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10/3/03
Date

2003 HOUSE HUMAN SERVICES

HB 1267

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1267

House Human Services Committee

Conference Committee

Hearing Date January 21, 2003

Tape Number	Side A	Side B	Meter #
1	x		1.0 - 8.5
Committee Clerk Signature <i>Sharon Ruffalo</i>			

Rep. Keiser appeared as prime sponsor in support stating the husband and wife are jointly responsible for medical debts and this bill will add that to this section in the NDCC.

Todd Kranda of the ND Collector's Assoc. appeared in support stating necessary medical care is a jointly responsibility as well as food, shelter, clothing and this is the heart and clarification of the bill.

Questions of the committee on whether this would cause more divorces between couples because of Medicaid costs and the liability on nursing homes.

Kim Rau, of the ND Collector's Assoc. appeared in support with written testimony.

Craig Volesky, Dept. of Human Services of Medicaid eligibility appeared to address questions of the committee stating we do for Medicaid purposes say that spouses are responsible for each other and regardless of what happens on this bill, we still view it that way. Currently the amount of assets a spouse at home can keep increases and now is \$92,280.00 and the monthly income on

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House Human Services Committee
Bill/Resolution Number HB 1267
Hearing Date January 21, 2003

hand is between \$2200.00 - 2300.00. Any excess assets they would have to spend down before their spouse becomes eligible for Medicaid.

Arnold Thomas, Pres. of the ND Health Care Assoc. appeared in support and states this would clarify things.

No opposition. Closed the hearing.

Afternoon Discussion:

Rep. Sandvig had problems with the bill and concerns with increasing separations and divorces in regard to the medical bills.

Rep. Porter stated he didn't see it that way and that this is bill collection process where it was found to be a loop hole, this is just putting responsibilities with both the husband and wife as it should be.

Rep. Potter feels that 99% of people already think its their obligation to already pay for spouses medical bills.

Rep. Pollert moved a DP , second by Rep. Wieland. 11 - 1 - 1. Rep. Wieland to carry the bill.

Date: January 21, 2003
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1267

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Rep. Pollert Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair <u>A</u>			Rep. Sally Sandvig		✓
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep. Wieland

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

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La Costa Rickford Operator's Signature 10/2/03 Date

REPORT OF STANDING COMMITTEE (410)
January 21, 2003 4:42 p.m.

Module No: HR-11-0874
Carrier: Wieland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1267: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1267 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-11-0874

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10/2/03
Date

2003 SENATE HUMAN SERVICES

HB 1267

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Operator's Signature

10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1267

Senate Human Services Committee

Conference Committee

Hearing Date March 12, 2003

Tape Number	Side A	Side B	Meter #
1		X	2614 - 4260

Committee Clerk Signature *Donna Kramer, Clerk*

Minutes:

SENATOR JUDY LEE called to order the public hearing for HB 1267 relating to the liabilities of a husband and wife for medical care debts.

TODD KRANDA, Attorney at the Kelsch Law Firm in Mandan, appeared as a lobbyist in behalf of North Dakota Collectors Association, of whom Representative Keiser is the prime sponsor of this bill. Representative Keiser was here earlier and had to return to his committee. ... What this bill is intended to do - the purpose behind this bill is not to make any change, but simply to clarify. When you're dealing with medical care costs for a spouse that are necessities - there has been a concern or question raised by some lawyers that are not specifically defined in the laundry list that is included in the statute. Because it is not in there, there are arguments being made that it is not an expense a spouse is liable for the other spouse when it's a necessary cost. That simply

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Senate Human Services Committee
Bill/Resolution Number HB 1267
Hearing Date March 12, 2003

is not the case. We believe the responsibility does lie there ... inserted medical care ... (Meter #2730 - 2884)

KIM RAU, with the North Dakota Collector's Association, testified in support of the HB 1267.

(Written testimony) (Meter # 2922 - 3378)

ARNOLD THOMAS, President of North Dakota Healthcare Association, testified in support of the bill. ND Healthcare has an affiliation ... does have a wholly owned subsidiary for-profit collections company. Ms. Rau happens to be the ex of that enterprise and she nicely encouraged me to come in and take a look at what she was advancing on behalf of the Collector's Association. ... inclusion of the phraseology that the Collectors Association has put forward ... (Meter #3392 - 3561)

SENATOR LEE closed the public hearing. (Meter # 3602)

SENATOR ERBELE moved to DO PASS.

