

2013 SENATE HUMAN SERVICES

SB 2083

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee Red River Room, State Capitol

SB 2083

1/15/13

Recording Job Number: 17207

☐ Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

Relating to exemptions from clinical laboratory practice licensing requirements, relating to terms of North Dakota board of clinical laboratory practice members, and relating to clinical laboratory practice licensing grandfather provisions.

Minutes:

You may make reference to "attached testimony."

Chairman Lee opens hearing on SB 2083.

Bruce Pritschet, ex-officio member of the North Dakota Board of Clinical Laboratory Practice, is first to testify in favor of the changes contained in SB 2083.

See attached testimony #1.

Floor is opened for questions from the committee.

Senator Lee asks Mr. Pritschet to clarify the criteria calling for a non-physician laboratory director member and a consumer member.

Mr. Pritschet states that the criteria are someplace else and that will remain as is.

Senator Dever asks where the perfusionists will go if they are taken out of this board.

Mr. Pritschet sites an example.

No further questions from the committee for Mr. Pritschet.

David Glatt, Section Chief for the Environmental Health Section for the North Dakota Department of Health, testifies next to provide support for Bill.

See attached testimony #2.

Floor is open for questions from the committee.

Senator Dever inquires about the role the unit from the National Guard plays in circumstances of terrorism other relating situations.

Mr. Glatt explains that there is a working relationship with the National Guard unit but this would be different as it relates to the laboratory analysis.

No further questions from the committee for Mr. Glatt.

No further testimony in either favor or opposition.

Chairman Lee closes hearing SB 2083.

Committee discussion ensues.

Senator Dever is concerned about removing perfusionists.

Chairman Lee asks Mr. Pritschet how they find out where perfusionists are accountable.

Mr. Pritschet states that he would need to talk to one of his board members and get an answer back to the committee.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2083

1/16/13

Recording Job Number: 17300

☐ Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

Relating to exemptions from clinical laboratory practice licensing requirements, relating to terms of North Dakota board of clinical laboratory practice members, and relating to clinical laboratory practice licensing grandfather provisions.

Minutes:

You may make reference to "attached testimony."

Committee discussion and action on SB 2083.

Senator Anderson moves a Do Pass.

Senator Axness seconds.

Senator Dever and Chairman Lee discuss certified perfusionists.

No further committee discussion.

Roll call vote: 5-0, Do Pass.

Senator Lee carries Bill to the floor.

Date: 1/10/13
Roll Call Vote #: _____

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2083

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Anderson Seconded By Sen. Axness

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	<input checked="" type="checkbox"/>		Senator Tyler Axness	<input checked="" type="checkbox"/>	
Vice Chairman Oley Larsen	<input checked="" type="checkbox"/>				
Senator Dick Dever	<input checked="" type="checkbox"/>				
Senator Howard Anderson, Jr.	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Chairman Lee

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

REPORT OF STANDING COMMITTEE

SB 2083: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the
Eleventh order on the calendar.

2013 HOUSE HUMAN SERVICES

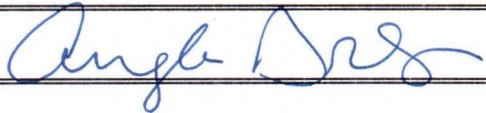
SB 2083

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

SB 2083
March 6, 2013
Job 19501

☐ Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to exemptions from clinical laboratory practice licensing requirements.

Minutes:

Testimony 1, 2

Chairman Weisz opened the hearing on SB 2083.

Bruce Pritschet, ex-officio member of the ND Board of Clinical Laboratory Practice, testified in support of the bill (Testimony 1).

Rep. Porter: The perfusionists would go under whom, as far as their practice?

Pritschet: I do not know. There are six of them in the state. They have asked for an exemption or to be licensed. We cannot get them licensed with our current rules. They didn't fit into the board very well.

Rep. Porter: By putting the exemption out there, where are they going to be placed inside of the regulation of health care?

