

March 22, 1999

S 432. HEALTH CARE PERSONNEL REGISTRY CHANGES. *TO CLARIFY THE FACILITIES THAT ARE INCLUDED IN THE HEALTH CARE PERSONNEL REGISTRY; TO PROVIDE THAT GRIEVANCES PERTAINING TO THE HEALTH CARE PERSONNEL REGISTRY FILED BY STATE EMPLOYEES SHALL BE IN ACCORDANCE WITH STATE PERSONNEL PROCEDURES; AND TO REQUIRE THAT EMPLOYERS AT HEALTH CARE FACILITIES ACCESS THE HEALTH CARE PERSONNEL REGISTRY.* Amends GS 131E-256 to provide that health care personnel who are state employees must contest findings that result in their names being included on the Health Care Personnel Registry by following State Personnel Commission grievance procedures and to provide that every health care facility must access the Registry before hiring health care personnel and must note each incident of access in the facility's business files. Effective July 1, 1999.

Intro. by Carpenter and Phillips.

Ref. to Ch. & Hum Res.

GS 131E

April 26, 1999

S 432. HEALTH CARE PERSONNEL REGISTRY CHANGES. Intro. 3/22/99. Senate committee substitute makes the following changes to 1st edition. (1) Deletes from bill's provisions statement that health care personnel who are career state employees who wish to contest findings must do so by following the grievance procedures established under the State Personnel Act. (2) Adds an amendment to GS 131E-256(g), which now requires that upon investigation and documentation, health care facilities must give to state officials notice of all allegations against health care personnel which appear to a reasonable person to be related to neglect or abuse of patients or certain other offenses, to require only the reporting of *substantiated* allegations (italicized word added). (3) Changes bill's title to AN ACT TO CLARIFY THE FACILITIES THAT ARE INCLUDED IN THE HEALTH CARE PERSONNEL REGISTRY; AND TO REQUIRE THAT EMPLOYERS AT HEALTH CARE FACILITIES ACCESS THE HEALTH CARE PERSONNEL REGISTRY.

July 11, 2000

S 432. MISC. HEALTH CARE CHANGES. Intro. 3/22/99. House committee substitute and amendment replace 2nd edition with *AN ACT PERTAINING TO RULES ADOPTED BY THE MEDICAL CARE COMMISSION FOR THE OPERATION OF THE ADULT CARE PORTION OF A COMBINATION HOME, AND TO RETIREE PREMIUMS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, AND TO AMEND THE PHYSICIAN AND OPTOMETRIST LICENSURE LAWS, TO PROVIDE IMMUNITY AND EXPAND DISCIPLINE OPTIONS, AND TO PROVIDE THAT THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN SHALL COVER THE COST OF ONE ANNUAL PAP SMEAR FOR ANY COVERED FEMALE UNDER THE PLAN'S WELLNESS BENEFIT, AND TO ALLOW INDIVIDUALS EXCLUDED FROM MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FOR FILING FRAUDULENT CLAIMS TO BE CONSIDERED FOR REINSTATEMENT IN THE PLAN.*

In regard to the Teachers' and State Employees' Comprehensive Major Medical Plan, (1) amends GS 135-40.2, to delete provision that for employees first hired on and after October 1, 1995, and members of the General Assembly first taking office on and after October 1, 1995, to be eligible as future retirees for Plan coverage on a noncontributory basis they must have 20 or more years of retirement service credit; (2) amends GS 135-40.5(e) to provide that routine diagnostic examinations and tests not subject to deductible or coinsurance include one Pap smear per year for any covered female; and (3) rewrites GS 135-40.2(h) and GS 135-40.11(a)(6) to allow, but not require, the Executive Administrator and Board of Trustees to make an exception to the required disqualification for fraud, when a person has had a cessation of coverage for five years and has made full and complete restitution to the Plan for all fraudulent claim amounts.

Adds new GS 90-14(f) and 90-121.2(g), in the physician and optometrist licensure laws, to provide immunity for person or entity that, acting in good faith and without fraud or malice, (1) reports or investigates acts or omissions of a licensee or applicant relating to that person's fitness to practice, or (2) initiates or conducts proceedings against a license or applicant, (3) testifies

before the Board in any proceeding involving fitness of an applicant or licensee to practice, or (4) makes a recommendation to the Board in the nature of peer review.

Rewrites GS 90-121.2(a), in the optometrist licensure laws, to give the Board additional disciplinary authority, including (1) to make an adverse finding but withhold imposition of judgment and penalty; (2) to impose judgment and penalty but suspend enforcement and place a licensee on probation; (3) to administer a public or private reprimand or a private letter of concern, without hearing or public disclosure; and (4) to require a licensee to (a) make specific redress or monetary redress, (b) provide free public or charity service, (c) complete educational, remedial training, or treatment programs, (d) pay a fine, and (e) reimburse the Board for disciplinary costs.

Rewrites GS 131E-104(b) to provide that rules adopted by the Medical Care Commission for the operation of the adult care portion of a combination home must provide that for each requirement applicable to freestanding adult care homes or freestanding nursing homes, the combination home may choose to operate the adult care portion of the home in compliance with either.

Changes relating to the Teachers' and State Employees' Comprehensive Major Medical Plan become effective August 1, 2000. Remainder of act is effective upon enactment.

July 13, 2000

S 432. HEALTH CARE PERSONNEL REGISTRY CHANGES. Intro. 3/22/99. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Changes title to *AN ACT TO PROVIDE FOR NON-CONTRIBUTORY HEALTH PLAN PREMIUMS FOR ALL RETIRED STATE EMPLOYEES UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND TO AMEND THE PHYSICIAN AND OPTOMETRIST LICENSURE LAWS TO PROVIDE IMMUNITY AND EXPAND DISCIPLINE OPTIONS, AND TO PROVIDE THAT THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN SHALL COVER THE COST OF ONE ANNUAL PAP SMEAR FOR ANY COVERED FEMALE UNDER THE PLAN'S WELLNESS BENEFIT, AND TO ALLOW INDIVIDUALS EXCLUDED FROM MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FOR FILING FRAUDULENT CLAIMS TO BE CONSIDERED FOR REINSTATEMENT IN THE PLAN.* Deletes provision authorizing the Medical Care Comm'n to adopt, amend, and repeal rules.