SENATOR BROWN seconded the motion.

SENATOR LEE: Asked for discussion.

SENATOR POLOVITZ: The list - is that all this applies to? Only obligations?

TODD KRANDA: What we have done is "laundry listing" as Mr. Thomas has indicated and we are stuck with the statute that defines the separate mutual rights and liabilities. I think there are certainly other obligations that can be litigated, but when you come down to the necessities, this specifically identifies food, shelter, clothing - things like that. And, obviously, medical care was not included but medical services, medical care certainly can be considered a necessity. ... different obligations of husband and wife ... subsection deals with outside responsibilities for necessities. ... credit card debts ... (Meter # 3758 - 4170)

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Senate Human Services Committee

Bill/Resolution Number HB 1267

Hearing Date March 12, 2003

Roll call was read. 6 yeas 0 nays

SENATOR ERBELE to be the carrier.

SENATOR LEE closed the meeting. (Meter # 4260)

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10/3/03
Date

Date: 03-12-03
Roll Call Vote #: ①

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1267

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Erbele Seconded By Sen. Brown

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Sen. Erbele

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

REPORT OF STANDING COMMITTEE (410)
March 12, 2003 2:08 p.m.

Module No: SR-44-4595
Carrier: Erbele
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1267: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-44-4595

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10/3/03
Date

7

2003 TESTIMONY

HB 1267

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10/3/03
Date

5

**TESTIMONY BEFORE THE HOUSE HUMAN SERVICES COMMITTEE
IN FAVOR OF HOUSE BILL 1267
JANUARY 21, 2003**

Chairman Price, members of the committee, I am Kim Rau with the North Dakota Collector's Association. I appear before you to provide support and information for House Bill 1267.

In North Dakota spouses are jointly and severally liable for each other's necessities. The section of law that address's this is 14-07-08. What HB 1267 does is simply clarify the law by adding medical care to the definition of necessities. Without specifying medical care, it has been left open for interpretation as to the liability for medical care.

If this bill is not passed, the interpretation can be made that a husband is not liable for his wife's medical care or vice versa. In this scenario if the wife had received medical care and doesn't work outside of the home, why would the husband pay the bill if he cannot be held liable?

There had been some questions on this bill regarding spousal liability on nursing home care. This bill will not impact the impoverishment protection provision of the Medicaid laws. I have spoken with Shelly Peterson, Executive Director of the ND Long Term Care Association, who confirmed this with Dave Zenter of the Medicaid Office. I have also spoke with Craig Volesky from the Medicaid office who also confirms that HB 1267 will not impact that protection.

The bill before you is simply a clarification of the law and I urge your support of HB1267.

F

**TESTIMONY BEFORE THE SENATE HUMAN SERVICES COMMITTEE
IN FAVOR OF HOUSE BILL 1267
MARCH 12, 2003**

Members of the Human Services committee, I am Kim Rau with the North Dakota Collector's Association. I appear before you to provide support and information for HB 1267.

In ND spouses are jointly and severally liable for each other's necessities. The section of law that address's this is 14-07-08, subsection 3. What HB 1267 does is simply clarifies the law by adding medical care to the definition of necessities. Without specifying medical care, it has been left open for interpretation.

The ND Courts have found that there is mutual liability for medical care, so this bill will not change that ruling. What it will do is eliminate the question.

The state of Minnesota opted to include in their law the medical care portion for necessities. It reads:

A spouse is not liable to a creditor for any debts of the other spouse. Where husband and wife are living together, they shall be jointly and severally liable for necessary medical services that have been furnished to either spouse, and necessary household articles and supplies furnished to and used by the family. Notwithstanding this paragraph, in a proceeding under chapter 518 the court may apportion such debt between the spouses. Minn. Stat. § 519.05(a) (West, WESTLAW through End of 2001 First Special Session).

The bill before you is simply a clarification of the law and I urge your support of HB 1267

Kim Rau
ND American Collector's Association
701-224-9439