

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 562
SENATE BILL 380

AN ACT TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO CHARGE
RATES AND FEES FOR SERVICES RENDERED TO THE PUBLIC.

Whereas, the Administrative Rules Review Committee has required that agencies have a specific grant of rulemaking authority in order to set rates and fees and to this end sponsored HB 1521 in the 1979 Session, which was ratified and codified as G.S. 12-3.1 and becomes effective May 1, 1981; and

Whereas, all departments are required to authorize rates and fees before May 1, 1981; and

Whereas, the Department of Human Resources is currently charging fees and establishing rates for a number of services; and

Whereas, the Department of Human Resources provides various services based on the ability of the client to pay for those services but needs a specific grant of authority to help defray the costs of services; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 90A-27 is amended by redesignating the current section as subsection (a) and by adding a new subsection (b) to read:

"(b) In establishing procedures for receiving renewal applications, the Board of Certification may establish fees or a schedule of fees, adequate to meet the anticipated costs of renewal of certification, not to exceed fifty dollars (\$50.00) per license."

Sec. 2. G.S. 97-72 is amended by designating the first paragraph as subsection (a) and is further amended by rewriting the second paragraph to read:

"(b) The members of the advisory medical committee shall be paid one hundred dollars (\$100.00) per month and not to exceed three dollars (\$3.00) per film examined. The fee per film shall be determined and approved by the Secretary of Human Resources."

Sec. 3. G.S. Chapter 115 is hereby amended by adding a new section G.S. 115-343, to read:

“§ 115-343. Fees for athletic programs; appeal. — The Secretary of Human Resources may establish by regulation fees not to exceed one hundred dollars (\$100.00) per year to support the athletic program and after school student activities and an appeal process under G.S. 150A by which a student unable to pay may prove that he is unable to pay and be relieved of the fee."

Sec. 4. G.S. 130-11 is amended by adding three new subsections to the end to read:

"(14) The Secretary of the Department of Human Resources may establish by regulation a schedule of co-payments related to income to be paid by a recipient for services provided by the Division of Health Services for the operation of: (a) Migrant Health Clinics and (b) Developmental Evaluation Centers.

(15) The Secretary of the Department of Human Resources is hereby authorized and empowered to establish by regulation a charge to be paid by veterinarians or local health departments for rabies tags, links, and rivets. Such charge shall not exceed the actual cost of the tags, links, and rivets. For

purposes of this subsection, actual cost shall mean the actual purpose price to the Department for such items.

(16) The Secretary of Human Resources may establish by regulation rates and fees for the sale of: (a) specimen containers; and (b) vaccines and other biologicals. The rates and fees shall not exceed the actual cost of such items. For purposes of this subsection, actual cost shall mean the actual purchase price for the Department for such items."

Sec. 5. G.S. 130-200 is amended by adding a new sentence to the end to read:

"The Secretary is authorized to establish by regulation a fee, not to exceed three hundred dollars (\$300.00), to cover the cost of investigations, autopsies or pathological studies."

Sec. 6. G.S. 143-117 and G.S. 143-118 are amended and rewritten to read:

"§ 143-117. Institutions included. — All persons admitted to institutions administered by the Department of Human Resources which are now or hereafter may be authorized, are hereby required to pay the actual cost of their care, treatment, training and maintenance at such institutions.

"§ 143-118. Secretary of Human Resources to fix cost and charges. — (a) The Secretary of Human Resources shall determine and fix the actual cost of such training, treatment, care and maintenance, to be paid for by or for each patient, and the Secretary shall fix such cost so as to include all the cost of such training, treatment, care and maintenance at such institutions, for each respective patient, and the sum, when so fixed, shall be the actual cost. The Secretary, in determining and fixing the actual cost of such training, treatment, care and maintenance is given full and final authority to fix a general rate of charge, to be paid by patients able to pay the rate of charge, or in cases where indigent patients are later found to be nonindigent, then such cost for past training, treatment, care and maintenance of such patients shall be paid in one or more payments based on the rates of cost in effect for the period or periods of time during which such patients have been confined in the institutions.

(b) The past acts of the boards of directors in fixing a monthly rate to be paid by nonindigent inmates for their care and maintenance in such institutions are hereby in every respect ratified and validated, and on all claims and causes of actions for such purpose now pending and are unsettled, or which hereafter may be made or begun for the payment of said past indebtedness for training, treatment, care and maintenance, the rates so fixed by the board of directors or Secretary shall prevail and said collections shall be made in accordance therewith.

(c) In any action by any of said State's charitable institutions for the recovery of the cost of the training, treatment, care and maintenance of any inmate, pupil or patient now pending or which may hereafter be instituted, a verified and itemized statement of the account showing the period of time during which the nonindigent inmate, pupil or patient was confined to the institution, the monthly rate of charge is fixed by the board of directors of such institution for the period of time that the inmate, pupil or patient confined therein, the total amount claimed to be due thereon as predicated upon the rate of charge, and the proper credits for any payments which may have been made on the account, shall be filed with the complaint and shall constitute a *prima facie* case. The State institution shall be entitled to a judgment thereon in the absence of allegation and proof on the part of the guardian, trustee, administrator, executor, or other fiduciary of the inmate, pupil or patient that the verified and itemized statement of the superintendent or bookkeeper of the institution is not correct because of:

- (1) an error in the calculation of the amount due as predicated upon said monthly rate of charge fixed by the board of directors or Secretary;
- (2) an error as to the period of time during which the inmate, pupil or patient was confined in the State institution; or
- (3) an error in not properly crediting the account with any cash payment, or payments, which may have been made thereon."

Sec. 7. G.S. 143B-153(3) is amended by repealing subsection (3)(e) and is further amended by adding a new subdivision (8) to read:

"(8) The Commission may establish by regulation rates or fees for:

- a. a fee schedule for the payment of the costs of necessary day care for minor children of needy families;
- b. a fee schedule for the payment by recipients for services which are established in accordance with Title XX of the Social Security Act and implementing regulations; and
- c. the payment of an administrative fee not to exceed two hundred dollars (\$200.00) to be paid by public or nonprofit agencies which employ students under the Plan Assuring College Education (PACE) program."

Sec. 8. G.S. 143-546(a) is amended by adding a new subsection (5) to read:

"(5) To establish by regulation a schedule of rates and fees to be paid by clients and other third party purchasers for those services established under federal law and regulations for rates or fees which are authorized by federal law."

Sec. 9. G.S. 130-166.55(7) is rewritten to read as follows:

"(7) Establish and collect fees to recover the costs of laboratory analyses performed for compliance with this act, said fees not to exceed two hundred dollars (\$200.00) for each analysis."

Sec. 10. **Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 11. G.S. 153A-149(b)(8) and G.S. 153A-149(c)(30) are amended by deleting the word "Chapters 108" and inserting in lieu thereof "Chapters 108A".

Sec. 12. G.S. 153A-255 is amended by deleting the word "Chapter 108", and inserting in lieu thereof "Chapter 108A".

Sec. 13. This act shall become effective upon ratification, provided that the fee schedule set forth in G.S. 130-166.55(7), as it appears in the Supplement to Volume 3B of the General Statutes of North Carolina, with the addition of a fee for the analysis for total trihalomethanes of sixty dollars (\$60.00), shall remain effective until the Secretary establishes fees for the analyses. Sections 11 and 12 of this act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 12th day of June, 1981.