

Information Technology

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H97 - 2015 Appropriations Act, Subpart XVIII-A: Judicial Department (SL 2015-241)

Subpart XVIII-A of S.L. 2015-241 includes the following provisions pertaining to the Judicial Department:

Section 18A.3. Annual Report on Criminal Court Cost Waivers

Sec. 18A.3 of S.L. 2015-241 codifies language from recent appropriations acts directing the Administrative Office of the Courts (AOC) to maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court under statute and to report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight) by February 1 of each year. The directive provides for the reports to aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers. The provision also directs the AOC to make the necessary modifications to its information systems to maintain the records required under the newly codified statute.

This section became effective July 1, 2015.

Section 18A.9. Report on Dismissals Due to Delay in Analysis of Evidence

Sec. 18A.9 of S.L. 2015-241 requires each district attorney to report to the Conference of District Attorneys on any dismissal of a criminal case that is the direct result of a delay in the analysis of evidence by the State Crime Laboratory, including the facts surrounding the dismissal. This section directs the Conference to compile any such reports of dismissals and, in coordination with the State Crime Laboratory, report them quarterly starting October 30, 2015, to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and to the chairs of JPS Oversight.

This section became effective July 1, 2015.

Section 18A.16. Innocence Inquiry Commission

Sec. 18A.16 of S.L. 2015-241 transfers the Innocence Inquiry Commission, which was originally established as an independent commission housed within the Judicial Department, to the oversight of the AOC, and directs the AOC to conduct an annual audit of the Commission.

This section became effective July 1, 2015.

Section 18A.17. Transfer Office of Indigent Defense Services to the Administrative Office of the Courts

Sec. 18A.17 of S.L. 2015-241, as amended by Sec. 6.3 of S.L. 2015-268, transfers the Office of Indigent Defense Services, which includes the Commission on Indigent Defense Services, to the AOC, and specifically provides that the budget of the Office of Indigent Defense Services must be part of the budget of the AOC. The Office of Indigent Defense Services was originally established as an independent agency within the Judicial Department, and though it received assistance from the Director of the AOC in preparing the Office's budget, the Commission on Indigent Defense Services had final authority with

respect to preparation of the budget and representation of matters pertaining to the Office that were before the General Assembly. This section removes that independence and also directs the AOC to conduct an annual audit of the Office of Indigent Defense Services.

This section became effective July 1, 2015.

Section 18A.18. Study Future of Indigent Defense Services Commission and Innocence Inquiry Commission

Sec. 18A.18 of S.L. 2015-241 directs JPS Oversight to (i) study the Office of Indigent Defense Services and determine whether changes should be made to the ways in which appropriated funds are used to provide legal assistance and representation to indigent persons; and (ii) study the North Carolina Innocence Inquiry Commission and determine whether changes should be made to the way in which the Commission investigates and determines credible claims of factual innocence made by criminal defendants. The Committee must report its findings and recommendations, including any proposed legislation, to the 2015 General Assembly when it reconvenes in 2016.

This section became effective July 1, 2015.

Section 18A.19. Abolish Three Special Superior Court Judgeships

Sec. 18A.19 of S.L. 2015-241 abolishes three existing superior court judgeships upon the occurrence of vacancies in those judgeships. This section also requests the Chief Justice of the Supreme Court to exercise the statutory authority granted to the Chief Justice to designate special superior court judges as business court judges in such a manner as to maintain at least five business court judgeships in the State.

This section became effective July 1, 2015.

Section 18A.21. E-Courts Information Technology Initiative/Strategic Plan/Advisory Committee/Pilot Program for Online Collection of Court Costs

Sec. 18A.21 of S.L. 2015-241 directs the AOC to establish a strategic plan for the design and implementation of its e-Courts information technology initiative by February 1, 2016. The e-Courts initiative will provide for the automation of all court processes, including the electronic filing, retrieval, and processing of documents. This section sets forth specific requirements for the strategic plan, and directs the AOC to report quarterly, beginning November 1, 2015, to the JPS Oversight Committee and the Joint Legislative Oversight Committee on Information Technology on the development, implementation, and specific costs of the strategic plan and on any changes in the projected costs for implementing the e-Courts system or the schedule for implementation. The report must also provide an accounting of the use of funds appropriated in the budget act for development of the e-Courts initiative.

