

NC Collaborative for Children, Youth and Families

DATE: July 9, 2021

Date and Time	Committee	Location Legislative Office Building (LOB) Legislative Building (LB) Audio link: https://www.ncleg.gov/Audio
Wednesday, July 14, 11 a.m.	House Judiciary 2 (S. 301 on agenda)	432 LOB, livestream

New Laws Make Changes to Public System

There are several new North Carolina laws that make changes to the MH/IDD/SAS system that range from updated language to changes needed for Medicaid Transformation to move forward.

SL 2021-61: Medicaid Modernized Hospital Assessments is a new law that will implement the Hospital Assessment Act to incorporate changes needed under Medicaid Transformation.

SL 2021-62: Medicaid Administrative Changes and Technical Corrections makes changes to the Medicaid program, including:

- Ends certain temporary Medicaid provider changes made for the pandemic beginning on 30 days after the bill was signed into law on June 29th;
- Allows Medicaid beneficiaries to file appeals by telephone;
- Provides specificity to the expedited Medicaid appeals process;
- Increases the allowable amount of Medicaid-approved therapeutic leave;
- Clarifies behavioral health services covered under the Standard Plan and adds peer support services;
- Allows DHHS to contract with BH/IDD Tailored Plans for services not covered by the Standard Plan;
- Allows for the transfer of fund balance when there is disengagement of counties from an area authority and dissolution of an area authority;
- Changes language regarding services covered by PHPs to read: “Services documented in an individualized family service plan under the Individuals with Disabilities Education Act, 20 U.S.C. § 1436, that are provided and billed by a Children's Developmental Services Agency (CDSA) that are included on the child's Individualized Family Service Plan, or by a provider contracted with a Children's Developmental Services Agency to provide those services.”

[SL 2021-77](#): DHHS Revisions makes multiple changes, including:

- Aligns the State’s definition of DD with the federal definition;
- Changing process to file a licensure waiver request to conform with Medicaid rules;
- Medicaid copayment schedule;
- State CFAC membership and requirement to “Develop a collaborative and working relationship with the prepaid health plan member advisory committees to obtain input related to service delivery and system change issues.”;
- Collection of Involuntary Commitment transportation data;
- Permanent allowance to use telehealth for involuntary commitment examinations.

FASD Respect Act Introduced in US Senate and House

S. 2238 and H.R. 4151 are the new bill numbers in the US Congress for the FASD Respect Act. These bills will amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Spectrum Disorders Prevention and Services program, and for other purposes. The NOFAS Policy and Training Center states in their [fact sheet](#), “The “FASD Respect Act”, authorizes \$118 million for FASD prevention efforts, screening, identification, research, and FASD-informed services by federal, state, local, tribal and private stakeholders. Most importantly, the bill creates a structure for the development of well-informed public policy on FASD and provides for a clear, ongoing societal commitment to advancing research and ensuring essential services for persons with FASD and their caregivers.”

- [S. 2238](#) was introduced by Senator Murkowski and has been referred to the Senate Committee on Health, Education, Labor and Pensions.
- [H.R. 4151](#) was introduced by Rep. McCollum and has been referred to both the House Committee on Energy and Commerce and the House Committee on Education and Labor.

NC DHHS Provides Clarification to Ensure Seamless Transition to Standard Plan

Taken from July 7th email from Deputy Secretary Dave Richard:

NCDHHS has continued to receive feedback from NC Medicaid providers indicating confusion about prior authorization requirements during the state’s transition to NC Medicaid Managed Care. The Department shared this feedback with the prepaid health plans (PHPs). In response to these concerns, the PHPs will implement the following solution during the first 60 days after managed care launch to ensure beneficiaries continue to have access to services during this transition without unnecessary interruption.

- 1) Between July 1 and Aug. 30, 2021, medically necessary services that normally require prior authorization will still be reimbursed at 100% of the NC Medicaid fee-for-service rate for both in- and out-of-network providers. To ensure that providers fully understand each PHP’s prior authorization requirements during the transition, the PHPs will still process and pay for these services if:

- a. a provider fails to submit prior authorization prior to the service being provided and submits prior authorization after the date of service, or
 - b. a provider submits for retroactive prior authorizations.
- This exception does not apply to concurrent reviews for inpatient hospitalizations which should still occur during this time period.*
- 2) Beginning Aug. 31, 2021, the PHP may deny payment for services that require prior authorization. For in-network providers this will apply to those services that normally require prior authorization. Out-of-network providers will need to seek authorizations for all services.
 - 3) The Department expects all providers to maintain scheduled medical care for beneficiaries through this transition.
 - 4) The Department expects the PHPs and providers to continue to work to resolve any outstanding contracting barriers during this time to mitigate out-of-network challenges.