Pritschet: They are nationally certified. We do not have a licensing board for perfusionists in the state at this point.

Rep. Porter: The repeal section in regards to the grandfather clause; if someone moves into the state and had been working, would they be excluded from being licensed by the board?

Pritschet: That is not necessary true. We have reciprocity endorsement from other states.

Rep. Porter: But that is where you have the language exists; that you do have that grandfathering with other states.

Pritschet: The requirement to accept other jurisdictions is in a different chapter. It's not specific in our chapter and why we're repealing this grandfather clause.

Rep. Porter: Is it in your rules then?

Pritschet: I think we addressed it in the rules. There is another chapter of law that requires this for all boards.

Rep. Porter: Would it be possible to get a copy of that specific language?

Pritschet: Yes.

Rep. Fehr: What is a perfusionist?

Pritschet: A perfusionist is the one that's in charge of keeping the blood flowing during open-heart surgery when the bypass is done around the heart. I'm not an expert. I don't know exactly what they do in the surgical suite, but they are a critical part of open-heart surgery and they cannot do it without them.

Rep. Fehr: How do other states handle perfusionists?

Pritschet: I believe they have boards in other states where there are more of them.

Rep. Fehr: You said they can't be licensed under your board because of issues with your rules. Can your rules be changed to include a licensure?

Pritschet: The rules and statute can be changed to accept them. As we tried to fit them into our board, there was not a good fit. We would be opening ourselves up to any kind of health care professional and there are other boards that currently do the other kinds. It didn't seem like a good idea to us since this is a specialized board for clinical laboratory testing. That is not their purpose as a perfusionist; it's just a tool they use.

Rep. Fehr: Are you representing your board in wanting the exemption from your board or are you saying you want them to be exempt from any licensure?

Pritschet: No, if there is other licensure that they would have to be in compliance with, that's not what we're asking. They asked if we could license them and we could not find that they had the qualifications that are in the statute for becoming a member.

Rep. Fehr: We are left with where do they get licensed?

Pritschet: They sought us out and we tried to get them licensed, but they are not eligible on our board.

Chairman Weisz: Are they technicians

Pritschet: I don't know.

Rep. Porter: They are working directly under that surgeon. If we, as a committee, want to reach out to them to find out if they need to be licensed.

Chairman Weisz: When they came to your board did they give a reason why they wanted to be licensed?

Pritschet: The law read that if they were performing laboratory tests they needed to be licensed by the board. This law was never intended to license a perfusionist.

Myra Kosse, Director for the Division of Laboratory Services of the Environmental Health Section for the ND Dept. of Health, (17:37) testified in support of the bill (Testimony 2).

Chairman Weisz closed the hearing.

Chairman Weisz: Mr. Pritschet would you come back up to answer questions?

Rep. Porter: In your exemption, you are exempting nurses and physicians so other licensed health care professionals that may be doing some of the non-exempted testing aren't exempted.

Pritschet: These rules were drafted many years ago. We were told by the Attorney General's office that overlap happens all the time. There is crossover in a lot of boards.

Rep. Porter: Typically what we've done in cases of overlap is that we've specifically exempted anybody who is licensed under their board to perform those specific functions. Right now, the two licensing requirements conflict with each other.

Pritschet: We asked if that should be put in there and the other entities that were doing laboratory testing were asked to define their scope of practice so we could tell which ones we should be putting in as exemptions. They would not define their scope, so we had to go forth without it. We were told by the AG's office that it's an understanding between professional boards that there is scope of practice overlap and we're not going to double license anyone.

Rep. Porter: What other professions crossover that are licensed?

Pritschet: There are 9 exemptions listed.

Rep. Porter: Only two are specific.

Chairman Weisz: In the case of the respiratory therapist, why wouldn't they be required to be licensed under your board?

Pritschet: The understanding that the test appears in both scopes of practice. Whose test is it? It's an understanding we've had for 20 years. We would entertain the wording for an amendment.

