



# *North Carolina Orthopaedic Association*

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## **Surviving Crossover – Legislative Focus Shifts to the Budget**

To meet the April 30<sup>th</sup> crossover deadline – the day by which most non-budget bills must pass either the N.C. House of Representatives or the Senate to remain alive for the 2015-2016 legislative session – the legislature held many lengthy committee meetings and floor sessions, with more than 200 bills passing out of one chamber or the other in the weeks leading up to the crossover deadline. However, bills that did not meet the deadline still have ways of being revived, and this session will likely last until the fall with a lot of legislative maneuvering going on between now and adjournment. The next big task is crafting the 2015 budget. The House is moving quickly with developing its budget proposal and is expected to send it to the Senate later this month for consideration.

Below is a summary of all the bills that the NCOA is tracking this session and their status.

## ***NCOA Post-Crossover Legislative Tracking Report***

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**Bill:** HB200

**Sponsors:** Avila (R40); Bishop (R104); Collins (R25); Michaux (D31)

**Title:** AMEND CERTIFICATE OF NEED LAWS

**Summary:** An Act Exempting Diagnostic Centers, Ambulatory Surgical Facilities, Gastrointestinal Endoscopy Rooms, and Psychiatric Hospitals from Certificate of Need Review; Prohibiting the State Medical Facilities Plan from Limiting the Number of Operating Rooms and Gastrointestinal Endoscopy Rooms; and Enhancing Licensing Requirements for the Development, Acquisition, or Replacement of Ambulatory Surgical Facilities.

**Progress:** 1st Chamber: Referred to Committee

**Status:** 03/11/2015 ñ House Committee On Health and Human Services

**NCOA Note:** Hearings have been heard in both the House and Senate Health Committees on CON Reform. Presentations were made by both the NCOA lobbyist and NC Hospital Association lobbyists. After giving a strong explanation of why CON needed to be changed, Sen. Tom Apodaca, Rules Chairman, stated in the Senate committee meeting that both Medicaid Reform and CON Reform would be dealt with before leaving session. This comment has increased the political pundits wagering that a form of CON reform will pass this year.

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**Bill:** HB135  
**Sponsors:** Dollar (R36); Brown, B. (R9); Torbett (R108); Martin (R8)  
**Title:** MODERNIZE PHYSICAL THERAPY PRACTICE  
**Summary:** An Act Updating the Definition of Physical Therapy to Include Manipulation of the Spine Without a Prescription from a Physician Licensed to Practice Medicine in this State.  
**Progress:** 2nd Chamber: Referred to Committee  
**Status:** 04/30/2015 ñ Senate Committee On Rules and Operations of the Senate  
**NCOA Note:** This bill was heard in House Health and passed the House floor with little opposition. The PT pulled together over 100 physician letters supporting the bill. The NC Coalition to Protect Patients has withdrawn their opposition. The bill has been sent to Rules in the Senate.

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**Bill:** HB158  
**Sponsors:** Lambeth (R75); Dollar (R36); Hurley (R70); McElraft (R13)  
**Title:** JIM FULGHUM TEEN SKIN CANCER PREVENTION ACT  
**Summary:** An Act Prohibiting Persons Under Eighteen Years of Age from Using Tanning Equipment.  
**Progress:** Ratified.  
**Status:** 05/15/2015 ñ Presented for the Governor’s Signature.

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**Bill:** HB267  
**Sponsors:** Goodman (D66); Glazier (D44); Blackwell (R86)  
**Title:** AMEND RESPIRATORY CARE PRACTICE ACT.-AB  
**Summary:** An Act Amending the Respiratory Care Practice Act.  
**Progress:** 1st Chamber: Reported from Committee  
**Status:** 03/25/2015 ñ House Committee On Finance

### What is Crossover?

“Surviving Crossover” is not the newest hit TV series that you should binge watch this summer. Crossover is a deadline set by the North Carolina General Assembly. It is a date on the legislative calendar by which most bills must pass through at least one chamber (NC House of Representatives or Senate) in order to continue to be eligible for consideration for the remainder of the two-year legislative session, which is comprised of an odd-numbered year “long session” and the following even-numbered year “short session.” Some bills are excluded from this deadline, such as when the bill has a budgetary impact or if it makes changes to a fee collected through a state agency, and some other situations.

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**Bill:** HB365  
**Sponsors:** Adcock (D41)  
**Title:** ENHANCE PATIENT SAFETY IN OPERATING ROOMS  
**Summary:** An Act to Enhance Patient Safety in Hospital and Ambulatory Surgical Facility Operating Rooms by Requiring at Least One Circulating Nurse to be Present in Each Operating Room During Each Surgical Procedure.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ House Committee On Health and Human Services  
**NCOA Note:** H365 did not pass before the crossover deadline so thus it is not eligible for consideration for this term.