More information is available at <https://medicaid.ncdhhs.gov/blog/2021/07/07/updated-hospital-procedure-continuity-nc-medicare-managed-care-launch>.

Note: This update replaces the July 1, 2021 bulletin [Hospital Procedure Continuity at NC Medicaid Managed Care Launch](#).

Resources:

- [Executive Order 222](#), signed by Governor Cooper on June 30, 2021, to re-establish the Interagency Council for Coordinating Homelessness Programs. The Interagency Council would include representation by someone with expertise in assisting families of children six and under experiencing homelessness and by someone with expertise in services for public school students in families experiencing homelessness.
- UNC School of Education, along with other partners, has been awarded a [\\$1.92 million HRSA grant](#) to establish UNC-PrimeCare4Youth. This program provides participating students specialized coursework, targeted workshops, and self-directed learning focused on trauma-informed care, cultural and linguistic competency, suicide prevention, digital behavioral health, and community engagement.

Bills on the Move:

[H. 67](#), GSC Technical Corrections 2021, placed on House calendar for 7/13/21.

[H. 383/S. 391](#), Medicaid Modernized Hospital Assessments, signed into law to become [SL 2021-61](#)

[H. 734](#), Dept. of Health and Human Services Revisions, signed into law to become [SL 2021-77](#)
[S. 105](#), 2021 Appropriations Act, passed by Senate and referred to House Appropriations with serial referrals to House Finance Committee, House Pensions and Retirement Committee and House Rules Committee.

[S. 207/H. 252](#), Various Raise the Age Changes/JJAC Recs. – MET CROSSOVER – reported favorably by House Judiciary 1 and re-referred to House Rules.

[S. 301](#), Expand Expunction Eligibility – MET CROSSOVER – reported favorably by House Judiciary 2, re-referred to House Rules.

[S. 594](#), Medicaid Administrative Changes and Technical Corrections – Agency Bill – MET CROSSOVER – signed into law to become [SL 2021-62](#).

Bills:

[H. 29](#), Verification of Immigration Status: SAVE

[H. 32](#), Equity Opportunity Act – MET CROSSOVER

[H. 42](#), 2020 COVID Relief Bill Modifications

[H. 91](#), Reduce Regulation to Help Children with Autism – MET CROSSOVER

[H. 132](#), Juvenile Code Rev's/CIP Recommendations—AB (Agency Bill) – MET CROSSOVER

[H. 149](#), Improving Access to Care through Telehealth – MET CROSSOVER

[H. 173](#), Separate Divisions, Juvenile Justice and Adult Corrections—AB (Agency Bill)

[H. 183](#), Juvenile Court Counselors/Sensitivity Training—AB (Agency Bill) – MET CROSSOVER

