



The Daily Bulletin: 2021-05-20

PUBLIC/HOUSE BILLS

H 395 (2021) [HIE DEADLINE EXTENSION & PATIENT PROTECTION. \(NEW\)](#) Filed Mar 24 2021, *AN ACT EXEMPTING AMBULATORY SURGICAL CENTERS FROM THE REQUIREMENT TO SUBMIT DEMOGRAPHIC AND CLINICAL DATA, EXTENDING FOR CERTAIN PROVIDERS AND ENTITIES THE DEADLINES FOR MANDATORY PARTICIPATION IN THE STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX, AND INSTITUTING REFORMS TO PROTECT PATIENTS.*

Senate amendments amend the 3rd edition as follows.

Amendment #1 adds subsection (b1) to GS 90-414.4 prohibiting in-network providers or entities providing health services under contract with the State Health plan who are not connected to the HIE Network from billing the State Health Plan or a plan member more than they would be billed if the provider were connected to the HIE Network. Prohibits balance billing because the provider or entity did not connect to the HIE Network.

Amendment #2 changes the date by which the HIE Advisory Board must report to the Joint Legislative Oversight Committee on Health and Human Services to March 1, 2022 (was, December 1, 2022). The amendment also adds language to do the following:

- (1) Direct the HIE Authority, the State Health Plan Division, and the Division of Health Benefits to identify all providers required to connect to the HIE Network as a requirement for receiving State funds, those providers who have not connected to the HIE Network, and providers whose deadline to connect to the HIE Network is approaching or has passed;
- (2) Direct the HIE Authority to contact providers identified and ascertain the status of their connection to the HIE Network;
- (3) Direct the HIE Authority to share with providers information about the Statewide Health Information Exchange Act and how to connect to the HIE Network;
- (4) Direct licensing authorities overseeing providers required to connect to the HIE Network to provide contact information of licensees when that information is not readily available to the HIE Authority, Department of State Treasurer, or Department of Health and Human Services;
- (5) Direct the Department of State Treasurer, Department of Health and Human Services, and licensing authorities to provide contact information of providers on or before November 1, 2021;
- (6) Direct the State Health Plan to provide claim encounter data to support the HIE Authority's report and fulfill responsibilities to operate the State Health Plan Division by November 1, 2021; and
- (7) Direct the State Health Plan Division to use and disclose claim payment data as needed to satisfy the HIE Authority's reporting requirement.

Intro. by Sasser, Potts, K. Baker, Wray.

GS 90

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance

H 947 (2021) [THE G.R.E.A.T. BROADBAND EXPANSION ACT.](#) Filed May 11 2021, *AN ACT TO ESTABLISH THE COMPLETING ACCESS TO BROADBAND PROGRAM, TO CREATE A PROCESS TO ADMINISTER A GROWING RURAL ECONOMIES WITH ACCESS TO TECHNOLOGY (G.R.E.A.T.) PROGRAM UTILIZING FEDERAL AMERICAN RESCUE PLAN ACT FUNDS, AND TO MAKE VARIOUS CHANGES TO THE G.R.E.A.T. PROGRAM.*

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

Part I.

Renumbers the proposed statute from GS 143B-1373.2 to GS 143B-1373.1, establishing the Completing Access to Broadband Fund (CAB Fund) in the Department of Information Technology (DIT) to be used for grants to counties as previously specified. Adds to the defined terms: *Department* and *Office*. Now defines *eligible area* to be an area that is unserved or underserved in a county; deems counties that used federal funding for broadband infrastructure projects on or after May 1, 2021, ineligible. Adds to the definition of *unserved* or *underserved* to provide that areas where a private provider has been designated to receive funds through other State- or federally-funded programs designed specifically for broadband deployment to be considered served if such funding is intended to result in construction of broadband in the area within 18 months or for the duration of the federal funding program for that area, or if the funding recipient is otherwise in good standing with the funding agency's regulations governing the funding program. No longer defines *federal funds*.

