

The micrographic images on this film are accurate reproductions of records delivered to Nodern 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 manual document being filmed.

WROUGH

•

1.1

4

SB 2365

10

40

ų,

44

 i^{*}

2003 SENATE HUMAN SERVICES

신

181

節刻

- AN AN

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.

-

Wratte 10|aa|03J Operator's Signature Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2365

Senate Human Services Committee

Conference Committee

Hearing Date February 4, 2003

Tape Number	Side A	Side B	Meter #
3	X		363 - 1392
	\wedge		
Committee Clerk Signatu	ire Afonn	aKrame	

Minutes:

4

.

SENATOR JUDY LEE opened the public hearing for SB 2365 relating to massage therapy continuing education.

SENATOR ERBELE introduced the bill. Attendance at postgraduate work of at least eighteen continuing education units a year as prescribed by the board is a further requirement for renewal of the license. (Attachment of e-mail correspondence to the senator from Edward Erickson, Assistant Attorney General, General Counsel for the North Dakota Board of Massage) Senator Erbele stated that Mr. Erickson had met with the Board of Massage and suggested the changes. Discussion on difference in hours. (Meter #389 - 930)

EDWARD ERICKSON, Assistant Attorney General, testified in favor of the bill. Referred to Line 9 regarding "at least 18 continuing education units." ... implies greater than 18 hours. This bill is affecting continuing education. (Meter # 940 - 1368)

SENATOR LEE closed the public hearing on SB 2365. (Meter #1392)

The micrographic images on this film are accurate reproductions of records delivered to Hodern 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.

nd have 10122103 Operator's Signature Dete

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2365

Senate Human Services Committee

Conference Committee

Hearing Date February 5, 2003

Tape Number	Side A	Side B	Meter #
1		X	0 - 565
Committee Clerk Signatu	ro Donna	Kramer_	

Minutes:

SENATOR JUDY LEE reopened the discussion on SB 2365 relating to massage therapist continuing education. She questioned as to whether it was important to amend by increasing the number of education hours.

SENATOR FISCHER stated that to raise the hours would have to be done through rule.

Continued committee discussion as to whether it would be worth amending to raise the hours.

(Meter #214 - 500)

SENATOR BROWN made a motion to DO PASS.

SENATOR FAIRFIELD seconded the motion.

Roll call was read. 6 yeas 0 nays.

SENATOR FAIRFIELD will be the carrier. (Meter #565)

Manan win service states and the second of the

The micrographic images on this film are accurate reproductions of records delivered to Nodern 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.

allra th 10/22/03 Operator's Signature Date

,
1
Fairfield
Yes No

6 C. 1

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

p. p. So.

อาหรังกันและมีมีการสารสารสารสารสารสารสารสารที่จะสารที่สารสารสารสารสารสารที่ไปและสารสารสารสารสารสารสารสารสารสาร 4 The micrographic images on this film are accurate reproductions of records delivered to Nodern 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 archivel microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. len Ho 10|aa|03D. ۵ Operator's Signature Date

