

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE BILL 750*

Short Title: Health-Local Confinement/Prison HealthConnex. (Public)

Sponsors: Senators Krawiec and Pate (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 29, 2018

A BILL TO BE ENTITLED

AN ACT TO ADDRESS HEALTH ISSUES IN LOCAL CONFINEMENT FACILITIES AND TO ENSURE THAT STATE PRISONS ARE FULL PARTICIPANTS IN THE NC HEALTH INFORMATION EXCHANGE KNOWN AS NC HEALTHCONNEX, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-225 reads as rewritten:

§ 153A-225. Medical care of prisoners.

(a) Each unit that operates a local confinement facility shall develop a plan for providing medical care for prisoners in the facility. The plan:

- (1) Shall be designed to protect the health and welfare of the prisoners and to avoid the spread of contagious disease;
(2) Shall provide for medical supervision of prisoners and emergency medical care for prisoners to the extent necessary for their health and welfare;
(3) Shall provide for the detection, examination and treatment of prisoners who are infected with tuberculosis or venereal diseases; and
(4) May utilize Medicaid coverage for inpatient hospitalization or for any other Medicaid services allowable for eligible prisoners, provided that the plan includes a reimbursement process which pays to the State the State portion of the costs, including the costs of the services provided and any administrative costs directly related to the services to be reimbursed, to the State's Medicaid program.

The unit shall develop the plan in consultation with appropriate local officials and organizations, including the sheriff, the county physician, the local or district health director, and the local medical society. The plan must be approved by the local or district health director after consultation with the area mental health, developmental disabilities, and substance abuse authority, if it is adequate to protect the health and welfare of the prisoners. Upon a determination that the plan is adequate to protect the health and welfare of the prisoners, the plan must be adopted by the governing body.

As a part of its plan, each unit may establish fees of not more than twenty dollars (\$20.00) per incident for the provision of nonemergency medical care to prisoners and a fee of not more than ten dollars (\$10.00) for a 30-day supply or less of a prescription drug. In establishing fees pursuant to this section, each unit shall establish a procedure for waiving fees for indigent prisoners.



1 (b) If a prisoner in the custody of a local confinement facility dies, the medical examiner
2 and the coroner shall be notified ~~immediately~~. immediately, regardless of the physical location
3 of the prisoner at the time of death. Within five days after the day of the death, the administrator
4 of the facility shall make a written report to the local or district health director and to the Secretary
5 of Health and Human Services. The report shall be made on forms developed and distributed by
6 the Department of Health and Human Services.

7 (b1) Whenever a local confinement facility transfers a prisoner from that facility to another
8 local confinement facility, the transferring facility shall provide the receiving facility with any
9 health information or medical records the transferring facility has in its possession pertaining to
10 the transferred prisoner.

11 (c) If a person violates any provision of this section (including the requirements regarding
12 G.S. 130-97 and 130-121), he is guilty of a Class 1 misdemeanor."

13 **SECTION 2.** Consistent with the requirements of G.S. 153A-216(3) and
14 G.S. 153A-221, the Department of Health and Human Services shall study how to improve
15 prisoner health screening with a goal of improving the determination that a prisoner in a local
16 confinement facility has been prescribed life-saving prescription medications and a process to
17 ensure the timely administration of those prescription medications by appropriate personnel. On
18 or before November 1, 2018, the Department shall provide a report on this study to the Joint
19 Legislative Oversight Committee on Health and Human Services.

20 **SECTION 3.(a)** The Department of Health and Human Services and the Government
21 Data Analytics Center within the Department of Information Technology shall jointly collaborate
22 with organizations representing local government and local law enforcement to explore
23 participation by local confinement facilities in the North Carolina Health Information Exchange
24 Network (HIE Network), known as NC HealthConnex, in order to facilitate the secure electronic
25 transmission of individually identifiable health information pertaining to prisoners in the custody
26 of local confinement facilities.

27 **SECTION 3.(b)** The Department of Public Safety, the Department of Health and
28 Human Services, and the Government Data Analytics Center within the Department of
29 Information Technology, shall work collaboratively to ensure North Carolina prison facilities are
30 full participants in the HIE Network, known as NC HealthConnex, in order to facilitate the secure
31 electronic transmission of individually identifiable health information pertaining to inmates in
32 the custody of the Division of Adult Correction and Juvenile Justice of the Department of Public
33 Safety.

34 **SECTION 3.(c)** On or before October 1, 2018, the Department of Health and Human
35 Services and the Government Data Analytics Center within the Department of Information
36 Technology, shall provide an interim report to the Joint Legislative Oversight Committee on
37 Health and Human Services on the actions required by this section. On or before October 1, 2019,
38 the Department of Health and Human Services and the Government Data Analytics Center within
39 the Department of Information Technology, shall provide a final report to the Joint Legislative
40 Oversight Committee on Health and Human Services on the actions required by this section.

41 **SECTION 4.** This act is effective when it becomes law.