Now explicitly restricts the use of monies awarded from the CAB Fund for infrastructure and infrastructure costs. Provides that all identified projects are subject to the bid process requirements established by the statute. Now directs DIT to use its authority under Part 4 of the Article to develop a competitive bid process for the procurement of the construction, installation, and operation of broadband infrastructure. Authorizes DIT rather than the Broadband Infrastructure Office (Office) to delegate to a county the bid process to select a provider for the project area that meets state law requirements, with DIT empowered to reserve the authority to approve the county's provider selection. Now requires the Office to use customizable forms and procedures developed by DIT unless the county has bid processes acceptable to the Office. Deems provider selections made to be exempt from the DIT's administrative review under the Administrative Procedure Act or the DIT's administrative rules regarding information technology bid protests and contested case procedures. Makes selections subject to the procedures provided in GS 143B-1373(c), regarding reservation of census blocks by private providers under the Growing Rural Economies with Access to Technology (GREAT) program. Adds a new requirement for a proposed project area to be posted on DIT's website for a period of at least 10 days in conjunction with the bid process. Allows for a broadband service provider to request a project scope adjustment upon submission of credible evidence, whereby the Office must work with a county to amend the scope of the project upon finding the evidence to be credible. Adds that the provisions do not grant a county authority to own, operate, or otherwise control broadband infrastructure contracted for under the statute.

Adjusts the project funding parameters, now allowing rather than requiring the broadband service provider selected to provide up to 30% (was, at least 35%) of the total estimated project cost. Now provides for the county requesting the project to be responsible for at least 35% of the total project cost from the federal American Rescue Plan Act of 2021 (ARPA) funds or unrestricted general funds (was, 30% from unrestricted general funds or federal funds). No longer caps receipt of funds from the CAB Fund at \$2 million for a single project. Decreases the cap from \$5 million to \$4 million in aggregate funding for a county in a single fiscal year.

Revises the further adjustments to the funding responsibilities, now based on either the CAB Fund monies being insufficient, or the county receiving less than an aggregate of \$8 million in federal ARPA funds (was, or the county receiving less than \$8 million in federal funds). Requires the provider selected for a project in such instance to provide at least 15% of the total estimated project cost (was, 30%). Adds a new requirement for the State and county costs responsibilities to be equally apportioned upon a provider providing more than 15% of the estimated project cost. Replaces apportioned State and county responsibilities based on the amount of direct federal funding received, now placing 5-10% (was, 10-25%) of project cost responsibility with the county and 75 to 80% (was, 45-60%) responsibility with the State, based on federal funding received between \$250,000 and \$4 million, or \$4 million and \$8 million.

Regarding agreements entered into between a selected provider and the Office, adds a new requirement for all proposed broadband speeds to meet or exceed the federal guidelines for use of ARPA funds. Additionally, subjects such agreements to the forfeiture provisions set forth for GREAT program awards under GS 143B-1373(l).

Part II.

Deletes the previous content of Part II, which enacted GS 143B-1373.1 to direct the Office to award grants to eligible broadband service providers for subscriptions to unserved households. Now provides the following. Directs DIT to administer broadband infrastructure grants using the funds appropriated in Part IV of the act through the GREAT grant program, with grant applications submitted and grant funds awarded pursuant to the procedures set forth for the GREAT grant program in GS 143B-1373, with the following exceptions.

Defines *eligible economically distressed county* to mean a county designated as a development tier one or tier two area, or a rural census tract located in any other county, with tier designations applicable based on fiscal year; deems counties that have used federal funding for broadband infrastructure on or after May 1, 2021, to be ineligible unless the federal funds were

expended under this Part or new GS 143B-1373.1, as enacted in Part I. Defines *eligible project* to mean a discrete project located in an unserved economically distressed area seeking to provide broadband service to homes, businesses, and community anchor points not currently served, with named exclusions and provisions to determine the project location when project areas span more than one county.

Removes the financial contribution restrictions for partnerships set forth in GS 143B-1373(a)(11a), which includes restrictions for the contributions of a nonprofit or not-for-profit, or a for-profit subsidiary of either.

