

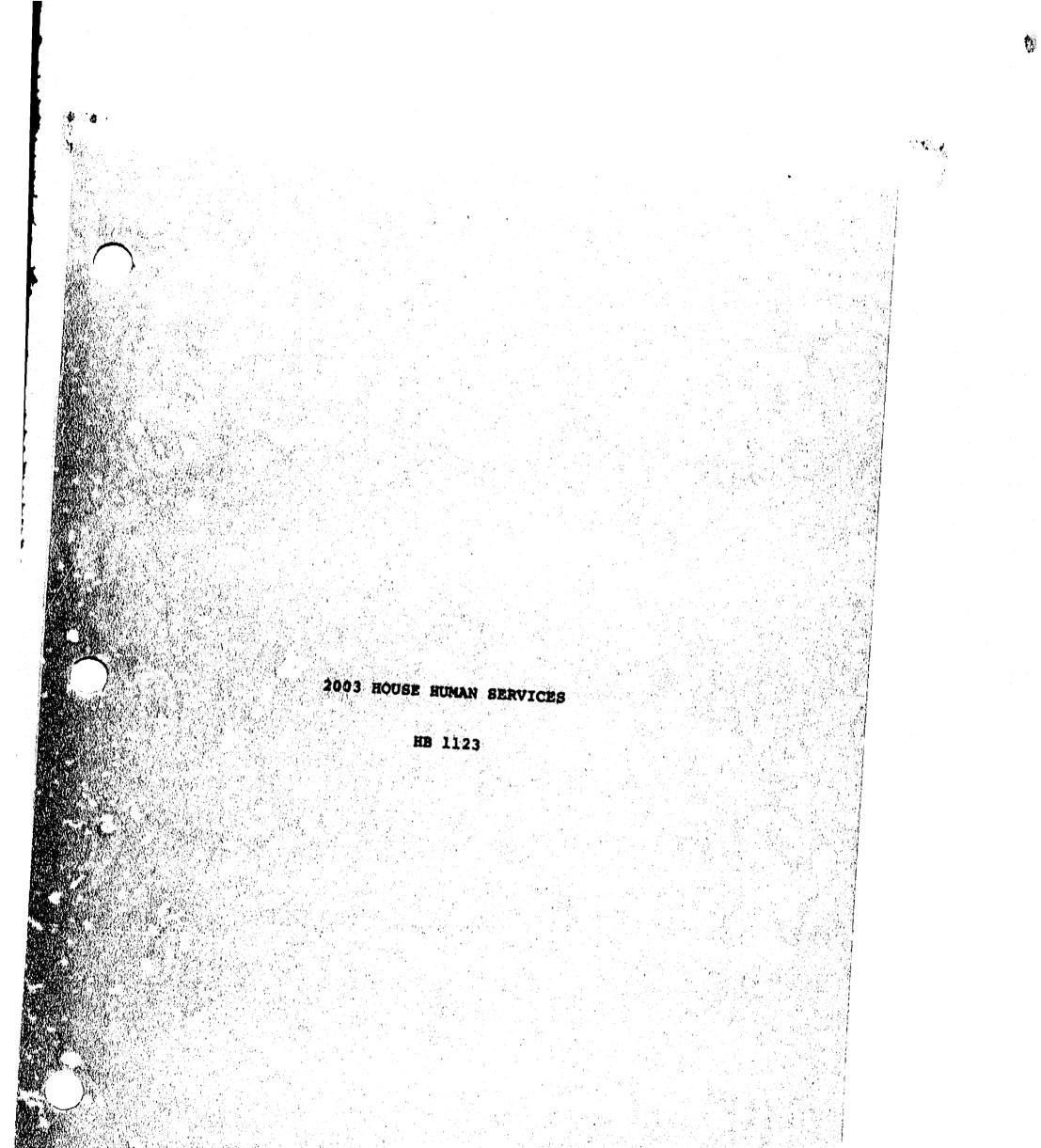
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1123

House Human Services Committee

Conference Committee

Hearing Date January 8, 2003

Tape Number	Side A	Side B	Meter #
1	X		18.7 - 28.1
			· · · · · · · · · · · · · · · · · · ·
Committee Clerk Signature	Shar	x Kentran	
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<u>Terry Dwelle</u>, the State Health Officer of the ND Dept. of Health appeared with written testimony in favor of bill stating that this bill will allow the State Health Officer to appoint a Deputy State Health Officer to act on his or her behalf in the event of the absence or disability of the State Health Officer.

Questions and discussion on who was currently acting now and if they were asking for adding an FTE, changing their budget or increased compensation for this person, but just giving statutory authority to a Deputy State Health Officer. They are not asking for appropriations to fund this position.

<u>Rep. Weisz and Rep. Devlin</u> had concerns of who gives authority to appoint a State Health Officer or Deputy. Answer was given as the Governor would. Also concerns of the committee that if the State Health Officer would resign, the Deputy would be acting as the State Health

Bankanning Standard Standard Contract and Standard Standard Standard Standard Standard Standard Standard Standard 21 The micrographic images on this film are accurate reproductions of records delivered to makers information methods and were filmed in the regular course of business. The photographic process meets standards of the American metional Standards (ANSI) for archival microfilm. NOTICES If the filmed mage above is less legible than this Notice, it is due to the quality of the 03 N2 document being filmed. ۸D $\hat{\mathbf{O}}$ Operator's Signature þ.

House Human Services Committee Bill/Resolution Number HB 1123 Hearing Date January 8, 2003

Officer. Answer was given as the Governor would have to appoint an acting State Health

Officer if there was a search being made.

<u>Rep. Porter</u> noted that in the case of Mr. Sagsveen when he was the Health Officer, there has to be a physician oversight committee that is in place, beings he was not a doctor. Is there a standing committee in place that would be there for the medical expertise if the deputy would not be a physician?

Answer: Some part-time doctors and some full time doctors are there for support.

Questions and concerns as to who would be choosing that person, where it was noted that they

have a health council that is contacted and consulted on matters of this in the Health Department.

End of Hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

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BILL/RESOLUTION NO. HB 1123

House Human Services Committee

Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
1	X		28.5 - 37.0
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Committee Clerk Signa	ture Shar	n Kentra	J
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Minutes: Committee Work

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<u>Rep. Devlin</u> presented amendment stating that if we don't have a deputy state health officer what either has public health or medical type degree then just having an administrative type person, would really be concerned if the local public health agency or somebody called the Dept. and needed some help and the medical officer was out of the state and they would get someone with no medical background and all of a sudden was the deputy, feels this would create real problems with the State of ND. I wanted to do with the amendment was tighten it up, and the Governor can now appoint a Health Officer now if the current Health Officer is gone, but I feel we need to make sure that whoever they have in there for a Deputy is more than just for an administrative type person.

<u>Rep. Devlin</u> moved the amendments, second by Rep. Pollert.

<u>Rep. Potter</u>: Do we know if the new person identified as the Deputy Health Officer has any medical background and if any ramifications: Answer: by Rep. Price as there may be some

Continues and Longerty of Action The cicrographic images on this film are accurate reproductions of records delivered to Modern Information executions for alcostitudes and user filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 0203 **Operator's Signature**

House Human Services Committee Bill/Resolution Number HB 1123 Hearing Date February 10, 2003

discussion when it hits the Senate side as to maybe we should be specifying the duties of the Deputy different or something like that. I think it would it up for a whole new discussion. If in fact the medical back up is there, we have no certainty of how that person makes those types of decisions for isolation or quarantine. Is there a requirement that they call on such and such for an agreement with the medical. What procedures would that deputy go through? Vote on amendment: 11-1-1 Rep. Weisz was gone. Rep. Devlin moved a DO PASS as AMENDED, second by Rep. Kreidt.

11-1-1, Rep. Sandvig to carry.

