

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 287
Committee Substitute Favorable 3/21/23
Committee Substitute #2 Favorable 4/4/23
Senate Health Care Committee Substitute Adopted 6/12/24
PROPOSED SENATE COMMITTEE SUBSTITUTE H287-PCS30501-BC-47

Short Title: Health Care Omnibus.

(Public)

Sponsors:

Referred to:

March 8, 2023

A BILL TO BE ENTITLED

AN ACT REQUIRING HEALTH CARE PRACTITIONERS AND PHARMACISTS TO EDUCATE PATIENTS WITH PRESCRIPTIONS FOR OPIOID PAIN MEDICATIONS AND MEDICATIONS TO TREAT OPIOID USE DISORDER ABOUT THE POTENTIAL DANGERS OF OPIOIDS, OVERDOSE PREVENTION, AND THE AVAILABILITY AND USE OF OPIOID ANTAGONISTS TO PREVENT OVERDOSE DEATHS; CLARIFYING MEDICAID BENEFITS FOR INMATES; ALLOWING RECIPROCAL LICENSING FOR MARRIAGE AND FAMILY THERAPISTS; REDUCING THE UNNECESSARY REGULATORY BURDEN ON MASTER'S LEVEL PSYCHOLOGISTS; INCREASING ACCESS TO QUALITY MENTAL HEALTH CARE SERVICES; ELIMINATING CERTIFICATE OF NEED REVIEW FOR INPATIENT REHABILITATION SERVICES, REHABILITATION FACILITIES, AND REHABILITATION BEDS; INCREASING THE NUMBER OF EDUCATION HOURS REQUIRED FOR LICENSURE AS A MASSAGE THERAPIST; AND ENCOURAGING THE USE OF TRIBAL HEALTH FACILITIES BY STATE RESIDENTS SEEKING MENTAL HEALTH TREATMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 1 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-12.8. Requirement to provide opioid antagonist education.

(a) Consistent with the federal Food and Drug Administration's labeling requirements for opioid pain medication and medication to treat opioid use disorder announced in its Drug Safety Communication dated July 23, 2020, a practitioner as defined in G.S. 90-87(22) shall do all of the following when issuing a prescription for a Schedule II controlled substance described in G.S. 90-90(1):

- (1) Provide information regarding all of the following to each patient receiving the prescription:
 - a. The potential dangers of opioids.
 - b. Overdose prevention.
 - c. The availability and use of a drug approved by the federal Food and Drug Administration as an opioid antagonist for the complete or partial reversal of opioid-induced respiratory depression.



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- 1 (2) Provide the information described in sub-subdivisions (1)a. through (1)c. of
- 2 this subsection to one or more persons if designated by the patient receiving
- 3 the prescription or, for a patient who is a minor, to the minor's parent,
- 4 guardian, or person standing in loco parentis.
- 5 (b) When dispensing a Schedule II controlled substance described in G.S. 90-90(1), a
- 6 pharmacy, through a pharmacist or pharmacy personnel, shall do one of the following:
- 7 (1) Make available in electronic or paper form the information described in
- 8 sub-subdivisions (a)(1)a. through (a)(1)c. of this section that is consistent with
- 9 the federal Food and Drug Administration's labeling requirements for opioid
- 10 pain medication and medication to treat opioid use disorder announced in its
- 11 Drug Safety Communication dated July 23, 2020.
- 12 (2) Post signage in a conspicuous place containing the information described in
- 13 sub-subdivisions (a)(1)a. through (a)(1)c. of this section. The information
- 14 required to be on the signage may be provided through a Quick Response code
- 15 or similar technology.
- 16 (c) Nothing in this section shall be construed to do any of the following:
- 17 (1) Limit a practitioner's liability for negligent diagnosis or treatment of a patient,
- 18 as allowed under applicable State or federal law.
- 19 (2) Constitute negligence per se or create a private right of action against any
- 20 practitioner, including a pharmacy, a pharmacist, or pharmacy personnel, who
- 21 fails to follow the requirements of this section.
- 22 (d) This section shall not apply to the following:
- 23 (1) A practitioner providing hospice services as defined in G.S. 131E-201(5b) to
- 24 a hospice patient as defined in G.S. 131E-201(4).
- 25 (2) A veterinarian acting in the practice of veterinary medicine, as defined in
- 26 G.S. 90-181, at an animal health center, emergency facility, mobile facility,
- 27 veterinary clinic, or veterinary hospital, as defined in G.S. 90-181.1."