Defines *unserved area* to be a designated geographic area that is presently without access to broadband service or where Internet access does not meet the definition of broadband service. Adds that areas where a private provider has been designated to receive funds through other State- or federally funded programs designed specifically for broadband deployment must be considered served if such funding is intended to result in construction of broadband in the area within 18 months or for the duration of the federal funding program for that area, or if the funding recipient is otherwise in good standing with the funding agency's regulations governing the funding program.

Replaces the provisions of GS 143B-1373(c), regarding reservation of census blocks by private providers. Instead, allows for a private provider receiving State or federal funds to deploy broadband service in unserved areas to qualify such area for protection by submitting a listing of the census blocks, or portions thereof, comprising the State- or federally funded project areas in a manner prescribed by the Office. Permits the Office to only use this data to update maps of census blocks to reflect these census blocks, or portions thereof, as being served. Deems failure of a provider to submit the listing of census blocks by the cutoff date to result in those areas being eligible for inclusion under the GREAT grant program during subsequent program years. Requires that the Office use the census block data provided only for mapping of unserved areas. Requires a project area to remain protected for a period of 18 months from the submission of the listing information required, provided that the private provider that has received protection for a project area submits written documentation by April 30 of the year following the program year that broadband deployment has begun, been completed, or is otherwise in good standing, in the census blocks, or portions thereof, that have been deemed ineligible by the Office, thereby making a protected project area remain protected until project completion. Makes a project area where a private provider has forfeited or otherwise defaulted on an agreement in connection with receipt of funds to deploy broadband service ineligible for inclusion in this program in subsequent program years. Deems information provided to the Office for this purpose not public record.

Revises the provisions of GS 143B-1373(d1), regarding the burden of proof placed on applicants with regard to the ability of the proposed technology to serve the proposed area. Maintains the existing provisions and adds a new requirement for application to include a project area map that provides location-specific data in a format required by the Office.

Replaces the provisions of GS 143B-1373(e), regarding protests of the proposed project areas. Requires applications to be made publicly available by posting them on DIT's website for at least 20 days prior to the award, and allows for any interested party to submit comments to the Secretary concerning the pending application. Additionally allows for a broadband service provider in a project area proposed in an application to submit a protest of any application on the grounds that the proposed project covers an area protected under subsection (c) (as amended for the purposes of Part II of the act), or that the proposed project contains 10% or more of total households with access to broadband service. Details protest requirements, including detailed mapping demonstrating that the protesting broadband provider has installed infrastructure sufficient to provide broadband service to the specific addresses provided in the protest. Provides for the Office to review the protest in connection with the application's review, and allows for amending the application as necessary, and amending the application's scoring as necessary. Allows the Office to reject any amended application that results in a lower application score if the score would have impacted the ranking of the application in the initial scoring process. Requires the Secretary to issue a decision to the protesting party 15 days prior to the approval of an application. Allows the Office to release to an applicant the location or areas declared ineligible if a protest is granted for a portion of the application. Deems such information not public record. Allows for the Office to deny any protest or application that contains inaccurate information. Allows for resolving the protest by using speed tests, with the Office required to publish the methodologies used to assess speed levels for this purpose. Provides the Secretary or a designee authority over speed tests used and the manner in which they are applied.

Replaces the partnership scoring provision of GS 143B-1373(g)(1) as follows. Adds new requirements for a proposed partnership be in writing, provide specific terms and conditions, and be signed and attested by the parties. Authorizes a county or nonprofit to enter into proposed agreements with more than one applicant. Provides for one point for a proposed partnership that will make available existing infrastructure that has been installed for the partner's enterprise, nonconsumer broadband purposes, or any other property, buildings, or structures owned by the partner, for a proposed project. Gives one point for a

county or nonprofit entity that proposes to provide a financial match. Authorizes counties to use unrestricted general funds or federal ARPA funding allocated for the purpose of improving broadband infrastructure for a financial match. Provides for two additional points for a proposed partnership where the county's financial match is comprised entirely from federal ARPA funds. Specifies that counties are not authorized to provide broadband service. Provides that for projects where the application includes a proposed partnership, the agreement must contain a provision requiring certification of the existence of the partnership prior to disbursement of grant funds.