This section also directs the AOC to establish an e-Courts advisory committee consisting of clerks of superior court, judges, district attorneys, public defenders, and representatives of the State Bar in order to ensure that, in the development and implementation of the strategic plan, it has the input and advice of those stakeholders in the e-Courts system and the benefit of the various stakeholders' expertise on the information technology needs of the courts. The advisory committee is to be guided by an executive steering committee.

Upon completion of the strategic plan, the AOC must issue a Request for Information (RFI) for a contractor to provide the e-Courts system as outlined in the strategic plan. The AOC is directed to evaluate the responses to the RFI before issuing a Request for Proposals (RFP) for the e-Courts system.

Finally, as a precursor to the implementation of its e-Courts initiative, the AOC is directed to establish a pilot program in New Hanover County for the online collection and payment of court costs, fines, and related fees, with the potential for expanding the program statewide at the conclusion of a successful pilot, with the costs incurred by the programs to be borne by vendors selected by the AOC. The Administrative Office of the Courts must report by March 1, 2016, to the chairs of the JPS Oversight Committee and the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety on this pilot program and its plans to expand the program statewide.

This section became effective July 1, 2015.

Section 18A.24. Clarify Authorization to Contract for the Provision of Remote Access to Court Records

Sec. 18A.24 of S.L. 2015-241 amends the statute that authorizes the Director of the AOC to enter into contracts with third parties to provide remote access to court records to the public, by clarifying that the records referred to are more specifically "electronic data processing records or any compilation of electronic court records or data of the clerks of superior court...." The clarification also provides that neither the Director nor the Administrative Office of the Courts is the custodian of those records.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Subpart XVIII-B: Office of Indigent Defense Services (SL 2015-241)

Subpart XVIII-B of S.L. 2015-241 includes the following provisions pertaining to indigent defense and the Office of Indigent Defense Services:

Section 18B.3. Reports on Criminal Case Information System

Sec. 18B.3 of S.L. 2015-241 amends the implementation date and reporting requirements of a provision from previous appropriations acts directing the Administrative Office of the Courts (AOC), in consultation with the Office of Indigent Defense Services, to develop or acquire and to implement a component of its criminal case information system for use by public defenders. This section changes the date for final implementation of the system component from February 1, 2015, to February 1, 2016, adds a requirement for quarterly reports on the development and implementation of the system, including costs, milestones and performance measures, and changes the date for a final report on the completed implementation of the system from July 1, 2015, to July 1, 2016.

This section became effective June 30, 2015.

Section 18B.4. Study Efficiency of Establishing a System of Automated Kiosks in Local Confinement Facilities to Allow Attorneys Representing Indigent Defendants to Consult with Their Clients Remotely

Sec. 18B.4 of S.L. 2015-241 directs the AOC, in conjunction with the Office of Indigent Defense Services and the North Carolina Sheriffs' Association, to study and determine whether savings can be realized through the establishment of a system of fully automated kiosks in local confinement facilities to allow attorneys representing indigent defendants to consult with their clients remotely. The system would incorporate technology through which meetings between attorneys and their clients cannot be monitored or recorded, would provide for end-to-end message encryption, and would have scheduling software integrated into the system. This section directs the AOC to reports its findings and recommendations,

including recommendations for at least two potential pilot sites for the proposed system, to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety (JPS Oversight Committee) by February 1, 2016.

This section became effective July 1, 2015.

Section 18B.5. Study Fee Schedules Used by Office of Indigent Defense Services

Sec. 18B.5 of S.L. 2015-241 directs the JPS Oversight Committee to study the creation and implementation of fee schedules to be used by the Office of Indigent Defense Services to compensate private assigned counsel representing indigent defendants and to report its findings and recommendations in its report to the 2015 General Assembly when it reconvenes in 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 7.13: Electronic Forms and Digital Signatures (SL 2015-241)

Sec. 7.13 of S.L. 2015-241 directs the State Chief Information Officer (State CIO) to implement a digital forms program that would enable electronic review, submission, maintenance, and disclosure of information as a substitute for paper documents and forms. Additionally, the State CIO must implement citizen-friendly electronic forms processing and digital signature capabilities and, if practicable, provide this capability to State agencies, local governments, and educational entities.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 7.17: Governmental Budgetary Transparency/Expenditures Online (SL 2015-241)