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FISCAL NOTE Requested by Legislative Council 03/26/2003

Amendment to: HB 1123

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-200	5 Biennium	2005-2007 Bienniun		
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds	
Revenues							
Expenditures							
Appropriations						1	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001	1-2003 Blenr	nium	200	3-2005 Bieni	nium	200	5-2007 Bieni	nium
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

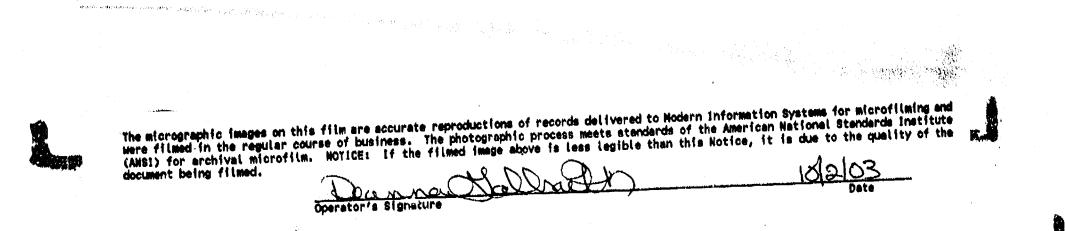
HB 1123 allows the state health officer to appoint a deputy state health officer who may act as state health officer during his or her absence or disability. An administratively assigned deputy is included in the 2001-03 and 2003-05 budget. The position also functions as Administrative Support Section Chief.

This amendment adds the requirement that if the deputy state health officer does not hold a health-related degree they may not issue an order regarding an individual's health care unless cosigned by a physican employeed by the Department or the state epidemiologist.

- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
 - A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.
 - B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the blennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Kathy J. Albin	Agency:	Health Department
Phone Number:	328.4542	Date Prepared:	03/26/2003



FISCAL NOTE Requested by Legislative Council 02/11/2003

Amendment to: HB 1123

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Blennium		2003-200	5 Blennium	2005-2007	/ Biennium
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						1
Expenditures		11				1
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

200	1-2003 Bienn	itam .	2003	3-2005 Blenn	lum	200	5-2007 Bienr	nlum
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Engrossed HB 1123 allows the state health officer to appoint a deputy state health officer who may act as state health officer during his or her absence or disability. An administratively assigned deputy is included in the 2001-03 and 2003-05 budget. The position also functions as Administrative Support Section Chief.

The amendment to this bill adds the requirement that the deputy state health officer must hold at a minimum a baccalaureate degree in a health-related field, such as epidemiology or public health.

- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
 - A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.
 - B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/11/2003

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FISCAL NOTE Requested by Legislative Council 01/03/2003

Bill/Resolution No.: HB 1123

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Blennium		2003-200	5 Biennium	2005-200	7 Biennium
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				1 1		
Expenditures					<u></u>	
Appropriations						

1B. Courity, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

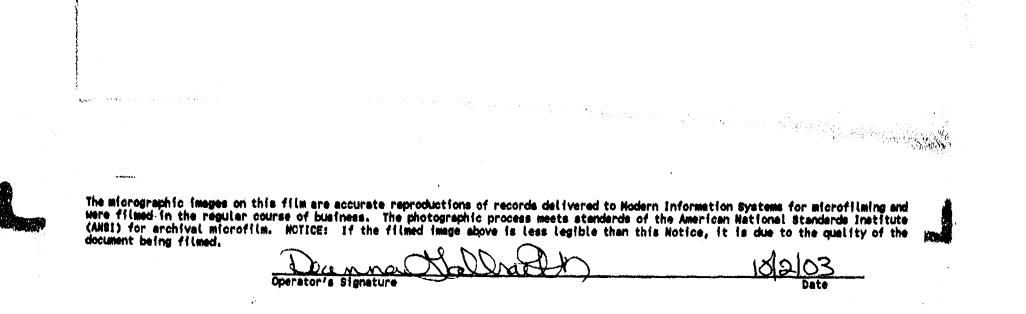
200	1-2003 Bienr	nium	200	3-2005 Bienr	nium	200	5-2007 Bierw	nium
		School			School			School
Counties	Cities	Districts	Counties	Cities	Districts	Counties	Cities	Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

HB 1223 allows the state health officer to appoint a deputy state health officer who may act as state health officer during his or her absence or disability. An administratively assigned deputy is included in the 2001-03 and 2003-05 budget. The position also functions as Administrative Support Section Chief.

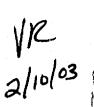
- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
 - A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.
 - B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.
 - C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/06/2003



38154.0101 Title.0200

Adopted by the Human Services Committee February 10, 2003



HOUSE AMENDMENTS TO HOUSE BILL NO, 1123 HS 2-10-03

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-08 of the North Dakota Century Code, relating to authority of the state health officer to appoint a deputy state health officer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-08 of the North Dakota Century Code is amended and reenacted as follows:

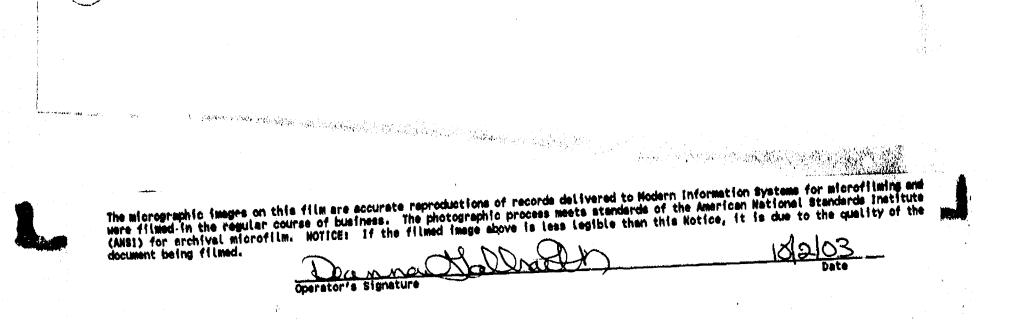
23-01-08. Directors of divisions - <u>Deputy</u> - Appointment, salary, duties. The state health officer shall appoint directors of the various divisions of the department and shall determine the salary, within the limits of legislative appropriations to the department and in conformity with the state merit system, to be received by such persons. The duties of such director must be those prescribed by the state health officer. The state health officer may appoint a deputy state health officer. The deputy state health officer must hold, at a minimum, a baccalaureate degree in a health-related field, such as epidemiology or public health. The deputy state health officer serves at the pleasure of the state health officer."

Renumber accordingly

京都市市市市市 Page No. 1 38154.0101 annan ar airtean an ann an taraichte an taraichte an taraichte an taraichte an taraichte an taraichte an taraich We were a man to share and the state The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. Novice: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature 5

			TTEE ROLL CALL VO7 NO. HB 1123	ES	
louse	HUMAN	SERVI	CES	Com	mittee
Check here for Conference	Committee				
egislative Council Amendmen	t Number				
	~ ^		as Amended.		
Action Taken					-
Notion Made By Rep [Veulin_	Se	conded By Rep KA	<i>lidt</i>	
				1	
Representatives Rep. Clara Sue Price - Chair	Yes	No	Representatives Rep. Sally Sandvig	Yes	No
Rep. Bill Devlin, Vice-Chair		├	Rep. Bill Amerman	12	
Rep. Robin Weisz	A. K		Rep. Carol Niemeier	- L	·
Rep. Vonnie Pietsch			Rep. Louise Potter		i
Rep. Gerald Uglem					
Rep. Chet Pollert	V				
Rep. Todd Porter		V			
Rep. Gary Kreidt	V				
Rep. Alon Wieland	K				
<u> </u>) 		
otal (Yes) //		No	1		
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REPORT OF STANDING COMMITTEE (410) February 10, 2003 3:09 p.m.

Module No: HR-25-2167 Carrier: Sandvig Insert LC: 38154.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1123: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1123 was placed on the Sixth order on the calendar.