Replaces the scoring model measures of GS 143B-1373(g)(5), providing for increased points based on lowered estimated costs per household or business as specified, based on the project's location in regions of the state, with points ranging from 0 to 9, and without differentiation between partnerships or private providers.

Sets forth a base speed multiplier to be used as provided in GS 143B-1343(g)(6), increasing the minimum upload and download thresholds and corresponding score multipliers, now ranging from 1 to 3, as specified. Adds a new requirement for an applicant proposed minimum download and minimum upload speeds of less than 100 Mbps, symmetrical, to provide an attestation to the Office that upon project completion the completed infrastructure will be scalable to a minimum of 100 Mbps download and 100 Mbps upload on or before December 31, 2026, subject to the return of all federal ARPA funds received under the statute and all of the grant forfeiture provisions of subsection (l).

Provides a scale for the award of additional points based on a county's portion of matching funds for the project entirely from the federal ARPA funds for counties receiving an aggregate of \$8 million or more, ranging from 1-5 points, and for a county that receives less than an aggregate of \$8 million and provides a portion of a project's matching funds using the entirety of the federal funds the county received, ranging from 6 to 7 points.

Revises the grant limitation amounts set forth in GS 143B-1373(i), increasing the grant cap from \$2 million to \$4 million, and no more than \$8 million of a combination of grant awards involving any single county in a fiscal year. Deems any project that is applied for and not funded in an award round under the statute as not eligible for funding under the Completing Access to Broadband program pursuant to GS 143B-1373.1.

Replaces the provisions of GS 143B-1373(j), regarding the match requirements of grant recipients based upon application scoring, reducing the matching requirements to now range from 30% to 50%. Allows for up to 50% of matching funds paid by the grant recipient to be comprised of third-party funding, including funds from other grant programs or federal funds within applicable rules. Provides for further reduction for grantees receiving a portion of the matching funds from a county where the county portion is partially or entirely comprised of federal ARPA funding, ranging from 15% to 25%.

Directs DIT to use a portion of the administrative funds authorized in Part IV of the act for legal and appraisal services needed to assist the Department of Administration in administering the provisions of GS 146-29.3(b1), which govern the lease or interest in real property of the State for communication purposes. Directs the Department of Administration to use all available resources to prioritize the review and disposition of request for collocation, installation, and operation of equipment for broadband providers receiving grants under Part II.

Part III.

Amends GS 143B-1373 as follows. Changes the term *eligible economically distressed county* to *eligible economically distressed area*, now defined as a county designated as a development tier one or tier two area, or a rural census tract located in any other county; also no longer excludes from eligibility counties with total employment of 500,000 or more, as of January 1, 2020. Amends the definition of the term *eligible project* to mean a discrete and specific project located in an unserved economically distressed area (was, in an unserved area of an economically distressed county) seeking to provide broadband service to homes, businesses, and community anchor points not currently served. Amends the definition of *unserved areas*, which is defined as a designated geographic area presently without access to broadband service offered by a wireline or fixed wireless provider, by specifying that areas where a private provider has been designated to receive funds through other State or federally funded programs designed specifically for broadband deployment shall be considered served if such funding is intended to result in construction of broadband in the area within 18 months or for the duration of the federal funding program for that area, or if the funding recipient is otherwise in good standing with the funding agency's regulations governing the funding program (was, limited to when such funding is intended to result in construction of broadband in the area within 18 months); makes additional technical changes.

Deletes the proposed changes to (b), which allowed funds from the Growing Rural Economies with Access to Technology Fund to also be used for awards to grantees providing fixed wireless or satellite broadband service.

