

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

11/80

2007 HOUSE HUMAN SERVICES

HB 1118

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1118

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 9, 2007

Recorder Job Number: 821

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: Opening the hearing on HB 1118

Nelson Benson Vice President of ND Board of Nursing: See attached testimony.

Representative Potter: What is the difference between a compact license and a central state license?

Mr. Benson: The State license is the license to practice in ND, just for ND. The compact license allows us to practice in another state.

Chairman Price: In your testimony you talked about disciplinary action restrictions using that to an unlicensed. Give me an example.

Mr. Benson: I will let Patricia answer that.

Patricia: They are limited while under disciplinary action. In section 43-1. An unlicensed person is anyone who assists in the practice of nursing under the direction of a nurse.

Chairman Price: Currently for a LPN coming in from another state, what are the requirements for them to meet?

Mr. Benson: An LPN coming in from another state to ND has to have the education that the State requires. If an RN fails the exams, she cannot be an LPN. You must have the appropriate education for the appropriate license. Two states allow that but ND does not.

Page 2

House Human Services Committee

Bill/Resolution No. HB1118

Hearing Date: January 09, 2007

Chairman Price: Anyone else to testify in favor? Any opposition to HB1118?

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1118

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 10, 2007

Recorder Job Number: 882

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: What do we want to do with HB 1118?

Representative Kaldor: I move to amend line 27. Seconded by **Representative Potter**. 12 yeas 0 nays.

Representative Potter made a motion for a do pass as amended. Second by Representative Kaldor. 12 yeas 0 nays 0 absent. Representative Potter to carry to the floor.

FISCAL NOTE

Requested by Legislative Council

02/23/2007

Amendment to: Engrossed
 HB 1118

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0			

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill relates to the issuance of limited licenses and registrations by the board of nursing and the requirements for license by endorsement. The number of licenses issued in this manner will be few so we do not anticipate any fiscal impact.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

none

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.*

none

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.*

none

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

none

Name:	Constance Kalanek	Agency:	ND Board of Nursing
Phone Number:	328-9781	Date Prepared:	02/26/2007

FISCAL NOTE
 Requested by Legislative Council
 01/02/2007

Bill/Resolution No.: HB 1118

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0			

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill relates to the issuance of limited licenses and registrations by the board of nursing and the requirements for license by endorsement. The number of licenses issued in this manner will be few so we do not anticipate any fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

none

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.*

none

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.*

none

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

none

Name:	Constance B Kalanek	Agency:	ND Board of Nursing
Phone Number:	701-328-9781	Date Prepared:	01/03/2007

House Amendments to HB 1118 (78151.0101) - Human Services Committee 01/10/2007

Page 3, line 27, replace "that" with "another"

Renumber accordingly

Date: 4/10
 Roll Call Vote #: HB 1118

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment to pass

Motion Made By Rep Kaldor Seconded By Rep Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent _____

Floor Assignment _____

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

Date: 1/10
 Roll Call Vote #: ~~102~~ HB 1118

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES HB 1118 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken no pass as amended

Motion Made By Rep Potter Seconded By Rep Kaldor

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman	✓		Kari L Conrad	✓	
Vonnie Pietsch – Vice Chairman	✓		Lee Kaldor	✓	
Chuck Damschen	✓		Louise Potter	✓	
Patrick R. Hatlestad	✓		Jasper Schneider	✓	
Curt Hofstad	✓				
Todd Porter	✓				
Gerry Uglen	✓				
Robin Weisz	✓				

Total (Yes) "Click here to type Yes Vote" No "Click here to type No Vote"

Absent 0

Floor Assignment Rep Potter

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

REPORT OF STANDING COMMITTEE

HB 1118: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1118 was placed on the Sixth order on the calendar.

Page 3, line 27, replace "that" with "another"

Renumber accordingly

2007 SENATE HUMAN SERVICES

HB 1118

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1118

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-21-07

Recorder Job Number: 3581

Committee Clerk Signature

Mary K. Monson

Minutes:

Chairman Senator J. Lee opened the hearing on HB 1118 relating to the issuance of limited licenses and registrations by the board of nursing and the requirements of nurse applicants for license by endorsement.

Connie Kalanek (ND Board of Nursing) testified in support of HB 1118 and explained the bill. (See attachment #1)

Senator Warner said it seemed odd to have the same process in place for disciplinary action as for someone who is making a good faith effort but not at quite the same standards. He asked why they would use the same process for both sides.

Ms. Kalanek said she wouldn't envision it's the same process. If someone is under disciplinary action and their license is encumbered, their license would be marked encumbered and they would have some limitations or restrictions in practice. This individual would receive an unrestricted license but it would be limited to their current location. If that individual chose to go to another employer they would have to take a refresher course.

Senator Warner asked Ms. Kalanek to outline some of the disciplinary causes that would cause an encumbered license.

Ms. Kalanek replied that an encumbered license example that came to mind was medication administration. There may be monitoring or limitations on the medication administration. Another example would be limitations on hours they can practice. They could have more than one limitation.

Senator Dever asked if the House made extensive amendments.

