

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 838

Short Title: MOMnibus 2.5. (Public)

Sponsors: Senators Murdock, Batch, and Robinson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 6, 2024

A BILL TO BE ENTITLED
AN ACT TO ENACT THE NORTH CAROLINA MOMNIBUS ACT OF 2024.

Whereas, every person should be entitled to dignity and respect during and after pregnancy and childbirth, and patients should receive the best care possible regardless of age, race, ethnicity, color, religion, ancestry, disability, medical condition, genetic information, marital status, sex, gender identity, gender expression, sexual orientation, socioeconomic status, citizenship, nationality, immigration status, primary language, or language proficiency; and

Whereas, the United States has the highest maternal mortality rate in the developed world, where about 700 women die each year from childbirth and another 50,000 suffer from severe complications; and

Whereas, according to the North Carolina Maternal Mortality Review and Prevention Committee, sixty-three percent (63%) of all maternal deaths in 2014-2015 were determined to be preventable, and black women are at increased risk to die from pregnancy complications compared to white women; and

Whereas, the federal Centers for Disease Control and Prevention finds that the majority of pregnancy-related deaths are preventable; and

Whereas, pregnancy-related deaths among black birthing people are also more likely to be miscoded; and

Whereas, access to prenatal care, socioeconomic status, and general physical health do not fully explain the disparity seen in maternal mortality and morbidity rates among black individuals, and there is a growing body of evidence that black people are often treated unfairly and unequally in the health care system; and

Whereas, implicit bias is a key driver of health disparities in communities of color; and

Whereas, health care providers in North Carolina are not required to undergo any implicit bias testing or training; and

Whereas, currently there does not exist any system to track the number of incidents where implicit prejudice and implicit stereotypes led to negative birth and maternal health outcomes; and

Whereas, it is in the interest of this State to reduce the effects of implicit bias in pregnancy, childbirth, and postnatal care so that all people are treated with dignity and respect by their health care providers; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. IMPLICIT BIAS TRAINING PROGRAM FOR MATERNAL HEALTH CARE PROVIDERS



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SECTION 1.1.(a) Effective October 1, 2024, Part 5 of Article 1B of Chapter 130A of the General Statutes is amended by adding the following new sections to read:

"§ 130A-33.62. Department to establish implicit bias training program for maternal health care providers.

(a) The following definitions apply in this section:

- (1) Health care professional. – A licensed physician or other health care provider licensed, registered, accredited, or certified to perform perinatal care and regulated under the authority of a health care professional licensing authority.
- (2) Health care professional licensing authority. – The Department of Health and Human Services or an agency, board, council, or committee with the authority to impose training or education requirements or licensure fees as a condition of practicing in this State as a health care professional.
- (3) Implicit bias. – A bias in judgment or behavior that results from subtle cognitive processes, including implicit prejudice and implicit stereotypes, that often operate at a level below conscious awareness and without intentional control.
- (4) Implicit prejudice. – Prejudicial negative feelings or beliefs about a group that a person holds without being aware of them.
- (5) Implicit stereotypes. – The unconscious attributions of particular qualities to a member of a certain social group that are influenced by experience and based on learned associations between various qualities and social categories, including race and gender.
- (6) Maternal care provider. – Includes both of the following:
 - a. A health care professional involved in perinatal care.
 - b. A mental health professional who provides mental health or substance use disorder services to women during pregnancy, the postpartum period, or both.
- (7) Mental health professional. – Any of the following professionals:
 - a. A psychiatrist licensed under Article 1 of Chapter 90 of the General Statutes.
 - b. A psychologist licensed under Article 18G of Chapter 90 of the General Statutes.
 - c. A licensed clinical mental health counselor licensed under Article 24 of Chapter 90 of the General Statutes.
 - d. A substance use disorder professional licensed under Article 5C of Chapter 90 of the General Statutes.
 - e. A social worker licensed to engage in clinical social work under Chapter 90B of the General Statutes.
 - f. A fee-based pastoral counselor licensed under Article 26 of Chapter 90 of the General Statutes.
 - g. A licensed marriage and family therapist licensed under Article 18C of Chapter 90 of the General Statutes.
 - h. Any other mental health service provider who performs or purports to perform psychotherapy, as defined in G.S. 90-21.41(3).
- (8) Mental health professional licensing authority. – The Department of Health and Human Services or an agency, board, council, or committee with the authority to impose training or education requirements or licensure fees as a condition of practicing in this State as a mental health professional.
- (9) Perinatal care. – The provision of care during pregnancy, labor, delivery, and postpartum and neonatal periods.

(10) Perinatal facility. – A hospital, clinic, or birthing center that provides perinatal care in this State.