Deletes the proposed changes to (c) and now instead makes the following changes. Deletes the provision making ineligible for the GREAT program any project areas comprised of census blocks, or portions thereof, within which a broadband provider is receiving matching funds to deploy broadband service within the next 18 months. Allows a private provider receiving State or federal funds to deploy broadband service in unserved areas to qualify the area for protection by submitting a listing of the census blocks, or portion thereof, comprising the state or federally funded project areas in a manner prescribed by the Broadband Infrastructure Office (Office) (previously allowed a private provider receiving Universal Service or Connect America Phase II, or nonfederal funds to deploy broadband service to qualify the area for protection by submitting within 60 days of the application period a listing of the census blocks, or portions thereof, comprising federally funded project areas meeting this requirement and nothing more to the Office). Makes conforming changes by deleting the cutoff dates for submitting census block data in future program years. Provides that a project area remains protected for a period of 18 months from the submission of the required listing information; however, a private provider that has received protection for a project area must submit written documentation by April 30 of the year following the program year that broadband deployment has begun or been completed, or is otherwise in good standing, in the census blocks, or portions, thereof, that have been deemed ineligible by the Office. Upon submission of the documentation, a protected project area remains protected until the project is completed. Makes a project area where a private provider has forfeited or otherwise defaulted on an agreement in connection with receipt of funds to deploy broadband service, eligible for inclusion in this program in subsequent program years.

Deletes the proposed language in (d1) that set out requirements concerning the project area map that must be submitted along with an application. Instead, requires only that an application include a project area map that provides location-specific data in a format required by the Office.

Further amends (e) by allowing a broadband service provider currently providing broadband service in a project area proposed in an application to submit a protest of any application on the grounds the project covers an area that is a protected area or that the proposed project area contains 10% or more of total households with access to broadband service. Specifies that the documentation supporting a project must be credible and expands upon what is considered supporting documentation. Makes additional conforming and clarifying changes.

Amends (g), which sets out requirements for scoring applications. Amends the provision governing the scoring of projects proposing a partnership by specifying that funds received from the federal American Rescue Plan Act may not be used for these purposes (was, an applicant must receive two additional points for a proposed partnership where the county's financial match is comprised entirely from federal American Rescue Plan funds intended for broadband infrastructure). Amends the additional points that the Office is to give to projects that minimize the infrastructure costs of the proposed project per household or business, as follows: (1) deletes the differentiation based on partnership using infrastructure; (2) for projects in the Piedmont or Coastal Plain Regions, awards 0 points when the estimated costs per household/business is \$6,000 and over and 7 points where the estimated costs per household/business is \$5,000, up to \$6,000; 8 points where the estimated costs per household/business is \$3,500 up to \$5,000; and 9 points where the estimated costs per household/business is up to \$3,500; and (3) for projects in the Mountain Region, awards 0 points when the estimated costs per household/business is \$7,000 and over and 7 points where the estimated costs per household/business is \$6,000, up to \$7,000; 8 points where the estimated costs per household/business is \$4,500 up to \$6,000; and 9 points where the estimated costs per household/business is up to \$4,500. Amends the score multiplier based on minimum download and upload speeds, to multiply the score by 3 for speeds of 100 Mbps, symmetrical, and by 4 for speeds greater than 100:100 Mbps.

Deletes proposed (h1), which awarded additional points to counties receiving a portion of a project's matching funds entirely from federal American Rescue Plan funds the county received directly from the federal government.

Provides that if funds remain available after all top scoring projects have been awarded a grant, then the next highest scoring projects may be awarded a grant even if the project is located in a county where a grant has been awarded in that fiscal year provided the total award associated with that county does not exceed \$8 million (was, \$6 million in the previous edition and \$2 million in current law) in that fiscal year.

Amends (j) by removing the proposed language that reduced the matching requirement for a grant recipient receiving a portion of matching funds from a county where the county portion of matching funds is partially or entirely composed of federal American Rescue Plan funding.

Part IV.

Deletes the previously proposed appropriations, which included appropriations to the Completing Access to Broadband Fund and the GREAT Fund from funds received by the State from the ARPA. Instead provides the following.

