



NCOA Legislative Update

June 1, 2022

The 2022 "short session" of the NC General Assembly convened on May 18th with promises from leadership that the session would be quick and non-controversial. Within the first week, however, a large healthcare bill (H149) emerged in the Senate, which includes Medicaid Expansion and several controversial substantive provisions (see below). Adding this major policy initiative to the session may impact the speed at which the budget and other bills moves through both chambers.

H149 / Expanding Access to Healthcare moved quickly through the Senate Health, Senate Finance and Senate Rules Committees the second week of session. At a press conference, Senate President Pro Tem Phil Berger said, "It is our belief that partnering the increased coverage with measures designed to increase the number of providers and the number of facilities people can go to is the right balance to achieve an overall improvement in access and quality." The bill passed the Senate floor on June 1st by a vote of 44 to 2 and has one more Senate vote before being sent to the House by next week.

The legislative staff explanation gives a detailed overview of the bill:

[https://dashboard.ncleg.gov/api/Services/BillSummary/2021/H149-SMBC-227\(e3\)-v-2](https://dashboard.ncleg.gov/api/Services/BillSummary/2021/H149-SMBC-227(e3)-v-2).

Major provisions of H149 include:

- Expanding Medicaid coverage
- \$8B in projected federal funding
- Hospital assessments for the state's 10% portion to cover the cost of expansion with a higher Medicaid reimbursement to hospitals requested
- CON reforms
 - Removing restrictions on ASC's, MRI's, psych beds, chemical dependency beds
 - Removal of the restriction on conversion of a single-specialty ASC to a multispecialty ASC
 - Increasing the allowable cost of "replacement medical equipment" from \$2M to \$4M
 - Plus other CON changers
- Advanced Practice Nurses (APRN) independent practice (The "SAVE Act")
- Medical billing transparency (surprise billing)
- Telehealth
 - Coverage parity
 - Informed consent requirement

The Speaker and Majority Leader in the House have both said this omnibus bill will not be taken up in that chamber during the short session. Most the bill's provisions in H149 have been separately debated for many years. The Governor and Democrat legislators have been pushing for years for Medicaid expansion and now the Senate, with a Republican majority, is on board with the measure. So, with many moving parts comes uncertainty. Look for extra updates as the issues in the bill are negotiated. So much for a short session.

Budget subcommittees have not been meeting, but instead the budget process is predominately at the senior appropriation chair level. There has been an agreement between the two chambers on a nominal increase in a budget cap for this session. Legislative staff is estimating a \$4.2B increase in revenue in the current fiscal year revenue and a \$1.9B increase in the coming year. Capping spending will leave several billion in reserves for next year.

Bills of Interest

S345 / PA-Team Based Practice - the Medical Board has been negotiations with the NC Academy of Physician Assistants and has signed off on changes to the bill. This legislation will modify regulation of PA practice in North Carolina. EmergeOrtho is in discussion with stakeholders regarding PAs performing and interpreting imaging.

S796 / Sacred Relationship/Doctor/Patient - prohibits the Medical Board and the Board of Nursing from revoking, failing to renew, suspending, or taking any other disciplinary action against a physician, physician assistant, or nurse practitioner for prescribing a medication the clinician believes is medically necessary for the treatment of COVID-19

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