

Good Afternoon Chairman Wobbema and members of the Senate Workforce Development Committee. I want to thank you for the opportunity to be here today. I also want to thank the Sponsor and Co-Sponsors for bringing this important piece of legislation forward. My name is Steve Dirksen; I have the honor and pleasure to serve as the Fire Chief for the City of Fargo. I have been a firefighter for the past 34 years and have served for the past 11 ½ years in my current role in the City of Fargo.

My written testimony provides a technical review of the medical examination process used by the City of Fargo for new hire and annual medical surveillance. I will just give the Readers Digest version here.

It has been a mission of mine to improve the health and safety of firefighters for the past 25 years. I have worked very closely with Sanford Occupational Health, particularly Dr. Clayton Van Balen, in developing a comprehensive medical physical program that meets national standards for firefighter physicals.

The fire service is fortunate that there are a number of consensus standards, which are developed by industry experts, to help guide and develop best practices. The National Fire Protection Association (NFPA) is the group that the fire service looks to for that guidance. NFPA 1582: *Standard on Comprehensive Occupational Medical Program for Fire Departments* is the guiding standard for fire departments to develop medical surveillance programs.

In Fargo, our firefighters receive annual physicals based on this standard. I checked with the other fire departments in North Dakota who have fulltime paid staff to gather data on how they meet the requirement of ND CC 65-01-15.1. All departments in this category offer at a minimum a physical that complies with the requirements of the chapter. A super majority provide an NFPA

1582 compliant physical. Some provide NFPA compliant physicals following the timelines set forth in ND CC 65-01015.1. There are a few that provide the NFPA 1582 compliant physical on an annual basis for all members.

The fire service knows very well that dollars spent in prevention is better than spending them in response. For the past 9 years I served on the Red Cross Board in Fargo and we had a presentation from the National Office that showed, for the Red Cross, for every dollar spent in prevention, it saved four dollars in response. That is one reason why I ensure our firefighters receive annual medical evaluations. Our medical professionals are looking to eliminate disease and other attacks on our firefighter's bodies. They are looking to identify things early where treatment can prevent progression and maybe even reduce future risk.

But the one thing a medical surveillance program cannot account for is exactly what happened to Officer Brown. Sudden cardiac arrest, vascular embolism due to vessel compression, exposure to toxins due to equipment failure, and many more. These issues have occurred in firefighters at the beginning of their careers all the way through the end. It is only right that we provide a high level of protection to these individuals who put their lives in harm's way to save or protect the lives and property of others.

If you would indulge me for a moment. I want to take you back to January 2, 2023. Many of us watched live and others through news outlets or the internet, when Buffalo Bills Safety Damar Hamlin was involved in a significant tackle, stood up, collapsed due to sudden cardiac arrest. Mr. Hamlin a 24-year-old professional athlete, who likely had more comprehensive physicals and medical care in the past 10 years than most of us will receive in a life time, and he suffered sudden cardiac arrest. Mr. Hamlin in his work environment had medical professional's yards away and responded very quickly.

In closing our fire departments and law enforcement agencies do the best possible to ensure the health and wellbeing of those who work with us. Our communities support a healthy workforce by funding these programs. Our employees work to keep themselves in good physical condition in order to do their jobs well. It is important that we protect our public safety workers and support the investment of our citizens, with your support of this legislation we will provide our firefighters and law enforcement officers important coverage in case the unthinkable happens.

I ask for you to adopt a "DO PASS" recommendation on HB 1279

Thank you, and I stand for any questions.

Testimony Presented on HB 1279 to the  
Senate Workforce Development Committee  
Senator Michael Wobbema

By

Steven J. Dirksen, Fire Chief  
City of Fargo

February 2, 2023

This statement expresses the support of the City of Fargo to House Bill 1279, relating to the presumption of compensability for firefighters and law enforcement officers.

