



N.C. CENTER FOR
PUBLIC POLICY
RESEARCH

From The Center Out

The Newsletter of the North Carolina Center for Public Policy Research

Your source for nonpartisan research and analysis on state policy issues

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CENTER EVALUATES USE OF TELEPSYCHIATRY FOR RURAL MENTAL HEALTH SERVICES

Providing mental health care in rural areas of North Carolina has never been easy. Twenty-eight counties across the state do not have a psychiatrist, leading many people to seek treatment in their local hospital emergency rooms. In a new study, the Center says telepsychiatry may provide a solution to this problem. Our research found that telepsychiatry patients spend less time waiting in hospital emergency rooms and are less likely to return for treatment. Our study also found fewer involuntary commitments to state psychiatric hospitals and high satisfaction levels for telepsychiatry patients.

Mebane Rash, an attorney and editor of *North Carolina Insight*, says, "That's the promise of telepsychiatry – mental health care comes to you, even if you live in rural North Carolina."

Telepsychiatry is part of a growing national trend called telemedicine, in which physicians can see patients from remote locations using secure video and audio-streaming technology called videoconferencing. A psychiatrist or other professional can talk to and physically view the patient through a video screen with a web camera and microphone. On the other end, the patient can see the psychiatrist through a similar audio-visual system.

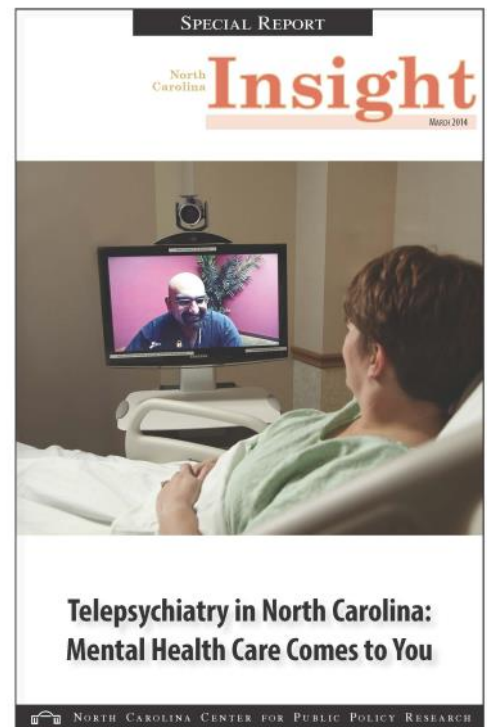
The Problem: No Psychiatrists in Rural Areas

Last year, the Sheps Center for Health Services Research at UNC-Chapel Hill released data shows that 28 counties in North Carolina do not have a psychiatrist, and an additional 18 counties have only one psychiatrist. Seventy counties do not have a child psychiatrist, and only six have a geriatric psychiatrist. Only five counties have addiction psychiatrists, and only 13 have physicians specializing in addiction and chemical dependency. Federal data also shows that 58 of our 100 counties are designated as Health Professional Shortage Areas because they lack enough mental health providers.

A Possible Solution: Telepsychiatry

Ten of those 28 counties without a single psychiatrist are in Northeastern NC. Phil Donahue, former vice president of the Albemarle Hospital Foundation and now a consultant with East Carolina University, looked for a solution. He visited South Carolina to study their telepsychiatry system, which began in 2007 with funding from The Duke Endowment, a grantmaking foundation in Charlotte. South Carolina's program had proven results in meeting the needs of mental health patients in communities without enough psychiatric professionals. It also has contained costs by reducing the number of people admitted to state institutions from hospital emergency rooms. From 2010-13, the average number of patients treated using telepsychiatry grew from 8.7 to 12.3 per day. The length of stay in emergency departments while waiting for treatment decreased from 48-72 hours in 2010 to less than six hours in 2013.

In 2010, the Albemarle Hospital Foundation in Elizabeth City, NC partnered with psychiatrists at Coastal Carolina Neuropsychiatric Center in Jacksonville to develop a hospital-based telepsychiatry program for Northeastern NC. This program was a success and expanded to serve 18 hospitals in 29 counties, covering more than 1 million people.



The Center's Research Findings

The Center found that this program in Northeast NC improved patient outcomes, as follows:

- The length of stay in the emergency rooms for patients waiting to be discharged to inpatient treatment declined from 48 hours to 22.5 hours.
- The percentage of patients that had to return for treatment within 30 days at Albemarle Hospital declined from 20 percent to 8 percent.
- Involuntary commitments to local hospitals or state psychiatric hospitals dropped by 33 percent.
- Readmissions to psychiatric hospitals of those with severe and persistent mental illness declined.
- Eighty-eight percent of patients agree or strongly agree that they were satisfied with the telepsychiatry services they received.

Patient Satisfaction and Other Research on Telepsychiatry

The American Psychiatric Association reports that patients are generally satisfied with telepsychiatry. Dr. Sy Saeed, chairman of the Psychiatric Medicine Department at East Carolina University's medical school, says he has found "no evidence that patient satisfaction or outcomes with telepsychiatry are inferior to those seen in comparable face-to-face treatment."

Saeed says, "We live in a time when recovery from mental illness is possible and within reach! Unfortunately, many of our patients don't have access to treatment. It's not uncommon for me when I'm in the clinic to hear from the patient that the reason they can't come to the clinic is because they can't afford the gas. Telepsychiatry offers the promise of bridging the distances between providers and patients."

A survey of children and their parents using telepsychiatry services in rural Kentucky found similar patient satisfaction. Interestingly, some of the children participating in the service found it easier to be open with a provider in a telepsychiatry consultation than in a traditional in-person consultation.

A review of multiple studies by the California Telemedicine and eHealth Center also found high patient satisfaction with telepsychiatry. While telemedicine has been expensive for providers to set up at the start, it often results in cost savings for patients and their employers by decreasing travel time and time off work and increasing worker productivity.

A study in the *Journal of General Internal Medicine* found that when telepsychiatry is used in a collaborative care approach in rural settings, patients were more likely to take their medications. This reduced the severity of depression and increased their "mental health status, health-related quality of life, and satisfaction."