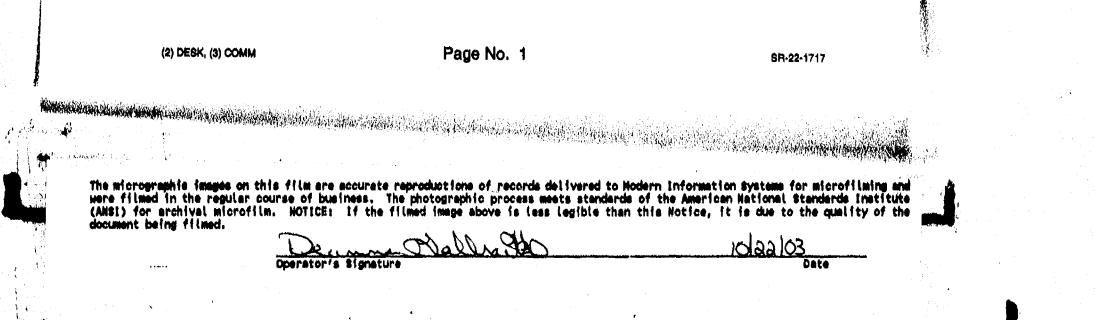
•

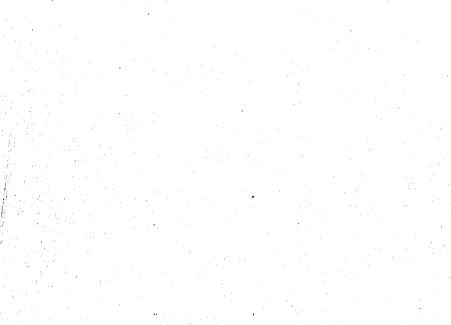
REPORT OF STANDING COMMITTEE (410) February 5, 2003 1:11 p.m.

Module No: SR-22-1717 Carrier: Fairfield Insert LC: . Title: ,

REPORT OF STANDING COMMITTEE

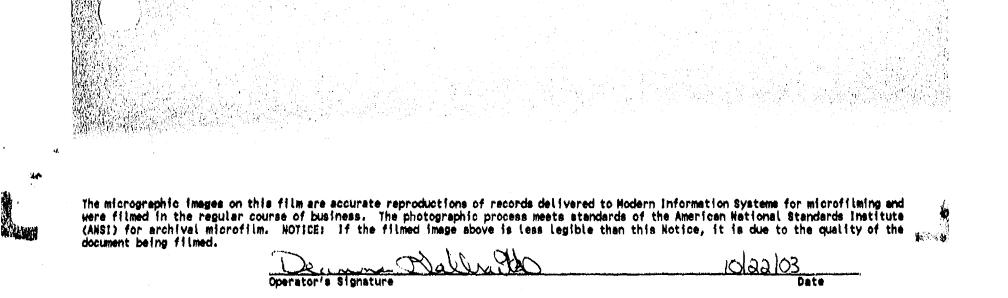
SB 2365: Human Services Committee (Son. J. Lee, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2365 was placed on the Eleventh order on the calendar.





2003 HOUSE EDUCATION

SB 2365



. Section

2003 HOUSE STANDING COMMITTEE MINUTES BILL/RESOLUTION NO. SB 2365 House Education Committee

Conference Committee

Hearing Date March 19, 2003

Tape Number	Side A	Side B	Meter #
1	X		100-1115
Committee Clerk Signature	Linda	Fickther	

Opened the hearing on SB 2365

Sen. Robert Rebel, District 28

This bill is for the option to do some the continuing education courses be done by remote for the message therapist. The board will willing to accept a third of the credits in course offerings be accepted for the licenser of the therapist. They are required 18 hours of CEU and so they can have 6 hours by remote. **Rep. Herbel** what constitutes a unit **Erbele**: a hour a unit

Rep. Mueller Is it in the language any necessity that the board has on which 6 units are allowed.

Erbele: The board will determine what is acceptable and outline that.

Edward Erickson: Assistant Attorney General, general counsel for the Board of Message We support the bill in its present form. It does allow individuals to obtain the continuing

education credits to obtain their one third of the present requirements by remote means, which is video tapes, IVAN, etc. This is appropriate for some education, but obviously not all education involving message therapy which is a hands on profession. We think that going with one third of the credits rather than 6 credits, because the statue allows the board to expand the number of requirements beyond 18. The board has not intention of expanding it at this time. So staying with

清 The micrographic images on this film are accurate reproductions of records delivered to Nodern 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 designed being different |0|aa|03lles the document being filmed. Date Operator's Signature

Pape 2 House Education Committee Bill/Resolution Number SB 2365 Hearing Date March 19, 2003