Appropriates \$350 million from the State Fiscal Recovery Fund to the GREAT Fund for 2021-22 for broadband infrastructure grants awarded pursuant to GS 143B-1373, as modified under Part II of the act. Allows for DIT to use up to 1.1% of the appropriated funds for administration of broadband grant programs receiving ARPA funds, subject to applicable federal guidelines.

State legislative intent to appropriate funds received by the State under the federal ARPA in the amount of \$400 million for the Completing Access to Broadband program established in Part I of the act.

Part V.

Makes conforming changes to the statutory references regarding development tier designations for grant applications submitted through the 2024-25 fiscal year.

Changes the act's long title.

Intro. by Arp, Lambeth, Saine, Johnson.

[APPROP, GS 143B](#)

[View summary](#)

**Government, Budget/Appropriations, State Agencies,
Department of Information Technology, Local Government,
Public Enterprises and Utilities**

PUBLIC/SENATE BILLS

S 172 (2021) [ADDITIONAL COVID-19 RESPONSE & RELIEF. \(NEW\)](#) Filed Mar 1 2021, *AN ACT TO ESTABLISH THE STATE FISCAL RECOVERY RESERVE AND FUND, CORONAVIRUS CAPITAL PROJECTS RESERVE AND FUND, AND LOCAL FISCAL RECOVERY RESERVE AND FUND TO MAINTAIN FUNDS PAID TO THE STATE FROM THE CORONAVIRUS STATE FISCAL RECOVERY FUND, CORONAVIRUS CAPITAL PROJECTS FUND, AND CORONAVIRUS LOCAL FISCAL RECOVERY FUND; TO APPROPRIATE FUNDS FROM THE LOCAL FISCAL RECOVERY FUND FOR DISTRIBUTION TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT; TO APPROPRIATE CERTAIN FEDERAL GRANT FUNDS PROVIDED TO THE STATE UNDER THE AMERICAN RESCUE PLAN ACT; AND TO MAKE TECHNICAL AND OTHER CHANGES.*

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

Part III.

Regarding the federal funds received by the State under the American Rescue Plan Act of 2021 (ARPA) appropriated to specified programs pursuant to the provided schedule, adds the following programs to the schedule: the Institute for Museum and Library Services; Homeless Children and Youth; and Maternal, Infant, and Early Childhood Home Visiting Program. Specifies accompanying award estimates and adjusts the total estimated funding accordingly. Adds that the final amount of federal funds awarded for the following four programs are not yet known but appropriates the funds awarded in the same manner as the funds appropriated in the schedule: (1) State Veterans Home Construction Grants; (2) Family Violence Prevention and Services; (3) Payments to State Veterans Homes; and (4) Elder Justice - Adult Protective Services.

Adds to the authorized uses of the Elementary and Secondary School Emergency Relief Fund by the Department of Public Instruction, previously restricted to allocating federal grant funds to public school units pursuant to section 2001(d) of the ARPA only, to also include reserving \$21.5 million pursuant to subsection (f) of section 2001(d) of the ARPA to be used for: (1) \$20 million to allocate funds to each public school unit (except those operated by the State Board of Education) to ensure that each unit receives a total amount from the Elementary and Secondary School Emergency Relief III (ESSER III) Fund of at least \$400 per pupil in federal funds (providing for reduction of the per pupil allocation for units that received funds pursuant to subsection (d) of section 2001); and (2) \$1.5 million to be allocated in equal amounts to the Governor Morehead School for the the Blind, the Eastern NC School for the Deaf, and the NC School for the Deaf for school facility repairs and

improvements to enable operation of the schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs (specifying authorized uses).

Part IV.

Further amends Section 3.3(103a) of SL 2020-4, as amended, regarding Coronavirus Relief Fund funds OSBM is directed to allocate to YMCA of the Triangle Area Inc. (YMCA) for a remote learning grant program. Changes the new requirement for grantees to submit to the YMCA all involved detailing expenses for which they are seeking reimbursement from the grant program by May 30, 2021, to instead require grantees with remaining funds to submit to the YMCA final expenses incurred up to and including May 31, 2021, and the estimated cost of the single audit (if required) for which they are seeking reimbursement from the grant program, by June 7, 2021. Revises the expansion of the grant program to include learning loss grants as follows. Now requires the NC Alliance of YMCAs (Alliance) to use appropriated funds not allocated in the first round of remote learning grants to pay for required single audits as well as award new grants to eligible organizations to address learning loss and enrichment due to the effects of the COVID-19 pandemic on students (was, to award a second round of grants to eligible organizations to address learning loss due to the effects of the COVID-19 pandemic on students and teachers only).