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**Bill:** HB372  
**Sponsors:** Dollar (R36); Lambeth (R75); Brown, B. (R9); Jones (R65)  
**Title:** 2015 MEDICAID MODERNIZATION  
**Summary:** An Act to Modernize and Stabilize North Carolina's Medicaid Program Through Provider-Led Capitated Health Plans.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ House Committee On Health and Human Services  
**NCOA Note:** There have been two meetings, one hosted by the NC Medical Society and the other by NC Hospital Association, which brought together all Medicaid providers with the goal of coming to a consensus on a Medicaid reform proposal. The impetus for these meetings was a stern directive by Senate and House leaders that the providers come up with a plan.

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**Bill:** HB528  
**Sponsors:** Burr (R67); Jones (R65); Hanes (D72)  
**Title:** ESTABLISH CHIROPRACTOR CO-PAY PARITY  
**Summary:** An Act to Reenact a Law Concerning Health Benefit Plan Co-Payments for Services Performed by Chiropractors.  
**Progress:** 2nd Chamber: Referred to Committee  
**Status:** 04/30/2015 ñ Senate Committee On Rules and Operations of the Senate  
**NCOA Note:** This bill passed by a narrow vote in House Insurance and then the referral to Health was removed and the bill was placed on the House Calendar for a late night vote the same day. Concerns have been raised by the medical, insurance and business community about the increased cost to health insurance policy holders and the new treatment of chiropractors as primary care providers. The bill is in Senate Rules and the opposing coalition is working hard to stop the bill.

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**Bill:** HB728  
**Sponsors:** Conrad (R74); Bryan (R88); Setzer (R89)  
**Title:** AMEND LAWS PERTAINING TO CHIROPRACTIC BOARD  
**Summary:** An Act Enlarging the Time for Certification of Chiropractic Clinical Assistants by the State Board of Chiropractic Examiners; and Authorizing the State Board of Chiropractic Examiners to Impose Fines as Sanctions and to Increase Annual License Renewal Fees.  
**Progress:** 2nd Chamber: Referred to Committee  
**Status:** 04/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** HB729  
**Sponsors:** Conrad (R74); Bryan (R88); Setzer (R89)  
**Title:** STANDARDS FOR CHIROPRACTIC PEER REVIEW  
**Summary:** An Act Requiring Chiropractic Peer Review of Motor Vehicle Liability and Medical Payment Claims to be Performed by Individuals Licensed to Practice Chiropractic in this State.  
**Progress:** 2nd Chamber: Referred to Committee  
**Status:** 04/29/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** HB833  
**Sponsors:** Insko (D56); Setzer (R89); Howard (R79); West (R120)  
**Title:** ENHANCE PATIENT SAFETY IN RADIOLOGIC IMAGING  
**Summary:** An Act Providing for the Regulation and Licensing of Persons Who Perform and Administer Radiologic Imaging and Radiation Therapy Procedures.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 04/15/2015 ñ House Committee On Health and Human Services  
**NCOA Note:** This bill has a fee which means it is still eligible for consideration.

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**Bill:** HB941  
**Sponsors:** Avila (R40); Lambeth (R75); Bishop (R104); Carney, B. (D102)  
**Title:** PROTECT SENIORS' HEALTHCARE CHOICE  
**Summary:** An Act Authorizing the Department of Health and Human Services to Conduct a Pilot Program Exempting from Certificate of Need Review Continuing Care Retirement Communities Seeking to Establish a Home Health Agency for Individuals Receiving Lodging Within These Communities.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 04/27/2015 ñ First reading in the House