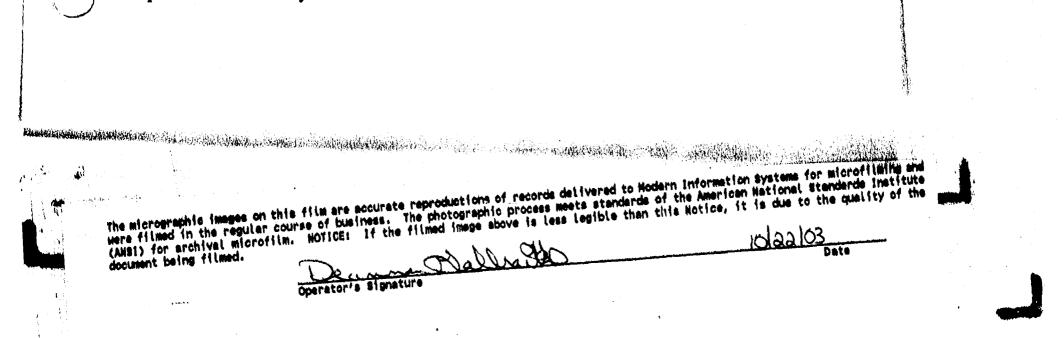
6 would be okay. Where we think this will be handy is for people who live in the more rural areas and it is difficult to get to the larger cities just to pick up an hour or two in credit.

Rep. Meler How many therapists does this apply to? Erickson: No one is doing a remote yet. **Rep. Hunskor** What mechanism is in place that if the individual doing this kind of work does not have these credits done when the license comes for renewal. Is there a mechanism that within a month or two before they are not licensed. Erickson: We give them notices, giving them a time frame to get their credits in and generally we have a lead way of a couple of months. Since my work with the board hat has not been an define. Rep. Jon Nelson How many licensed message therapists are there in the state Erickson: 150-200

Rep. Jon Nelson If you use a remote means of continuing Ed for the 6 hours, what safeguard do you have that they have completed the task, is there a test to show there understanding. **Erickson:** No means at this time, we are going on their honor, plus their signature on a government document to the effect that they have done the task. It would be falsify information on a government document is a criminal misdemeanor, this is very common in a number of licenser, including law, where we just certified to our licensing board that we have attended the class, there has been some discussion nationally on licensing boards, that some states have contemplated that this might become a concern. There has not been much support to move to some other certification. Some certifies do at least check attendance and will issue a certificate. Some boards are thinking of requiring a certificate be submitted.

Opposition- None closed hearing on 2365

Rep. Mueller moved a DO PASS, Rep. Solberg second the motion, Roll vote passed 14-0-0 Rep. Hunskor will carry the bill to the floor.



Iouse HOUSE EDUCATIO	BILL/RESO		2365	Comr	nittee
		. · · · · · · · · · · · · · · · · · · ·			
Check here for Conference	Committee				
egislative Council Amendment	Number				
	\sim \sim $-$		<u></u>		
ction Taken XX	Pass				
mil mil	eller		Sobo	ia	
fotion Made By	ener	Seco	nded By Our A	ng	·
· · · · · · · · · · · · · · · · · · ·					
Representatives	Yes	No	Representatives	Yes	No
Representatives Chairman Kelsch	Yes	No	Representatives	Yes	No
Chairman Kelsch		No	Representatives	Yes	No
Chairman Kelsch Lep. Johnson		No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson	- V - V	No	Representatives	Yes	No
Chairman Keisch Rep. Johnson Rep. Nelson Rep. Haas	× 1 1 1	No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken	1111	No	Representatives	Yes	No
Chairman Keisch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel	22222	No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel Rep. Meier Rep. Norland	1111	No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel Rep. Meier Rep. Norland Rep. Sitte	22222	No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel Rep. Meier Rep. Norland Rep. Sitte Rep. Hanson	22222	No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel Rep. Meier Rep. Norland Rep. Sitte Rep. Hanson Rep. Hunskor	22222	No	Representatives	Yes	No
Chairman Kelsch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel Rep. Meier Rep. Norland Rep. Sitte Rep. Hanson Rep. Hunskor Rep. Mueller	22222	No	Representatives	Yes	No
Chairman Keisch Rep. Johnson Rep. Nelson Rep. Haas Rep. Hawken Rep. Herbel Rep. Meier Rep. Norland Rep. Sitte Rep. Hanson Rep. Hunskor	22222	No	Representatives	Yes	No

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

4

.....

