

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 714
Committee Substitute Favorable 8/1/07**

Short Title: 2007 Budget Technical Corrections Act.

(Public)

Sponsors:

Referred to:

March 15, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING
3 MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL
4 IMPROVEMENTS APPROPRIATIONS ACT OF 2007.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** The fourth paragraph of subdivision (28) of Section 10.36(d)
7 of S.L. 2007-323 reads as rewritten:

8 "Prior authorization. – The Department of Health and Human
9 Services shall not impose prior authorization requirements or other
10 restrictions under the State Medical Assistance Program on
11 medications prescribed for Medicaid recipients for the treatment of (i)
12 mental illness, including but not limited to, medications for
13 schizophrenia, bipolar disorder, or major depressive disorder, or (ii)
14 HIV/AIDS, except that the Department of Health and Human Services
15 shall continually review utilization of medications under the State
16 Medical Assistance Program prescribed for Medicaid recipients for the
17 treatment of mental illness, including but not limited to, medications
18 for schizophrenia, bipolar disorder, or major depressive disorder. For
19 individuals 18 years of age and under who are prescribed three or more
20 psychotropic medications, the Department shall implement clinical
21 edits that target inefficient, ineffective, or potentially harmful
22 prescribing patterns. When such patterns are identified, the Medical
23 Director for the Division of Medical Assistance and the Chief of
24 Clinical Policy for the Division of Mental Health, Developmental
25 Disabilities, and Substance Abuse Services shall require a peer-to-peer
26 consultation with the target prescribers. Alternatives discussed during
27 the peer-to-peer consultations shall be based upon:

28 a. Evidence-based criteria available regarding efficacy or safety of
29 the covered treatments; and

- 1 b. Policy approval by a majority vote of the North Carolina
2 Physicians Advisory Group (NCPAG).

3 The target prescriber has final decision-making authority to
4 determine which prescription drug to prescribe or refill."

5 **SECTION 2.** Section 10.36(d)(29)b.1. reads as rewritten:

6 "b. For children eligible for EPSDT services provided by:

- 7 1. Licensed or certified psychologists, licensed clinical
8 social workers, certified clinical nurse specialists in
9 psychiatric mental health advanced practice, nurse
10 practitioners certified as clinical nurse specialists in
11 psychiatric mental health advanced practice, licensed
12 psychological associates, licensed professional
13 counselors, licensed marriage and family therapists,
14 ~~certified~~ licensed clinical addictions specialists, and
15 certified clinical supervisors, when Medicaid-eligible
16 children are referred by the Community Care of North
17 Carolina primary care physician, a Medicaid-enrolled
18 psychiatrist, or the area mental health program or local
19 management entity, and".

20 **SECTION 3.** Section 10.36(d)(29)c. reads as rewritten:

21 "c. For Medicaid-eligible adults, services provided by licensed or
22 certified psychologists, licensed clinical social workers,
23 certified clinical nurse specialists in psychiatric mental health
24 advanced practice, and nurse practitioners certified as clinical
25 nurse specialists in psychiatric mental health advanced practice,
26 licensed psychological associates, licensed professional
27 counselors, licensed marriage and family therapists, licensed
28 clinical addictions specialists, and ~~licensed~~ certified clinical
29 supervisors, Medicaid-eligible adults may be self-referred."

30 **SECTION 4.** Section 10.55(n) of S.L. 2007-323 reads as rewritten:

31 "**SECTION 10.55.(n)** The sum of ~~one million five hundred thousand dollars~~
32 ~~(\$1,500,000)~~ two million dollars (\$2,000,000) appropriated in this section to the
33 Department of Health and Human Services in the TANF Block Grant for Boys and Girls
34 Clubs for the 2007-2008 fiscal year shall be used to make grants for approved programs.
35 The Department of Health and Human Services, in accordance with federal regulations
36 for the use of TANF Block Grant funds, shall administer a grant program to award
37 funds to the Boys and Girls Clubs across the State in order to implement programs that
38 improve the motivation, performance, and self-esteem of youths and to implement other
39 initiatives that would be expected to reduce gang participation, school dropout, and teen
40 pregnancy rates. The Department shall encourage and facilitate collaboration between
41 the Boys and Girls Clubs and Support Our Students, Communities in Schools, and
42 similar programs to submit joint applications for the funds if appropriate."

43 **SECTION 5.** Notwithstanding any other provision of S.L. 2007-323 to the
44 contrary:

- 1 (1) Funding reductions in that act in the Department of Health and Human
2 Services, Division of Medical Assistance, due to savings from prior
3 authorization of all personal care services apply only to in-home
4 personal care services.
- 5 (2) Funds appropriated in that act to the Department of Health and Human
6 Services, Division of Mental Health, Developmental Disabilities, and
7 Substance Abuse Services, in S.L. 2007-323 for Mental Health
8 Services for Returning Vets shall be for one mental health program
9 manager position in the 2007-2008 and 2008-2009 fiscal years.
- 10 (3) Funds appropriated in that act to the Department of Health and Human
11 Services, Division of Health Service Regulation, for Health Care
12 Personnel Registry and Rating System for Adult Care Homes shall be
13 for 14 positions and related costs.

