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PROPOSED SENATE COMMITTEE SUBSTITUTE H287-CSBP-26 [v.9]
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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, AND INCREASING THE NUMBER OF EDUCATION HOURS REQUIRED FOR LICENSURE AS A MASSAGE THERAPIST .

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.

(2) Provide the information described in sub-subdivisions (1)a. through (1)c. of this subsection to one or more persons if designated by the patient receiving the prescription or, for a patient who is a minor, to the minor's parent, guardian, or person standing in loco parentis.



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1 (b) When dispensing a Schedule II controlled substance described in G.S. 90-90(1), a
 2 pharmacy, through a pharmacist or pharmacy personnel, shall do one of the following:

3 (1) Make available in electronic or paper form the information described in
 4 sub-subdivisions (a)(1)a. through (a)(1)c. of this section that is consistent with
 5 the federal Food and Drug Administration's labeling requirements for opioid
 6 pain medication and medication to treat opioid use disorder announced in its
 7 Drug Safety Communication dated July 23, 2020.

8 (2) Post signage in a conspicuous place containing the information described in
 9 sub-subdivisions (a)(1)a. through (a)(1)c. of this section. The information
 10 required to be on the signage may be provided through a Quick Response code
 11 or similar technology.

12 (c) Nothing in this section shall be construed to do any of the following:

13 (1) Limit a practitioner's liability for negligent diagnosis or treatment of a patient,
 14 as allowed under applicable State or federal law.

15 (2) Constitute negligence per se or create a private right of action against any
 16 practitioner, including a pharmacy, a pharmacist, or pharmacy personnel, who
 17 fails to follow the requirements of this section.

18 (d) This section shall not apply to the following:

19 (1) A practitioner providing hospice services as defined in G.S. 131E-201(5b) to
 20 a hospice patient as defined in G.S. 131E-201(4).

21 (2) A veterinarian acting in the practice of veterinary medicine, as defined in
 22 G.S. 90-181, at an animal health center, emergency facility, mobile facility,
 23 veterinary clinic, or veterinary hospital, as defined in G.S. 90-181.1."

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

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

26 **"§ 108D-40. Populations covered by PHPs.**

27 (a) Capitated PHP contracts shall cover all Medicaid program aid categories except for
 28 the following categories:

29 ...

30 (9) Recipients who are inmates of prisons. Upon the recipient's release from
 31 prison, the exception under this subdivision shall continue to apply for a
 32 period that is the shorter of the following:

- 33 a. The recipient's initial Medicaid eligibility certification period post-release.
- 34 b. 365 days.

35 (9a) Recipients residing in carceral settings other than prisons and whose Medicaid
 36 eligibility has been suspended. Upon the recipient's release from
 37 incarceration, the exception under this subdivision shall continue to apply for
 38 a period that is the shorter of the following:

- 39 a. The recipient's initial Medicaid eligibility certification period post-release.
- 40 b. 365 days.

41 ...

42"

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

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

45 **"§ 90-270.56. Reciprocal licenses.**

46 (a) Reciprocal license for marriage and family therapist. – The Board ~~may~~shall issue a
 47 license as a marriage and family therapist ~~or a marriage and family therapy associate~~ by
 48 reciprocity to any person who applies for the license as prescribed by the Board and who at all
 49 times during the application process:

50 (1) Has~~Has~~Meets one of the following:

1 a. ~~been licensed for five continuous years and is~~ Is currently licensed as a
 2 marriage and family therapist ~~or marriage and family therapy associate~~
 3 in another ~~state-state~~ and has passed the Board's examination on
 4 jurisprudence required by G.S. 90-270.55.

5 b. Is currently licensed as a marriage and family therapist in another state
 6 and has been licensed for two continuous years.

7 (2) ~~Has~~ Holds an unrestricted license in good standing in the other state.

8 (3) Has no unresolved complaints in any jurisdiction.

9 (4) Has passed the National Marriage and Family Therapy
 10 ~~examination-examination~~ or has passed the clinical examination required by
 11 the licensing board that regulates marriage and family therapy in the State of
 12 California.

13 (b) Applicant reporting requirement. – An applicant applying for license as a marriage
 14 and family therapist by reciprocity under subsection (a) of this section shall submit a current
 15 report from the U.S. Department of Health and Human Services National Practitioner Data Bank
 16 to the Board.

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

22 (d) Reciprocal license for marriage and family associate. – The Board shall issue a license
 23 as a marriage and family therapy associate by reciprocity to any person who applies for the
 24 license as prescribed by the Board and who at all times during the application process:

25 (1) Has been licensed for five continuous years and is currently licensed as a
 26 marriage and family therapy associate in another state.

27 (2) Has an unrestricted license in good standing in the other state.

28 (3) Has no unresolved complaints in any jurisdiction.

29 (4) Has passed the National Marriage and Family Therapy examination."

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

31 "**§ 90-270.55. Examinations.**

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

34 (b) All applicants for reciprocal licensure shall pass an examination described in G.S. 90-
 35 270.56(a)(4). Applicants for reciprocal licensure under G.S. 90-270.56(a)(1)a. shall also pass a
 36 jurisprudence examination that is limited to testing of the knowledge of the laws and rules of the
 37 State.