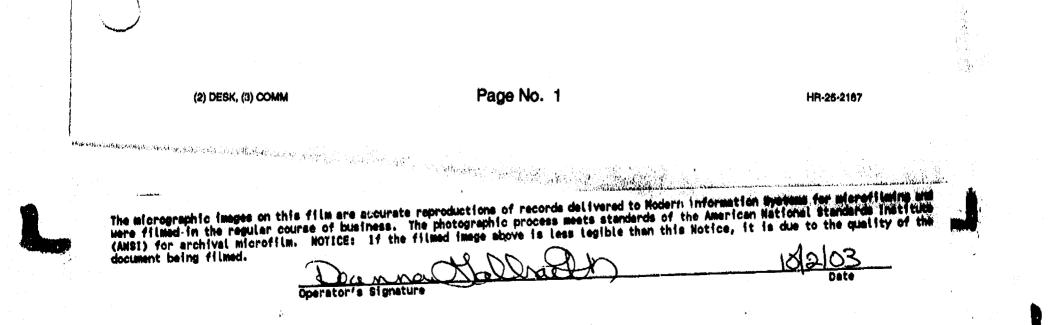
Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-08 of the North Dakota Century Code, relating to authority of the state health officer to appoint a deputy state health officer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-08 of the North Dakota Century Code is amended and reenacted as follows:

23-01-06. Directors of divisions - <u>Deputy</u> - Appointment, salary, duties. The state health officer shall appoint directors of the various divisions of the department and shall determine the salary, within the limits of legislative appropriations to the department and in conformity with the state merit system, to be received by such persons. The duties of such director must be those prescribed by the state health officer. The state health officer may appoint a deputy state health officer. The deputy state health officer must hold, at a minimum, a baccalaureate degree in a health-related field, such as epidemiology or public health. The deputy state health officer serves at the pleasure of the state health officer."

Renumber accordingly





HB 1123

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1123

Senate Appropriations Committee

Conference Committee

Hearing Date 2-26-03

Tape Number	Side A	Side B	Meter #
1		X	29.4 - end
Committee Clerk Signatu	ire Sandia.	DAvism	

Minutes: <u>Chairman Holmberg</u> called the meeting to order. Authority of the state health officer to appoint a deputy state health officer is the issue.

Testimony in Support of HB 1123

Terry Dwelle - State Health Officer of the North Dakota Department of Health. (meter 29.5)

Introduced the Bill. Read Testimony - Exhibit #1

Sen. Mathem asked (meter 35) what specific law does not give you the ability to delegate

authority. He responded that certain statutory committees that say the "State Health Officer"

does not have the authority and in accordance of the Attorney General's office the four listed

items are undelegatable by the State Health Officer to a Deputy State Officer.

Sen Kilzer discussed (meter 36) as an appointee of the Governor can you not recommend that he do these things as a possibility.

Constant and a state of the second state of th The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. HOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature

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Senate Appropriations Committee Bill/Resolution Number HB 1123 Hearing Date 02/26/03

<u>Sen. Krauter</u> questioned the intent of the amendment. The concern that a college degree person alone vs a decision that is not made by this one person alone but by the collateral works of experts in many fields.

<u>Sen. Kilzer</u> discussed fiscal (meter 37.6) implications? None How does this person get paid? The position/person already exists.

<u>Sen. Andrist</u> discussed why the bill ended up here (meter 37)

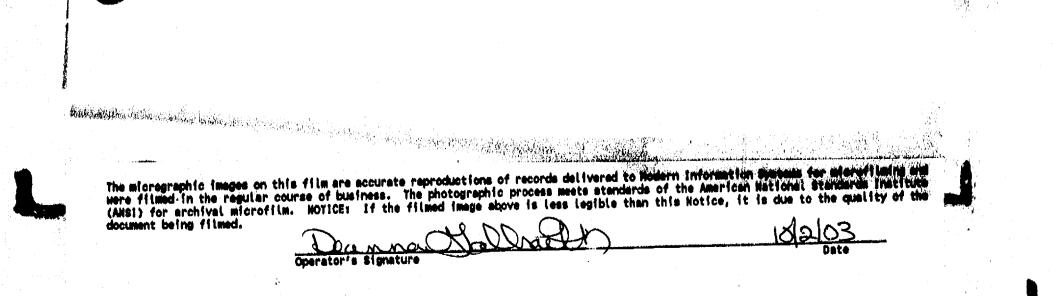
<u>Sen.Christmann</u> discussed how the deputy in place needs permission for authority Discussion on how to amend would best work. (meter 38.9) Education Vs job experience discussed.

Discussion of a Statutory Deputy.

<u>Arby Smith</u> - Deputy State Health Officer (meter 41) I am an administrative assigned deputy. I do not have Statutory authority; and in accordance to the Attorney Generals office, only minor duties may be delegated by the Health Officer. By definition, the deputy-in law, allows the individual to perform any of the functions, in the absence of the State Health officer.

<u>Howard Snortland</u> - Represent the Association of Former Public Employee. (meter 42.5) Discussed the PURSE Board. We discussed increasing the board to include the State Health Officer onto the board. This allows a member to be on our board from the State Health Department.

Discussion of Amendment and people of expertise in different fields complementing each other. Discussion of a person's capability of making a decision without **any** proper background to do so (meter 48). This is why I as a Doctor, need to consulate with and Engineer on maters I am not an expert on to make me one. While I understand your argument you need to appreciate where I am



Senate Appropriations Committee Bill/Resolution Number HB 1123 Hearing Date 02/26/03

coming from. The importance of collaboration; of more than one entity, is what any one person in this position has to do to reflect the vastness of this job.