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**Bill:** SB240  
**Sponsors:** Davis, J. (R50)  
**Title:** DEFINE SCOPE OF PRACTICE OF CRNAS  
**Summary:** An Act Defining the Practice of Nursing by Certified Registered Nurse Anesthetists Under the Nursing Practice Act.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/12/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB317  
**Sponsors:** Hise (R47); Clark (D21); Tarte (R41)  
**Title:** STRENGTHEN CONTROLLED SUBSTANCES MONITORING  
**Summary:** An Act to Strengthen the Monitoring of Controlled Substances.  
**Progress:** 1st Chamber: Reported from Committee  
**Status:** 03/24/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB319  
**Sponsors:** Hise (R47)  
**Title:** CHIROPRACTOR CO-PAY PARITY  
**Summary:** An Act to Reenact a Law Concerning Health Benefit Plan Co-Payments for Chiropractic Services.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/18/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB525  
**Sponsors:** Curtis (R44); Hartsell (R36); Rabon (R8)  
**Title:** AMEND OPTICIAN LICENSURE FEES & EXAM REQ'S  
**Summary:** An Act Amending Dispensing Optician Examination Qualifications and Apprenticeship Requirements and Authorizing the State Board of Opticians to Increase Certain Licensure Fees.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB542  
**Sponsors:** Rabin (R12); Sanderson (R2)  
**Title:** DECRIMINALIZE DIRECT ENTRY MIDWIFERY  
**Summary:** An Act Allowing Certified Professional Midwives to Provide Certain Midwifery Services Without Being Subject to Criminal Penalty.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB543  
**Sponsors:** Rabin (R12); Sanderson (R2)  
**Title:** HOME BIRTH FREEDOM ACT  
**Summary:** An Act to Establish the Certified Professional Midwives Licensing Act.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB557  
**Sponsors:** Hise (R47)  
**Title:** CREATE PERMIT EXEMPTIONS/HOME RENAL PRODUCTS  
**Summary:** An Act Amending the Pharmacy Practice Act to Create a Pharmacy Permit Exemption and a Device and Medical Equipment Permit Exemption for the Dispensing and Delivery of Home Renal Products.  
**Progress:** 1st Chamber: Reported from Committee  
**Status:** 04/06/2015 ñ Senate Committee On Health Care

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**Bill:** SB558  
**Sponsors:** Hise (R47)  
**Title:** ALLOW CHIROPRACTIC PRECEPTORSHIP PROGRAMS  
**Summary:** An Act Allowing Chiropractic Students at Accredited Chiropractic Colleges to Participate in Preceptorship Programs.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB568  
**Sponsors:** Tarte (R41)  
**Title:** NORTH CAROLINA HEALTH CARE MODERNIZATION  
**Summary:** An Act to Modernize and Transform Health Care Purchasing in North Carolina and to Consolidate the Lme/Mco Regions.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB574  
**Sponsors:** Jackson, B. (R10); Pate (R7); Tucker (R35)  
**Title:** 2015 MEDICAID REFORM  
**Summary:** An Act to Modernize and Stabilize North Carolina's Medicaid Program Through Provider-Led Capitated Health Plans.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB695/H807  
**Sponsors:** Hise (R47); Pate (R7)  
**Title:** MODERNIZE NURSING PRACTICE ACT  
**Summary:** An Act Updating and Modernizing the Nursing Practice Act.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Health Care  
**NCOA Note:** The House version of this bill has been referred to five committees which means that the Senate is more likely to move the bill first. This legislation proposes to eliminate the requirement of physician supervision of advanced practice registered nurses and also to eliminate the additional patient protection provided by the Joint Subcommittee of the Nursing and Medical Boards.

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**Bill:** SB696  
**Sponsors:** Hise (R47)  
**Title:** MEDICAID MODERNIZATION  
**Summary:** An Act to Modernize and Stabilize North Carolina's Medicaid Program Through Full-Risk Capitated Health Plans to Create an Independent Board to Govern the Medicaid and NC Health Choice Programs.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Health Care

**These four bills have been nicknamed “the four horsemen.” It is anticipated that they will end up on the Senate version of the budget.**

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**Bill:** SB700  
**Sponsors:** Wells (R42); Rucho (R39)  
**Title:** LIMIT SALES TAX REFUND FOR NONPROFITS  
**Summary:** An Act to Limit the State and Local Sales Tax Refund for Nonprofits.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB701  
**Sponsors:** Brown, H. (R6); Hise (R47)  
**Title:** DISCONTINUE MEDICAID CONTRACT FOR PCCM  
**Summary:** An Act to Discontinue the Medicaid and Health Choice Primary Care Case Management Program and Contract.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate

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**Bill:** SB702  
**Sponsors:** Apodaca (R48)  
**Title:** REPEAL CON AND COPA LAWS  
**Summary:** An Act Repealing North Carolina's Certificate of Need and Certificate of Public Advantage Laws.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate  
**NCOA Note:** Senate leadership is committed to passing a change to CON laws this session along with Medicaid Reform.

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**Bill:** SB703  
**Sponsors:** Berger, P. (R26)  
**Title:** MEDICAID TRANSFORMATION  
**Summary:** An Act to Transform the Medicaid Program from a Mostly Fee-For-Service Program to a Capitated, Risk-Based, Managed Care Program.  
**Progress:** 1st Chamber: Referred to Committee  
**Status:** 03/30/2015 ñ Senate Committee On Rules and Operations of the Senate