

1999 HOUSE HUMAN SERVICES

HB 1075

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1075

House Human Services Committee

Conference Committee

Hearing Date 01-06-99

Tape Number	Side A	Side B	Meter #
1		x	36.4
Committee Clerk Signature <i>Annun G. Klein</i>			

Minutes:

Chairwoman Price opened the hearing on HB 1075.

Mr. Douglas A. Bahr, assistant attorney general and counsel to the ND State Board of Examiners for Nursing Home Administrators gave a summary of HB 1075. (see attached written testimony)

Questions and discussions followed the testimony by committee members concerning licensing.

Ms. Bev Herman, Board of Examiners, appeared to assist in answering questions relating to licensing.

Hearing was closed by Chairwoman Price.

Motion by Representative Kliniske to amend HB 1075, second by Representative Rose.

by voice vote, 15 voting yes, 0 voting no.

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House Human Services Committee

Bill/Resolution Number Hb 1075

Hearing Date 01-06-98

Motion by Representative Jensen to do pass HB 1075 as amended, Second by

Representative Porter

By roll vote, 15 voting yes, 0 voting no.

For floor assignment, Representative Porter will carry.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1075 Amendment to: _____

Requested by Legislative Council Date of Request: 12-29-98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

There is no fiscal impact. This is to include in rule existing Board policies and the Board does not anticipate increasing fees to the amounts allowed within the Bill in the next four years.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	0	0	0
Expenditures:	0	0	0	0	0	0

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: None
- b. For the 1999-2001 biennium: None
- c. For the 2001-03 biennium: None

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed Beverly Herman

Typed Name Beverly Herman

Date Prepared: 1-4-99

Department ND Board of Examiners For Nursing Home Administrators

Phone Number (701) 222-4867

98056.0101
Title.0200

*copy of
Amendment*

Prepared by the Legislative Council staff for
the Human Services Committee
January 7, 1999

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1075

Page 3, line 9, replace "a fee determined by the board not to exceed one hundred dollars" with
"the application fee as provided in section 43-34-03"

Renumber accordingly

put in book

Date:
Roll Call Vote #:

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1075 as amended

House _____ Committee _____

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	X		Bruce A. Eckre	X	
Robin Weisz - Vice Chairwoman	X		Ralph Metcalf	X	
William R. Devlin	X		Carol A. Niemeier	X	
Pat Galvin	X		Wanda Rose	X	
Dale L. Henegar	X		Sally M. Sandvig	X	
Roxanne Jensen	X				
Amy N. Kliniske	X				
Chet Pollert	X				
Todd Porter	X				
Blair Thoreson	X				

Total (Yes) 15 No 0

Absent _____

Floor Assignment ~~Ralph Metcalf~~ Todd Porter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 7, 1999 5:38 p.m.

Module No: HR-03-0398
Carrier: Porter
Insert LC: 98056.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1075: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Sixth order on the calendar.

Page 3, line 9, replace "a fee determined by the board not to exceed one hundred dollars" with "the application fee as provided in section 43-34-03"

Renumber accordingly

Rep. Clarence Price

1999 SENATE HUMAN SERVICES

HB 1075

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1075

Senate Human Services Committee

Conference Committee

Hearing Date MARCH 1, 1999

Tape Number	Side A	Side B	Meter #
1	X		
1		X	1,334
Committee Clerk Signature <i>Paul Kolodziejchuk</i>			

Minutes:

The committee was called to order and roll taken with all Senators present.

The hearing was opened on HB 1075.

DOUGLAS BAHR, ND Brd NHA Examiners, summarized the bill in written testimony.

SENATOR FISCHER asked him to explain the repealer. MR. BAHR explained that anyone could be put in to run a nursing home in an emergency. This has never been used. There is no need for using someone who is not qualified. SENATOR DEMERS asked who had to hold a license. MR. BAHR stated that only nursing home administrators; not basic care or assisted living. SENATOR DEMERS asked if they support continuing ed. and are there enough courses out there to meet the requirement. MR. BAHR The education has been required in the past and this is only to have it specifically in law. It is not new to profession. SENATOR KILZER asked if a nursing home did not have an administrator that was not certified by the state board, are there

some consequences? MR. BAHR answered that the individual, acting as the administrator without a license would be involved in the unlicensed practice. It is a criminal sanction. The Health Department would take the license away from the nursing home facility. SENATOR KILZER asked if there was an overlapping of licenses, like hospital license. MR. BAHR stated that there is no overlapping; board does not require hospital licenses. Requirements are with the Health Department. SENATOR LEE asked why would Long Term Care need licenses when hospitals don't. MR. BAHR replied that licensing is to protect the public; it is also a Federal requirement.