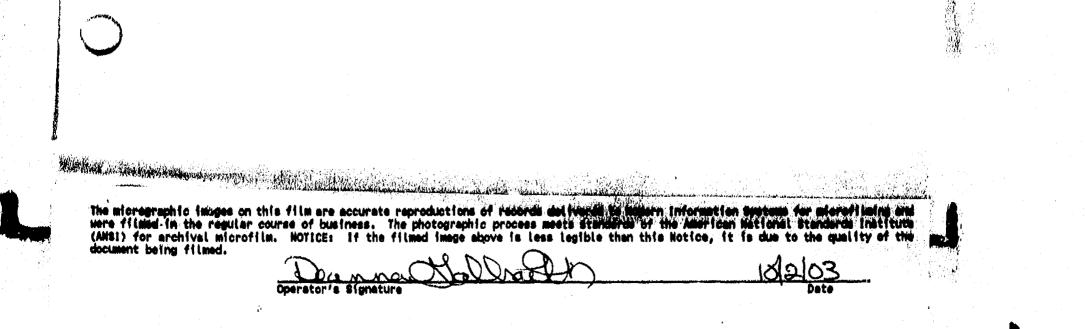
Testimony in Opposition of HB 1123

None

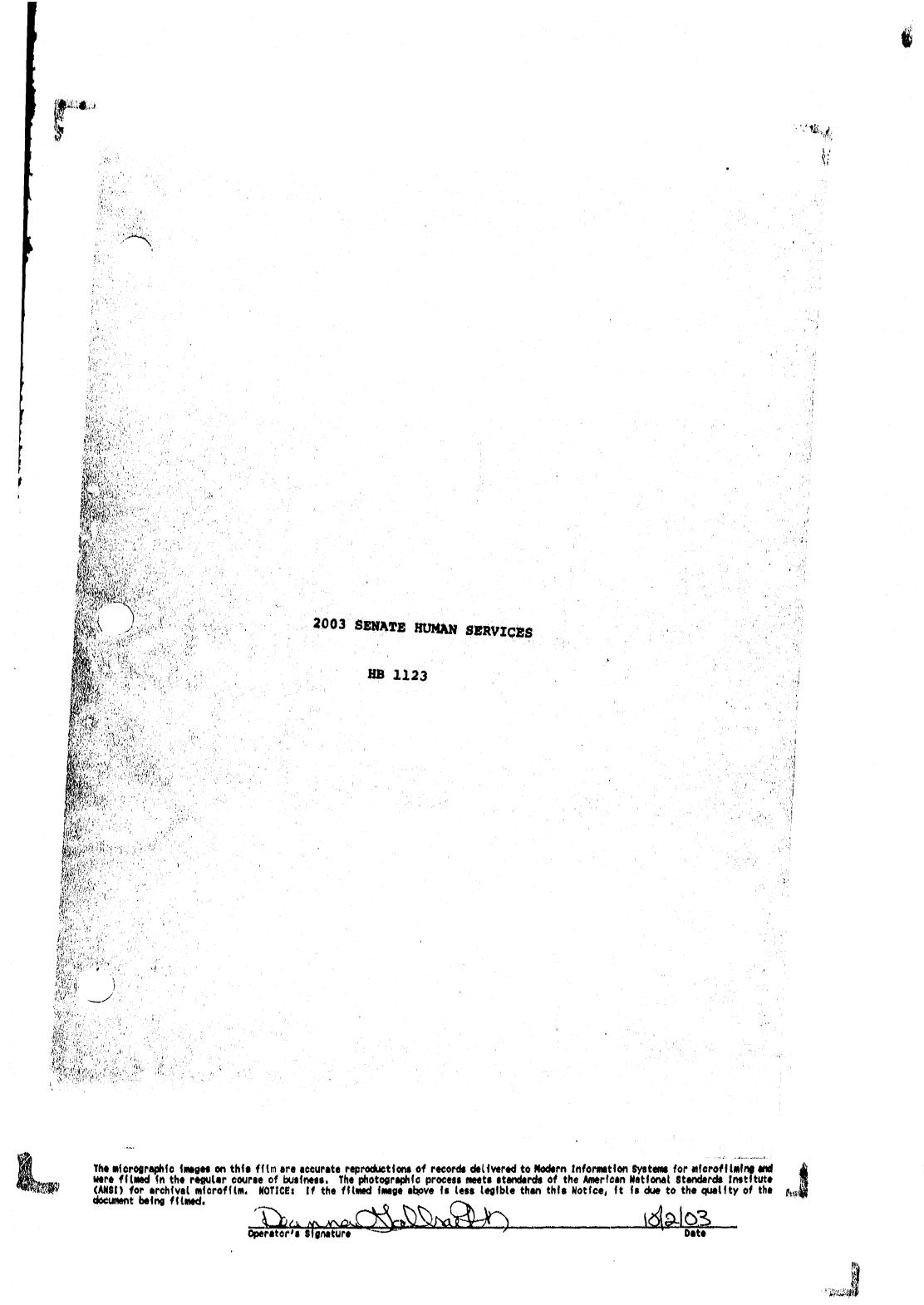
Discussion to eliminate house amendment or we element bill. Is this bill policy or budget. (meter 54) There is a need in this department to use experts in many fields but does this bill do this or should it go to a policy committee.

Sen Holmberg discussed (meter 56.5) how this bill should be reassigned to an appropriate study subcommittee looking into the Department of Health to meet this afternoon with; Sen.Andrist Sen. Kilzer and Sen. Matheren. All were in agreement.

Senator Ray Holmberg, Chairman closed the hearing.



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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1123

Senate Human Services Committee

Conference Committee

Hearing Date March 10, 2003

Tape Number	Side A	Side B	Meter #
1		X	1669 - end
2	X		0 - 2260
Committee Clerk Signature	Donne	Kramer	, Clark

Minutes:

SENATOR JUDY LEE opened the public hearing for HB 1123 relating to the authority of the state health officer to appoint a deputy state health officer.

TERRY DWELLE, State Health Officer of the North Dakota Department of Health, testified in support of the bill. ... Referred to bioterriorism events ... Passage of the bill would allow the state health officer to delegate certain administrative duties to the deputy which would enhance the efficiency and responsiveness of the department. In addition, this bill would provide the department with the flexibility to employ a state health officer and a deputy health officer who have a complimentary set of expertise, skills and knowledge. ... Requested removing sentence in Engrossed HB 1123 regarding the educational requirements. ... (Written testimony) (Meter # 1669 - 2029)

SENATOR LEE: In looking at list of administrative actions, she asked if there were any administrative rules in place about how you or a deputy would make decisions about quarantine

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Senate Human Services Committee Bill/Resolution Number HB 1123 Hearing Date March 10, 2003

and isolation, bioterrorism attacks and some of those things that are a little more staff in nature.

(Meter # 2029 - 2080)

TERRY DWELLE: There are not a lot of administrative rules in place ... latitude to bring in experts. (Meter # 2082 - 2182)

SENATOR LEE: Asked about job description ... Concern about procedure. Continued discussion with Mr. Dwelle and committee regarding possibilities for new directions - administrative rules could be explored, handling of infectious diseases (Meter # 2183 - 2903) SENATOR FAIRFIELD: Referred to list - currently do not have authority to delegate? Who's accountable for making decisions?

TERRY DWELLE: Bill allows authority to delegate. "Buck stops" with the state health officer.

... Responsibilities have exploded ... (Meter # 2929 - 3322)

SENATOR FAIRFIELD: Because of increased level of responsibility, curious about desire to remove educational requirement for deputy? Education requirements for state health officer? Remove education requirement for deputy, is giving decision making appropriate to give to somebody ... (Meter # 3338 - 3420)

TERRY DWELLE: Complimentary skills needed ... Deputy at this time brings a separate set of needed skills ... Management important ... No educational requirements now ... (Meter # 3420 - 3733)

SENATOR FAIRFIELD: What are the educational requirements?

TERRY DWELLE: There are none.

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SENATOR LEE: It is not a requirement that the state health officer be a physician. (Meter # 3734 - 3790)

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Senate Human Services Committee Bill/Resolution Number HB 1123 Hearing Date March 10, 2003

SENATOR FAIRFIELD: Goes back to accountability. Does this mean delugating? (Meter #3818 - 3912)

TERRY DWELLE: Not sure that there are ways of delegating. ... State health officer

responsibility - ultimate ... (Meter # 3925 - 4105)

SENATOR FISCHER: Collaborative department?

TERRY DWELLE: True (Meter # 4106 - 4228)

SENATOR LEE: Accountability taken seriously ... Concerns about unusual circumstances ...

Can we work on together that will provide a "comfort level"? ... Continued discussion regarding

areas of expertise ... element of flexibility ... (Meter # 4250 - 4790)

SENATOR LEE: Co-chairs ... deputy only? ... Flow chart? ... Job descriptions - not

comfortable ... (Meter #4800 - 5000)

TERRY DWELLE: Not asking for co-chairs ... functions going at same, deputy to augment in place of state health officer ... Continued discussion with committee regarding official order issue - deputy could sign ... should be a health background ... duplicate skills? ... capability concern ... (Meter #5047 - 5984)

SENATOR FAIRFIELD: System in place now. What process exists? Where is the governor in this? (Meter # 6060 - 6200)

TERRY DWELLE: Don't know about governor ... Critical in selecting individuals ...

Educational requirements don't necessarily translate into competency ... (Tape 1, Side B, Meter 6200 - end and Tape 2, Side A, Meter # 0 - 64)

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SENATOR LEE: Board in place? (Meter # 90)

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Senate Human Services Committee Bill/Resolution Number HB 1123 Hearing Date March 10, 2003

TERRY DWELLE: Changes ... Board did dissolve ... Reorganization structure of the Health Department - we now have 7 physicians - what are called State Medical Officers ... moved into

place to provide expertise ... (Meter #115 - 225)

SENATOR LEE: Do you consult with physicians now?

TERRY DWELLE: Yes, we have an informal way.

SENATOR POLOVITZ: Do you have a job description? (Meter # 265)

TERRY DWELLE: Yes. (Meter # 300)

SENATOR POLOVITZ: Can you delegate?

TERRY DWELLE: Some things cannot delegate because of statutory requirements.

SENATOR POLOVITZ : Do you have a deputy now?

TERRY DWELLE: Not a statutory one. ... Ultimate decision rests with state health officer. ...

Certain decisions made need to be made ... (Meter # 301 - 670)

SENATOR BROWN: How is this bill going to help you with your delegation?