(b) The Department shall develop, in collaboration with (i) community-based organizations led by black women that serve primarily black birthing people and (ii) a historically black college or university or other institution that primarily serves minority populations, an evidence-based implicit bias training program for maternal care providers that includes, at a minimum, all of the following components:

(1) Identification of previous or current unconscious biases and misinformation.

(2) Identification of personal, interpersonal, institutional, structural, and cultural barriers to inclusion.

(3) Corrective measures to decrease implicit bias at the interpersonal and institutional levels, including ongoing policies and practices for that purpose.

(4) Information about the effects of implicit bias, including, but not limited to, ongoing personal effects of racism and the historical and contemporary exclusion and oppression of minority communities.

(5) Information about cultural identity across racial or ethnic groups.

(6) Information about how to communicate more effectively across identities, including racial, ethnic, religious, and gender identities.

(7) Information about power dynamics and organizational decision making.

(8) Trauma-informed care best practices and an emphasis on shared decision making between providers and patients.

(9) Information about health inequities within the perinatal care field, including information on how implicit bias impacts maternal and infant health outcomes.

(10) Perspectives of diverse, local constituency groups and experts on particular racial, identity, cultural, and provider-community relations issues in the community.

(11) Information about socioeconomic bias.

(12) Information about reproductive justice.

(c) The Department shall administer the implicit bias training program developed pursuant to subsection (b) of this section and, notwithstanding any provision of Chapter 90 or Chapter 93B of the General Statutes, or any other provision of law, all maternal care providers are required to complete the implicit bias training program as follows:

(1) Maternal care providers who hold a current license, registration, accreditation, or certification on December 31, 2024, shall complete the training program no later than December 31, 2025.

(2) Maternal care providers issued an initial license, registration, accreditation, or certification on or after January 1, 2025, shall complete the training program no later than one year after the date of issuance.

A health care professional licensing authority or mental health professional licensing authority shall not renew the license, registration, accreditation, or certification of a health care professional or mental health professional unless the professional provides proof of completion of the training program established under this section within the 24-month period leading up to the date of the renewal application.

(d) The Department is encouraged to seek opportunities to promote and make the implicit bias training program authorized by this section available to the following groups:

(1) Any employees who interact with pregnant and postpartum individuals in the provider setting, including front desk employees, sonographers, schedulers, health system-employed lactation consultants, hospital or health system administrators, security staff, and other employees.

- (2) Undergraduate programs that funnel into schools with master's programs in the health professions or mental health professions.
- (3) Providers of the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966.
- (4) Obstetric emergency simulation trainings or related trainings.
- (5) Emergency department employees, emergency medical technicians, and other specialized health care providers who interact with pregnant and postpartum individuals.

(e) The Department shall collect the following information for the purpose of informing ongoing improvements to the implicit bias training program:

- (1) Data on the causes of maternal mortality.
- (2) Rates of maternal mortality, including rates distinguished by age, race, ethnicity, socioeconomic status, and geographic location within this State.
- (3) Other factors the Department deems relevant for assessing and improving the implicit bias training program.

"§ 130A-33.63. Rights of perinatal care patients.

(a) A patient receiving care at a perinatal care facility, defined as a hospital, clinic, or birthing center that provides perinatal care in this State, has the following rights:

- (1) To be informed of continuing health care requirements following discharge.
- (2) To be informed that, if the patient so authorizes, and to the extent permitted by law, the hospital or health care facility may provide to a friend or family member information about the patient's continuing health care requirements following discharge.
- (3) To actively participate in decisions regarding the patient's medical care and the right to refuse treatment.
- (4) To receive appropriate pain assessment and treatment.
- (5) To receive care and treatment free from discrimination on the basis of age, race, ethnicity, color, religion, ancestry, disability, medical condition, genetic information, marital status, sex, gender identity, gender expression, sexual orientation, socioeconomic status, citizenship, nationality, immigration status, primary language, or language proficiency.
- (6) To receive information on how to file a complaint with the Division of Health Service Regulation or the Human Rights Commission or both about any violation of these rights.

(b) Each perinatal care facility shall provide to each perinatal care patient upon admission to the facility, or as soon as reasonably practical following admission to the facility, a written copy of the rights enumerated in subsection (a) of this section. The facility may provide this information to the patient by electronic means, and it may be provided with other notices regarding patient rights."

