

2013 SENATE HUMAN SERVICES

SB 2243

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2243
1/30/13
Job Number 17988

Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs.

Minutes:

Attached Testimony

Chairman Lee opened the hearing on SB 2243.

Senator Mathern introduced the bill to the committee and provided proposed amendments. See attached testimony #1.

Senator Anderson asked about the usage of "must" vs. "may".

Sen. Mathern told him that the word "must" is strong language and becomes the law. It signals to the people of ND that they mean it.

Sen. J. Lee asked if it would make a difference if it was a resolution as opposed to a bill.

Sen. Mathern replied that it is not a difference in terms of legislative management.

A short discussion between **Sen. Anderson** and **Chairman J. Lee** followed about committee representation on Legislative Management and studies being moved forward. **Chairman J. Lee** felt it was important to put "must" in.

John Vastag, Health Policy Consortium, spoke in support of SB 2243. (Meter 0:13:20)
He has heard a lot of concerns and provided examples. A solid plan in place is needed for behavioral health services. This study will give everyone the opportunity to express concerns, as well as a formal committee to address the concerns. A system is needed that helps families develop accountability and a support system.
It would be nice to have a well oriented professional on the study.

Chairman J. Lee asked if he had any observations about proposed amendments.

Mr. Vastag replied that he supports them.

Sen. Axness thanked John for his work on this. This study would provide a step by step plan on how to improve our mental health services. He urged a follow through.

Sen. Larsen asked if he knew what the previous investment in this was.

Mr. Vastag replied that those who participated donated their time to the committee. They tried to meet quarterly and bring in law enforcement. The group that wasn't an active participant that should have been was education.

Sen. Larsen went back to page 1, line 9 of the amendment. He asked if "institutions" would be the umbrella of law enforcement, the courts, and the educators.

Chairman J. Lee and **Mr. Vastag** responded that it would primarily be the Development Center, and the State Hospital, which are defined as institutions. They certainly need to involve corrections and law enforcement.

Mr. Vastag wanted to assure the committee that should this study go forward, the Health Policy Consortium is dedicated to providing the expertise from their area of individuals that would be very active in this study.

Sen. Dever was concerned about the use of the word "must" on line 7 of the bill.

Sen. J. Lee stated that would be something for committee discussion. Her concern would be that, however it is established, nobody is left out that has been a player in talking about this. It doesn't mean everyone would be on the task force but that they would provide input.

Mr. Vastag said that Scott Davis from the governor's staff was active in their task force - from Indian services.

Representative Fehr, District 36, spoke in support SB 2243. See attachment #2.

Corinne Hofmann, Director of Policy and Operations for the Protection and Advocacy Project (P&A), supports bill. See attachment #3.

Ms. Hofmann also presented testimony from **Nancy McKenzie**, Public Policy Director for Mental Health America in ND, who supports the bill. See attachment #4.

Courtney Koebele, Director ND Medical Association, supports bill and dittos others testimony.

Senator Judy Lee proceeded to the podium to offer support for SB 2243 and presented testimony on behalf of **Mike Reitan**, Assistant Chief, West Fargo Police Department. See attached testimony #5.

Sen. Axness referred to access and reasonable distance of travel and said he was wondering what is available in the western part of the state.

Sen. J. Lee - discussed the distance issues and provided examples. Meter 0:41:55.

There was no opposing or neutral testimony.

The hearing on SB 2243 was closed.


2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2243
2/11/13
Job Number 18681

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs.

Minutes:

Chairman J. Lee opened SB 2243 for committee work.

Sen. Dever moved to accept the amendment proposed by Sen. Mathern.

Seconded by Sen. Axness.

Roll call vote 5-0-0. Amendment adopted.

Sen. Axness moved a Do Pass on SB 2243 as amended and rerefer to Appropriations.

Seconded by Sen. Larsen.

Roll call vote 5-0-0. Motion carried. Carrier is Sen. Axness.

JM
2-11-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 1, after "needs" insert "; and to provide an appropriation"

Page 1, line 4, replace "consider studying" with "study"

Page 1, line 6, replace "may" with "must"

Page 1, line 8, replace "nonprofit" with "social and clinical"

Page 1, line 8, after the third comma insert "mental health advocacy organizations,"

Page 1, line 9, after "agencies" insert "and institutions"

Page 1, after line 11, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$45,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

Date: 2/11/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0777.01001

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

Motion Made By Sen. Dever Seconded By Sen. Axness

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

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

Date: 2/11/13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 13. 0777. 01001

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

Motion Made By Sen. Axness Seconded By Sen. Larsen

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen Axness

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

REPORT OF STANDING COMMITTEE

SB 2243: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 1, after "needs" insert "; and to provide an appropriation"

Page 1, line 4, replace "consider studying" with "study"

Page 1, line 6, replace "may" with "must"

Page 1, line 8, replace "nonprofit" with "social and clinical"

Page 1, line 8, after the third comma insert "mental health advocacy organizations,"

Page 1, line 9, after "agencies" insert "and institutions"

Page 1, after line 11, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$45,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

2013 SENATE APPROPRIATIONS

SB 2243

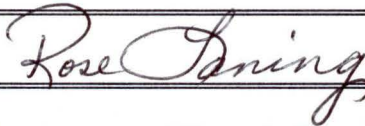
2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

SB 2243
February 18, 2013
Job # 19082

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for a legislative management study of behavioral health needs; and to provide an appropriation.

