

S 86: MEDICAID RECS./CWBTC.

Senate: Filed

S 87: MEDICAID REIMBURSEMENT/CHARTER SCHOOLS.

Senate: Filed

S 88: NC FAST CHILD WELFARE CASE MGMT./PED STUDY.

Senate: Filed

S 89: REGIONAL SUPERVISION/REFORMS/CWBTC RECS.

Senate: Filed

S 90: SOCIAL SERVICES REFORM/CWBTC RECS.

Senate: Filed

S 92: INSURANCE REFERRAL FEE CAP.

Senate: Filed

LOCAL BILLS

H 38: BD. OF TRUSTEES/ISOTHERMAL CC.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 77: SCHOOL CALENDAR FLEXIBILITY/MOORE COUNTY.

House: Filed

S 77: 41ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 79: 39TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 83: 38TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 84: 43RD SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 91: 9TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

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