

Testimony
Senate Bill No. 2031
Senate Workforce Development Committee
Senator Mike Wobbema, Chairman
January 9, 2025

Chairman Wobbema, and members of the Senate Workforce Development Committee, thank you for the opportunity to provide testimony regarding SB 2031, which proposes to establish a licensing program for Nursing Services Agencies (NSAs) under the purview of the North Dakota Department of Health and Human Services (NDDHHS). NDDHHS opposes this legislation for the following reasons:

1. Dissatisfaction with Contracted Services by Travel Agencies:

Issues related to dissatisfaction with contracted services by travel agencies should be addressed by discontinuing the contracts in question rather than introducing governmental intervention through legislation.

- 2. Malpractice Insurance Requirements:** Setting specific amounts or required malpractice insurance for NSAs, as is proposed in 23-17.8-03, is problematic as the amounts become outdated and agency is left unable to update the amounts to reflect industry standards. Malpractice insurance requirements should be set by the

- facility or by the entity licensing the individual licensed professionals.
3. **Employee Compensation Concerns:** Concerns about employee compensation are already under the jurisdiction of the Department of Labor and Human Rights, which has established mechanisms to address these matters.
 4. **Hiring Facility Responsibilities:** It is the responsibility of hiring facilities to ensure that their employees or contracted professionals meet all personnel requirements. Much of the proposed 23-17.8-04 relate to essentially HR functions. Each healthcare facility should ensure that every nursing agency contractor meets all personnel and competency requirements of the facility. This responsibility should not be shifted to the state through the establishment of a licensing program.
 5. **Violations of the Nurse Practices Act:** Violations of the Nurse Practices Act should be reported directly to the Board of Nursing, which is the entity the legislature has designated to handle these complaints by law. Requiring that violations of the Nurse Practices Act be reported to the Department, as proposed in 23-17.8-04(9) results in duplicative administrative processes and missed disciplinary reporting.

6. Addressing Legal and Civil Matters: Much of the content of this bill pertains to matters that can be adequately addressed through other civil means by the appropriate licensing agencies or through criminal prosecution when warranted.

The concerns this bill seeks to address can be more appropriately and effectively resolved through existing mechanisms and by the facilities themselves without the need for additional governmental oversight.

Thank you for the opportunity to provide this testimony. I am happy to answer any questions the committee may have.