[H. 192](#), COVID Response, Supplemental Spending 2020-2021

[H. 205](#), Abuse & Neglect Resources in Public Schools – MET CROSSOVER

[H. 212](#), Social Services Reform

[H. 215](#), Early Childhood Data Analytics/Pilot/Guilford

[H. 232](#), LRC Study – Affordable Housing, MET CROSSOVER

[H. 247](#), Standards of Student Conduct – MET CROSSOVER

[H. 249](#), Children with Disabilities Funding Formula

[H. 261](#), Raise Min. Age/Juvenile Jurisdiction

[H. 262](#), Smart Start Funds

[H. 274](#), 2021 Current Operations Appropriations Act

[H. 277/S. 249](#), The SAVE Act

[H. 298](#), 2021 Current Operations Appropriations Act

[H. 300](#), 2021 Pandemic Recovery Appropriations Act

[H. 305](#), 2021 Omnibus Coronavirus Relief Act

[H. 313](#), 2021 Pandemic Recovery Appropriations Act

[H. 314](#), 2021 Omnibus Coronavirus Relief Act

[H. 325](#), 2021 Omnibus Coronavirus Relief Act

[H. 382](#), Hospital ED Care/Medicaid Behavioral Health Service

[H. 389/S. 350](#), NC Innovations Waiver Act of 2021

[H. 424](#), Juveniles/Eliminate LWOP/Parole Eligibility

[H. 430](#), Advisory Council on PANS & PANDAS

[H. 470](#), Medicaid Expansion

[H. 516](#), Raise Dropout Age to 18

[H. 568/S. 721](#), Youth Mentoring Services Act

[H. 579](#), School Self-Defense Act

[H. 615](#), Juvenile Court Mental Health Assessments – MET CROSSOVER

[H. 621](#), Increase Drop Out Age/Completion Indicator – MET CROSSOVER

[H. 653](#), Mental Health and SUD Parity Report

[H. 657](#), School Safety/Threat Assessment Teams – MET CROSSOVER

[H. 658](#), Deploy Child Welfare & Aging Component/NCFAS

[H. 664](#), County Service Districts/Early Childhood Education – MET CROSSOVER

[H. 665/S. 610](#), Address Direct Support Staffing Crisis/Medicaid
[H. 732](#), Peer Support Specialist Certification Act
[H. 747](#), Merge NC Health Choice & Medicaid
[H. 749](#), Healthy Students – School Psychologists/COVID-19
[H. 769](#), Foster Parents’ Bill of Rights – MET CROSSOVER
[H. 809](#), NC Healthy Family Act
[H. 823](#), Child Advocacy Centers/Share Information – MET CROSSOVER
[H. 837](#), Increase Student Access to School Counselors
[H. 882](#), Behavioral Health Services for Students
[H. 908](#), Access to Affordable Health Care Coverage for All
[H. 914](#), Support our Direct Care Workforce
[H. 928](#), Opioid Overdose Prev. Pilot Program/Funds
[H. 934](#), Student Success Program
[H. 946](#), Sound Basic Education for Every Child
[H. 947](#), The GREAT Broadband Expansion Act
[H. 952](#), Mental Health Unit Triage Pilot Program
[H. 953](#), Funds for School Mental Health Support Persons
[S. 37](#), In-Person Learning Choice for Families, ratified, vetoed by Governor on 2/26
[S. 61](#), Dental Services/Medicaid Transformation
[S. 78](#), A Safe Return for In-Person Learning
[S. 86](#), Medicaid Recs/School-Based Health and InCK evaluation/ Child Well-Being Transformation Council Rec
[S. 88](#), NC FAST Child Welfare Case Mgmt./PED Study
[S. 89](#), Regional Supervision/Child Well-Being Transformation Council Rec
[S. 90](#), Social Services Reform/Inter-County Collaboration/Child Well-Being Transformation Council Rec
[S. 93](#), Assisting NC Families in Crisis
[S. 106](#), 2021 Appropriations Act
[S. 107](#), 2021 Appropriations Act
[S. 154](#), Fully Funded School Social Works and Psychologists
[S. 350/H. 389](#), NC Innovations Waiver Act of 2021
[S. 402](#), Close the Medicaid Coverage Gap
[S. 463](#), Deploy Child Welfare & Aging Component/NCFAST
[S. 501](#), Create Department of Adult Corrections
[S. 514](#), Youth Health Protection Act
[S. 515](#), Health Care Heroes Conscience Protection Act
[S. 518](#), Protecting and Supporting NC’s Children
[S. 530](#), Medicaid for Twelve Months Postpartum
[S. 593](#), Special Education Due Process Hearings – MET CROSSOVER
[S. 595](#), Taskforce on Adverse Childhood Experiences
[S. 610/ H. 665](#), Address Direct Support Staffing Crisis/Medicaid
[S. 615](#), Direct Care Worker Wage Passthrough/Medicaid
[S. 622](#), 2021 Governor’s Budget
[S. 693](#), Expedite Child Safety and Permanency – MET CROSSOVER
[S. 721/H. 568](#), Youth Mentoring Services Act

Bills Signed into Law:

[SL 2021-1](#): COVID Relief Bill Modifications

[SL 2021-3](#): 2021 COVID-19 Response and Relief

[SL 2021-4](#): The Reopen the Schools Act of 2021

[SL 2021-7](#), Summer Learning Choice for NC Families

[SL 2021-8](#): Excellent Public Schools Act of 2021

[SL 2021-18](#): Modify Termination of Parental Rights Appeals

[SL 2021-22](#): Reduce Regulation to Help Children with Autism

[SL 2021-25](#): Additional COVID-19 Response and Relief

[SL 2021-61](#): Medicaid Modernized Hospital Assessments

[SL 2021-62](#): Medicaid Administrative Changes and Technical Corrections

[SL 2021-77](#): DHHS Revisions