Minutes:

Testimony attached # 1

Legislative Council - Brady Larson
OMB - Lori Laschkewitsch

Chairman Holmberg opened the hearing on SB 2243. All committee members were present.

Senator Judy Lee, District 13, spoke as a Bill Sponsor:

They added \$45,000 for a consultant. This is a huge issue. She consulted with law enforcement, school administrators, special ed directors, and found it was an absolute critical need in the schools because of the number of children coming in with various behavioral issues. They have autism spectrum disorders, or mental health issues of some sort. It all fits under the umbrella of behavioral health. This is an enormous area of concern. How do we best provide these services? The study was amended to add the consultant.

Chairman Holmberg asked what they are getting for the consultant services.

There was discussion about what they got for the money that was paid to a consultant for Human Services last session and what this consultant could offer that would be helpful. (Ends at 03:56)

Senator Kilzer: You used the words "shall study". Does that mean they are mandated to include this as one of the studies?

Senator Judy Lee: Yes, It's a critical need in the state and needs to be studied.

Senator Gary Lee: Working in health care in the state for a long time, this is a significant need across the state. There are not the beds nor the care, and the population is only growing. Someone could come in and ask for a lot of money, but something like this is a better approach.

Senate Appropriations Committee
SB 2243
February 18, 2013
Page 2

Corinne Hofmann, Director of Policy and Operations for the Protection and Advocacy Project, testified in favor of SB 2243. See attached testimony # 1. She stated that the dollars are needed. There are gaps and the system needs to work as effectively as possible to fill them.

Senator Gary Lee Moved Do Pass.

Senator Krebsbach Seconded

A roll call vote was taken. Yea: 13 Nay: 0 Absent:

Date: 2-18-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2243

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Lee Seconded By Krebsbach

Senators	Yes	No	Senator	Yes	No
Chairman Ray Holmberg	✓		Senator Tim Mathern	✓	
Co-Vice Chairman Bill Bowman	✓		Senator David O'Connell	✓	
Co-Vice Chair Tony Grindberg	✓		Senator Larry Robinson	✓	
Senator Ralph Kilzer	✓		Senator John Warner	✓	
Senator Karen Krebsbach	✓				
Senator Robert Erbele	✓				
Senator Terry Wanzek	✓				
Senator Ron Carlisle	✓				
Senator Gary Lee	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Human Services & Lee (press)

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

REPORT OF STANDING COMMITTEE

SB 2243, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2243 was placed on the Eleventh order on the calendar.

2013 HOUSE HUMAN SERVICES

SB 2243

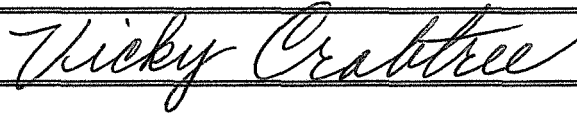
2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

SB 2243
March 20, 2013
Job #20240

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs and to provide an appropriation.

Minutes:

See Testimony #1 and 2

Chairman Weisz opened the hearing on SB 2243.

Sen. Judy Lee: From District 13 West Fargo introduced and supported the bill. This bill calls for a much needed study. This has been brought to my attention by several different professionals. Our assistant police chief, Mike Reitan has been involved with our discussion about behavioral health and what police officers do when they first get the call of someone in crisis. They pick them up and take them to the hospital. The hospital may not have clinical beds or enough of them. They can't take them to the jail because they don't have a place for them either. I had a meeting with our superintendent of schools in West Fargo and the director of special education who emphasized the increasing challenges that school professionals have with behavioral health needs from students. It is a never ending increase. We have included in appropriation \$45,000 for consultant to help us with this work.

4:16

Chairman Weisz: Is your contention that behavior health needs are special enough that they wouldn't fall into the other study in the other bill?

Sen. J. Lee: I would be comfortable if you want to amend this into the other bill. I don't see it as unique that it shouldn't be in there. Maybe the best thing is to combine them together.

7:40

Rep. Alan Fehr: From District 36 testified in support of the bill. (See Testimony #1)

13:05

Rep. Mooney: Looking at both of the bills do you think behavior should be separate from the other?

Rep. Fehr: The lack of integration is a significant problem we have. In some cases it would be good to put both together and on the other hand it may be lost with both together. I have mixed feelings about that.