28 **SECTION 1.(b)** This section becomes effective December 1, 2025.

29 **SECTION 2.(a)** G.S. 108D-40 reads as rewritten:

30 **"§ 108D-40. Populations covered by PHPs.**

31 (a) Capitated PHP contracts shall cover all Medicaid program aid categories except for

32 the following categories:

- 33 ...
- 34 (9) Recipients who are inmates of prisons. Upon the recipient's release from
- 35 prison, the exception under this subdivision shall continue to apply for a
- 36 period that is the shorter of the following:
- 37 a. The recipient's initial Medicaid eligibility certification period post
- 38 release.
- 39 b. Three hundred sixty-five days.
- 40 (9a) Recipients residing in carceral settings other than prisons and whose Medicaid
- 41 eligibility has been suspended. Upon the recipient's release from
- 42 incarceration, the exception under this subdivision shall continue to apply for
- 43 a period that is the shorter of the following:
- 44 a. The recipient's initial Medicaid eligibility certification period post
- 45 release.
- 46 b. Three hundred sixty-five days.

47 "

48 **SECTION 2.(b)** This section is effective January 1, 2025.

49 **SECTION 3.(a)** G.S. 90-270.56 reads as rewritten:

50 **"§ 90-270.56. Reciprocal licenses.**

1 (a) Reciprocal License for Marriage and Family Therapist. – The Board ~~may~~ shall issue
 2 a license as a marriage and family therapist ~~or a marriage and family therapy associate~~ by
 3 reciprocity to any person who applies for the license as prescribed by the Board and who at all
 4 times during the application process:

- 5 (1) ~~Has been licensed for five continuous years and is~~ Meets one of the following:
 6 a. Is currently licensed as a marriage and family therapist ~~or marriage~~
 7 and family therapy associate in another state and has passed the
 8 Board's examination on jurisprudence required by G.S. 90-270.55.
 9 b. Is currently licensed as a marriage and family therapist in another state
 10 and has been licensed for two continuous years.
 11 (2) ~~Has~~ Holds an unrestricted license in good standing in the other state.
 12 (3) Has no unresolved complaints in any jurisdiction.
 13 (4) Has passed the National Marriage and Family Therapy
 14 ~~examination.~~ examination or has passed the clinical examination required by
 15 the licensing board that regulates marriage and family therapy in the State of
 16 California.

17 (b) Applicant Reporting Requirement. – An applicant applying for license as a marriage
 18 and family therapist by reciprocity under subsection (a) of this section shall submit a current
 19 report from the U.S. Department of Health and Human Services National Practitioner Data Bank
 20 to the Board.

21 (c) Licensure Provisions. – Any license issued pursuant to this section shall designate the
 22 license as a reciprocal license. The holder of a license to engage in the practice of marriage and
 23 family therapy issued pursuant to this section shall be entitled to the same rights and subject to
 24 the same obligations, including continuing education, as required of any person holding a license
 25 issued pursuant to G.S. 90-270.54.

26 (d) Reciprocal License for Marriage and Family Associate. – The Board shall issue a
 27 license as a marriage and family therapy associate by reciprocity to any person who applies for
 28 the license as prescribed by the Board and who at all times during the application process:

- 29 (1) Has been licensed for five continuous years and is currently licensed as a
 30 marriage and family therapy associate in another state.
 31 (2) Has an unrestricted license in good standing in the other state.
 32 (3) Has no unresolved complaints in any jurisdiction.
 33 (4) Has passed the National Marriage and Family Therapy examination."

34 **SECTION 3.(b)** G.S. 90-270.55 reads as rewritten:

35 **"§ 90-270.55. Examinations.**

36 (a) Each applicant for licensure as a licensed marriage and family therapist shall pass an
 37 examination as determined by the Board.