Continued discussion with committee members regarding delegating responsibilities to a deputy

... not only in absence but in simultaneous work ... voting capabilities, also ... (Meter # 672 - 900)

SENATOR LEE: Concern is that medical decisions in acute situations might be made by a

non-medical person who might be the deputy director ... consultations being made ... rules

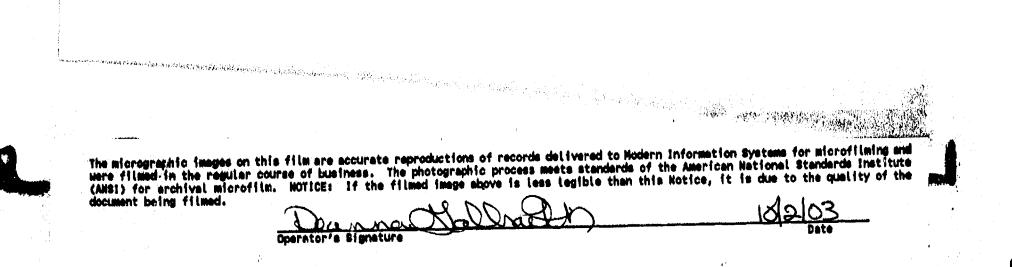
made ... (Meter #901 - 1010)

TERRY DWELLE: Wording could be addressed. ...

SENATOR FISCHER: Add on end amendment. ... (Meter # 1050)

SENATOR LEE: Asked for job description of both and flow charts. ... (Meter # 1061 - 1120)

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Senate Human Services Committee Bill/Resolution Number HB 1123 Hearing Date March 10, 2003

HOWARD SNORTLAND, representative of Association of Former Public Employees, testified in favor. Opened a "Pandora's box". Gave background on PERS board - originally 5 people. Wanted 7 members. PERS agreed to the State Health Officer become a member of the board. ... Problem right now is that the deputy cannot vote ... she cannot be an active member of the board. ... (Meter # 1128 - 1340)

TOM TUPA, with the Association of Former Public Employees, testified in favor of the bill. Thinks there is some amendatory language applicable. Suggested amendment - Lines 10 - 13. ... Our concern is having somebody on the PERS board - individual who has expertise and voting authority ... (Meter #1360 - 1564)

SENATOR LEE: It doesn't matter to the PERS board if the member is a MD?

TOM TUPA: That is correct. Further discussion with SENATOR LEE regarding membership requirements with PERS board. ... (Meter # 1565 - 1687)

ARNOLD THOMAS, President of ND Healthcare, testified in a neutral position. ND Healthcare Association is the entity that brought this particular section of the code to the legislature and requested a change in the qualifications of the State Health Officer. Legislature acted upon our recommendation and removed the restrictions placed upon the employment of the State Health Officer and limited those to being a physician. It was our vision back then and still continues that this a management responsibility first and foremost. We should not limit our resources in term.3 of where we buy that particular type of expertise that the Governor believes necessary for the department at the time in which the Governor makes the appointment for the Health Officer. It also should follow that the Health Officer should have the necessary expertise that he or she

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Senate Human Services Committee Bill/Resolution Number HB 1123 Hearing Date March 10, 2003

needs to manage all of the functions and activities of the department. Suggest language ...

6.25

(Meter # 1700 - 2000)

SENATOR LEE: Do you know if current statute requires this medical advisory board if the state health officer is not a MD?

ARNOLD THOMAS: The statute says if the Governor does not appoint a State Health Officer, a physician licensed in the state, the Governor shall appoint at least 3 licensed physicians that are recommended by the State Medical Association to serve as their advisory committee to the State Health Officer. ... Interestedly, the primary qualification for the State Health Officer ... must have ... management of people. ... (Meter 2001 - 2129)

SENATOR LEE: Public hearing closed. No committee action at this time. (Meter # 2260)

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Operator's Signature

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1123

Senate Human Services Committee

Conference Committee

Hearing Date March 25, 2003

Tape Number	Side A	Side B	Meter #
1	X		6205 - end
		X	0 - 485
	d 4		
Committee Clerk Signature	Donn	a Kram	r, Clerk

Minutes:

SENATOR JUDY LEE opened the committee discussion on HB 1123 relating to the authority of the state health officer. The amendment was referred ... regarding whether the deputy health officer should have a health-related degree. ... A physician would be involved in the decision about an individual's health care.

SENATOR FISCHER made a MOTION TO MOVE AMENDMENT.

SENATOR BROWN seconded the motion.

Roll call was read. 6 yeas. 0 nays.

SENATOR BROWN made a MOTION TO PASS AS AMENDED.

SENATOR FISCHER seconded the motion.

Roll call was read. 5 yeas. 1 nay.

1

SENATOR ERBELE will be the carrier. (Meter # 485)

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38154.0201 Title.0300 Prepared by the Legislative Council staff for Senator J. Lee March 25, 2003 6.2

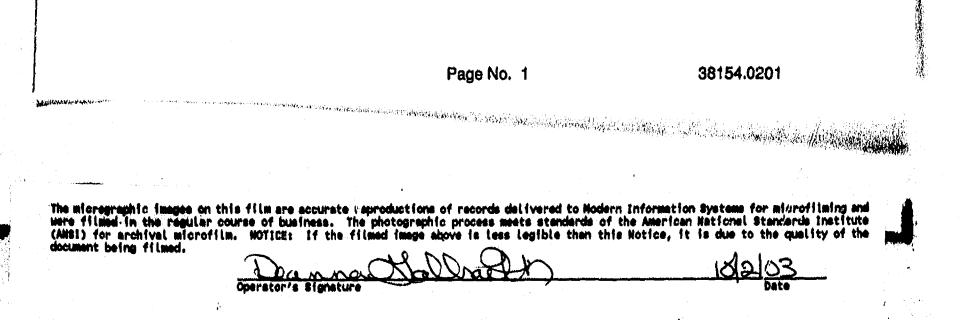
3-23-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1123

Page 1, line 11, replace "The deputy state health officer must hold, at a minimum," with "A deputy state health officer who does not hold a health-related degree may not individually issue on order regarding an individual's health care unless the order is cosigned by a physician who is employed by the department or cosigned by the state epidemiologist"

Page 1, line 12, remove "a baccalaureate degree in a health-related field, such as epidemiology or public health"

Renumber accordingly



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BI	DING C	COMMIT SOLUTIO	Date: Roll Call Vote #: TEE ROLL CALL VO ON NO.	TES	
Senate Human Services				Com	mittee
Check here for Conference Com	mittee				
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egislative Council Amendment Nun	oper _		·····		
Action Taken	no	e ar	nendments		
0	• • • •		nendments nded By Sen. 1	2	
Notion Made By Sen. Fr	scher	Seco	nded By Sew. 7	Trown	\underline{v}_{-}
Senators Senator Induit on Chairman	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman Senator Richard Brown - V. Chair.		┝ ┦ ─-	·····		
Senator Richard Brown - V. Chair. Senator Robert S. Erbele	V V	┝───╂╺			
Senator Tom Fischer	1	┝━──┤─			
Senator April Fairfield	~		······		·······
Senator Michael Polovitz	V		<u></u>		
tal (Yes)			0		

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1. A

-25-03 Date Roll Call Vote #

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 1/23

Do Pass as amended Sen. Brown Seconded By Sen. Fischer

Senate	Human	Services
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Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Yes	No	Senators	Yes	No
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Total

_____ No _____

Sen. Crbele

Absent

Floor Assignment

(Yes)

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

And the second second The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. Operator's Signature 1

REPORT OF ST. NDING COMMITTEE (410) March 25, 2003 4:30 p.m.