Gwen Newman, a Hyde County telepsychiatry patient, told the Albemarle Hospital Foundation, "Driving an hour and a half to go to the doctor or to get one of my family members there is exhausting and frustrating. This telemedicine program makes a huge difference for all of us. I know we're healthier because of it."

NC's New Statewide Telepsychiatry Initiative

Addressing these barriers will be key to implementing a new statewide telepsychiatry system, which was established by the N.C. General Assembly in July 2013 and launched in January 2014. The legislature appropriated \$2 million each year for Fiscal Years 2013-14 and 2014-15.

The N.C. Statewide Telepsychiatry Program is administered by East Carolina University's Center for Telepsychiatry and e-Behavioral Health. All hospitals licensed to operate in North Carolina will be allowed to participate.

Of North Carolina's 108 hospitals, 49 already provide telepsychiatry in their emergency rooms. This includes 18 hospitals whose patients are served by the Albemarle Hospital Foundation Telepsychiatry Department, 13 by Carolinas Health System's Telepsychiatry Program in Charlotte, seven by the Novant Telepsychiatry Project in Winston-Salem, three by FirstHealth Telepsychiatry Project in Pinehurst, and eight with on-site psychiatric coverage. By July 2015, the remaining 59 hospitals will be served by North Carolina's new statewide telepsychiatry program.

Last August, Governor Pat McCrory said, “No matter where you live in North Carolina, you will soon have better access to mental health providers with the expansion of telepsychiatry across our state. Technology will help us connect people with appropriate treatment programs so patients can avoid long waits in the emergency room.”

The Center’s Recommendations

Based on our research, the Center made eight recommendations to improve telepsychiatry, including:

1. The Office of Rural Health and Community Care in the N.C. Department of Health and Human Services (DHHS) and East Carolina University’s Center for Telepsychiatry should conduct a public campaign to raise awareness about telepsychiatry in rural and underserved communities.

2. The DHHS Office of Rural Health and Community Care should provide technical information directly to rural health care providers and health centers describing expected costs, funding sources, legal restrictions, and specific reimbursement rates for telepsychiatry services.

3. The 2014 N.C. General Assembly should pass legislation requiring a study of telemedicine, including whether private insurers should be required to fully reimburse health care providers for telepsychiatry services. House Bill 704, which passed the N.C. House in 2013 and is pending in the Senate for the 2014 legislative session, would require the Joint Legislative Oversight Committee on Health and Human Services to conduct a study of telemedicine. According to the state’s plan, this bill would be “a first step for possible enactment of legislation to require full payment by third party payers for services provided via telemedicine.” According to the National Conference of State Legislatures, 19 states (not NC) require private insurance plans to cover telehealth services.

4. The DHHS Office of Rural Health and Community Care should provide technical and financial assistance to rural health care providers who want to incorporate telepsychiatry into their practice. In March 2014, the Mental Health Subcommittee of the legislature’s Joint Oversight Committee on Health and Human Services recommended that the legislature provide funding to expand the state telepsychiatry program to primary care providers.

5. As part of its implementation of NC’s statewide telepsychiatry program, the N.C. Department of Health and Human Services should adopt in its rules the practice guidelines for video-based online mental health services developed by the American Telemedicine Association in May 2013. The Association established these guidelines for telemedicine, based on clinical and empirical evidence, to improve clinical outcomes.

6. The N.C. Department of Health and Human Services should develop criteria and outcome measures to evaluate the successes and failures of the state’s telepsychiatry program.

The Center’s report on telepsychiatry received favorable editorial coverage from Hickory to Winston-Salem to Raleigh to Wilson. It received national attention on National Public Radio on May 7th. You can read the Center’s full report on telepsychiatry on our Website at www.nccppr.org.



CENTER DIRECTOR RAN COBLE TO RETIRE

Executive Director Ran Coble announced he will retire in September after 33 years of service. “The Center will celebrate its 37th anniversary on September 10th, and that seems like a good time to welcome a new director,” says Coble. “I am proud of being a steward of the Center’s bedrock values as an independent, nonpartisan source of reliable research and recommendations on important policy issues facing our state.” The Center is independent of government, with 100% of its funds contributed from private sources.



“Ran Coble is a leader whose work has made a difference for so many North Carolinians for more than three decades,” says Leslie Walden, Fidelity Investments Vice President for Public Affairs and Chair of the Center’s 22-member Board. “He foresees challenges emerging in our state, turns those challenges into neutral questions to research, and has helped the Center turn its research and recommendations into policy. Most importantly, Ran and the staff ensure that the Center’s research is accurate and not based on any political platform or ideology.”

To ensure that the Center is not tied to any political party or ideology, its statewide Board of Directors mirrors the population of North Carolina in its proportions of Republicans, Democrats, and Independents and in its composition by gender, race, and region of the state.

For nine consecutive years, the Center has won awards for distinguished research, educating the public, and achieving changes in public policy from the national Governmental Research Association. It also has been featured on the cover of the national *Nonprofit World* magazine in one of its “Profiles in Excellence.” Organizations modeled after the Center have been established in Massachusetts, New Mexico, and several other states.

Under Coble’s leadership, the Center’s research and testimony before policymakers has helped achieve many changes in public policy, including the following:

In Education:

- *Creation of special funds to help low-wealth and small school districts;
- *Reductions in high school dropout rates for the last six years in a row;
- *Evaluation of teaching performance in public universities and creation of awards for teaching excellence;

In Health and Human Services:

- *Legislation to prevent, report, and prosecute fraud committed against the elderly;
- *The state Civil Rights Act for Persons with Disabilities;
- *Stiffer penalties for repeat offenders in domestic violence cases;
- *Appropriation of funds for the last nine years in a row to reduce racial disparities in health outcomes;

In Transportation:

- *Public ownership of the NC Railroad, which will enable future mass transit between Charlotte and Raleigh;

In the Environment:

- *Legislation to require statewide recycling;
- *Mapping of floodplains in every county to mitigate flood damage from hurricanes and steer development away from floodplain areas;

In Taxes and Budgets:

- *Reduction of taxes for the 700,000 poorest North Carolinians;
- *Creation of a campaign to crack down on Medicaid fraud;
- *Reduction of credit insurance rates;
- *Savings to taxpayers from the abolition of 81 ineffective state boards and commissions, from abolition of an unprofitable oil re-refining facility, from consolidation of state job training programs, and from consolidation of financial aid and loan forgiveness programs in the state university system.

