

June 2009

TITLE 23

Health and Safety

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 23. Bills primarily affecting other titles may also affect this title, but those bills are not summarized in this memorandum.

The legislation relating to health and safety may be classified in these subject areas: emergency medical services, health care facilities, death and end of life, and miscellaneous.

EMERGENCY MEDICAL SERVICES

House Bill No. 1215 authorizes emergency medical technician and paramedics to administer influenza vaccines and establishes the terms under which such vaccines may be administered.

Senate Bill No. 2004 appropriates \$2,750,000 from the insurance tax distribution fund to the State Department of Health for grants to emergency medical services operations and for a grant to contract with an organization to develop, implement, and provide an access critical ambulance service operations assessment process to improve emergency medical services delivery, leadership development training, and a biennial emergency medical services recruitment drive and to provide regional assistance to ambulance services to develop a quality review process for emergency medical services personnel and a mechanism to report to medical directors.

Senate Bill No. 2047 provides a general fund appropriation of \$128,400 to the State Department of Health for the purpose of providing emergency medical training grants to rural law enforcement agencies for licensed officers who choose to become licensed first responders.

Senate Bill No. 2050 modifies the definition of "emergency medical services" as the term applies to the chapter of law addressing emergency medical services; directs that the rules addressing emergency medical services operations must include performance standards, which may include response time standards; provides the State Department of Health may regulate the communications methods and protocol for emergency medical services operations; and provides that a taxing district that levies a special emergency medical services or ambulance service levy shall ensure that every ambulance service that has portions of its service area in that taxing district receives a portion of the revenue from that tax and that the taxing district shall allocate the special tax levy revenue to each ambulance service based upon the taxable value of the property within each township of the taxing district.

HEALTH CARE FACILITIES

House Bill No. 1339 directs the State Department of Health to establish a system through which qualified hospitals are designated as primary stroke centers; directs the State Department of Health to establish a Stroke System of Care Task Force; and directs the State Department of Health to adopt a nationally recognized standardized stroke-triage assessment tool, with which each emergency medical services operation in the state shall comply.

Senate Bill No. 2044 extends for two more years the moratorium on expansion of basic care bed capacity and on expansion of long-term care bed capacity.

Senate Bill No. 2046 directs the State Department of Health to conduct a life safety survey process at the conclusion of a construction, renovation, or construction and renovation project of each health facility licensed by the department's Division of Health Facilities.

Senate Bill No. 2048 provides that effective January 1, 2011, a hospital that offers emergency services to the public shall meet trauma center designation standards and participate in the trauma system; authorizes the Health Council to adopt rules that allow for provisional trauma designation status for hospitals; and requires that quick response units be licensed by the State Department of Health.

Senate Bill No. 2174, within the chapter addressing residential care for autistic children, replaces the term "autistic or autistic-like characteristics" with the term "autism spectrum disorder."

Senate Bill No. 2399 provides that if a medical facility or medical provider has a performance review that results in the receipt of a rating and at any time pays a fee to the person completing the rating, the medical facility or medical

provider shall include a public notice in any promotional or marketing activities referring to the rating information stating that a payment was made to the person performing the rating.

Senate Bill No. 2403 modifies the definitions of the terms "health care organization," "peer review organization," "peer review records," and "professional peer review" for purposes of the medical peer review records law; provides a health care organization may release documents that are prepared by a peer review organization which identify or analyze trends in medical errors to the State Department of Health, North Dakota Healthcare Association, and North Dakota Hospital Foundation and that the recipients of these documents may release any of this information to the public; and provides documents generated by a peer review organization and made available to the State Department of Health, North Dakota Healthcare Association, or North Dakota Hospital Foundation may not be introduced into evidence in any civil or administrative proceeding.

DEATH AND END OF LIFE

House Bill No. 1323 provides for how a competent adult may direct how that adult's remains are to be disposed of after death and directs a person with the duty of burial, a crematorium, or a funeral establishment to carry out the instructions regarding disposition.

Senate Bill No. 2168 as part of the bill revising the law relating to county coroners, updates the statutory qualifications and duties of the State Forensic Examiner and creates new law regarding the State Forensic Examiner's duties relating to autopsy reports.

Senate Bill No. 2195 revises the Uniform Anatomical Gift Act to address the situation in which a donor's declaration or advance health care directive conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy.

Senate Bill No. 2237 authorizes the Secretary of State to establish and maintain a health care record registry through which a health care directive or revocation of a health care directive may be filed.

MISCELLANEOUS

House Bill No. 1098 removes the July 1, 2011, expiration date from the chapter of law addressing petroleum release mediation.

House Bill No. 1386 provides that if the State Health Officer requests that an animal's brain be tested for rabies, the State Microbiology Laboratory of the State Department of Health or the North Dakota Veterinary Diagnostic Laboratory shall conduct the test and provides the State Department of Health may conduct a rabies diagnosis of farm animals, domestic animals, and wildlife that are suspected of having rabies.

House Bill No. 1231 appropriates \$196,000 from the general fund to the State Department of Health for the purpose of providing a grant to a nonprofit organization for establishing a mobile dental care service to provide dental treatment, prevention, and education services to low-income and underserved children in areas of the state with limited or unavailable dental services.

Senate Bill No. 2167 provides if a state agency uses state funds to provide free medical equipment to an individual, that state agency shall establish a policy addressing the possible reuse, recycling, or resale value of the medical equipment upon replacement of the medical equipment by that state agency or upon disuse of the medical equipment by the individual.

Senate Bill No. 2230 appropriates to the State Department of Health \$1 million from federal stimulus funds and \$1 million from the general fund for providing grants to domestic violence sexual assault organizations.

Senate Bill No. 2332 repeals the law that creates the Health Information Technology Steering Committee and creates a new Health Information Technology Advisory Committee under Chapter 54-59.

Senate Bill No. 2333 authorizes a group of public health units or an existing lead multidistrict health unit to be a regional public health network and establishes the requirements, powers, and duties for such a regional public health network.

Senate Bill No. 2344 provides that if a woman acts in a discreet and modest manner, that woman may breastfeed her child in any location where the woman and child are authorized to be and also provides an employer may use the designation "infant friendly" if the employer adopts a workplace breastfeeding policy that meets specified requirements.

Senate Bill No. 2366 prohibits the sale and the distribution of a skyrocket, customarily known as a bottle rocket, if the outside diameter of the casing is less than 5/8 inch and the length of the casing is less than 3.5 inches.

Senate Bill No. 2412 provides a \$369,900 general fund appropriation to the State Department of Health for the purpose of providing a grant to the North Dakota Fetal Alcohol Syndrome Center for the 2009-11 biennium.