

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 1045  
May 30, 2018  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10461-SHz-4B\*

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

Sponsors: Representatives Dobson, Lambeth, and R. Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADDRESS HEALTH ISSUES IN LOCAL CONFINEMENT FACILITIES AND  
3 TO ENSURE THAT STATE PRISONS ARE FULL PARTICIPANTS IN THE NC  
4 HEALTH INFORMATION EXCHANGE KNOWN AS NC HEALTHCONNEX, AS  
5 RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON  
6 HEALTH AND HUMAN SERVICES.

7 The General Assembly of North Carolina enacts:

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

9 "§ 153A-225. Medical care of prisoners.

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

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

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

31 As a part of its plan, each unit may establish fees of not more than twenty dollars (\$20.00)  
32 per incident for the provision of nonemergency medical care to prisoners and a fee of not more  
33 than ten dollars (\$10.00) for a 30-day supply or less of a prescription drug. In establishing fees  
34 pursuant to this section, each unit shall establish a procedure for waiving fees for indigent  
35 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.