



EMPLOYEE BENEFITS PROGRAMS COMMITTEE

Friday, January 15, 2021
Room 327B, State Capitol
Bismarck, North Dakota

Representative Mike Lefor, Chairman, called the meeting to order at 7:00 a.m.

Members present: Representatives Mike Lefor, Jason Dockter, LaurieBeth Hager, Emily O'Brien, Matthew Ruby, Austen Schauer, Paul J. Thomas; Senators Brad Bekkedahl, Dick Dever, Karen K. Krebsbach, Richard Marcellais, Kristin Roers

Member absent: Senator Howard C. Anderson, Jr.

Others present: Representative Mike Brandenburg, Edgeley
See [Appendix A](#) for additional persons present.

ACTUARIAL REVIEWS

Chairman Lefor called on Mr. Scott Miller, Executive Director, Public Employees Retirement System, for technical comments and presentation of the actuarial reports on each of the five bills over which the committee took jurisdiction under North Dakota Century Code Section 54-35-02.4. Mr. Miller provided a single presentation ([Appendix B](#)) providing technical comments on the five bills.

House Bill No. 1147

Chairman Lefor called on Mr. Miller for technical comments and to present the actuarial report ([Appendix C](#)) on House Bill No. 1147 [[21.0447.01000](#)], regarding Public Employees Retirement System (PERS) health benefits coverage of fertility benefits.

The committee received written testimony from supporters of House Bill No. 1147 ([Appendix D](#)).

Chairman Lefor called on Representative Brandenburg for comments regarding House Bill No. 1147. Representative Brandenburg testified in support of the bill.

In response to a question from Representative Thomas, Representative Brandenburg said he would support a limit on the number of fertility procedures covered under the insurance mandate.

Chairman Lefor called on Ms. Tara Brandner for comments regarding House Bill No. 1147. Ms. Brandner, who testified ([Appendix E](#)) in support of the bill, and discussed her experiences with fertility treatments.

In response to a question from Senator Roers, Ms. Brandner said the language on page 3, lines 23 through 27 is intended to decrease the likelihood of multiples.

Chairman Lefor called on Ms. Tiffany Olsen for comments regarding House Bill No. 1147. Ms. Olsen, who testified in support of the bill, discussed her experiences with fertility treatments. She said crowdfunding should not be the routine way to fund medical expenses.

In response to a question from Representative Schauer, Ms. Olsen said she has lost count of the exact out-of-pocket expenses she has incurred in the course of her fertility treatments.

Chairman Lefor called on Ms. Kayla Dornfeld for comments regarding House Bill No. 1147. Ms. Dornfeld, who testified in support of the bill, discussed her experiences with fertility treatments. She said to date she has incurred well over \$15,000 in out-of-pocket expenses.

Chairman Lefor called on Ms. Casie Davis for comments regarding House Bill No. 1147. Ms. Davis, who testified in support of the bill, discussed her experiences with fertility treatments. She said her health insurance does not include coverage of fertility treatments.

Chairman Lefor called on Ms. Megan Houn, Director, Government Relations, Blue Cross Blue Shield of North Dakota, for comments regarding House Bill No. 1147. Ms. Houn, who testified in opposition to the bill, said Blue Cross Blue Shield of North Dakota is opposed to all health insurance mandates. She said the rising cost of health care is a real concern and fertility benefit coverage would be expected to increase premiums by approximately \$7 per member per month.

In response to a question from Senator Bekkedahl, Ms. Houn said she is calculating the expected fiscal difference between the 2019 fertility bill and House Bill No. 1147.

In response to a question from Representative Thomas, Ms. Houn said although the bill is designed to apply to the PERS health benefits for the first 2 years, the mandate is expected to be expanded to the commercial market in 2023.

In response to a question from Representative Hager, Ms. Houn said she is not aware of any other health mandates that include a dollar cap.

In response to a question from Representative Schauer, Ms. Houn said as a result of the 2019 fertility bill, Blue Cross Blue Shield polled its groups to gauge the interest in adding fertility benefits. She said none of the groups chose to add the benefits.

Representative Dockter said he could not support the bill unless it had a dollar cap.

It was moved by Representative Dockter, seconded by Senator Dever, and carried on a roll call vote that the committee give a report of no recommendation on House Bill No. 1147. Representatives Lefor, Dockter, O'Brien, Ruby, Schauer, and Thomas and Senators Bekkedahl, Dever, and Krebsbach voted "aye." Representative Hager and Senators Marcellais and Roers voted "nay."

