

**SL 2020-3 (SB 704) An Act to Provide Aid to North Carolinians in Response to the
Coronavirus Disease 2019 (COVID-19) Crisis**

Part III Health Care

Subpart IIIB. Affirmations of Actions Taken in Response to COVID-19

Section 3B.1.(a)

General Assembly supports that as COVID-19 antibody tests become available, encouraging all persons authorized under State law to administer such tests to give priority to front-line care providers, including emergency medical services personnel, firefighters, rescue squad workers, law enforcement officers, licensed health care providers, long-term care providers, child care providers, and other persons essential to provision of medical care, dental care, long-term care, or child care.

Subpart IIID. Support for Health Care Providers to Respond to COVID-19

Authorization for Dentists to Administer COVID-19 Tests

Section 3D.2.(a)

Allows dentists to administer FDA approved or authorized diagnostic tests and antibody tests for COVID-19 to patients.

Authorization Process for Immunizing Pharmacists to Administer COVID-19 Immunizations/Vaccinations

Section 3D.3.(a) – (d)

Provides an avenue for authorizing immunizing pharmacists to administer COVID-19 immunizations/vaccinations after certain approvals and an issue of a standing order.

Also, provides civil and criminal immunity for the State Health Director and any pharmacist who administers a COVID-19 immunization or vaccine pursuant to a statewide standing order issued under this section for actions authorized by this section.

Prescription Identification Requirements

Section 3D.4.(a)

During the COVID-19 emergency (March 20, 2020 – rescission of EO No. 116), licensed pharmacists may confirm the identity of any individual seeking dispensation of a prescription by the visual inspection of any form of government-issued photo ID. IF the individual is a known customer, then the pharmacist may confirm identity by referencing existing records.

Health Care Liability Protection for Emergency or Disaster Treatment

Section 3D.7.(a) Emergency or Disaster Treatment Protection Act

Provides immunity to any health care facility, health care provider or entity that has legal responsibility for the acts or omissions of a health care provider from any civil liability for any harm or damages alleged to have been sustained as a result of an act or omission in the course of arranging for or providing health care services during the period of the COVID-19 emergency if certain criteria is met. Does not provide immunity for an act or omission constituting gross negligence, reckless misconduct, or intentional infliction of harm.

Dispense and use of Controlled Substances Temporarily at Additional Places of Business

Section 3D.8.(a)

Allows a hospital, nursing home, or clinic holding a valid State registration for controlled substances to temporarily dispense or use controlled substances at additional places of business by completing the registration process developed by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services of NC DHHS.

Pre-procedure COVID-19 Test Result Reporting

Section 3D.9.(a)

All health care providers shall receive and report the results, both positive and negative, of any COVID-19 diagnostic test or antibody test performed on an individual prior to any nonemergency surgery or procedure to the Commission for Public Health and the Division of Public Health.

Subpart IIE. Increased Flexibility for the Department of Health and Human Services to Respond to COVID-19

Extension of time for establishing connectivity to the State's Health Information Exchange Network Known as HealthConnex

Changes the previous deadline of June 1, 2020 for certain providers to begin submitting demographic and clinical data to October 1, 2021.

Part IV. Continuity of State Government/Regulatory Relief

Emergency Video Notarization

Section 4.1.(c)

Emergency video notarization – an acknowledgement, affirmation, or oath notarization completed by a notary in compliance with the requirements of G.S. 10B-25.

Allows a notary to perform an emergency notarization using video conference technology. This section deals with how to notarize both when an original wet signature on an original wet-signed document is required to be notarized and when an original wet signature on an original wet-signed document is not required to be notarized. This expires on August 1, 2020.

Emergency Video Witnessing

Section 4.2.(a)

Provides for video witnessing.

Section 4.14.(a)

Limited Business Immunity for Essential Businesses

Provides immunity to essential businesses from claims from any customer or employee for any injuries or death alleged to have been caused as a result of the customer or employee contracting COVID-19 while doing business with or while employed the essential business. This includes an emergency response entity. This immunity does not apply to acts or omissions that constitute gross negligence, reckless misconduct, or intentional infliction of harm. Does not preclude workers' comp benefits. Expires when COVID-19 emergency declaration is rescinded or expires. Applies to claims filed on or after March 27, 2020.

State Health Plan Premium and Debt Deferral Option During Declaration of Emergency

Section 4.21.(a)

Gives the Treasurer, with approval of the Board, when there is a state of disaster, the authority to provide deferment of premium and debt payments to certain members and employing units. Also, provides authority for the Treasurer to extend the time period of any statute, rule, or other policy or contract provision that imposes a time limit on the Plan or a member to perform any act related to the Plan. Does not waive payment requirement. This is effective retroactively to January 1, 2020.

Authorize the Chief Administrative Law Judge to Extend the Time Period for the Filing of Contested Cases During Catastrophic Conditions

Section 4.26.(a)

Allows the Chief Administrative Law Judge to extend the time to file a petition for a contested case under certain circumstances.

Public Bodies/Remote Meetings During Declared Emergencies

Section 4.31.(a)

Allows for Remote meetings during certain declarations of emergency. All votes shall be roll call. Meeting minutes shall reflect that the meeting was conducted by use of simultaneous communication, which members are participating by such means, and when such members join or leave the remote meeting.

Authorize State Agencies to Exercise Regulatory Flexibility during the Coronavirus Emergency in Order to Protect the Economic Well-being of the Citizens and Business of the State

Section 4.38.(a)

Notwithstanding any other provision of law, if a State agency determines that, due to the impacts of the coronavirus, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, the agency shall

- 1) Delay collection, or modify the method of collection of any fees, fines, or late payments assessed by the agency under its statutes, including accrual of interest
- 2) Delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations issued by the agency pursuant to its statutes
- 3) Delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes

No later than October 1, 2020, each State agency shall report to the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative Commission on Governmental Operations, and the Office of State Budget and Management on its specific efforts to exercise this flexibility.

State agencies shall exercise this authority to the maximum extent practicable in order to protect the economic well-being of the citizens and businesses of the State, while also continuing to protect public health, safety, and welfare.

State agencies may adopt emergency rules for the implementation of this authority in accordance with G.S. 150B-21.1A. An emergency rule adopted pursuant to this section shall expire August 1, 2020.

This section is effective retroactively to March 10, 2020.

Joint Legislative Oversight Committees/Extend Reporting Deadlines

Section 4.43.

Notwithstanding any other provision of law, any report required by law to be submitted to a joint legislative oversight committee of the General Assembly after March 10, 2020, but before July 15, 2020, shall be held in abeyance until July 15, 2020. Thereafter, the report shall be submitted to the appropriate oversight committee and shall contain the information required by law. Any report required by law to be submitted to a joint legislative oversight committee on or after July 15, 2020, shall be submitted as provided by law.