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NC Collaborative for Children, Youth and Families
DATE: May 8, 2020

Upcoming Pertinent Legislative Meetings:

Date and Time	Committee	Location Legislative Office Building (LOB) Legislative Building (LB) Audio link: https://www.ncleg.gov/Audio

The NC General Assembly is formally in their short session. However, after ratifying two bills to address COVID-19 around the State, the legislative activity has slowed down significantly. To point, there is one upcoming committee meeting on the legislative calendar and the daily calendars for each chamber have very little business listed.

Both the House and Senate have set May 14th as the bill filing deadline for bills: (1) directly and primarily affecting 2020- 2021 Budget or (2) primarily affecting State or local retirement systems. There have been indications that they are working on a SFY20-21 budget and that there may be cuts across the board. How deeply those cuts go would depend on the State revenue projections and the ongoing needs directly or indirectly related to COVID-19.

Synopsis of COVID-19 Legislation:

Two bills were sent to the Governor and signed into law on May 4th. This was done similar to the budget process in that one bill (H1043) is primarily focused on the funding allocations and the other includes provisions that explain legislative intention (S704). Most of the provisions became effective when the bill was signed into law and some were even retroactive. Dates that provision compliance must be met or that funding ends varies by provision.

H1040/Session Law 2020-4, 2020 COVID-19 Recovery Act:

- Establishes the **Coronavirus Relief Fund** and specifies that the funds are only available for expenditures that are made from March 1, 2020 – December 30, 2020. \$1.275 billion from the State reserve is transferred to this fund. All funds that are not expended by December 30, 2020 will revert back to the reserve. The funds are allocated for administration by the Office of State Budget Management (OSBM).
- Establishes the **Local Government Coronavirus Relief Reserve** to maintain federal funds, as allowed, to mitigate the economic impact of COVID-19 on local

governments. Authorizes up to \$300 million in the fund with \$150 million of that derived from the federal CARES Act.

- Establishes the **COVID-19 Rural Hospitals Relief Fund** with \$65 million.
- Establishes the **COVID-19 Teaching Hospitals Relief Fund** with \$15 million.
- Establishes the **COVID-19 General Hospitals Relief Fund** with \$15 million.

Allocations in the COVID-19 Recovery Act include:

Funding/Agency	Purpose
\$20 m/DHHS	To support behavioral health and crisis services (\$7 m), temporary funding assistance to ICF/IID facilities (\$12.6 m), purchase of units of opioid antagonist (\$400,000)
\$20 m/DHHS	For local health departments, rural health providers, behavioral health and crisis providers, State Laboratory of Public Health
\$6 m/DHHS	Food banks
\$2.25 m/DHHS	\$100 supplemental to the foster care assistance payments for payments from April through June 2020
\$290,000/DHHS	LINKS program, foster support for children ages 13-21
\$25 m/DHHS	Each facility with individuals receiving State-County Special Assistance residing there between 3/10/20 and 7/30/20 will receive \$1325 per qualified individual.
\$50 m/DHHS	To support rural and underserved communities in health care needs, including health provider grants
\$19 m/DHHS	To support food banks, residential settings, homeless/domestic violence/protective services, housing security, child care response and expansion of NCCARE360
\$5 m/OSBM	To support the NC Assn of Free and Charitable Clinics members services provided during the emergency
\$50 m/OSBM	Purchase of supplies and equipment for health and safety that will be allocated to: NC Healthcare Foundation (\$25m); NC Senior Living Association (\$3.75 m); NC Healthcare Facilities Assn (\$3.75 m); NC Medical Society (\$5 m); Dept of Public Safety/Div of Emergency Mngmt (\$12.5 m)
\$150 m/OSBM	To counties ineligible to directly receive CARES Act funding
\$70 m/OSBM	For State continuity of operations including for overtime in mental health facilities and juvenile institutions, PPE for Juvenile Justice and other public safety
\$300 m/OSBM	Department of Transportation
\$125 m/OSBM	For Golden LEAF loans to small businesses
\$20 m/OSBM	To allocate to State agencies with lost revenues due to COVID-19
\$75 m/DPI	School nutrition services for the remainder of SFY19-20
\$11 m/DPI	Improve internet connectivity for students
\$30 m/DPI	Purchase computer and electronic devices for students
\$4.5 m/DPI	Improve cybersecurity infrastructure for schools
\$10 m/DPI	Contract for school physical and mental health support services (note: must be spent by 12/30/20)