Ms. Kalanek said there was just one word that was changed. On page 3, sub 5, line 28, "that" was changed to "another".

Senator J. Lee said that reading along with the testimony it talks about page 6. The bill only goes to page 5.

Ms. Kalanek replied that it should be page 5, line 3.

Senator Dever asked if the rules are in place now or if they will be establishing rules.

Ms. Kalanek said they would do a rule promulgation.

Senator J. Lee said the person who contacted her would still have several months to wait until the rules process is finished before she would be able to be licensed.

Ms. Kalanek said the law would go into effect August 1. That would probably be left to the discretion of the board. She thought if that person appeared before the board they could grant her that application.

There was no opposing or neutral testimony.

The hearing on HB 1118 was closed.

Senator Erbele asked if an emergency clause would be helpful.

Ms. Kalanek said that would move the process along faster.

Senator Erbele moved to amend HB 1118 by adding an emergency clause.

Senator Warner seconded the motion.

Roll call vote 6-0-0. Amendment accepted.

Senator Warner moved a Do Pass as amended.

Senator Erbele seconded the motion.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Erbele.

JCB
2-21-07

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1118

Page 1, line 3, after "endorsement" insert "; and to declare an emergency"

Page 5, after line 24, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

Date: 2-21-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1118

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Add emergency clause

Motion Made By Sen. Erbele Seconded By Sen. Warner

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1118, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1118 was placed on the Sixth order on the calendar.

Page 1, line 3, after "endorsement" insert "; and to declare an emergency"

Page 5, after line 24, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2007 TESTIMONY

HB 1118



NORTH DAKOTA BOARD OF NURSING

919 S 7th St., Suite 504, Bismarck, ND 58504-5881
Telephone: (701) 328-9777 Fax: (701) 328-9785
Web Site Address: <http://www.ndbon.org>

Workplace Impairment Program: (701) 328-9783

House Human Services Committee

Nelson (Buzz) Benson CRNA, MMT
Board Member
Vice President
North Dakota Board of Nursing

Chairman Price and members of the Committee, thank you for the opportunity to provide information regarding the HB 1118 related to limited licenses and registrations and requirements for license by endorsement. The Board currently licenses approximately: RNs 9000; LPN 3500; APRN 700; UAPs 2300; Medication Assistants 1400. Dr. Kalanek, Executive Director of the BON is unable to be here today. Two staff members are available for questions if needed- Julie Schwan and Patricia Hill.

Section 1. Amendment. Subsection f. The proposed addition of the term "registration" which includes the unlicensed assistive person, would grant authority for the Board to limit the practice of the unlicensed assistive person. The Board has used this authority in the past to limit the licenses for nurses sanctioned for violations of the Nurse Practices Act and needed restrictions placed on their license. It has also been used as non disciplinary to limit the practice of nurses who are unable to practice within the full scope of practice. This would expand the authority for the Board to limit the scope to include the unlicensed assistive person.

Section 2. Amendment. The proposed addition of the unlicensed assistive person provides consistency in the Nurse Practices Act (with the proposed change in Section 1).

Page 6: Subsection 3- confirms the authority of the board to issue a limited license or registration for good cause.

The Board has been approached by several nurses who are retired or semi-retired and who would like to maintain licensure but would not meet all the renewal requirements. The limited license for "good cause" is intended to restrict practice to the current scope of practice and to the current location of employment or volunteer setting. This licensee would not receive a compact license but rather a single state license.

- **Provision to grant the Board the authority to issue limited licenses to nurses and registrations to Unlicensed Assistive Persons who do not meet the full licensure requirements. The provision in the law would continue to be used for disciplinary action restriction as well as in non disciplinary situations.**

- Retired or semi-retired nurses who maintain a minimum number of hours of practice could qualify for licensure.
- Restrict practice to current scope of practice.
- May remain licensed while performing volunteer nursing care.
- Licensee would receive a single state license not a compact license.
- Rules will be promulgated to define the process.

I have attached two letters- one from a licensee and the other from her son asking the Board for consideration regarding not meeting the licensure requirements.

Section 2. Amendment. Subsection b(5). Also, included in the above legislation is a proposed provision to be added to the Nurse Practices Act for endorsement requirements. This provision is to allow licensure by endorsement of LPNs who did not complete an LPN program but rather graduated from an RN program and were not successful on the NCLEX ® RN examination. The Board has been approached by several applicants who have been licensed as an LPN in another state for several years but did not graduate from a LPN program. This legislation requires that the applicant must have practiced with an unencumbered license in another state for at least 24 months prior to application. Also, this licensee would not receive a compact license but rather a single state license.

- Provision to allow licensure by endorsement of LPNs who did not complete an LPN program.
- Must have graduated from an RN Program.
- Must have practiced with an unencumbered license in another state for at least 24 months prior to application.
- Licensee would receive a single state license.
- Rules may be promulgated to define the process.

The Board would respectfully request a change in the language on page 5, line 1- change "that" to "another". So it would read ...nurse in ~~that~~ another state.... This would provide for a nurse initially licensed in SD but working in MN to meet the requirements of this provision.

Thank you for the opportunity to provide information on HB 1118. I am now open to questions.