House Bill No. 1328

Chairman Lefor called on Mr. Miller for technical comments and to present the actuarial report ([Appendix F](#)) on House Bill No. 1328 [[21.0475.01000](#)], regarding PERS health benefits coverage of vitamin D deficiency screening.

In response to a question from Senator Bekkedahl, Mr. Miller said generally a vitamin D screening is not routine unless there is an indication of a deficiency.

Senator Roers presented Representative Karen M. Rohr's written testimony ([Appendix G](#)) in support of the bill.

Chairman Lefor called on Ms. Houn to testify regarding House Bill No. 1328. Ms. Houn said Blue Cross Blue Shield of North Dakota opposes the bill because it is a health insurance mandate. She said vitamin D deficiency screening is covered under Blue Cross Blue Shield of North Dakota policies. She said she questions whether it is appropriate to have pharmacists initiate screening.

It was moved by Representative Dockter, seconded by Senator Bekkedahl, and carried on a roll call vote that the committee give a report of no recommendation on House Bill No. 1328. Representatives Lefor, Dockter, O'Brien, and Thomas and Senators Bekkedahl and Krebsbach voted "aye." Representatives Ruby and Schauer and Senators Dever and Roers voted "nay."

Senate Bill No. 2179

Chairman Lefor called on Mr. Miller for technical comments and to present the actuarial report ([Appendix H](#)) on Senate Bill No. 2179 [[21.0532.02000](#)], regarding health insurance coverage of health benefits provided via telehealth.

Chairman Lefor called on Ms. Courtney Koebele, Executive Director, North Dakota Medical Association, for comments regarding Senate Bill No. 2179. Ms. Koebele testified in support of the bill.

Chairman Lefor called on Mr. Andrew Askew, Vice President of Public Policy, Essentia Health, for comments regarding Senate Bill No. 2179. Mr. Askew testified ([Appendix I](#)) in support of the bill.

Chairman Lefor called on Ms. Houn for comments regarding Senate Bill No. 2179. Ms. Houn testified in opposition to the bill.

Representative Dockter said he will abstain from acting on this bill because he has a conflict due to his ownership interest in a medical clinic.

Senator Roers said although she works at a medical clinic she thinks she can be objective on considering this bill.

Representative Schauer said he does not think a virtual visit costs as much to conduct as an in-person visit.

Senator Roers said the success of virtual visits has improved over the course of the Coronavirus (COVID-19) pandemic.

It was moved by Senator Bekkedahl, seconded by Representative Schauer, and carried on a roll call vote that the committee give a report of no recommendation on Senate Bill No. 2179. Representatives Lefor, Schauer, Thomas and Senators Bekkedahl, Dever, and Krebsbach and Roers voted "aye." Representatives O'Brien and Ruby voted "nay."

Bill Draft No. 218

Chairman Lefor called on Mr. Miller for technical comments and to present the actuarial report ([Appendix J](#)) on Bill Draft No. 218 [[21.0218.02000](#)], which provides for legacy fund earnings to be transferred to the PERS retirement fund.

It was moved by Representative Dockter, seconded by Senator Roers, and carried on a roll call vote that the committee give a favorable recommendation on Bill Draft No. 218. Representatives Lefor, Dockter, O'Brien, Ruby, Schauer, and Thomas and Senator Roers voted "aye." No negative votes were cast.

Senate Bill No. 2170

Chairman Lefor called on Mr. Miller for technical comments and to present the actuarial report ([Appendix K](#)) on Senate Bill No. 2170 [[21.0611.01000](#)], which provides for the PERS health benefits to use a Canadian reference drug pricing.

Chairman Lefor called on Mr. Josh Askvig, North Dakota State Director, AARP, for comments regarding Senate Bill No. 2170. Mr. Askvig testified in support of the bill, stating the cost of drugs is a growing issue for consumers.

It was moved by Senator Roers, seconded by Representative Dockter, and carried on a roll call vote that the committee give a report of no recommendation on Senate Bill No. 2170. Representatives Lefor, Dockter, and O'Brien and Senator Roers voted "aye." Representatives Ruby, Schauer, and Thomas voted "nay."

No further business appearing, Chairman Lefor adjourned the meeting at 8:30 a.m.

Jennifer S. N. Clark
Senior Counsel

ATTACH:11