- Marsay garge age for a

.

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 archivel microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

and have been in the second

ICIA2103 Date allratte 9 Operator's Signature

and a second second

REPORT OF STANDING COMMITTEE (410) March 19, 2003 9:41 a.m.

Module No: HR-49-5161 Carrier: Hunskor Insert LC: . Title: .

1.223

REPORT OF STANDING COMMITTEE

SB 2365: Education Committee (Rep. R. Kelech, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2365 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

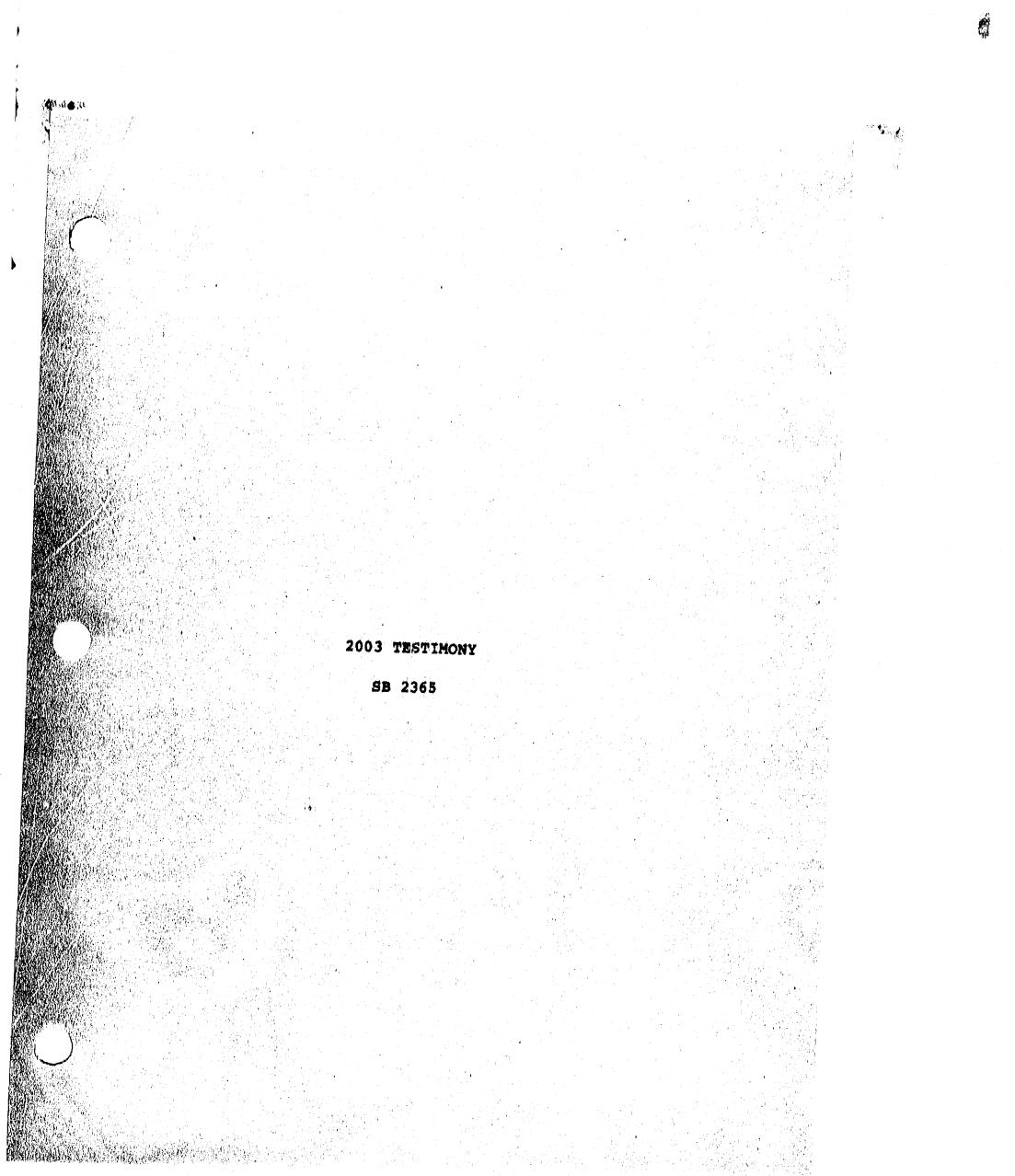
.....