38 (b) All applicants for reciprocal licensure shall pass an examination described in
 39 G.S. 90-270.56(a)(4). Applicants for reciprocal licensure under G.S. 90-270.56(a)(1)a. shall also
 40 pass a jurisprudence examination that is limited to testing of the knowledge of the laws and rules
 41 of the State.

42 (c) The Board shall set the passing score for examinations. Any request by an applicant
 43 for reasonable accommodations in taking the examination shall be submitted in writing to the
 44 Board and shall be supported by documentation as may be required by the Board in assessing the
 45 request."

46 **SECTION 3.(c)** G.S. 90-270.63(a) reads as rewritten:

47 **"§ 90-270.63. Criminal history record checks of applicants for licensure as a marriage and**
 48 **family therapist and a marriage and family therapy associate.**

49 (a) Definitions. – The following definitions shall apply in this section:

- 50 (1) Applicant. – A person applying for licensure as a licensed marriage and family
 51 therapy associate pursuant to G.S. 90-270.54A or G.S. 90-270.56(d) or a

licensed marriage and family therapist pursuant to
~~G.S. 90-270.54.~~G.S. 90-270.54 or G.S. 90-270.56(a).

...."

SECTION 3.(d) This section becomes effective October 1, 2024, and applies to applications for licensure received on or after that date.

SECTION 4.(a) G.S. 90-270.139 reads as rewritten:

"§ 90-270.139. Application; examination; supervision; provisional and temporary licenses.

(e) Except as provided in subsection (e1) of this section:

(1) A licensed psychological associate shall be supervised by a qualified licensed psychologist, or ~~other~~ qualified professionals, licensed psychological associate in accordance with Board rules specifying the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor.

(2) A licensed psychological associate who provides health services shall be supervised, for those activities requiring supervision, supervised by a qualified licensed psychologist holding health services provider certification or by ~~other~~ a qualified professionals licensed psychological associate under the overall direction of a qualified licensed psychologist holding health services provider certification, in accordance with Board rules.

(3) ~~Except as provided below, supervision,~~ Supervision, including the supervision of health services, is required ~~only~~ when a licensed psychological associate engages in: assessment of personality functioning; neuropsychological evaluation; psychotherapy, counseling, and other interventions with clinical populations for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior; and, the use of intrusive, punitive, or experimental procedures, techniques, or measures. The Board shall adopt rules implementing and defining this provision, and as the practice of psychology evolves, may identify additional activities requiring supervision in order to maintain acceptable standards of practice. in the practice of psychology in accordance with Board rules.

(e1) The Board shall approve any licensed psychological associate to engage in independent practice, without supervision by a qualified licensed psychologist or qualified licensed psychological associate, if the licensed psychological associate meets all of the following requirements:

(1) Has 4,000 hours of post-licensure experience in the delivery of psychological services under the supervision of one or more qualified licensed psychologists or qualified licensed psychological associates within a time period of at least 24 consecutive months and less than 60 consecutive months.

(2) Documents that all performance ratings for the 4,000 hours of post-licensure experience required by subdivision (1) of this subsection have been average or above average.

(3) Submits an application for independent practice with proof of the 4,000 hours of post-licensure experience required by subdivision (1) of this subsection.

...."

SECTION 4.(b) G.S. 90-270.145 reads as rewritten:

"§ 90-270.145. Licensure; examination; foreign graduates.

(b) Licensed Psychological Associate. –

...

1 (3) No licensed psychological associate shall engage in the practice of
2 neuropsychology or forensic psychology without first demonstrating
3 specialized education and training to practice in those areas as the Board may
4 determine by rule. In considering whether the licensed psychological associate
5 has sufficient specialized education and training to engage in the practice of
6 neuropsychology or forensic psychology, the Board may consider the licensed
7 psychological associate's graduate level course work, continuing education,
8 supervised training experience, or any other factors the Board deems
9 appropriate. For purposes of this subdivision, "neuropsychology" is defined
10 as "the branch of science that studies the physiological processes of the
11 nervous system and relates them to behavior and cognition" and "forensic
12 psychology" is defined as "the application of psychological principles and
13 techniques to situations that are involved in the civil and criminal legal
14 systems, including, but not limited to, psychological assessments and expert
15 testimony."