LYLE BRUDVIG, ND Brd NHAA and Dickinson Nursing Home Administrator, answered some questions. It is out of Federal requirements that Nursing Home licensure and Administrator licensure came about. SENATOR FISCHER asked if criteria was set by the Board. MR. BRUDVIG answered yes, following state law. SENATOR LEE: Is there a credit given to licensure if they have been administration in another facility? MR. BRUDVIG answered that it is given consideration, but they do look specifically for some involvement in caring for the aged, knowledge, preparation.

No opposition to the bill.

The hearing on HB1075 was closed.

SENATOR FISCHER stated that there were amendments being prepared. The amendments will delete the practical experience of 36 months. (98056.0201) DOUG BAHR stated that there are three ways to become licensed administrator. 1. Certified by the American College of Nursing Home Administrators. It is a detailed process that takes years and an examination is required. 2. Someone who meets the current education which would include that administrator in training

program. They would also take the state exam and be licensed. 3. Someone based upon their practice experience which would require 36 of the last 48 months of being an actual practicing licensed administrator. The amendment would delete that practical experience. Recommends the amendment not be added. SENATOR DEMERS asked what is administrator inservice training? BEV HERMAN, ND Board of NHA Examiners, answered that 10 states do not require this training. ND requires 400 hours hands on experience in nursing facilities. It would take two years. SENATOR LEE asked if there was a National exam. MS. HERMAN stated that yes, there is but you are not required to retake it. SENATOR KILZER: What are the continuing education requirements? MS. HERMAN said that ND requires 20 hours recognized by Board of Examiners. Those hours are set by the Board. SENATOR KILZER asked if they have been out of the field for several years, could they keep up to date with continuing ed? MS. HERMAN answered that they would have to keep up with 20 hours, but that may not be kept up with technology. SENATOR LEE asked about Federal requirements. MS. HERMAN: There are proposed Federal uniform standards, not signed into law; states now establish their own requirements. SENATOR FISCHER asked that the action on this bill be postponed until tomorrow.

Discussion was resumed. SENATOR LEE moved amendments 98056.0201. SENATOR FISCHER seconded it. Roll call vote carried 5-1-0. Amendments were adopted. SENATOR FISCHER moved DO PASS AS AMENDED. SENATOR LEE seconded. Roll call vote carried 6-0-0. SENATOR FISCHER will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1075

Page 2, line 31, overstrike "may" and insert immediately thereafter "shall" and overstrike "person" and insert immediately thereafter "applicant"

Page 3, line 1, after "jurisdiction" insert "regardless of whether the applicant has been employed as a nursing home administrator"

Renumber accordingly

Section 6 deleted page 3 lines 19-20

Date: 11/10/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1075

Senate HUMAN SERVICES COMMITTEE Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 98056.0201

Action Taken Amendments adapted

Motion Made By Sen Lee Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers		✓			
Senator Mutzenberger	✓				

Total 5 (yes) 1 (no)

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1075, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1075 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, replace "; and to" with a period

Page 1, remove lines 5 and 6

Page 2, line 31, overstrike "may" and insert immediately thereafter "shall" and overstrike "person" and insert immediately thereafter "applicant"

Page 3, line 1, after "jurisdiction" insert "regardless of whether the applicant has been employed as a nursing home administrator"

Page 3, remove lines 19 and 20

Renumber accordingly

1999 HOUSE HUMAN SERVICES

HB 1075

CONFERENCE COMMITTEE

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1075

House Human Services Committee

Conference Committee

Hearing Date March 26, 1999

Tape Number	Side A	Side B	Meter #
1	x		0.0-end
Committee Clerk Signature <i>Wayne B. Jambor</i>			

Minutes:

Conference Committee called to order by Rep. Devlin. Also present were Representatives Porter, Niemeier, Senators Fischer, Thane, DeMers.

Sen. FISCHER handed out proposed amendments that would permit a nursing home administrator to be licensed if they had a valid license in another state but had no previous experience as a nursing home administrator and moved the amendments. Sen. THANE seconded the motion. There was considerable discussion about the requirement for an individual, holding a valid license in another state, being required to have worked in a nursing home facility for 36 out of the previous 48 months. There was concern that an individual could be licensed in the state of North Dakota with no nursing home experience or education. The other point was that if the individual is validly licensed in another state, they should be able to have that license transferred to North Dakota.

Page 2

House Human Services Committee

Bill/Resolution Number 1075mar26

Hearing Date March 26, 1999

The motion was voted on and failed on a roll call vote.