Chairman Weisz: Should there be more of a blanket exemption for the specific fields' scopes of practice instead of singling out two of them?

Rep. Porter: The other that comes to mind is the physician assistants that are working directly under the license of a physician. They're not exempt from this. If they are working in a stand-alone clinic in rural health care, they are not exempt from your board.

Pritschet: We would never consider licensing a physician assistant as a clinical laboratory scientist. We're not after anyone that doesn't do clinical laboratory testing as a career.

Rep. Porter: I understand and agree. My point is that others should be specifically listed.

Chairman Weisz: Are you comfortable with adding that language?

Pritschet: Yes. Hopefully it doesn't open up people to become licensed that shouldn't be.

Rep. Porter motioned to adopt amendment.

Rep. Fehr seconded.

Voice Vote: Motion carried.

Rep. Hofstad moved to Do Pass as Amended.

Rep. Looyesen seconded.

Roll Call Vote:

Yes: 12

No: 0

Absent: 1

Rep. Laning carried the bill.

March 6, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2083

Page 1, line 1, replace "two" with "three"

Page 1, line 8, replace "Two" with "Three"

Page 1, after line 14, insert:

"A person licensed or registered under another chapter of this title and carrying out the therapy or practice for which the person is licensed or registered."

Renumber accordingly

Date: 3-6-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2083

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Lehr

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. MOONEY		
VICE-CHAIRMAN HOFSTAD			REP. MUSCHA		
REP. ANDERSON			REP. OVERSEN		
REP. DAMSCHEN					
REP. FEHR					
REP. KIEFERT					
REP. LANING					
REP. LOOYSEN					
REP. PORTER					
REP. SILBERNAGEL					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

add language *Voice*
Vote
Motion CARRIED

Date: 3-6-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2083

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By

Rep. Hofstad

Seconded By

Rep. Looyzen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. MOONEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VICE-CHAIRMAN HOFSTAD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. MUSCHA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. ANDERSON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. OVERSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DAMSCHEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. FEHR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. KIEFERT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LANING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LOOYSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. PORTER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. SILBERNAGEL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 12 No 0

Absent 1

Floor Assignment

Rep. Laning

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

REPORT OF STANDING COMMITTEE

SB 2083: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2083 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "three"

Page 1, line 8, replace "Two" with "Three"

Page 1, after line 14, insert:

"A person licensed or registered under another chapter of this title and carrying out the therapy or practice for which the person is licensed or registered."

Renumber accordingly

2013 TESTIMONY

SB 2083

Testimony Senate Bill 2083
Senate Human Services Committee
January 15, 2013; 10:15 a.m.

North Dakota Board of Clinical Laboratory Practice

Good morning madam chair and members of the Human Services Committee. My name is Bruce Pritschet and I am the ex-officio member of the ND Board of Clinical Laboratory Practice and I am testifying in support of the changes contained in Senate Bill 2083.

Section 1. contains two new subsections that the board would like to add to 43-48-03 to **exempt** the following individuals from the Clinical Laboratory practice law:

Perfusionists performing clinical laboratory tests for hematology, coagulation, and chemistry during the course of a patient's perfusion procedures.

The perfusionists play a vital role in open heart surgery by managing the circulatory system during open heart procedures. As part of their circulatory oversight of the patient they perform basic lab testing during the course of this major surgery. This testing is only a small portion of the procedure and is necessary to monitor the patient.

The perfusionists have education and experience beyond the clinical laboratory tech and would not benefit from oversight by the Board of clinical lab practice since their scope of work extends far beyond the monitoring lab tests performed in the operating room. Adding them to the list of exempt individuals clarifies the Board's intention and allows the perfusionist to seek a more appropriate oversight body without concern for violating the clinical lab testing laws.

Personnel of the division of laboratory services of the state department of health participating in the centers for disease control and prevention's chemical terrorism toxic metals determination program.