16 "

17 **SECTION 4.(c)** G.S. 90-270.153 reads as rewritten:

18 **"§ 90-270.153. Provision of health services; certification as health services provider.**

19 (a) Health services, as defined in G.S. 90-270.136(4) and G.S. 90-270.136(8), may be
20 provided by qualified licensed psychological associates, qualified licensed psychologists holding
21 provisional, temporary, or permanent licenses, or qualified applicants. ~~Qualified~~ Except as
22 provided in subsection (h) of this section, qualified licensed psychological associates, qualified
23 licensed psychologists holding provisional or temporary licenses, or qualified applicants may
24 provide health services only under supervision as specified in the duly adopted rules of the Board.

25 ...

26 (h) A licensed psychological associate who possesses a certification as a health services
27 provider psychological associate in accordance with subsection (c) of this section may provide
28 health services without supervision upon meeting the requirements in G.S. 90-270.139(e1).

29 (i) Notwithstanding the provisions of subsection (h) of this section, a licensed
30 psychological associate who was licensed before June 30, 2013, who can demonstrate, in
31 accordance with Board rules, that he or she has been engaged in the provision of health services
32 psychology under supervision for 4,000 hours within a time period of at least 24 consecutive
33 months and less than 60 consecutive months, shall meet the requirements for certification as a
34 health services provider psychological associate."

35 **SECTION 4.(d)** G.S. 90-270.140 reads as rewritten:

36 **"§ 90-270.140. Psychology Board; appointment; term of office; composition.**

37 For the purpose of carrying out the provisions of this Article, there is created a North Carolina
38 Psychology Board, which shall consist of seven members appointed by the Governor. At all times
39 three members shall be licensed psychologists, two members shall be licensed psychological
40 associates, and two members shall be members of the public who are not licensed under this
41 Article. The Governor shall give due consideration to the adequate representation of the various
42 fields and areas of practice of psychology and to adequate representation from various geographic
43 regions in the State. Terms of office shall be three years. All terms of service on the Board expire
44 June 30 in appropriate years. As the term of a psychologist member expires, or as a vacancy of a
45 psychologist member occurs for any other reason, the Board, the North Carolina Psychological
46 Association, or its successor, shall, and the North Carolina Association of Professional
47 Psychologists, or its successor, shall form a nominating committee and, having sought the advice
48 of the chairs of the graduate departments of psychology in the State, nominees from licensee for
49 each vacancy, shall submit to the Governor a list of the names of three eligible persons. From
50 this list the Governor shall make the appointment for a full term, or for the remainder of the
51 unexpired term, if any. Each Board member shall serve until his or her successor has been

1 appointed. As the term of a member expires, or if one should become vacant for any reason, the
2 Governor shall appoint a new member within 60 days of the vacancy's occurring. No member,
3 either public or licensed under this Article, shall serve more than three complete consecutive
4 terms."

5 **SECTION 4.(e)** This section is effective October 1, 2024.

6 **SECTION 5.(a)** G.S. 131E-176 reads as rewritten:

7 **"§ 131E-176. Definitions.**

8 The following definitions apply in this Article:

9 ...

10 (9a) Health service. – An organized, interrelated activity that is medical,
11 diagnostic, therapeutic, ~~rehabilitative~~, or a combination thereof and that is
12 integral to the prevention of disease or the clinical management of an
13 individual who is sick or injured or who has a disability. "Health service" does
14 not include administrative and other activities that are not integral to clinical
15 management.

16 (9b) Health service facility. – A hospital; long-term care hospital; ~~rehabilitation~~
17 ~~facility~~; nursing home facility; adult care home; kidney disease treatment
18 center, including freestanding hemodialysis units; intermediate care facility
19 for individuals with intellectual disabilities; home health agency office;
20 diagnostic center; hospice office, hospice inpatient facility, hospice residential
21 care facility; and ambulatory surgical facility.