Revises the requirements and qualifications for the learning loss and enrichment grants as follows. Explicitly restricts eligibility to organizations that were eligible in the first round of grants only (previously, substantively included). Requires grants to be awarded to organizations providing programs that address learning loss supported by social emotional learning, enrichment, and physical activity (previously, limited to learning loss issues only). Now conditions approval of applications based on the organization's (1) past performance of demonstrated knowledge of federal cost principles in remote learning site grants, (2) having either an audited financial statement or producing current financial statements to demonstrate financial solvency, and (3) submission of a plan detailing how grant funds will be spent and the estimated number of children that will be served with grant funds (previously, only required applicants to submit a plan detailing how grant funds will be spent and the estimated number of children that will be served with grant funds). Finally, increases the grant cap from \$25,000 to \$35,000. Makes conforming changes to refer to learning loss *and enrichment* grants throughout.

Intro. by B. Jackson, Harrington, Hise.

APPROP, GS 143C

Courts/Judiciary, Civil, Development, Land Use and Housing, Property and Housing, Education, Preschool, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Department of Public Safety, Office of State Budget and Management, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Social Services, Public Assistance

[View summary](#)

S 257 (2021) **MEDICATION COST TRANSPARENCY ACT**. Filed Mar 11 2021, *AN ACT TO PROMOTE PRICING TRANSPARENCY FOR PATIENTS AND TO ESTABLISH STANDARDS AND CRITERIA FOR THE REGULATION AND LICENSURE OF PHARMACY BENEFITS MANAGERS PROVIDING SERVICES FOR HEALTH BENEFIT PLANS IN NORTH CAROLINA.*

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

Amends and adds to the proposed changes to Article 56A, Pharmacy Benefits Management, of GS Chapter 58 as follows.

Adds to the defined terms: *340B pharmacy* and *340B covered entity*. Changes the definition of the terms *insurer* and *pharmacy* to now define the terms by statutory cross-reference. Revises the definition of the newly defined term *pharmacy benefits manager affiliate* to no longer include a pharmacy or pharmacist that directly or indirectly is under the common ownership or control with a pharmacy benefits manager.

Revises the proposed new language in GS 58-56A-4 to bar a pharmacy benefits manager from prohibiting a licensed pharmacy or pharmacist from dispensing any prescription drug (was, prohibit or restrict in any way).

Modifies new GS 58-56A-15 to more specifically prohibit pharmacy benefits managers from denying licensed pharmacists or pharmacies from participating in a retail pharmacy network (was, a network) on the same terms and conditions of other similarly situated network participants (was, other network participants).

Enacts new GS 58-56A-50, establishing two limitations of contracts between a pharmacy benefits manager and a 340B covered entity's pharmacy or between a pharmacy benefits manager and a 340B contract pharmacy, including: (1) prohibiting restricting access to a pharmacy network or adjusting 340B drug reimbursement rates based on whether a pharmacy dispenses drugs under the 340B drug discount program; or (2) prohibiting assessing any additional, or varying the amount of any, fees, chargebacks, or other adjustments on the basis of a drug being dispensed under the 340B drug discount program or a pharmacy's status as a 340B covered entity or a 340B contract pharmacy (not including adjustments to correct errors or overpayments resulting from an adjudicated claim). Defines *340B covered entity* as any entity defined in one of five specified federal law provisions, including a federally-qualified health center; a critical access hospital; or a rural referral center. Defines *340B contract pharmacy* as any pharmacy under contract with a 340B covered entity to dispense drugs on behalf of the 340B covered entity. Prohibits pharmacy benefits managers making payments pursuant to a health benefit plan from discriminating against a 340B entity or a 340B contract pharmacy in a manner that prevents or interferes with an enrollee's choice to receive a prescription drug from an in-network 340B covered entity or an in-network 340B contract pharmacy. Deems the provisions regarding choice of pharmacy under GS 58-51-37 applicable to pharmacy benefits managers with respect to 340B covered entities and 340B contract pharmacies. Deems any contractual provisions contrary to the statute as unenforceable. Makes conforming changes to GS 58-51-37, adding a provision to explicitly include pharmacy benefits managers in the scope of the statute with respect to 340B covered entities and 340B contract pharmacies.