This exemption was necessary to allow chemists at the State Laboratory who do not routinely analyze human body substances for chemical content (and therefore are not licensed by the Board) to do so if a chemical exposure to humans in the state needed to be ruled out. This exemption is made at the request of the Division of Laboratory Services State Dept of Health to comply with the CDCs chemical terrorism toxic metals determination program. We could not address this issue under a declared emergency in rule since it would be the results of such a chemical analysis that may result in a declaration of an emergency by the governor.

Section 2. Amendment. Section 43-48-05 subsection 3. This amendment changes the terms of board service to three years for all members instead of having different length terms for each position serving on the board. This is a house keeping change since the original language was used to set up the original board with staggered terms in 1989. This is no longer needed language in this law.

Section 3. Repeal. Section 43-48-12. This section of the bill repeals the 'Grandfather clause' within the Clinical laboratory licensure law as it is no longer applicable; all those working in 1989 have been licensed or are no longer active in the clinical laboratory field.

This concludes my testimony and I will address any questions the committee might have.

**Testimony
Senate Bill 2083
Senate Human Services Committee
Tuesday, January 15, 2013
North Dakota Department of Health**

Good morning Chairman Lee and members of the Human Services Committee. My name is David Glatt, Section Chief for the Environmental Health Section for the North Dakota Department of Health. I am here to provide support for Section 1 of SB 2083.

As background, the Department's Division of Laboratory Services – Chemistry Lab serves the role of Laboratory Response Network (LRN) Chemical Terrorism Laboratory for the Centers for Disease Control and Prevention (CDC). As part of this role, Chemistry personnel may be testing human urine or blood samples for the presence of metals. This type of analysis would only be in response to an act of terrorism and not considered routine.

The issue is that in North Dakota all laboratory professionals testing human specimens for diagnosis or treatment of disease must be licensed. The Department of Health's Chemistry Lab personnel, who would be tasked to analyze for trace metals in human samples, are not license eligible as they do not meet the background and educational requirements.

To allow North Dakota to maintain chemical terrorism response testing by trained, experienced, professional chemists, an exemption from the license requirement is needed. This exemption would apply to only a limited number of chemists in the Department's Chemistry Laboratory, would only be exercised during proficiency testing and emergencies defined by the CDC, and would allow North Dakota to maintain the only LRN laboratory within the state of North Dakota.

This concludes my testimony. I am glad to answer any questions you may have.

#1

Testimony Senate Bill 2083

House Human Services Committee

March 6, 2013; 11 a.m.

North Dakota Board of Clinical Laboratory Practice

Good morning chairman Weisz and members of the House Human Services Committee. My name is Bruce Pritschet and I am the ex-officio member of the ND Board of Clinical Laboratory Practice and I am testifying in support of the changes contained in Senate Bill 2083.

Section 1. contains two new subsections that the board would like to add to 43-48-03 to **exempt** the following individuals from the Clinical Laboratory practice law:

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Section 3. Repeal. Section 43-48-12. This section of the bill repeals the 'Grandfather clause' within the Clinical laboratory licensure law as it is no longer applicable; all those working in 1989 have been licensed or are no longer active in the clinical laboratory field.

This concludes my testimony and I would be glad to address any questions the committee might have.

#2

**Testimony
Senate Bill 2083
House Human Services Committee
Wednesday, March 6, 2013
North Dakota Department of Health**

Good morning Chairman Weisz and members of the Human Services Committee. My name is Myra Kosse, Director for the Division of Laboratory Services of the Environmental Health Section for the North Dakota Department of Health. I am here to provide support for Section 1 of SB 2083.

As background, the Department's Division of Laboratory Services – Chemistry Lab serves the role of Laboratory Response Network (LRN) Chemical Terrorism Laboratory for the Centers for Disease Control and Prevention (CDC). As part of this role, Chemistry personnel may be testing human urine or blood samples for the presence of metals. This type of analysis would only be in response to an act of terrorism and not considered routine.

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This concludes my testimony. I am glad to answer any questions you may have.