Sec. 7.17 of S.L. 2015-241 appropriates funds and directs the State Chief Information Officer to do the following:

- In coordination with the State Controller and the Office of State Budget and Management, establish a budget transparency Web site that will provide access to budget expenditures for each State agency.
- Coordinate and assist local governments with (i) the posting of budget expenditures on their respective Web sites and (ii) providing that information to the Local Government Commission (LGC) to be published on both the new budget transparency and LGC Web sites in a manner that allows for data comparison between local governments.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 7.20: Data Security Study (SL 2015-241)

Sec. 7.20 of S.L. 2015-241 directs the Joint Legislative Oversight Committee on Information Technology to study data security issues and liability for security breaches involving both the public and private sector.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 7.26: Study State Agency Use of Utility-Based Computing (SL 2015-241)

Sec. 7.26 of S.L. 2015-241 directs the Department of Information Technology to (i) study the use and potential cost savings associated with State agency use of cloud-based computing services that provide computing, storage, and applications on a metered, pay-per-use basis; and (ii) report its findings to the Joint Legislative Oversight Committee on Information Technology by April 1, 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 7.27: State Funded Information Technology Contracts (SL 2015-241)

Sec. 7.27 of S.L. 2015-241 directs all State agencies and their vendors, upon request by the Joint Legislative Oversight Committee on Information Technology or the Fiscal Research Division, to provide copies of State-funded information technology contracts, including any subsequent changes to the contracts.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Part VII-A: Establish Department of Information Technology (SL 2015-241)

Part VII-A of S.L. 2015-241 establishes the Department of Information Technology (DIT) and does all of the following:

Consolidates information technology functions from principal departments and participating agencies and places those functions within the new cabinet-level DIT and names the State Information Officer (appointed by the Governor) as the head of the Department.

- The DIT is comprised of: the Office of the State CIO and the Office of Information Technology Services (a Type I transfer); and the 911 Board, Criminal Justice Information Network, Government Data Analytics Center, and North Carolina Geographic Information Coordinating Council, and the Center for Geographic Information and Analysis (a Type II transfer).

As amended by Secs. 2.2, 2.8, 2.11, 2.12, 2.13, 2.14, 2.16, and 2.20 of S.L. 2015-268, this Part does the following:

- Establishes powers and duties of DIT and State CIO.
- Directs the State CIO to develop policies for information technology planning and financing for State Agencies, including a biennial State Information Technology Plan, and strategic and business-continuity plans at the agency level.
- Consolidates human resources for all State information technology personnel within DIT and directs the State CIO to establish a plan to address agency requirements with individual career planning and personnel allocation.
- Creates an Information Technology Fund and Internal Service Fund; requires quarterly reporting to the Joint Legislative Oversight Committee on Information Technology and Fiscal Research on the funds, expenditures, and personnel changes.
- Creates a project management process for participating agency information technology projects, including a dispute resolution process through the Office of the Governor.
- Directs the State CIO to establish an information technology procurement process to centralize procurement across all participating agencies.
- Directs the State CIO to create an inventory of data center operations throughout the Executive Branch.
- Directs the State CIO to develop standards and planning for a consolidated and standardized State communications network.
- Directs the State CIO to establish standards for management and safekeeping of all data held by State agencies and their vendors; subjects all State agencies to State CIO approval of and compliance with security measures established by DIT.

This Part also: (i) instructs the Revisor of Statutes to recodify portions of the General Statutes pertaining to programs and entities transferred to the newly created DIT; (ii) makes conforming statutory changes to reflect the repeal of the former Office of Information Technology Services and the transfer of authority to DIT and the State CIO; and (iii) clarifies that existing business or legal matters undertaken or ongoing at the time of the creation of DIT retain their validity and enforceability.

This Part became effective September 18, 2015.

H97 - 2015 Appropriations Act, Sec. 12A.5: Funds for Oversight and Administration of Statewide Health Information Exchange Network (SL 2015-241)

Section 12A.5 of S.L. 2015-241, as amended by Sec. 86.5 of S.L. 2015-246, creates a mechanism by which the State can establish and connect to a successor Health Information Exchange (HIE) Network for all Medicaid providers and all other entities that receive State funds for the provision of health services by June 1, 2018. In addition, this section establishes the North Carolina HIE Authority (Authority) to oversee and administer the successor HIE Network.