SECTION 1.1.(b) Effective July 1, 2024, there is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of one million five hundred thousand dollars (\$1,500,000) in recurring funds for the 2024-2025 fiscal year. These funds shall be allocated and used as follows:

- (1) The sum of up to five hundred thousand dollars (\$500,000) in recurring funds shall be used to cover costs incurred by the Department in developing and administering the implicit bias training program authorized by G.S. 130A-33.62, as enacted by subsection (a) of this section.
- (2) The remainder of these funds shall be allocated to the Women, Infant, and Community Wellness Section to support the North Carolina Maternal Mental Health MATTERS (Making Access to Treatment, Evaluation, Resources & Screening Better) Program, which strives to enhance systems for screening,

assessing, and treating depression, substance use disorder, and other behavioral health disorders in pregnant and postpartum patients.

PART II. PERINATAL EDUCATION GRANT PROGRAM

SECTION 2.1.(a) Definitions. – The following definitions apply in this section:

- (1) Department. – The North Carolina Department of Health and Human Services.
- (2) Perinatal education program. – A program that operates for the primary purpose of educating pregnant women and their families about healthy pregnancy, preparation for labor and birth, breastfeeding, newborn care, or any combination of these.

SECTION 2.1.(b) Establishment of Grant Program. – The Department shall establish and administer a Perinatal Education Grant Program to award competitive grants to eligible entities to establish or expand perinatal education programs in rural, underserved, or low-wealth areas of the State. The Department shall establish eligibility requirements for program participation which shall, at a minimum, require that applicants be community-based organizations that offer perinatal education and resources aligned with evidence-based practices for improving maternal health outcomes for black women.

SECTION 2.1.(c) Outreach and Application Assistance. – Beginning July 1, 2024, the Department shall (i) conduct outreach to encourage eligible applicants to apply for grants under this program and (ii) provide application assistance to eligible applicants on best practices for applying for grants under this program. In conducting the outreach required by this section, the Department shall give special consideration to eligible applicants that meet the following criteria:

- (1) Are based in, and provide support for, communities with high rates of adverse maternal health outcomes and significant racial and ethnic disparities in maternal health outcomes.
- (2) Are led by black women.
- (3) Offer programs and resources that are aligned with evidence-based practices for improving maternal health outcomes for black women.

SECTION 2.1.(d) Grant Awards. – In awarding grants under this section, to the extent possible, the grant recipients shall reflect different areas of the State. The Department shall not award a single grant for less than ten thousand dollars (\$10,000) or more than fifty thousand dollars (\$50,000) per grant recipient.

SECTION 2.1.(e) Termination of Grant Program. – The Perinatal Grant Program authorized by this section expires on June 30, 2025.

SECTION 2.1.(f) Report. – By October 1, 2026, the Department shall submit a report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division that includes at least all of the following components:

- (1) A detailed report on funds expended for the program for the 2024-2025 fiscal year.
- (2) An assessment of the effectiveness of programs funded by grants awarded under this section in improving maternal health outcomes for black women.
- (3) Recommendations for future grant programs to be administered by the Department and for future funding opportunities for community-based organizations to improve maternal health outcomes for black women through programs and resources that are aligned with evidence-based practices for improving maternal health outcomes for black women.

SECTION 2.1.(g) Effective July 1, 2024, there is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds for the 2024-2025

fiscal year to fund the Perinatal Education Grant Program authorized by this section. The Department of Health and Human Services may use up to ten percent (10%) of these funds for administrative purposes related to the grant program.

PART III. TRAINING PROGRAM FOR COMMUNITY HEALTH WORKERS IN POST-BIRTH WARNING SIGNS

SECTION 3.1.(a) Effective July 1, 2024, there is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of two million dollars (\$2,000,000) in recurring funds for the 2024-2025 fiscal year to be used to develop a training program for community health workers that provides comprehensive education on the warning signs of complications after birth, including strategies to educate pregnant and postpartum women and their families to recognize post-birth warning signs. The purpose of the training program is to decrease delays in seeking care among women experiencing post-birth warning signs, with the goal of reducing racial and ethnic disparities in maternal mortality rates in North Carolina. The DPH shall make this training program available free of charge to community health workers serving rural, underserved, or low-wealth areas of the State.

SECTION 3.1.(b) As used in this section, the term "community health worker" means a frontline public health worker who meets all of the following criteria:

- (1) Is either or both a trusted member of, or has an unusually close understanding of, the community served.
- (2) Serves as a liaison, link, or intermediary between health or social services and the community to facilitate access to services and improve the quality and cultural competence of service delivery within the community.
- (3) Builds individual and community capacity by increasing health knowledge and self-sufficiency of the community through a range of activities such as outreach, community education, informal counseling, social support, and advocacy.

PART IV. EFFECTIVE DATE

SECTION 4.1. Except as otherwise provided, this act is effective when it becomes law.