22 (9c) Health service facility bed. – A bed licensed for use in a health service facility
23 in the categories of (i) acute care beds; ~~(iii) rehabilitation beds~~; ~~(iv)~~ ~~(ii)~~ nursing
24 home beds; ~~(v)~~ ~~(iii)~~ intermediate care beds for individuals with intellectual
25 disabilities; ~~(vii)~~ ~~(iv)~~ hospice inpatient facility beds; ~~(viii)~~ ~~(v)~~ hospice
26 residential care facility beds; ~~(ix)~~ ~~(vi)~~ adult care home beds; and ~~(x)~~ ~~(vii)~~
27 long-term care hospital beds.

28 ...

29 (13) Hospital. – A public or private institution which is primarily engaged in
30 providing to inpatients, by or under supervision of physicians, diagnostic
31 services and therapeutic services for medical diagnosis, treatment, and care of
32 injured, disabled, or sick persons, ~~or rehabilitation services for the~~
33 ~~rehabilitation of injured, disabled, or sick persons~~. The term includes all
34 facilities licensed pursuant to G.S. 131E-77, except rehabilitation facilities
35 and long-term care hospitals.

36 ...

37 (22) Rehabilitation facility. – ~~A public or private inpatient facility which is~~
38 ~~operated for the primary purpose of assisting in the rehabilitation of~~
39 ~~individuals with disabilities through an integrated program of medical and~~
40 ~~other services which are provided under competent, professional~~
41 ~~supervision.~~ A facility that has been classified and designated as an inpatient
42 rehabilitation facility by the Centers for Medicare and Medicaid Services
43 pursuant to Part 412 of Subchapter B of Chapter IV of Title 42 of the Code of
44 Federal Regulations.

45"

46 **SECTION 5.(b)** This section is effective when it becomes law.

47 **SECTION 6.(a)** G.S. 90-629 reads as rewritten:

48 **"§ 90-629. Requirements for licensure to practice.**

49 Upon application to the Board and the payment of the required fees, an applicant may be
50 licensed as a massage and bodywork therapist if the applicant meets all of the following
51 qualifications:

- 1 (1) Has obtained a high school diploma or equivalent.
- 2 (2) Is 18 years of age or older.
- 3 (3) Is of good moral character as determined by the Board.
- 4 (4) Has successfully completed a training program consisting of a minimum of
- 5 ~~500-650~~ in-class hours of supervised instruction at a Board-approved school.
- 6 (5) Has passed a competency assessment examination that meets generally
- 7 accepted psychometric principles and standards and is approved by the Board.
- 8 (6) Has submitted fingerprint cards in a form acceptable to the Board at the time
- 9 the license application is filed and consented to a criminal history record check
- 10 by the State Bureau of Investigation.
- 11 (7) Demonstrates satisfactory proof of proficiency in the English language."

12 **SECTION 6.(b)** This section is effective July 1, 2024, and applies to applications
13 for licensure received on or after that date.

14 **SECTION 7.(a)** The Secretary of the Department of Health and Human Services
15 (DHHS) and the local management entity/managed care organizations (LME/MCOs) are
16 encouraged to enter into any intergovernmental agreements allowable under federal and State
17 law with the Eastern Band of Cherokee Indians to facilitate the use of tribal health facilities by
18 any residents of the State seeking voluntary admission to those facilities or subject to involuntary
19 commitment under State law. These agreements may address matters such as transportation of
20 individuals under involuntary commitment and assurances of compliance with State and tribal
21 court orders, and other matters, as necessary.

22 **SECTION 7.(b)** By February 1, 2025, DHHS, in consultation with the LME/MCOs,
23 shall report to the Joint Legislative Oversight Committee on Medicaid on whether any
24 intergovernmental agreements, as described in this section, have occurred. The report shall
25 identify any proposed legislative changes that are necessary to further facilitate the use of tribal
26 health facilities by any residents of the State seeking voluntary admission to those facilities or
27 subject to involuntary commitment under State law.

28 **SECTION 7.(c)** This section shall be effective when it becomes law.

29 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
30 law.