\$70 m/DPI	Summer learning program focused on reading intervention and following public guidelines for social distancing
\$15 m/DPI	To support schools that provided extended school years for exceptional children
\$5 m/DPI	For the Extended Learning and Integrated Student Supports Competitive Grant Program (Program) for the 2019-2020 and 2020-2021 fiscal years.

Additional Medicaid Provisions Include:

- Authorizes Medicaid coverage for COVID-19 testing to uninsured individuals during the national State of Emergency.
- Authorizes DHHS to provide a 5% rate increase to providers during the emergency. This provision will expire either when the national State of Emergency ends, the NC State of Emergency ends or March 31, 2021—whichever comes first.
- Allows DHHS to implement temporary Medicaid provider enrollment changes that were authorized under the temporary 1135 Medicaid waiver.

[S704/Session Law 2020-3](#), 2020 COVID-19 Recovery Act: This act provides multiple authorizations for waivers that were done in the initial emergency and addresses areas such as the following:

Education

- Each public school unit is required to submit a Remote Instruction Plan for the 2020-2021 school year to the State Board of Education by July 20, 2020.

Coordination of Children's Services:

- Extends the Child Well-Being Transformation Council until August 1, 2020.

Health care

- Several provisions provide support or authority related to testing for COVID-19, including the allowance for dentists to test and antibody test for COVID-19.
- Pandemic Health Care Work Force study will be done by NC AHEC and is due to the House Select Committee on COVID-19, Health Care Working Group, by November 19, 2020.
- Limits health care liability of health care facilities and providers for emergencies and disasters.
- Extends the start date for providers to comply and connect with the Health Information Exchange from June 2020 to October 2021.
- Requires report of test results for COVID-19 and antibodies prior to any medical procedure being done.
- Allows the Division of Health Services Regulation (DHSR), the State licensing agency for health care facilities, to suspend all annual and biennial inspections and regular monitoring requirements for certain licensed facilities under Chapter 122C and Chapter 131D (this can include MH residential and therapeutic foster care homes) with exceptions where health and safety is an issue. DHSR is further

expected to review where facilities received citations related to infection control and/or proper use of personal protective equipment within 6 months of this emergency and require training of staff.

- Allows for telehealth to conduct first and second involuntary commitment examinations during the emergency.

Notary and Video Witnessing, Healthcare Power of Attorney, Guardianship:

- Provides for video notarization of documents as well as video witnessing.
- Temporarily provides leniency in qualified witness requirements for Health Care Power of Attorney and Advanced Directives for Natural Deaths.
- Temporarily provides leniency on the way in which an adult individual is served orders for guardianship.

Business:

- Provides limited business immunity for essential businesses in the emergency.

State and Local Government:

- Allows for certain retired State and local government employees to return to work during the emergency without impacting their retirement.
- Allows the Department of State Treasurer's to make an interim determinations and certifications on disability benefits through August 1, 2020.
- Each county, municipality, water district or authority, sewer district or authority, sanitary district, and metropolitan sewage district is required to report by February 15, 2021 the financial and other impact of COVID-19 to the Local Government Commission.
- Parameters to allow for remote meetings of public bodies.
- Allows for proposed local budgets to be posted on websites.

New Bills in NC General Assembly:

[S708/H1048](#), prohibits county Departments of Social Services from implementing more stringent child protective services than the State requires. Referred to Senate Rules/House Judiciary

[H1035](#), Education Omnibus, COVID-19, provisions related to class sizes, testing, etc., reported favorably by House Education Committee, re-referred to House Rules.