Page No. 1



The micrographic images on this film are accurate reproductions of records delivered to Nodern 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.

10122103 <u>. ^ </u> ~ Date **Operator's Signature**



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.

۰,

44

ICIA2103 Dete Alinette. Operator's Signature

84 ¥



"Erickson, Edward E." <eerickso@state.nd.us

01/25/2003 12:45 PM

To: "Erbele, Robert S." < rerbele@state.nd.us> cc: "Bluestarmassage@sol.com'" < Bluestarmassage@sol.com>, "'diheliman@uswest.net'" < diheliman@uswest.net>, "'k_wojahn@yahoo.com'" < k_wojahn@yahoo.com>, "'philj@pop.ctctel.com'" < philj@pop.ctctel.com>, "'gmcintee@msn.com'" < gmcintee@msn.com> Subject: Massage Therapist Continuing Education

Sen. Erbele--

Thank you for allowing the Board of Massage to have an opportunity to comment on your proposed bill allowing continuing education for massage therapists to be obtained remotely. The Board met yesterday to review your bill draft, and has the following comments.

First, by requiring the Board to accept c.e. units from named entities, the bill draft would be assigning a governmental function to a private, non-governmental entity. The North Dakota Supreme Court has held that it is unconstitutional for governmental functions to be delegated or assigned to a non-governmental entity. See Montana-Dakota Utilities Co. v. Johanneson, 153 N.W.2d 414, 421 (N.D.1967). Further, this would have an anticompetitive effect on other providers of continuing education. And last, not all types of necessary continuing education in the massage profession are suitable to remote training. Certain courses, such as ethics, are suitable for remote training, but courses in technique need to be taught and demonstrated in person so that the instructor can determine that the student is practicing correctly. There is also a positive effect on the profession itself caused by massage therapists having an opportunity to meet and discuss common issues and learn from each other which would be lost if all of a person's c.e. was obtained remotely.

The Board proposes the following language to address these concerns, and believes that your concerns will still be met:

The board may accept continuing education by remote means for up to one-third of the licensee's continuing education requirements each year, if the remote education is sponsored by a nationally recognized provider and has been approved by the board for content and suitability for remote training.

I have provided an attachment in bill draft form for your convenience.

By adding discretion and removing the requirement that the Board must accept c.e. units from specifically-named providers, the issue of improper delegation of governmental functions is avoided. By limiting the c.e. units accepted by remote means, the licensee is accommodated in getting some c.e. remotely but still will have to attend hands-on training for most of the important techniques that are taught. The limitation is stated as a fraction of the whole because the Board is allowed by present law to expand the c.e. requirement beyond the present 18 units, and this way the amount of remote training allowed would expand if the total hours of c.e. were to be expanded. And by allowing the Board to determine the suitability of the training for remote training, the Board will be able to protect the public from harm that may be caused by improperly trained massage therapists.

Edward Erickson Assistant Attorney General General Counsel for the North Dakota Board of Massage (701) 328-3536

<<Bill draft 43-25-09.doc>> Bill draft 43-25-09.doc

nonsele internet month eligibility of the second of the

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.

'ty.

10122103 Date Signature