14 **SECTION 6.** Section 12.9 of S.L. 2007-323 reads as rewritten:

15 "**SECTION 12.9.** The Department of Environment and Natural Resources, Division
16 of Parks and Recreation, shall study the advisability of the General Assembly
17 authorizing the addition of the Deep River State Trail to the State Parks System, as
18 provided in ~~G.S. 113-44-14~~. G.S. 113-44.14. In the course of the study, the Division
19 shall consider the cost over the next five years of land acquisition, park development,
20 and park operations. The Department shall report the results of this study to the Joint
21 Legislative Commission on Governmental Operations by March 1, 2008."

22 **SECTION 7.** If Senate Bill 613 is enacted and recodifies G.S. 143B-437.10
23 as G.S. 143B-437.010, then subdivision (4) of Section 13.14(d) of S.L. 2007-323 reads
24 as rewritten:

- 25 "(3) It is located in a small town with a population under 10,000, an
26 agrarian growth zone as defined in ~~G.S. 143B-437.10~~,
27 G.S. 143B-437.010, or an urban progress zone as defined in
28 G.S. 143B-437.09."

29 **SECTION 8.** Section 14.25(m) of S.L. 2007-323 reads as rewritten:

30 "**SECTION 14.25.(m)** ~~The 10~~ Ten of the 11 assistant district attorney positions
31 established for District 22A by subsection (j) of this section shall be filled by 10
32 assistant district attorneys currently serving Alexander and Iredell Counties in District
33 22. ~~The 10~~ Ten of the 11 assistant district attorney positions established for District 22B
34 by subsection (j) of this section shall be filled by 10 assistant district attorneys currently
35 serving ~~Alexander and Iredell~~ Davidson and Davie Counties in District 22."

36 **SECTION 9.** S.L. 2007-323 is amended by adding a new section to read:

37 "**EMERGENCY JUDGE PAY**

38 **SECTION 14.26.** G.S. 7A-52(b) reads as rewritten:

39 "(b) In addition to the compensation or retirement allowance the judge would
40 otherwise be entitled to receive by law, each emergency judge of the district or superior
41 court who is assigned to temporary active service by the Chief Justice shall be paid by
42 the State the judge's actual expenses, plus ~~three hundred dollars (\$300.00)~~ four hundred
43 dollars (\$400.00) for each day of active service rendered upon recall. No recalled retired

1 trial judge shall receive from the State total annual compensation for judicial services in
2 excess of that received by an active judge of the bench to which the judge is recalled."

3 **SECTION 10.** S.L. 2007-323 is amended by adding a new section to read:

4 **"AID TO PUBLIC LIBRARIES**

5 **SECTION 21.4.** Notwithstanding any other provision of this act to the contrary,
6 the Department of Cultural Resources shall distribute increases in the appropriation to
7 public libraries based on the existing formula for Aid to Public Libraries."

8 **SECTION 11.** Section 28.22A of S.L. 2007-323 is amended by adding a
9 new subsection to read:

10 **"SECTION 28.22A(m1).** G.S. 135-39.6A(a) reads as rewritten:

11 "(a) The Executive Administrator and Board of Trustees shall, from time to time,
12 establish premium rates for the Teachers' and State Employees' Comprehensive Major
13 Medical Plan except as they may be established by the General Assembly in the Current
14 Operations Appropriations Act, and establish regulations for payment of the premiums.
15 Premium rates shall be established for coverages where Medicare is the primary payer
16 of health benefits separate and apart from the rates established for coverages where
17 Medicare is not the primary payer of health benefits."

18 **SECTION 12.** Section 28.22A(o) of S.L. 2007-323 reads as rewritten:

19 **"SECTION 28.22A.(o)** Effective July 1, 2008, the Revisor of Statutes shall delete
20 all statutory references to "Teachers' and State Employees' Comprehensive Major
21 Medical Plan" and "North Carolina Teachers' and State Employees' Comprehensive
22 Major Medical Plan" and substitute therefor "State Health Plan for Teachers and State
23 Employees."

24 **SECTION 13.** Notwithstanding any other provision of S.L. 2007-323:

- 25 (1) The capital planning funds appropriated in that act for the design of an
26 addition to Scotland Correctional Institution shall be used for a
27 minimum security addition rather than a medium security addition; and
28 (2) The capital planning funds appropriated in that act for the design of an
29 addition to Lanesboro Correctional Institution shall be used for a
30 medium security addition rather than a minimum security addition.

31 **SECTION 14.** Notwithstanding any other provision of S.L. 2007-323, the
32 capital funds appropriated in this act for berth structure improvements at the Port of
33 Morehead City are not limited to the construction of a new transit shed at the Port, nor is
34 the total project cost limited to the sum of three million two hundred seventy thousand
35 dollars (\$3,270,000).

36 **SECTION 15.** Except as otherwise provided, this act becomes effective July
37 1, 2007.