[H1037](#), COVID-19 Health Care Working Group Policy Rec., considerable overlap with provisions of in the new law (S704), reported favorably by House Health Committee on 4/29, re-referred to House Rules

[H1039](#), COVID-19 Response Act - Economic Support, provisions related to unemployment, reported favorably by House Commerce Committee on 4/29, re-referred to House Rules

[H1040](#), Healthcare for Working North Carolinians, provisions to address the gap in insurance coverage for working individuals aged 19-64, referred to House rules

[H1046](#), COVID-19 Paid Sick Leave, provisions allowing for paid sick leave related to COVID-19 in organizations of 500+ employees and includes provision addressing retaliation by employer and violations, referred to House Finance

Framing Your Message Resource:

http://frameworksinstitute.org/assets/files/COVID19/framing-c19_talking-about-the-future.pdf

N.C. Bills we are tracking:

- [H5](#): Close the Medicaid Insurance Gap (see S3)
- [H76](#): School Safety Omnibus
- [H102](#): Enhance Permanency Innovation Institute (see S245)
- [H121](#): Expunction Related to Raise the Age/No Conviction
- [H234](#): Funds for Child Advocacy Centers
- [H241](#): Education Bond Act of 2019
- [H250](#): Dept. of Health and Human Services Revisions
- [H291](#): Continue Social Services Regional Supervision and Collaboration Work Group (SSWG) and Extend Children's Council
- [H297](#): Psychologist Interjurisdictional Compact
- [H434](#): Suicide Risk Ref./Mental Health/Teen Violence
- [H471](#): Reduce Administrative Duplication MH/DD/SAS Providers
- [H555](#): Medicaid Transformation Implementation, the Senate has withdrawn this bill from the calendar and re-referred it to the Senate Committee on Rules and Operations.
- [H580](#): Increase Foster Care Rates/Funds (see S636)
- [H601](#): Funds for NAMI North Carolina, Inc.
- [H613](#): Essential Services for Homeless Youth
- [H655](#): NC Health Care for Working Families, the bill was re-referred to the House Committee on Health, received a favorable committee substitute, and was re-referred to the House Committee on Rules, Calendar, and Operations.
- [H702](#): Modify Juvenile Crime Prevention Councils (see S555)
- [H822](#): Comprehensive Behavioral Health Plan, the bill has been sent to the Senate, passed the 1st Senate reading, and has been sent to the Senate Committee on Rules and Operations.
- [H825](#): Strengthen Child Fatality Prevention System: passed first reading and referred to the House Committee on Health.
- [H826](#): Standardized Assessment/Foster Care Pilot
- [H956](#): Funds/Youth Villages and Other Purposes
- [H966](#): 2019 Appropriations Act, this bill was placed on the calendar for January 14, 2020, withdrawn from the calendar and re-referred to the Senate Committee on Rules and Operations.
- [H1038](#): Omnibus COVID-19 Response Funds: passed the first reading and re-referred to the Committee on Rules, Calendar, and Operations of the House.
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- [S3](#): Close the Medicaid Insurance Gap (see H5)
- [S175](#): Funds/Eliminate NC Pre-K Waitlist
- [S212](#): NC Fast/Early Child/Transformation/ACH Assess., the conference committees have been appointed.

[S245](#): Enhance Permanency Innovation Institute (see H102)

[S251](#): Modernization of Drug Court Programs

[S361](#): Healthy NC., the Senate failed to concur on the health committee substitution, so the Senate and House have appointed committee conferees for the bill.

[S382](#): School Psychologist Compensation and Recruitment (see H482)

[S427](#): Smart Start Funds (see H124)

[S476](#): Compt-Based Assess. & Mental Health/Teen Viol., after over three months of inactivity, the bill has conference committees appointed in the House and the Senate.

[S549](#): Child Welfare/Behavioral Health Pilot/Funds

[S624](#): Guilford County Mental Health Facility /Funds (see H360)

[S636](#): Increase Foster Care Rates/Funds (see H580)

[S740](#): COVID-19 Recovery Act: passed the third Senate reading, passed the 1st House reading, and referred to the Committee on Rules, Calendar, and Operations of the House.