During Coble's tenure, the Center also has been a voice for improving the legislative process and making it more open and transparent. It has published a citizens' guide to the legislature since 1977. It has produced analyses of the pros and cons of proposed amendments to the state Constitution and of controversial issues such as the creation of a state lottery, Global TransPark, and vouchers for parents of students in private schools.

In its role as a think tank and futurist, the Center has proposed several ideas that other leaders have implemented. It proposed a State Environmental Index to measure progress or decline in the environment, which was implemented by Governors Martin and Easley. It recommended evaluating the performance of judges, which now has been implemented by the N.C. Bar Association. It also proposed a Corrections and Sentencing Policy Commission to make the best use of available prison space by keeping repeat and violent offenders in prison longer while using alternatives to incarceration for lesser offenders. Adoption of that idea won an award from The Ford Foundation as one of America's 10 most innovative state government programs.

When Coble came to the Center in 1981, it had only one source of income. It has since added five new sources of revenue, including foundation grants for specific research projects, corporate contributors, individual donors, a Sustaining Fund Endowment, and dues-paying members across the state. It just began a planned giving initiative, seeking gifts from bequests and wills from individuals committed to the Center's values.

"All of us at the Center are grateful to the individuals, foundations, corporations, and other organizations that have supported this work over the years," says Coble. "They believe in the importance of effective, open government and independent research to keep government accountable to the people. I hope they will continue their support for years to come because they are committed to these values."

A native of Graham, Coble learned about the lives of farmers in Alamance County from his father, who was the County Agricultural Extension Agent. His mother, an English teacher and principal at age 17, sparked his interest in public policy and would call him after TV appearances to correct his grammatical errors. He credits his six-year teenage stint delivering newspapers for teaching him a lot about all kinds of people. "When you have to collect 45¢ a week from people on different paper routes, you learn a lot about human nature and kindness."

He graduated from Davidson College in 1971, where he served as president of the student body. He also earned a masters in public policy from Duke University and a J.D. from UNC-Chapel Hill School of Law, where he was President of the Student Bar Association. He was hired in 1972 as one of the first staff for the Fiscal Research Division in the N.C. General Assembly. He also served as a lawyer for the Secretary of what now is the N.C. Department of Health and Human Services.

The Triangle-based firm of Moss+Ross has been retained to manage the search. They have posted the following job announcement, with more on their website:

"For nearly 40 years the Center has been the state's trusted source for unbiased, nonpartisan research on important issues affecting the people of NC. Relied upon by policymakers, thought leaders and the general public, the Center's fact-based research has led to groundbreaking legislation in the areas of education, health and human services, the environment, and budget and taxes.

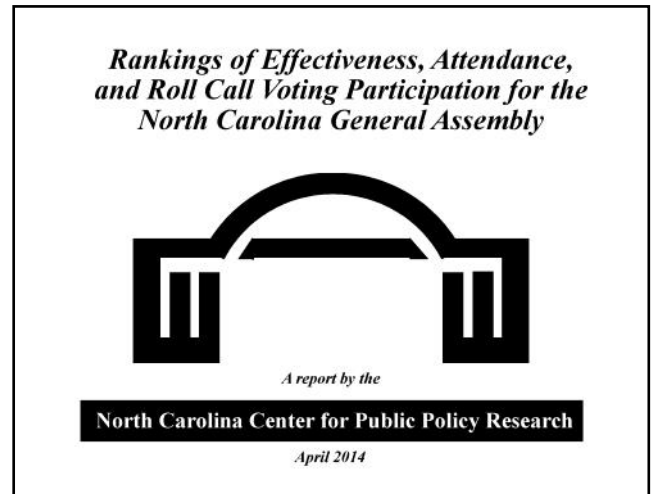
The Center's Board has retained the firm of moss+ross to conduct the search for its next Executive Director. The new Executive Director must be a seasoned leader and skilled manager; experienced with research and the legislative process; and an excellent communicator and fundraiser who can propel the organization into an even greater role in encouraging good government and citizen participation. Potential candidates are encouraged to visit www.mossandross.com or www.nccppr.org for more information. The application deadline is May 30, 2014. Learn more at <http://www.mossandross.com/active-job-searches/>."

SECOND-TERM REPUBLICANS GAIN IN NEW CENTER EFFECTIVENESS RANKINGS

With a supermajority in the state legislature, Republicans claimed the top 15 spots in both houses in the new rankings of legislators' effectiveness released by the Center. President Pro Tem of the Senate Phil Berger (R-Rockingham) and Speaker of the House Thom Tillis (R-Mecklenburg) top the rankings for the second time in a row. The biennial effectiveness rankings are based on responses to surveys from the legislators themselves, from registered lobbyists based in Raleigh, and capital news media who regularly cover state government. The Center also released new rankings of legislators' attendance and participation in roll call votes.

"The rankings are a mirror of what happens in the legislature and who makes it happen," says the Center's director, Ran Coble. "Over the years," he adds, "the key factors in a higher effectiveness ranking are being in the majority party, how long the legislator has served, being chair of a committee, and their personal skills in moving legislation."

In the 2013-2014 legislative session, Republicans hold a supermajority in both the Senate (33-17) and the House (77-43). This follows a shift in control from a Democratic majority in 2010 to Republican control in 2011. By 2014, 97 (57%) of the current 170 legislators were not in the legislature just four years ago.