To accomplish these objectives, the State Chief Information Officer (CIO) must enter into a memorandum of understanding with the Secretary of the Department of Health and Human Services (DHHS) that provides the CIO with the sole authority over the HIE until both the Authority and Advisory Board to the Authority are established. Existing HIE contracts must be terminated or assigned to the Authority by February 29, 2016.

Effective October 1, 2015, this section creates a new Article 29B, (Statewide Health Information Exchange Act) in Chapter 90 of the General Statutes intended to improve the quality of health care delivery in the State by facilitating and regulating the use of a voluntary, statewide HIE network for the secure electronic transmission of individually identifiable health information among health care providers, health plans, and health care clearinghouses that is consistent with HIPAA. Despite the voluntary nature of the network, the Article requires: (i) each hospital that has an electronic health record system; (ii) each Medicaid provider; (iii) each provider that receives State funds for the provision of health services; (iv) and each local management entity/managed care organization (LME/MCO) to submit, at least twice daily by way of the HIE Network, demographic and clinical information pertaining to services rendered to Medicaid and other State-funded health care programs.

The Article articulates conditions by which State agencies and the Legislature may gain access to HIE Network data, provides that any data pertaining to services rendered to beneficiaries under the HIE Network is and remains the sole property of the State and must not allow data to be disclosed for commercial purposes or for any other purposes not otherwise provided under the provision.

This section also creates the North Carolina HIE Authority (Authority), located within the Department of Information Technology and under the direction and control of the State CIO, with broad powers and duties to oversee and administer the HIE Network. The Authority is directed to consult with the North Carolina HIE Advisory Board (Advisory Board) to set guiding principles for the development, implementation, and operation of the HIE Network. The Authority is empowered to establish fees for participation in the HIE Network.

The 11-member Advisory Board is located within the Department of Information Technology, and is tasked with providing consultation to the Authority with respect to the advancement, administration, and operation of the HIE Network and on matters pertaining to health information technology and exchange.

Covered entities (as that term is defined in the Code of Federal Regulations) that participate in the HIE Network must enter into a HIPAA compliant agreement and a written participation agreement with the Authority prior to submitting data to the HIE Network. Participating covered entities may disclose an individual's protected health information through the HIE Network to other covered entities for any purpose provided by HIPAA, unless the individual has exercised the right to opt out, which is available to the individual on a continuing basis. Covered entities that are required to submit demographic and clinical information through the successor HIE Network must not submit such information through the successor HIE Network until the Authority establishes a date for covered entities to begin submitting the information through the HIE Network or other secure electronic means.

This section establishes penalties, actions, and remedies for covered entities that disclose protected information in violation of the Article.

Also effective October 1, 2015, this section provides that, with the exception of the laws governing equal employment and compensation opportunity and privacy of State employee personnel records, the State Human Resources Act does not apply to employees of the NC HIE Authority.

Effective on the date the State CIO notifies the Revisor of Statutes that all contracts pertaining to the prior HIE Network between the State and between any third parties have been terminated or assigned to the successor HIE Network created pursuant to this section, the HIE Network established in 2011, is repealed.

Except as otherwise provided, the remainder of this section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 12A.4: Health Information Technology (SL 2015-241)

Sec. 12A.4 of S.L. 2015-241 directs the Department of Health and Human Services (DHHS) and the State Chief Information Officer (State CIO) to coordinate health information technology (HIT) in order to avoid duplication of efforts and in support of State and national goals. DHHS, in cooperation with the Department of Information Technology, must establish and direct a HIT management structure. DHHS must provide a comprehensive report on the status of HIT efforts to the Joint Legislative Committee on Health and Human Services, the Joint Legislative Oversight Committee on Information Technology, and the Fiscal Research Division no later than January 15, 2016.

This section became effective July 1, 2015.

H812 - Grant Recipients Posted on Grantor Web Site (SL 2015-114)

S.L. 2015-114 amends the law that authorizes NC OpenBook, the State's searchable Web site on spending for grants and contracts, to ensure that information on grant funds awarded by State agencies is readily available on the agencies' Web sites. The act also directs the State Chief Information Officer to ensure that the information is displayed on all agency Web sites in a consistent and accessible manner by December 31, 2015.

This act became effective June 24, 2015.