Good Afternoon Chairman Wobbema and members of the Senate Workforce Development Committee. I want to thank you for the opportunity to be here today. I also want to thank the Sponsor and Co-Sponsors for bringing this important piece of legislation forward. My name is Steve Dirksen; I have the honor and pleasure to serve as the Fire Chief for the City of Fargo. I have been a firefighter for the past 34 years and have served for the past 11 ½ years in my current role in the City of Fargo.

HB1297 proposes to amend Section 65-01-15.1 by removing from subsection 3 (a) the requirement for a firefighter or law enforcement officer to have five years of continuous service with a fire department or law enforcement agency in North Dakota. An additional change in this subsection is to remove the word "require" and replace with the employer needs to "provide at no expense," a medical examination upon employment for any employee subject to this section.

Subsection 3 (b) also spells out the removal of the word "require" and replace with the employer needs to "provide at no expense". An additional change in this section is the removal of "including a nonfasting total blood cholesterol test" and replacing it with "indicating cardiovascular health to a reasonable degree of medical certainty".

The other change is the definition in subsection 4, replacing "a person" with "an individual".

Individuals who wish to be employed as a City of Fargo firefighter are given a myriad of tests that include a psychological, polygraph examination, background checks (to include criminal), mask fit testing as well as a comprehensive medical physical exam.

The medical physical exam follows the standards set forth by the National Fire Protection Association (NFPA) 1582: Standard on Comprehensive Occupational Medical Program for Fire Departments. NFPA 1582 Chapter 5 identifies 14 essential job tasks required of structural firefighters. Those tasks range from wearing self-contained breathing apparatus while pulling fire hose, crawling, lifting and carrying heavy objects,

during exposure to toxic fumes, infectious hazards, and heated gases to climbing ladders and stairs and operating in other hazardous conditions.

NFPA 1582 Chapter 6 describes the medical evaluation of those individuals who wish to be firefighters prior to being placed in training programs. This comprehensive medical examination evaluates individuals from head to toe to determine a baseline medical fitness assessment. This standard provides information and guidance for physicians and other health care providers responsible for fire department occupation medical programs.

Through the comprehensive exam, individuals are assessed for conditions that may be present in their hearts, lungs, and vascular systems. These items are all covered under the presumptive legislation found in Chapter 65 of the North Dakota Century Code.

A Fargo firefighter continues to receive annual medical evaluations following the guidance provided in NFPA 1582 for the remainder of their career with Fargo Fire. The physical examination includes:

1. Evaluation of vital signs; temperature, pulse, respiratory rate, and blood pressure. (Blood pressure is measured according to the recommendations of the Seventh Report of the Joint National Committee on Prevention, Detection, Evaluation, and Treatment of High Blood Pressure (JNC 7))
2. Head, eyes, ears, nose, and throat (HEENT)
3. Neck
4. Cardiovascular
5. Pulmonary
6. Breast
7. Gastrointestinal with digital rectal exam as clinically indicated
8. Hernia
9. Lymph nodes
10. Neurological
11. Musculoskeletal
12. Skin (includes screening for cancers)
13. Vision

There are a number of ancillary tests included:

1. Blood Tests to include –
  - a. CBC with differential, RBC indices and morphology, and platelet count
  - b. Electrolytes (NA, K, CL, HCO<sub>3</sub>, or CO<sub>2</sub>)
  - c. Renal function (BUN, creatinine)
  - d. Glucose
  - e. Liver function Tests (ALT, AST, direct and indirect bilirubin, alkaline phosphatase)
  - f. Total cholesterol HDL, LDL, clinically useful lipid ratios and triglycerides