Second-Term Republicans Make Big Gains

Republicans who were first elected in 2010 and who are serving their second term in 2013-2014 made big gains in the rankings this year. Second-term Republicans in the 50-member Senate jumped an average of 11 places, while second-term Republicans in the 120-member House went up an average of 27 spots. Sen. Rick Gunn (R-Alamance) rose 22 places from 33rd in 2012 to 11th this year, while Sen. Brent Jackson (R-Sampson) moved up 19 places to 8th in effectiveness. Both Jackson and Sen. Kathy Harrington (R-Gaston), the highest-ranked female in the Senate, were recently named Co-Chairs of the powerful Senate Appropriations Committee for the 2014 session, along with Sen. Harry Brown (R-Onslow), who ranks 4th.

In the House, second-term Republican Representatives Craig Horn (R-Union) and Harry Warren (R-Rowan) each rose 46 places in effectiveness. Horn jumped from 66th to 20th and Warren from 82nd to 36th. However, the biggest jumps in the House were by Democratic Representatives Susi Hamilton (D-New Hanover), up 60 places to 42nd, and by Larry Hall (D-Durham), up 49 places to 23rd. Hall is the Democratic Minority Leader in the House.

Speaker Hopefuls Also Move to Top Echelon

With Speaker of the House Thom Tillis running for the Republican nomination for the U.S. Senate and not seeking re-election, the House will have a new leader in 2015. At least seven House members have been mentioned as possible candidates for Speaker in 2015, and all seven finished in the top 13 in effectiveness. They are:

Rep. Tim Moore (R-Cleveland), Chair of the powerful Rules Committee, finished 2nd behind Tillis. David Lewis (R-Harnett), Co-Chair of the Finance Committee and the Elections Committee, ranks 4th, Appropriations Committee Senior Chair Nelson Dollar (R-Wake) ranks 6th, and Republican Majority Leader Edgar Starnes (R-Caldwell) ranks 8th. Public Utilities and Energy Committee Chair Mike Hager (R-Rutherford) ranks 11th, and Regulatory Reform Committee Chair Tim Moffitt (R-Buncombe) ranks 12th, followed by Leo Daughtry (R-Johnston), Co-Chair of the Appropriations Committee on Justice and Public Safety and Chair of the Judiciary Committee, at 13th.

Highly Ranked, Regardless of Whether Their Party Is in Power

Over the years, some legislators have consistently ranked highly in effectiveness, regardless of whether their political party was in the majority or minority. Democrats held a majority in three sessions in the last 10 years, while Republicans have had a majority since 2011. Sen. Fletcher Hartsell (R-Cabarrus), who ranks 12th this year, has ranked in the top 12 in every survey since 2003. In the House, Rep. Rick Glazier (D-Cumberland), who ranks 16th this year, has ranked in the top 25 since 2005. And, Rep. Paul Stam (R-Wake), who ranks 7th this year, has ranked in the top 10 since 2007.

Turnover Continues: Some of the Most Effective Legislators Will Not Return

High turnover in the legislature continues this year. At least 21 legislators who started the 2013 session will not be back in 2015. This includes some of the most effective members of the Senate and House.

Eight Senators – four Republicans and four Democrats - will not return in 2015. This includes Sen. Pete Brunstetter (R-Forsyth), who ranks 3rd in the latest rankings, but who resigned after the 2013 session to take a position with Novant Health. Senate Appropriations Committee Co-Chair Neal Hunt (R-Wake), who ranks 10th, and Thom Goolsby (R-New Hanover), who ranks 14th, both decided not to run for re-election, as did the Senate's longest-serving member, Sen. Austin Allran (R-Catawba), who has been in the Senate since 1986. Four Senate Democrats also will not return, including Minority Leader Martin Nesbitt (D-Buncombe), who died on March 6th. Sen. Nesbitt is not included in the rankings.

Thirteen Representatives will not return to the state House in 2015 – 6 Republicans and 7 Democrats. These include highly-ranked Speaker Tillis and Republican Conference Leader Ruth Samuelson (R-Mecklenburg), who ranks 5th in effectiveness, as well as Appropriations Health and Human Services Committee Co-Chair Mark Hollo (R-Alexander), who ranks 41st. Former Representatives Jerry Dockham (R-Davidson) and Deborah Ross (D-Wake) moved to other jobs during the 2013 session, and Representatives Jim Fulghum (R-Wake) and Andy Wells (R-Catawba) – are running for state Senate seats.

Legislators with Perfect Attendance and Perfect Roll Call Voting Participation

This marks the seventh time the Center has tabulated rankings of attendance and roll call voting participation, using official records from the N.C. General Assembly. Six Senators had perfect attendance: Chad Barefoot (R-Wake), Ben Clark (D-Hoke), Floyd McKissick Jr. (D-Durham), Shirley Randleman (R-Wilkes), Norm Sanderson (R-Pamlico), and Jeff Tarte (R-Mecklenburg). In the House, 21 members had 100 percent attendance. Rep. Nelson Dollar (R-Wake) had perfect attendance for the third consecutive session, while Rep. Mickey Michaux (D-Durham) missed one day, his first absence in six sessions.

Two Senators voted in all 916 recorded Senate votes with no absences or excuses from voting – Sen. Ben Clark and Sen. Shirley Randleman. All 49 Senators included in the rankings had voting participation percentages over 95 percent. Only one Representative voted in all 1,354 electronically-recorded roll call votes with no absences or excuses from voting – Rep. Nelson Dollar. Dollar has participated in every vote for five consecutive sessions.

The rankings already have received coverage in 86 articles in 53 newspapers, in 24 editorials or columns, and in 31 blogs or electronic media. You can see the rankings on our Website at www.nccppr.org, or order printed copies (\$10) by calling Tammy Bromley at (919) 832-2839 or emailing her at tbromley@nccppr.org.



Sen. Fletcher Hartsell, Jr.
(R-Cabarrus)



Rep. Rick Glazier
(D-Cumberland)

PREVIEW OF THE 2014 LEGISLATIVE SESSION

I. BILLS ELIGIBLE FOR CONSIDERATION

- A. The State Budget and anything affecting the budget
- B. Recommendations from study commissions
- C. Bills that already have passed 1 house in 2013 – about 220 bills here
- D. All proposed State Constitutional amendments
- E. Local bills

II. KEY ISSUES FOR THE 2014 SESSION

A. Education

1. Public Schools:

- a. **Teacher Pay Increases:** In February, Gov. Pat McCrory and Republican legislative leaders proposed increasing teachers' starting salaries from \$30,800 to \$33,000 this year and to \$35,000 in 2015. This plan would cost \$200 million. It would not increase pay for all teachers. NC ranks 46th in teacher pay. Teachers and state employees have seen one salary increase since 2008, a 1.2% raise in 2012.