JOHNSON CLINIC, P.C.

Family Practice Internal Medicine

December 12, 2006

Constance B. Kalanek, RN, Executive Director
ND Board of Nursing
919 South 7th Street, Suite 504
Bismarck, ND 58504

Dear Connie,

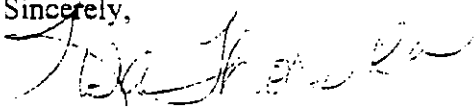
I am writing this letter on behalf of Alice Hersey. She has spoken with you in regards to renewing her nursing license. Alice is a remarkable person. She has been retired for several years, but has remained on staff to work PRN. She has been invaluable. Our clinic has undergone many changes over the past couple of years, including a new computer system and new phone system, which changed the workflow routine. Yet, whenever she is needed to fill a staffing void, she is able to step in as if she has never been gone.

Our clinic has also experienced a decline in the number of medical providers. This is the main reason Alice was unable to achieve the minimum number of hours worked required for licensure renewal. I simply did not have the availability of openings for her to work.

Alice's nursing skills are excellent. She demonstrates good judgment and is always willing to work as one of the team. She commonly will work our "flu shot clinics". One of her most striking attributes is her positive attitude. During times of change, this is priceless. She can always make a person feel good. Personally, she makes me strive to have that same attitude and outlook.

I really can't say enough good things about Alice. As I said, she is invaluable to our clinic. In our times of change and downsizing, when it is not necessarily feasible to hire another person, an employee like Alice fits our needs perfectly. On behalf of our clinic, I would sincerely appreciate your consideration of renewing her nursing license.

Sincerely,



Lisa Thorp, RN
Nursing Supervisor

RUGBY

800 3rd Ave. SW
Rugby, ND 58368
1-800-235-0075
phone:(701)776-5285
fax:(701)776-5297

MADDOCK

301 Roosevelt Ave.
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phone:(701)438-2555
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TOWNER

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er, ND 58788
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DUNSEITH

215 Main St. SE
PO Box 88
Dunseith, ND 58328
phone:(701)244-5328
fax:(701)244-5328

LETTER OF SUPPORT

2926 Weymouth Way
Norman, Oklahoma 73071
21 December 2006

I am writing on behalf of my mother, Alice Hersey who currently has an application with the Nurses Association to recertify her Registered Nurses License. I would ask for your support and consideration concerning her request and also offer the following in hopes that it may assist in your determination.

In August of 2003, after recently divorcing and gaining custody of my 7 year old son, I was informed that my military unit was being deployed to the Middle East. Within 2 days, my parents had closed up their home in Rugby and moved to Oklahoma to care for my son and my affairs in my absence. I was deployed in support of Operation Iraqi Freedom for eight months at which time my parents occupied my home and cared for my son.

I understand that there is an issue with my mothers application regarding minimum hours worked in the nursing field as a requirement for recertification. I would ask that the above be taken into consideration regarding those minimum hours. Had my mother not unselfishly left her home to help my son and I, I believe she would have acquired ample time to meet this requirement. I believe my mother is not only a competent nurse as I'm sure her supervisors and peers will attest to, but also that she stands for those things we expect in nursing, compassion, kindness and even self sacrifice.

I thank you for your consideration of this matter.

Sincerely yours



SFC Douglas J. Hersey



NORTH DAKOTA BOARD OF NURSING

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Senate Human Services Committee

North Dakota Board of Nursing

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Page 6: Subsection 3- confirms the authority of the board to issue a limited license or registration for good cause.

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- **Provision to grant the Board the authority to issue limited licenses to nurses and registrations to Unlicensed Assistive Persons who do not meet the full licensure requirements. The provision in the law would continue to be used for disciplinary action restriction as well as in non disciplinary situations.**
- **Retired or semi-retired nurses who maintain a minimum number of hours of practice could qualify for licensure.**
- **Restrict practice to current scope of practice.**
- **May remain licensed while performing volunteer nursing care.**
- **Licensee would receive a single state license not a compact license.**
- **Rules will be promulgated to define the process.**

I have attached two letters- one from a licensee and the other from her son asking the Board for consideration regarding not meeting the licensure requirements.

Section 2. Amendment. Subsection b(5). Also, included in the above legislation is a proposed provision to be added to the Nurse Practices Act for endorsement requirements. This provision is to allow licensure by endorsement of LPNs who did not complete an LPN program but rather graduated from an RN program and were not successful on the NCLEX ® RN examination. The Board has been approached by several applicants who have been licensed as an LPN in another state for several years but did not graduate from a LPN program. This legislation requires that the applicant must have practiced with an unencumbered license in another state for at least 24 months prior to application. Also, this licensee would not receive a compact license but rather a single state license.

- Provision to allow licensure by endorsement of LPNs who did not complete an LPN program.
- Must have graduated from an RN Program.
- Must have practiced with an unencumbered license in another state for at least 24 months prior to application.
- Licensee would receive a single state license.
- Rules may be promulgated to define the process.

Thank you for the opportunity to provide information on HB 1118. I am now open to questions.

*attachments same
as given to House*