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

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

43 "**§ 90-270.63. Criminal history record checks of applicants for licensure as a marriage and**
 44 **family therapist and a marriage and family therapy associate.**

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

46 (1) Applicant. – A person applying for licensure as a licensed marriage and family
 47 therapy associate pursuant to G.S. 90-270.54A or G.S. 90-270.56(d) or a
 48 licensed marriage and family therapist pursuant to G.S. 90-270.54.G.S. 90-
 49 270.54 or G.S. 90-270.56(a).

50 ..."

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

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

4 "**§ 90-270.139. Application; examination; supervision; provisional and temporary licenses.**

5 ...

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

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

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

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

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

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

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

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

43 "

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

45 "**§ 90-270.145. Licensure; examination; foreign graduates.**

46 ...

47 (b) Licensed Psychological Associate. –

48 ...

49 (3) No licensed psychological associate shall engage in the practice of
50 neuropsychology or forensic psychology without first demonstrating
51 specialized education and training to practice in those areas as the Board may

determine by rule. In considering whether the licensed psychological associate has sufficient specialized education and training to engage in the practice of neuropsychology or forensic psychology, the Board may consider the licensed psychological associate's graduate level course work, continuing education, supervised training experience, or any other factors the board deems appropriate. For purposes of this subdivision, "neuropsychology" is defined as "the branch of science that studies the physiological processes of the nervous system and relates them to behavior and cognition" and "forensic psychology" is defined as "the application of psychological principles and techniques to situations that are involved in the civil and criminal legal systems, including, but not limited to, psychological assessments and expert testimony.

...."

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

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

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

...

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

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

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

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

For the purpose of carrying out the provisions of this Article, there is created a North Carolina Psychology Board, which shall consist of seven members appointed by the Governor. At all times three members shall be licensed psychologists, two members shall be licensed psychological associates, and two members shall be members of the public who are not licensed under this Article. The Governor shall give due consideration to the adequate representation of the various fields and areas of practice of psychology and to adequate representation from various geographic regions in the State. Terms of office shall be three years. All terms of service on the Board expire June 30 in appropriate years. As the term of a psychologist member expires, or as a vacancy of a psychologist member occurs for any other reason, ~~the Board, the North Carolina Psychological Association, or its successor, and the North Carolina Association of Professional Psychologists, or its successor, shall, form a nominating committee, and having sought the advice of the chairs of the graduate departments of psychology in the State, nominees from licensee~~ for each vacancy, shall submit to the Governor a list of the names of three eligible persons. From this list the Governor shall make the appointment for a full term, or for the remainder of the unexpired term, if any. Each Board member shall serve until his or her successor has been appointed. As the term of a member expires, or if one should become vacant for any reason, the Governor shall appoint a new member within 60 days of the vacancy's occurring. No member, either public or licensed under this Article, shall serve more than three complete consecutive terms."

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

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

3 "**§ 131E-176. Definitions.**

4 The following definitions apply in this Article:

5 ...

6 (9a) Health service. – An organized, interrelated activity that is medical,
7 diagnostic, therapeutic, ~~rehabilitative~~, or a combination thereof and that is
8 integral to the prevention of disease or the clinical management of an
9 individual who is sick or injured or who has a disability. "Health service" does
10 not include administrative and other activities that are not integral to clinical
11 management.

12 (9b) Health service facility. – A hospital; long-term care hospital; ~~rehabilitation~~
13 ~~facility~~; nursing home facility; adult care home; kidney disease treatment
14 center, including freestanding hemodialysis units; intermediate care facility
15 for individuals with intellectual disabilities; home health agency office;
16 diagnostic center; hospice office, hospice inpatient facility, hospice residential
17 care facility; and ambulatory surgical facility.

18 (9c) Health service facility bed. – A bed licensed for use in a health service facility
19 in the categories of (i) acute care beds; (iii) ~~rehabilitation beds~~; (iv) nursing
20 home beds; ~~(v)~~(iv) intermediate care beds for individuals with intellectual
21 disabilities; ~~(vii)~~(v) hospice inpatient facility beds; ~~(viii)~~(vi) hospice
22 residential care facility beds; ~~(ix)~~(vii) adult care home beds; and ~~(x)~~(viii)
23 long-term care hospital beds.

24 ...

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

32 ...

33 (17a) Nursing care. – Any of the following:

- 34 a. Skilled nursing care and related ~~services~~ services, other than those
35 provided at an inpatient rehabilitation facility, for residents who
36 require medical or nursing care.
37 b. Rehabilitation services for the rehabilitation of individuals who are
38 injured or sick or who have disabilities.
39 c. Health-related care and services provided on a regular basis to
40 individuals who because of their mental or physical condition require
41 care and services above the level of room and board, which can be
42 made available to them only through institutional facilities.

43 These are services which are not primarily for the care and treatment of
44 mental diseases.

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.** Except as otherwise provided, this act is effective when it becomes
15 law.