2. Urine
3. Audiology
4. Spirometry
5. Chest X-ray – baseline then as medically indicated
6. ECG's – baseline then annually at age 40 or as clinically indicated.
7. Risk Stratification –
  - a. Asymptomatic firefighters at age 40 for their 2-year or 10-year risks of ASCVD
  - b. Asymptomatic firefighters younger than 40 known to be at high risk for ASCVD shall be assessed for coronary artery disease.
  - c. The 2-year Framingham risk tables or the 10-year heart risk calculator created by the American College of Cardiology/American Heart Association (ACC/AHA) shall be used to generate a 2 year or 10 year risk of ASCVD.
  - d. If ASCVD scores are high symptom limiting exercise stress testing with imaging is to be ordered.
8. Mammography
9. Immunizations and Infectious Disease
10. Post-Exposure Bloodborne Pathogen Testing
11. HIV Testing
12. Heavy Metal Evaluation
13. Colon Cancer Screening
14. Prostate Cancer Screening
15. Lung Cancer Screening
16. Cervical Cancer Screening
17. Testicular Cancer Screening
18. Bladder Cancer Screening
19. Oral Cancer Screening
20. Thyroid Cancer Screening
21. Skin Cancer Screening
22. Sleep Disturbance Screening
23. Behavioral Health Screening

The City of Fargo provides this level of medical surveillance to provide our employees with a baseline picture of their current level of medical wellness. Through the annual examinations, we have had several members self-report a condition was identified early, even before the individual became symptomatic. As an employer, the City of Fargo desires to provide a high level of yearly medical surveillance to ensure that our firefighters can have long careers and healthy retirements.

Firefighting is a dangerous profession. There are known risks with this profession but there are numerous events that we cannot prepare for. Sudden cardiac arrest, vascular embolism due to vessel compression, exposure to toxins due to equipment failure, and there are many more. These issues have occurred in firefighters at the beginning of

their careers all the way through the end. It is only right that we provide a high level of protection to these individuals who put their lives in harm's way to save or protect the lives and property of others.

The City of Fargo Strongly encourages the committee to adopt a "Do Pass" recommendation on HB 1279.

Testimony Presented on HB 1279 to the  
Senate Workforce Development Committee  
Senator Michael A. Wobbema, Chairman

Dr. Timothy Mahoney, Mayor, City of Fargo  
Commissioner Denise Kolpack, City of Fargo

February 2, 2023

Dear Members of the Senate Workforce Development Committee:

On behalf of the City of Fargo, we are writing collectively to you today in support of HB 1279. One of the top priorities we share as local elected officials is to ensure that our public safety employees are provided with a high-level medical physical surveillance program. In the City of Fargo, we care for the well-being and safety of our dedicated public safety servants, and we believe HB 1279 will further support this care for our first responders.

Annually, the City of Fargo invests significant funds to ensure the firefighters we hire can meet the rigorous physical and mental demands of the profession. The firefighters are provided – at no expense – a medical and mental evaluation that meets the nationally recognized standards established by the National Fire Protection Association Standard 1582. After the employees complete their probationary period, they are provided an annual evaluation that far exceeds the requirements set forth in North Dakota Century Code. The examination is a comprehensive “head to toe” evaluation of the total health of the employee. The physical examination is augmented by a number of ancillary tests that range from blood tests, to ECG’s, chest x-rays, cancer screenings, to sleep disturbance and behavioral health screenings.

But the one thing we cannot test for, and have no way to predict, is sudden cardiac arrest due to trauma, vascular embolism due to vessel compression, exposure to immediate dangers to life, and health toxins due to sudden and catastrophic equipment failure. These types of situations have occurred in the fire service to firefighters at the beginning of their careers through the end. If there is a way to prevent these events from happening, we would most assuredly put processes in place to stop them.

The City of Fargo takes great steps to ensure that we hire public safety employees who are physically capable to complete the tasks required of a firefighter. We work to ensure there is continual surveillance of physical health. By removing the five-year waiting period, we are providing the coverage for those employees who suffer a sudden medical event because of their employment. It is imperative that we take care of our public safety employees who put themselves in harm’s way to protect our communities.



Together, we ask for your consideration of a "DO PASS" recommendation on HB 1279.

Respectfully,

Dr. Timothy Mahoney,  
Mayor, City of Fargo

Denise Kolpack  
City Commissioner, City of Fargo