Poll Results: A High Point University poll found 72% favor a tax increase to raise teacher pay. Five other polls found 64%-81% say public school teachers are paid too little

How To Pay for It: The legislator's ability to raise teacher pay is limited by the big changes in the tax laws made in 2013, resulting in \$524 million less state revenue in Fiscal Years 2013-15, and about \$1.9 billion less in Fiscal Years 2015-18. Also, state expenditures in the Medicaid program are expected to be \$120-140 million over budget this year

On May 2, the legislature's Fiscal Research Division said state revenues will be an estimated \$445 million short of budgeted revenue.

On May 7, the Governor proposed adding to the plan above by:

- Giving raises averaging 2% to all teachers in 2014;
- Choosing 8 school districts in 2014 and 8 more in 2015 to pilot a new "career pathway" program in 2014, with statewide implementation in 2017;
- Giving bonuses to teachers who work in hard-to-staff schools or highly competitive fields such as math and science;
- Having local districts design programs to reward highly effective teachers with 10% increases and reward those who take additional leadership roles but remain in the classroom with 25% raises;
- Giving all state employees a \$1,000 raise, which is an average of 2%.
- The new total cost is \$265 million, including the increase for starting teachers announced in February, \$9 million for the new pilot program on career pathways, \$3.6 million to expand early childhood education; and \$46 million to double the money available for textbooks.

The Governor said Speaker of the House Thom Tillis supports this plan, while Senate President Pro Tem Phil Berger expressed support only for the early career pay raises announced in February. Lieutenant-Governor Dan Forest and Senate Education Committee Co-Chair Jerry Tillman also announced a plan to create an NC Education Endowment for teacher performance pay, with the money to come from charitable contributions, special license plates, and state appropriations.

- b. **Legislative leaders and the Governor want to reinstate a law giving 10% more pay to teachers with advanced degrees** for those in graduate school now.
- c. **Possible modifications in the law repealing teacher tenure:** The 2013 legislature moved to abolish teacher tenure, or "career status" granted to teachers who successfully complete their first 4 years of teaching. This is not really tenure, but means a teacher can't be fired without a hearing. The new Republican merit pay approach is to have administrators designate the top-performing 25% of a school's teachers. Those teachers would be offered 4-year contracts and \$500 raises each year if they forfeit their tenure rights. The 2013 legislature set aside \$10 million for this. Other teachers would be hired on year-to-year contracts.

Objections: About two dozen local school boards have objected to the plan – either challenging the plan in court (Guilford and Durham counties) or passing resolutions against it (Wake County). The NC Association of Educators also filed a lawsuit challenging the constitutionality of eliminating teacher tenure.

On April 23, a Superior Court judge in Greensboro issued a preliminary injunction against implementation of the new teacher tenure law in Guilford and Durham counties. At this point, it is unclear how the judge’s order will affect other school districts.

This issue pits the Senate President Pro Tem Phil Berger, who led the effort to repeal tenure, against Gov. McCrory, who said, “I think it’s an example of passing the policy without clearly understanding the execution.”

Poll Results: An Elon University Poll: found 53% support for teacher tenure.

- d. **Common Core:** These standards were developed in a bipartisan effort by the National Governors Association and the Council of Chief State School Officers in 2010. The federal government has tied adoption of the standards to awards of Race to the Top grants. The standards have been adopted by 45 states, including NC in 2010.

On April 24, an interim legislative study Committee on Common Core Standards voted to recommend that the 2014 legislature replace the Common Core standards with new state standards by the end of 2015.

Proponents: The standards are aimed at providing a roadmap for what students should learn in math and English language arts from K-12, and the goal is to compare performance from state to state and gradually ratchet up the difficulty level so that the U.S. can compete globally.

Opponents: Tea Party leaders (Ted Cruz, Rand Paul, and Marco Rubio) and other conservatives oppose the standards, saying they:

- represent a federal takeover of state schools,
- will lead to standardization of the curriculum, which is the opposite of what’s needed now, and
- will increase testing.

Some Republican Governors have changed positions and now oppose Common Core (Governors Jindal in La; Pence in Ind., and Walker in Wisc.), while other Republicans leaders support them (Governors Christie in NJ, Haslam in TN, and Jeb Bush in Fla.)

In NC, Republican Lt-Gov. Dan Forest and Senate Education Committee Chair Jerry Tillman oppose them, while Republican Chair of the State Board of Education Bill Cobey, many business leaders (CEOs of SAS, Red Hat, the Gates Foundation, Exxon Mobil, and the US and NC Chambers of Commerce), and Democratic Superintendent of Public Instruction June Atkinson support them. Gov. McCrory has previously endorsed them.

Poll Results: A national Gallup Poll found that 62% say they have never heard of the Common Core Standards.

- e. **Lottery Funding for School Construction:** The NC Association of County Commissioners’ top 2014 legislative priority is to restore the original statutory requirement that 40% of lottery proceeds go to local school construction. That amount has decreased each of the last 4 years and is 21% in Fiscal Year 2013-14.
- f. **Good News:** The state’s **high school dropout rate** has declined for the 6th year in a row in data released on 4/2/14.

2. **NC Community College System**

Gov. McCrory proposes to allow all NC-based veterans to pay in-state tuition at community colleges during the first year they get out of military service. The cost would be \$1.8 million.

3. **University of North Carolina System**

- a. The UNC system has requested more than \$108 million in additional operating funds, including \$18 million to increase degree attainment and \$27 million to repeal the nonresident tuition increase passed by the 2013 legislature.
- b. The UNC Board of Governors is considering ending a policy that sets aside \$126 million of tuition revenue for financial aid, with some Board members arguing that this takes money from middle-class-and-up students and subsidizes poor students.