Module No: SR-53-5743 Carrier: Erbele Insert L.C: 38154.0201 Title: ,0300

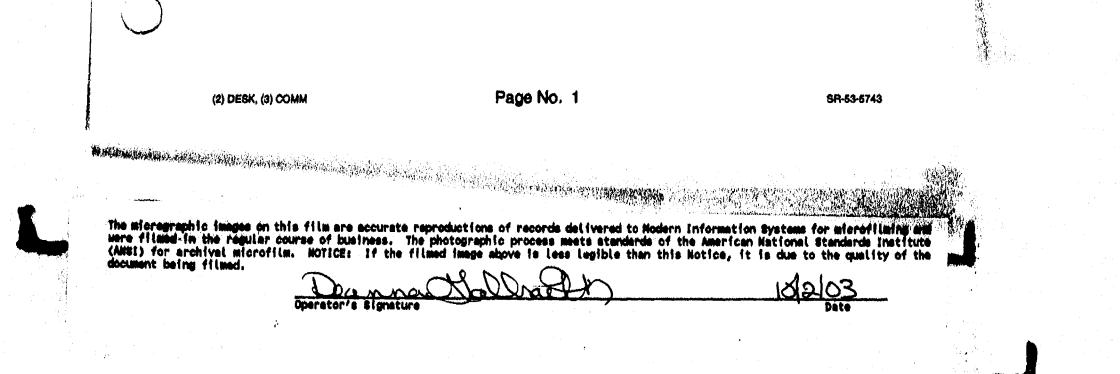
A.2. 20

REPORT OF STANDING COMMITTEE

HB 1123, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1123 was placed on the Sixth order on the calendar.

- Page 1, line 11, replace "The deputy state health officer must hold, at a minimum," with "A deputy state health officer who does not hold a health-related degree may not individually issue an order regarding an individual's health care unless the order is cosigned by a physician who is employed by the department or cosigned by the state epidemiologist"
- Page 1, line 12, remove "a baccalaureate degree in a health-related field, such as epidemiology or public health"

Renumber accordingly



学 橋子 94 2003 HOUSE HUMAN SERVICES CONFERENCE COMMITTEE HB 1123



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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1123

House Human Services Committee

Conference Committee

Hearing Date 4-9-03

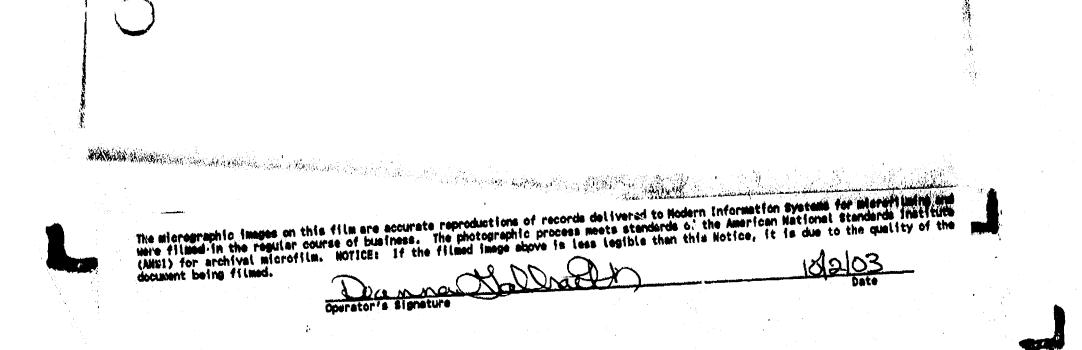
Tape Number	Side A	Side B	Meter #
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Committee Clerk Signatu	re Film	Yuni/al	
		1 11	

Minutes: Representative Pollert: called the conference committee to order on HB 1123.

Representative Pollert, Representative Devlin, Representative Potter, Senator Fischer, Senator Fairfield, Senator Erberle were present.

<u>Representative Devlin</u>: my concern was the languages of the individuals health care wasn't the issue that the House had the problem with, the House had the problem with somebody with no medical background, having public health discussions quarantine in the community that is what we were more concerned about, just as the situation in Minot. Public health incidents whether its quarantine or whatever, that they would have medical degree, the question is it costs us more then individuals health care, it the whole realm of public health issues.

<u>Senator Erberle</u>: so you are saying you would like to add language to talk about public health care but still want a degree person in there, the reason we went away from that part of it was because we don't require the health officer to have a degree.



House Human Services Committee Bill/Resolution Number HB 1123 Hearing Date 4-9-03

<u>Representative Devlin:</u> we just want to make sure that there is communication between a medical person and a non medical person.

Senator Fischer: how about if we add to the word regarding remove "a individuals health care"

and insert "public health issues" on line 3 after the word regarding.

Senator Erberle: would that still be inclusive of an individuals health care?

Representative Devlin: yes it would, I think that gets to essentially what the concern was, and the

other thing was just technical questions.

Senator Fischer: MOTION to RECEDE and further AMENDING the bill.

Senator Erberle: SECOND the motion.

Senator Fairfield: would it be cleaner if we eliminated "issue" after public health?

VOTE: 6-YES 0-NO 0-ABSENT.

Representative Pollert: will carry the bill.

Meeting adjourned.

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38154.0204 Title.0500

Adopted by the Conference Committee April 9, 2003

AS-55

Conference Committee Amendments to Engrossed HB 1123 - 04/09/2003

That the Senate recede from its amendments as printed on page 1109 of the House Journal and pages 911 and 954 of the Senate Journal and that Engrossed House Bill No. 1123 be amended as follows:

Page 1, line 2, after the second "officer" insert "; and to declare an emergency"

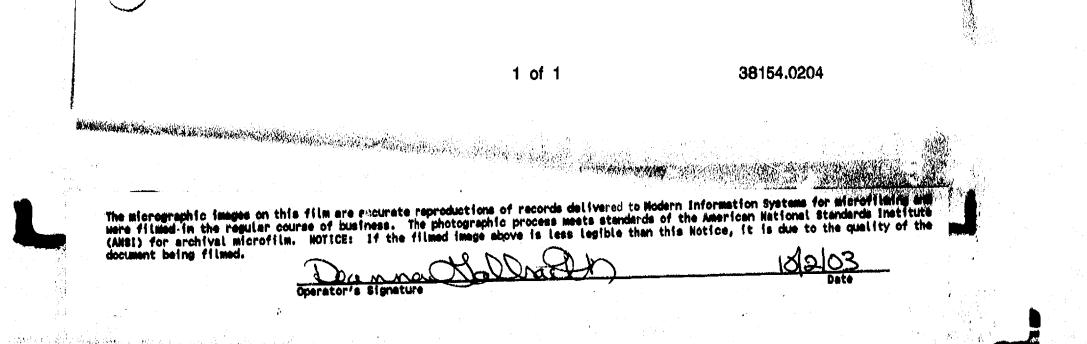
Page 1, line 11, replace "The deputy state health officer must hold, at a minimum," with "A deputy state health officer who does not hold a health-related degree may not individually issue an order regarding public health unless the order is cosigned by a physician who is employed by the department or cosigned by the state epidemiologist"

Page 1, line 12, remove "a baccalaureate degree in a nealth-related field, such as epidemiology or public health"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly



REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

Bill Number HB 1123 (, as (re)engrossed):

Your Conference Committee House Human Services Committee

For	the	Senate:	
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For the House:

Senator Erberle	ues	Rep. Pollert	yes	1
Sen. Fischer	vies	🖌 Rep. Devlin	ues	1
Sen. Fairfield	ues	Rep. Potter	ues	~

recommends that the (SENATE HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____

and place _____ on the Seventh order.

, adopt (further) amendments as follows, and place ______ on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) ______ was placed on the Seventh order of business on the calendar.

DATE: 4/9/03 CARRIER: Rep. Pollert

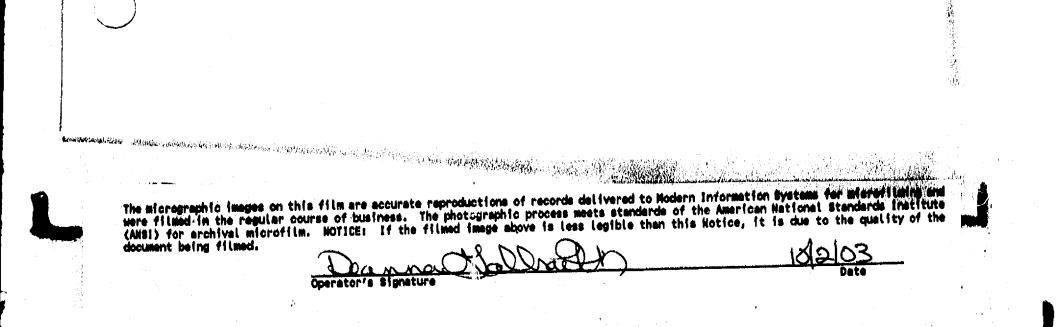
LC NO. of amendment

LC NO. of engrossment

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Emergency clause added or deleted

Statement of purpose of amendment



REPORT OF CONFERENCE COMMITTEE (420) April 10, 2003 2:58 p.m.