Representatives: 0 YES, 3 NO, 0 ABSENT. Senators: 2 YES, 1 NO, 0 ABSENT.

After additional discussion Sen. DeMers move to RECEDE from the Senate amendments. Rep.

Niemeier seconded.

The motions PASSED on a roll call vote:

Representatives: 3 YES, 0 NO, 0 ABSENT. Senators: 3 YES, 0 NO, 0 ABSENT.

Meeting adjourned.

March 26, 1999

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1075

That the Senate recede from its amendments as printed on page 700 of the Senate Journal and page 861 of the House Journal and that Engrossed House Bill No. 1075 be amended as follows:

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, replace "; and to" with a period

Page 1, remove lines 5 and 6

Page 2, line 31, overstrike "may" and insert immediately thereafter "shall" and overstrike "person" and insert immediately thereafter "applicant"

Page 3, line 1, after "jurisdiction" insert "regardless of whether the applicant has been employed as a nursing home administrator"

Page 3, line 2, after "that" insert ", except for the employment requirement,"

Page 3, line 3, overstrike "at the"

Page 3, line 4, overstrike "time of application" and insert immediately thereafter "on January 1, 1999."

Renumber accordingly

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

HB 1075, as engrossed: Your conference committee (Sens. Fischer, Thane, DeMers and Reps. Devlin, Porter, Niemeier) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 861 and place HB 1075 on the Seventh order.

Engrossed HB 1075 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

HB 1075

TESTIMONY OF DOUGLAS A. BAHR

ON

HOUSE BILL 1075

Mr. Chairman, members of the committee, I am Douglas A. Bahr, an assistant attorney general and counsel to the North Dakota State Board of Examiners for Nursing Home Administrators. I am here today to give a summary of House Bill 1075 on behalf of the Board.

Section 1. Section 1 amends N.D.C.C. § 43-34-03 to specifically provide for application and examination fees. The amendment also establishes a cap on the fees. The Board needs discretion in establishing the fees because the costs of the fees change. For example, the examination used by the Board is administered by the National Board of Examiners of Long Term Care Administrators. The National Board of Examiners of Long Term Care Administrators periodically changes the examination fee.

Section 1 also removes outdated language granting a waiver to Nursing Home Administrators practicing when N.D.C.C. ch. 43-33 was adopted.

Section 2. Section 2 amends N.D.C.C. § 43-34-10 to provide that an applicant to renew a license must provide evidence that the applicant has completed the continuing education requirements specified by the Board. The amendment further provides that a license may be renewed within six months from the date of expiration if the person makes application to the Board, pays the renewal fee, and a late fee. If a license has been expired for more than six months, an individual would have to file a new application and meet current licensure requirements.

Section 3. Section 3 amends the title of N.D.C.C. § 43-34-12 to more accurately reflect the substance of the section. Properly used, reciprocity denotes "the relationship existing between two states when each of them gives the subjects of the other certain privileges, on condition that its own subjects shall enjoy similar privileges at the hand of the latter state." Black's Law Dictionary, 1270 (6th ed. 1990). The substance of section 43-34-12 does not require that the other state grant a license to North Dakota licensee. Accordingly, the title to this section is changed to more accurately reflect the substance of the provision.

Section 4. Section 4 adds a new section to chapter 43-34 providing the Board may issue a provisional license to an applicant who has not passed the examination if the applicant satisfies the other requirements for licensure and pays a fee determined by the Board not to exceed \$100.00. The holder of a provisional license must take the next scheduled written examination. A provisional license would permit an otherwise

qualified individual to practice until they have had the opportunity to take the examination.

Section 5. Section 5 creates a new section to chapter 43-34 authorizing the Board to establish continuing education requirements. It further provides the Board may refuse to renew a license if the applicant fails to meet the applicable continuing education requirements. The new section also authorizes the Board to charge a reasonable fee to applicants for accreditation of continuing education courses, classes, or activities. The purpose of the fee is to offset the cost to the Board of reviewing and approving applications.

Section 6. Section 6 repeals N.D.C.C. § 43-34-11 regarding emergency licenses.

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TESTIMONY OF DOUGLAS A. BAHR

ENGROSSED HOUSE BILL 1075

Senate Human Services Committee
March 1, 1999

Chairman Thane, members of the Senate Human Services Committee, I am Douglas A. Bahr, an assistant attorney general and counsel to the North Dakota State Board of Examiners for Nursing Home Administrators. I am here today to give a summary of Engrossed House Bill 1075 on behalf of the Board.

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