B. Health and Human Services

1. **Changes in the Medicaid Program:** Gov. McCrory and Secretary of Health and Human Services Aldona Wos propose major changes in the state's Medicaid program, which funds health care for poor, long-term care for the elderly in nursing homes, and the majority of funding for mental health services. Their plan has 3 components – physical health, mental health, and long-term care. For physical health, the plan proposes coordinating services through Accountable Care Organizations, which will include primary care doctors, specialists, and hospitals. For mental health, the plan would consolidate the current nine local mental health management entities/ managed care organizations down to four.
Proponents say this will integrate physical health with mental health for the first time. It also will help prevent mental health patients ending up in hospital emergency rooms and local jails. And, it is projected to spend \$987 million less on Medicaid over five years. The plan is supported by the NC Hospital Association, NC Medical Society, NC Pediatric Society, and Academy of Family Physicians.
Opponents say that the plan fails to give predictability in budgeting for Medicaid, pointing out that the program is estimated to be \$120-140 million over budget this year. They also are critical of running two payment systems side by side – hospitals and doctors will be reimbursed for services rendered, while mental health providers will be paid a capitated, or set amount, per patient under a managed care system. Republican Senators Harry Brown (R-Onslow and Majority Leader) and Louis Pate (R-Wayne) are skeptical of the plan, with Brown listing previous problems in the Department (backlog in issuing food stamps, computer problems, late payments to providers, sending Medicaid cards to wrong addresses, no-bid contracts, loss of key personnel) and then asking Wos, “How can we as a General Assembly feel safe or comfortable that you can implement a reform package when we still have all these problems?”
2. **A New Lease Agreement for the Dorothea Dix Hospital Property:** After the 2013 legislature almost revoked the lease of the Dix property to the city of Raleigh signed by former Gov. Bev Perdue in 2012, Gov. McCrory brokered a “stand still agreement” to create time to negotiate a new lease. The city now has offered \$38 million for all the land, with the state responsible for environmental cleanup costs. The Governor countered with an offer to sell 244 acres for \$52 million, keeping 64 acres for DHHS offices and mental health services. The leaders have until June 1 to reach an agreement. The earliest a city bond issue to pay for purchase of the property could be put on the ballot is Nov. 2014.
3. **Revival of an effort to establish a 4th state psychiatric hospital?**
4. **Revival of a 2013 proposal to close the 3 Alcohol and Drug Abuse Treatment Centers?**
5. **Some Good News in Mental Health Reform**
 - a. A new statewide initiative in **telepsychiatry** will provide access to psychiatrists via videoconferencing in hospital emergency rooms, even in rural counties; 28 of our 100 counties don't have a single psychiatrist, and the Center's research found positive outcomes.
 - b. The Center's research also found that the state's **3-way contracts** between the state, local hospitals, and local mental health management entities show real signs of working in providing bed space and mental health services for patients in short-term crisis in the community.

C. Energy, the Environment, and the Dept. of Environment and Natural Resources (DENR)

1. **Coal Ash Pond Spills:** On Feb. 2, 2014, a Duke Energy plant in Eden (in Senate President Pro Tem Phil Berger's district) leaked 39,000 tons of coal ash into the Dan River. Coal ash is left over after coal is burned for electric power. It can contain heavy metals and other harmful toxins. It is stored at 14 active and retired coal-fired power plants in NC.
The Governor's Plan: On April 16, Gov. McCrory, an employee of Duke Energy for 29 years, announced a plan to move coal ash away from drinking water sources on a site-by-site basis. Gov. McCrory will ask for broader statutory authority over coal ash disposal in order to set priorities and time frames for closing ash ponds, but lets Duke Energy propose how they should be closed. The legislation would require a plan for closure within 60-90 days at four plants (Dan River, Riverbend near Charlotte, Sutton in Wilmington, and Asheville). His plan also would remove a statutory provision that

allowed Duke to keep secret some records about its ash dams, shorten the time in which Duke would have to notify the public of spills, and strengthen rules for ash used in construction sites or to fill gullies. Some legislative leaders such as Sen. Tom Apodaca (R-Henderson) were surprised they were not consulted beforehand.

Environmentalists led by Rep. Pricey Harrison (D-Guilford) and Sen. Mike Woodard (D-Durham) agree with a site-specific approach, but want:

- coal ash moved from all 33 ponds at 14 plant sites into lined landfills away from water sources;
- for Duke Energy shareholders to bear the costs of removal, not the ratepayers;
- to forbid Duke Energy from disposing of additional coal ash into the ponds and instead store it above ground on plant sites; and
- to repeal a provision in the 2013 “Regulatory Reform” bill that allowed contaminated water up to the property line.

Actions by Other Key Actors: Meanwhile, the Southern Environmental Law Center has filed 3 lawsuits to enforce the Clean Water Act at the coal ash plants and to force Duke to drain and dig up its ponds.

The U.S. Environmental Protection Agency also is weighing in, saying that DENR was too lenient in a proposed 2013 settlement with Duke Energy over ash plant violations of the Clean Water Act.

And, the U.S. Justice Dept. has opened a criminal investigation of the N.C. Dept. of Environment and Natural Resources and its oversight of pollution in the state.

Total fines levied for water quality violations have dropped from a high of \$1.965 million in 2006 to \$518,000 in 2013. The legislature has cut 255 positions in DENR since 2009.

2. **Offshore Drilling for Oil and Natural Gas:** The federal government plays a major role in decisions about offshore drilling. Since the massive 2010 BP oil spill in the Gulf of Mexico, a ban on East Coast drilling was extended to 2017. A new five-year federal plan (for 2017-22) for offshore exploration may include leasing. The federal Bureau of Ocean Energy Management endorsed a plan for using seismic testing for oil and gas, which would affect whales and porpoises, some of which are endangered species.

Gov. McCrory is Chair of the Outer Continental Shelf Governors Coalition, which wants the federal government to allow leasing and also wants a system of revenue sharing among the states for any oil and gas discovered. McCrory also has embraced development of offshore wind farms.

Environmentalists favor further development of the state’s growing solar industry and say wind farms would do more for energy independence.