Module No: HR-65-7370

Insert L.C: 38154.0204

REPORT OF CONFERENCE COMMITTEE

HB 1123, as engrossed: Your conference committee (Sens. Erbele, Fischer, Fairfield and Reps. Pollert, Devlin, Potter) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1109, adopt amendments as follows, and place HB 1123 on the Seventh order:

That the Senate recede from its amendments as printed on page 1109 of the House Journal and pages 911 and 954 of the Senate Journal and that Engrossed House Bill No. 1123 be amended as follows:

Page 1, line 2, after the second "officer" insert "; and to declare an emergency"

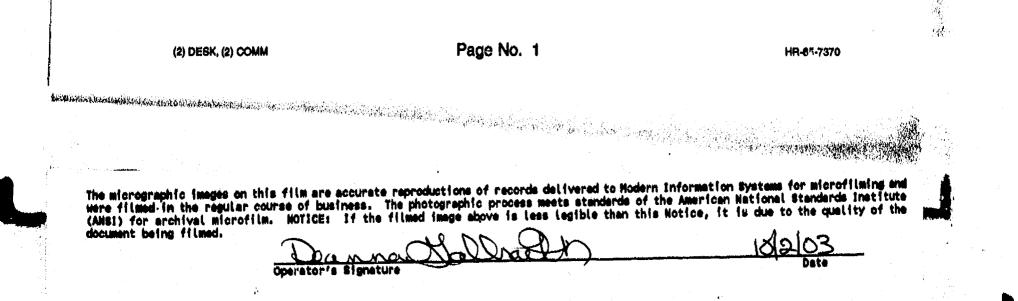
- Page 1, line 11, replace "The deputy state health officer must hold, at a minimum," with "A deputy state health officer who does not hold a health-related degree may not individually issue an order regarding public health unless the order is cosigned by a physician who is employed by the department or cosigned by the state epidemiologist"
- Page 1, line 12, remove "a baccalaureate degree in a health-related field, such as epidemiology or public health"

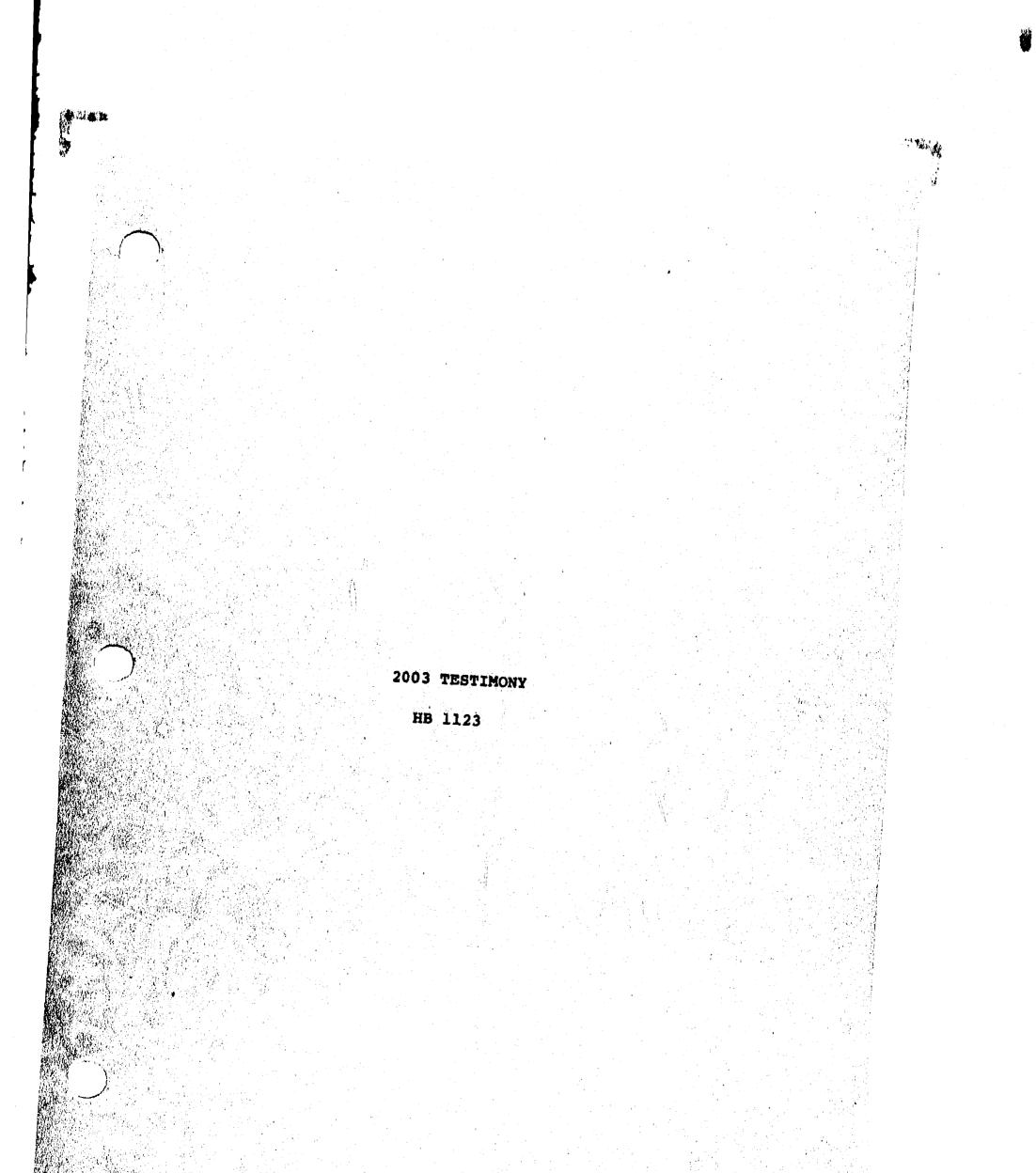
Page 1, after line 13, insert:

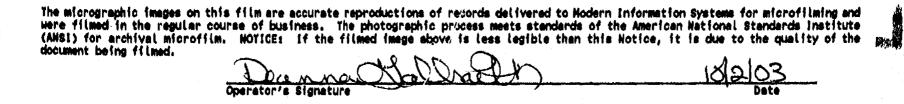
"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1123 was placed on the Seventh order of business on the calendar.







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Testimony

House Bill 1123

House Human Services Committee

Wednesday, January 8, 2003

9:30 a.m.

Chairman Price, members of the House Human Services Committee. My name is Terry Dwelle, and I am the State Health Officer of the North Dakota Department of Health. I am here today to provide testimony in support of House Bill 1123.

House Bill 1123 allows the State Health Officer to appoint a Deputy State Health Officer to act on his or her behalf in the event of the absence or disability of the State Health Officer.

By law, the State Health Officer is authorized to delegate only routine matters to department staff. Currently, the State Health Officer does not have the authority to delegate the following administrative actions:

- Issuing administrative orders limiting the actions of a person with a highly communicable disease, such as HIV, to prevent the spread of the disease.
- Imposing quarantine or isolation in the event of a bioterrorism event, such as a smallpox outbreak.
- Signing contracts with vendors and approving other actions of the department.
- Approving employment decisions.