Intro. by Perry, Britt, Johnson.

GS 58

[View summary](#)

Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance

ACTIONS ON BILLS

PUBLIC BILLS

H 128: INCREASE ACCESS TO SPORTING VENUES IN SCHOOLS.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

H 130: EAST COAST GREENWAY/STATE TRAILS.

Senate: Withdrawn From Com

Senate: Re-ref to Agriculture, Energy, and Environment. If fav, re-ref to Rules and Operations of the Senate

H 159: EDUCATION LAW CHANGES.-AB

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 160: RETIREMENT SERVICE PURCHASE REWRITE PART II.-AB

Senate: Withdrawn From Com

Senate: Re-ref to Pensions and Retirement and Aging. If fav, re-ref to Rules and Operations of the Senate

H 224: OCCUPATIONAL THERAPY INTERSTATE COMPACT.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate

H 335: TIMELY LOCAL PAYMENTS TO CHARTER SCHOOLS.

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 341: PROTECTION FROM ONLINE IMPERSONATION.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 360: AUTHORIZE DAN RIVER STATE TRAIL.

Senate: Withdrawn From Com

Senate: Re-ref to Agriculture, Energy, and Environment. If fav, re-ref to Rules and Operations of the Senate

H 383: MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 395: HIE DEADLINE EXTENSION & PATIENT PROTECTION. (NEW)

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 469: CONFIRM WANDA TAYLOR/INDUSTRIAL COMMISSION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 545: MANDATORY TRAINING CONTRIBUTING TO CEUS.

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 602: UNC LEGISLATIVE PRIORITIES/HR/REPORTS.

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 734: DEPT. OF HEALTH & HUMAN SERVICES REVISIONS.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate

H 947: THE G.R.E.A.T. BROADBAND EXPANSION ACT.

House: Reptd Fav Com Substitute

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

S 172: ADDITIONAL COVID-19 RESPONSE & RELIEF. (NEW)

House: Reptd Fav Com Substitute

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

Senate: Ratified

Senate: Pres. To Gov. 5/20/2021

S 257: MEDICATION COST TRANSPARENCY ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 718: CONFIRM ADRIAN PHILLIPS/INDUSTRIAL COMMISSION.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 722: REVISE MUNICIPAL REDISTRICTING/CENSUS.

Senate: Reptd Fav

Senate: Placed On Cal For 05/25/2021

LOCAL BILLS

H 3: CRAVEN BD OF ED/PARTISAN ELECTORAL DISTRICTS. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to Redistricting and Elections. If fav, re-ref to Rules and Operations of the Senate

H 19: NORWOOD/REMOVE CAP ON SATELLITE ANNEXATIONS.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 50: CALYPSO ANNEXATION.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 143: SWAIN COUNTY SHERIFF VACANCIES.

Senate: Withdrawn From Com

Senate: Re-ref to Redistricting and Elections. If fav, re-ref to Rules and Operations of the Senate

H 236: AMEND ORANGE/CHATHAM COUNTY BOUNDARY LINE.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 253: BURGAW TDA MEMBERS/SURF CITY PARKING. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

H 282: MOUNT AIRY/EVEN-YEAR ELECTIONS.

Senate: Reptd Fav

Senate: Placed On Cal For 05/25/2021

H 365: ASHEVILLE AIRPORT AUTH./AUTHORIZED USES.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

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