Poll Results: Polls show 80% of North Carolinians are in favor of wind energy facilities on the coast, while 47% favor fracking for natural gas on shore.

3. **Onshore Fracking for Natural Gas:** Gov. McCrory hopes to get legislation passed in the short session to allow experimental drilling to test the feasibility of fracking in Lee, Moore, and Chatham counties. Fracking, or hydraulic fracturing, involves drilling down and then sideways underground and injecting water, sand, and chemicals at high pressure to release the gas in shale rock.

Draft Rules: The N.C. Mining and Energy Commission is nearly finished with about 120 safety rules for fracking in NC. These rules will then go to public hearings in the Triangle, Sanford, and Rockingham County in August. The final rules are due to the legislature in October. The Commission’s chairman, James Womack, a former U.S. Army intelligence officer and Lee County Commissioner, says the first fracking permits could be issued as early as the spring of 2015, once the legislature approves the safety rules.

The most controversial rules involve:

- the required distance (650 ft.) from water sources, homes, and buildings;
- well construction standards;
- whether to require public disclosure of the chemicals used or allow a “trade secret” exemption;
- storage of wastewater in tanks vs. in open pits;
- the amount of the surety bond energy companies will have to put up to insure against accidents;
- whether to disqualify “bad actors” in other states from drilling here; and
- whether to allow local communities to restrict or ban fracking, as happened in Colorado

4. **Renewable Energy Portfolio Standard:** In 2007, the Democratic-majority General Assembly passed a law that requires that at least 12.5% of retail power sales by electric utilities come from renewable energy sources (such as wind, solar, geothermal, etc.) and energy efficiency programs by 2021. Tax credits also are available to encourage growth in the renewable energy industry.

Attempted Repeal: In 2013, some Republican legislators tried to repeal the standard and the tax credits, but failed in the face of opposition from the growing solar industry (In 2012, NC's solar industry was 5th in solar installations in the US), hog farmers, and environmentalists. The renewable energy industry has added an estimated 20,000 job years in NC since 2007.

In an April debate between candidates for the Republican nomination for the U.S. Senate, House Speaker Thom Tillis said he expects the standard to be repealed by the next Speaker, but not in 2014.

D. Economic Development and the Department of Commerce

1. **Converting the N.C. Dept. of Commerce into a Public/Private Partnership:** When Senate Bill 127 failed to pass in 2013, the 2013 budget bill contained a one-line special provision (i.e., changes in laws included in the budget bill but unrelated to the budget) authorizing the Governor to reorganize the NC Dept. of Commerce and create a new public/private partnership that would take over much of the department's responsibilities for attracting new businesses and creating jobs. The Governor's final plan must be approved by the 2014 General Assembly. The Governor's plan includes moving five divisions out of the Commerce Department:

- business development and industrial recruitment,
- small business and entrepreneurship,
- marketing,
- international trade, and
- travel, tourism, film, and sports development.

A total of about 61 positions would move to a new 501(c)(3) nonprofit called the NC Partnership for Prosperity. Nine other divisions will remain in the public agency. The 16 regional economic development partnerships were defunded by the 2013 legislature and will be replaced by 8 new Collaboration for Prosperity Zones. Some regional partnerships in wealthier, urban areas may be able to survive without state funding, but the ones in more rural areas probably cannot.

Proponents say this approach will provide a more nimble and more coordinated approach to recruiting new businesses, help existing businesses to expand, boost exports, and lead to higher wages.

Opponents say it will hurt rural areas, be less accountable than a public agency, and that it will be hard to sustain private donations to the nonprofit over time because it will be associated with one governor.

Evaluation of This in Other States: A Washington-based group called Good Jobs First has evaluated such arrangements in other states (12 states, including Arizona, Florida, Indiana, Michigan, Ohio, Rhode Island, Texas, and Wisconsin) and found a mixed record. The group says the structure leads to:

- a lack of transparency and accountability in that a nonprofit is not subject to public records laws and public audits, which also makes it difficult to know who the corporate donors are (Ohio);
- an inability to raise significant private funds (Arizona);
- conflicts of interest by board members or companies who also do business with the state (Wisconsin);
- excessive executive pay (Arizona); and
- exaggeration of the number of jobs created (Indiana).

The original Senate Bill 127 had safeguards, including leaving final approval of subsidy programs with the state agency; a ban on board members profiting from board actions; limits on the amount of public funds that could be used for salaries; publication of a code of ethics, and making the partnership subject to public record laws.

2. **Film Incentives:** Current state law gives film companies a 25% tax credit – up to a ceiling of \$20 million – on productions spending more than \$250,000 on certain expenses in NC. The incentive, which originated in 2005, expires at the end of 2014. Commerce Secretary Sharon Decker wants it renewed or made permanent and broadened so that NC is not just a location for filming TV and movies, but also a host for film production that generates longer-term investment and jobs. More than 60 productions were registered with the state in 2013; the movies “The Hunger Games” and “Iron Man 3,” as well as the TV series “Homeland,” were shot in NC.

Data for the Incentives: An industry-supported study by NC State University’s Robert Handfield says that:

- The film and TV industry spent more than \$1 billion in NC from 2007 to 2012, while the state paid out \$11.2 million in tax credits. Thus, he says, for every dollar paid out by the state, the industry spent \$9.11 in NC.
- For every dollar paid out by the state, the industry generated \$1.52 in state and local tax revenues.
- The incentive has created 4,250 jobs at an average wage of \$66,000, and ending the incentive would cause 3,400 film workers to move.

Data Against the Incentives: The legislature’s Fiscal Research Division looked at tax credits for 2011 and found that the incentives likely only attracted 55-70 jobs.

The NC Dept. of Commerce itself attributes fewer jobs to the industry than the Handfield study. It also calculated that it cost NC \$18,500 for each job created in 2012.

Critics say the incentives go mostly to out-of-state companies that hire temporary workers.

Status in Other States: About 40 states have film incentives. Four states – Iowa, Kansas, Missouri, and Wisconsin – have recently terminated their film incentive programs.