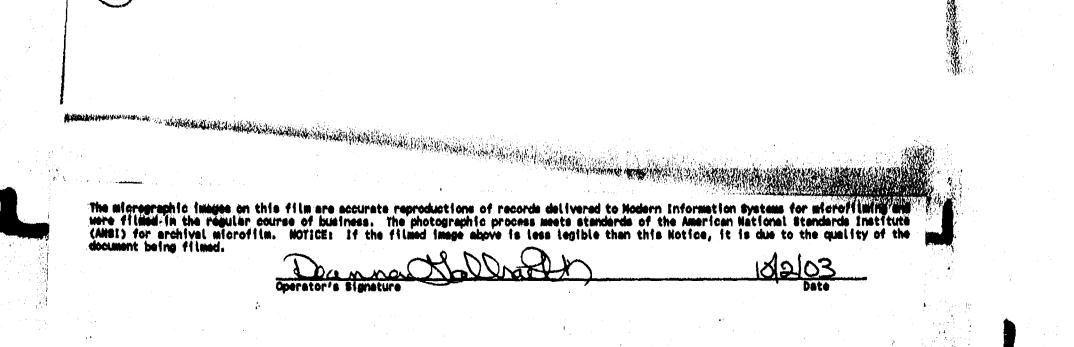
The events of September 11, 2001, have changed America in many ways. Homeland security has become a focus for the nation and has expanded public health's role in protecting our citizens against the threat of bioterrorism. The North Dakota Department of Health must be able and ready to respond quickly to a bioterrorism event or other public health emergency. Emergency orders regarding bioterrorism events or serious diseases cannot be delayed because the State Health Officer is unavailable.

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The Department of Health is a large and complex agency. Passage of House Bill 1123 would allow the State Health Officer to delegate certain administrative duties to the Deputy, which would enhance the efficiency and responsiveness of the Department. In addition, the bill would ensure continuity of authority and decision-making by enabling the Deputy State Health Officer to act on behalf of the State Health Officer, thus ensuring that the public's health is protected.

The Department of Health respectfully requests passage of House Bill 1123. At this time, I will be pleased to answer any questions you may have.

Thank you.



H81123

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1-01-11. Authority of deputies.

Any duty imposed upon a ministerial officer, and any act permitted to be done by him, unless otherwise provided, may be performed by his lawful deputy.

Source: R.C. 1943, § 1-0111.



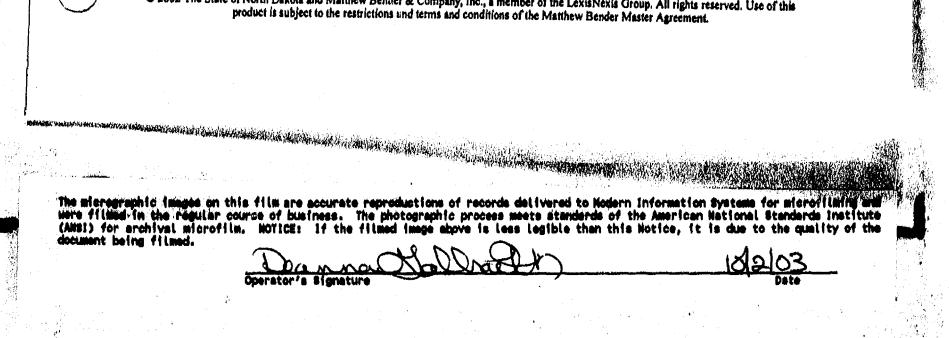


Exhibit 1

Testimony

House Bill 1123

Senate Appropriations Committee

Wednesday, February 26, 2003

10:30 a.m.

Chairman Holmberg, members of the Committee, my name is Terry Dwelle, and I am the State Health Officer of the North Dakota Department of Health. I am here today to provide testimony in support of House Bill 1123 with one suggested amendment.

House Bill 1123 allows the State Health Officer to appoint a Deputy State Health Officer to act on his or her behalf in the event of the absence or disability of the State Health Officer. However, the House amended the bill to require the Deputy State Health Officer to hold a baccalaureate degree in a health-related field such as epidemiology or public health. This education requirement is not consistent with many of the current duties of the Deputy State Health Officer and is more stringent than the education requirements for the State Health Officer.

The Department of Health submitted House Bill 1123 after being alerted to the fact that the State Health Officer is authorized to delegate only routine matters to Department staff. Delegation of the authority to perform various administrative functions is necessary to effectively meet statutory responsibilities of the State Health Officer and to appropriately respond to emergency situations occurring during the absence of the State Health Officer.

Currently, the State Health Officer does not have the authority to delegate certain administrative actions, including:

- Issuing administrative orders limiting the actions of a person who has a highly communicable disease such as HIV to prevent the spread of the disease.
- Issuing orders regarding environmental regulatory matters.
- Imposing quarantine or isolation in the event of a bioterrorism attack, such as a smallpox outbreak.
- Signing major contracts with vendors and approving other actions of the Department.
- Approving employment decisions.
- Serving on certain statutory committees.

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The Department of Health is a large and complex agency with many diverse functions ranging from bioterrorism preparedness and response, preventive health, and control of communicable diseases to environmental and health facility regulation. These functions require employment of individuals holding professional designations ranging from certified engineers, environmental scientists, and certified public accountants to doctors, nurses and nurse practitioners, microbiologists, epidemiologists, and chemists, as well as a variety of master's degrees. Regardless of the educational background of the State Health Officer or the Deputy State Health Officer, he or she will need to rely on experts both within and outside the Department in making decisions that affect public health.

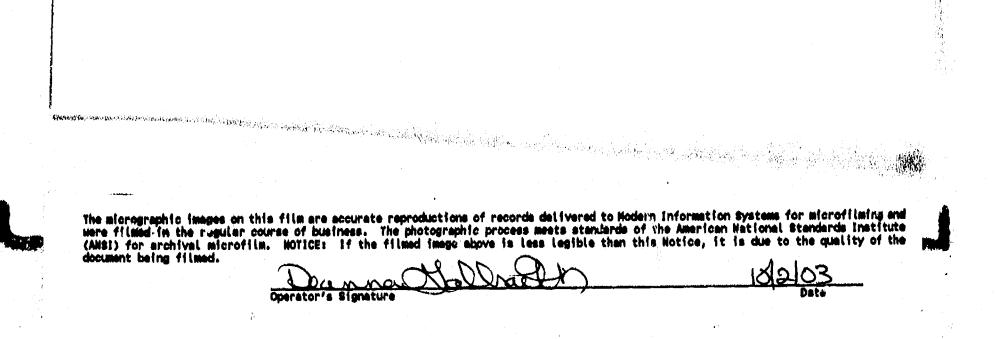
The events of September 11, 2001, have changed America in many ways. Homeland security has become a focus for the nation and has expanded public health's role in protecting our citizens against the threat of bioterrorism. The North Dakota Department of Health must be able and ready to respond quickly to a bioterrorism event or other public health emergency. Emergency orders regarding bioterrorism events or serious diseases cannot be delayed because the State Health Officer is unavailable.

Passage of House Bill 1123 would allow the State Health Officer to delegate certain administrative duties to the Deputy, which would enhance the efficiency and responsiveness of the Department. In addition, the bill would provide the Department the flexibility to employ a State Health Officer and a Deputy State Health Officer who have complementary sets of expertise, skills and knowledge available to efficiently and effectively ensure that the public's health is protected.

For example, currently I am able to bring medical expertise – including pediatrics, infectious disease and public health training and experience – and Arvy Smith, Deputy State Health Officer, has complementary expertise in accounting, budget and management. When a new State Health Officer is appointed in the future, a different set of complementary skills may be necessary.

The Department of Health respectfully requests that the Senate remove the sentence in Engrossed House Bill 1123 regarding the educational requirements for the Deputy State Health Officer and pass House Bill 1123. At this time, I am pleased to answer any questions you may have.

Thank you.



AMENDMENTS TO HB 1123

3-11-03

On page 1, line 11, delete "The deputy state health officer must hold, at a minimum."

On page 1, delete all of line 12,

On page 1, line 13, delete "deputy state health officer" and add the word "who" before the word "serves"

On page 1, after line 13, add the words "The state health officer may also appoint, with full authority, any person from the department to serve in the health officer's absense."

On page 1, add a new paragraph to read "Should any such appointment be made, the health officer, must ensure the appointee has expertise in the area to which the employee is appointed."

Renumber accordingly.

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