E. More Changes in the Tax Laws?

1. **Privilege License Taxes Levied by Local Governments and Businesses:** About 300 of the state’s 540 municipalities levy a privilege license tax on many businesses, and 37 counties levy such a tax. The tax is called that because it is viewed by some as a tax on the privilege of doing business in that area.

Others call it a business income tax. The tax is sometimes levied as a flat fee on all businesses, sometimes levied on a graduated scale based on population in the area, and sometimes levied based on the gross receipts of the business. Current law also restricts the number of businesses subject to the law and caps the amount that can be levied on certain businesses. For example, cities cannot apply the tax to banks, medical practices, and law firms, and the tax on auto dealers and building contractors is capped at less than \$100.

An interim legislative study committee has recommended that privilege license taxes be standardized as flat fees and capped at \$100 annually, but that the tax could be applied to a larger range of businesses. The change would take effect on July 1, 2015.

Local Government Revenue: Statewide, cities receive a total of \$63 million a year, and counties receive a total of about \$500,000 a year. The NC League of Municipalities and NC Association of County Commissioners worry that this would represent a major cut in revenue for local governments. Legislative staff estimate the loss at \$25 million, with Charlotte losing \$14 million and Raleigh \$6 million. Only 40 municipalities collect more than \$100,000 each.

2. **Adopting the Federal Definition of Net Operating Loss:** North Carolina is the only state that doesn’t adopt the federal definition of “net operating loss” in its computations for state taxes. That may change as the NC Dept. of Revenue supports the change, as does the business community.

F. Proposed Constitutional Amendments:

In 2013, legislators proposed 19 different amendments to the state Constitution. Only 1 of these passed last year – an amendment allowing a defendant accused of a noncapital crime to waive the right to a jury trial and instead be tried by a judge. That amendment will be on the November 2014 ballot.

Three other proposed amendments passed the NC House but not the NC Senate:

House Bill (HB) 8 – Would prohibit the taking of private property by eminent domain except for a public use and require just compensation.

HB 9 – Would limit the Speaker of the House and the President Pro Tem of the Senate to 2 two-year terms, or 4 years in these leadership positions.

HB 311 – Would repeal the current state Constitutional requirement that individuals registering to vote first read and write a section of the Constitution. This literacy test has been declared unconstitutional under federal law, so the proposed amendment would remove this language from the state Constitution.

The Center’s best guess is that none of these will pass the Senate in 2014.

However, under the 2013 adjournment resolution, all of the remaining 18 proposed constitutional amendments are eligible for consideration in 2014, as well as any new proposed amendments. For a

complete list of the amendments proposed in 2013, see our Website at <http://www.nccppr.org/drupal/content/news/2013/04/19/4256/constitutional-amendments-to-the-nc-constitution-proposed-in-2013>.

G. Other Possible Issues in the 2014 Legislature

1. **Regulate Drones:** An interim study committee, the NC House Committee on Unmanned Aircraft Systems, or drones, has recommended that the 2014 legislature authorize the use of drones by government agencies. If they get warrants, state and local law enforcement agencies would be able to use drones for surveillance:

- to counter possible terrorist attacks;
- to prevent “imminent danger to life or serious damage to property”;
- to prevent the escape of a suspect;
- to search for a missing person; or
- to photograph public gatherings on public or private land.

The draft legislation makes it illegal to use a drone to conduct surveillance or photograph someone without their consent unless the photos are taken at newsworthy events to which the public is invited.

Poll Results: 72% of North Carolinians support requiring law enforcement officials to obtain a warrant before using a drone to gather information on an individual.

2. **Permitting of wind energy facilities**

III. LAWSUITS: THE JUDICIAL BRANCH IN PUBLIC POLICY

Most of the policy issues outlined above will be decided by the executive branch or legislative branch of state government. But, the judicial branch will be an important player in public policy in 2014 and beyond because of the following pending lawsuits on legislation passed in 2011-2013.

1. **Changes in Voting Laws:** Suits in state and federal courts challenge the changes in voting laws which require a photo ID, shorten the number of days for early voting, and abolish same-day registration during the early voting period. A federal magistrate judge in NC has ordered release of some legislative documents about how the law is being implemented.
2. **End Teacher Tenure:** A Superior Court judge in Greensboro has issued a preliminary injunction against implementation of the 2013 law ending teacher tenure in Guilford and Durham counties.
3. **Vouchers for Students in Private Schools:** A Superior Court judge in Wake County issued a preliminary injunction against implementation of the 2013 law that would give parents up to \$4,200 a year in vouchers for private school tuition.
4. **Restrictions on Abortion:** A federal district court judge in Greensboro struck down a 2011 state law that required doctors to narrate and display ultrasound images in the final days and hours before an abortion. A state law that defunded Planned Parenthood has also been invalidated.
5. **“Choose Life” License Plates:** The U.S. Court of Appeals for the 4th Circuit ruled that NC legislation allowing a “Choose Life” license plate but not an alternative plate on abortion rights was unconstitutional.
6. **Repeal of the Racial Justice Act:** Oral arguments were heard by the NC Supreme Court in April in a lawsuit by inmates contesting repeal of the law.
7. **NC Constitutional Provision on Defense of Marriage/Ban on Gay Unions:** This amendment to the NC Constitution was approved by the legislature and the voters in 2012. The amendment was challenged in a lawsuit in federal court in Greensboro. That suit could be impacted by a case currently pending in the U.S. Court of Appeals for the 4th Circuit which has jurisdiction over NC and four other states. A federal district court in Virginia had ruled that same-sex couples in that state will be allowed to marry and that all same-sex couples legally married elsewhere will have their marriages recognized. The Virginia ruling has been put on hold while it is appealed to the 4th Circuit.
8. **Asheville Water System:** Legislation in 2013 transferred the City of Asheville’s water supply and distribution system to a regional authority. A local judge has issued a temporary restraining order against its implementation.
9. **Redistricting of Congressional and Legislative Districts:** A three-judge panel of Superior Court judges has found the 2011 redistricting maps to be legal. The plaintiffs have appealed to the NC Supreme Court, which in January 2014 refused to delay the 2014 elections using those maps.

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