Rep. Silbernagel: Do you envision would include eating disorders and prescription drug abuse?

Rep. Fehr: What I would like to see studied is far beyond what any study will do. It will probably only hit 90% of what I would love it to hit. I don't know specifically what will be in the study. I hope I get to be on the committee.

Chairman Weisz: When we get into the rural areas is it possible to have the two together?

Rep. Fehr: Four years ago there was a licensure bill that came before this committee that didn't make it out of the House and it was for medical psychologist licensure. It is my intent to get support and bring it back in a couple of years. If we had such a thing this person could be hired at clinics anyplace in the state. They also have prescription authority, but primarily trained as behavioral professionals, that would be one example of someone who could integrate into a primary care setting.

Mike Reitan: Assistant Chief, West Fargo Police Dept. testified in support of the bill. (See Testimony #2)

27:08

Chairman Weisz: How many of your calls are behavioral related?

Reitan: I'm in the process of getting that data now. I'd say 75% of our calls from the school are behavioral issues. From the street I'd say half.

Rep. Fehr: Does the Fargo and West Fargo area have transitional living homes (TL homes), or crisis residential units that are accessible other than going to a hospital?

Reitan: Not at this time. The human service center have been proactive and have been able to be a pilot to a number of programs that have been sponsored by this body. Last session it was medical detox. We can take those that need help to the medical detox center rather than emergency room. We have a wet house in Fargo that houses alcoholics. There are other behavioral health programs and no place to take them, but they are based on referrals. Our options are the jail or emergency room.

Rep. Fehr: It seems the Fargo police had developed crisis intervention teams under the Memphis model with the intention of getting people in a mental health crisis into treatment opposed to putting them in jail. Can you talk to that a little bit?

Reitan: The Fargo area currently trains officers, ambulance personnel, people from southeast human service center and other service provide to include hospitals in how to deal with people having a mental health crisis. The training allows the individual to recognize somebody who is having a chemical or behavioral health issue and how to handle them and get them into treatment in a less agitated state. Our prior option was to

beat them down to get them to the treatment. The program we are providing through the CIT is a more humane way to handle individuals that are in crisis. Our jail has hired a full time clinical psychologist where she evaluates people in the jail who have been flagged with behavioral or chemical issues. Those people can be diverted into a program where they are not entering the criminal justice system, but a treatment program. Southeast has started a program where if the officer goes to a scene he will stabilize the person to the CIT program. Then they can contact southeast and then southeast will send out two case workers and sit with the person in their home and work through the process. They will determine whether they can stay in the home or need to be transported for treatment.

Rep. Fehr: How many other communities are doing the CIT around the state?

Reitan: Minot held a class and I understand they trained a number of people and have not held a class since then. Two individuals from Bismarck had attended that class and that is the extent of the other agencies.

Rep. Fehr: Fargo is the only community doing this program?

Reitan: That is correct.

Rep. Porter: Do you have a comment on the \$45,000 to hire a consultant and how that fits into a legislative study? Is that component necessary giving the fact there is a \$200,000 study that we heard two bills earlier? I don't have an issue with having a study, I just wonder if a consultant needs to come into a legislative study.

Reitan: In the past human services had gone across the state and talked with individual disciplines on individual type settings and I don't know how that came back together. My personal view is an independent group coming in without a bias would be the best option.

Rep. Porter: That doesn't bring any independent groups together it only allows a consultant to be hired by the committee to work with the committee to do their work. It already ties in all the players in the study portion of the bill.

Reitan: I assumed that would be an outside contractor because it didn't direct a particular agency to do that study.

39:38

John Vastag: The Executive Director for the Health Policy Consortium which is made up of Trinity Health Systems in Minot, Altru Health System in Grand Forks, and the Sanford Health Systems across the state: I am testifying before you today in favor of SB 2243. During the last interim HPC worked with NDHA and we put together a taskforce that studied behavioral health and substance abuse. We met quarterly and brought together all the experts in the field, but missed out on the education folks. We found a couple of key things; case management and initiating and getting behavioral health integrated in with primary care. We haven't developed in ND a solid continual care with the proper safety nets in place if someone has a crisis. I urge you to support 2243 and keep as an independent study.

Nancy McKenzie: Representing Mental Health America of ND testified in support. We are very supportive of the study moving forward and want it to remain an independent study.

NO OPPOSITION

Chairman Weisz closed the hearing on SB 2243.

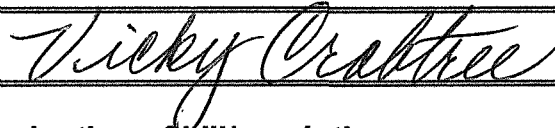
2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

SB 2243
March 20, 2013
Job #20264

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs and to provide an appropriation.

Minutes:

Chairman Weisz: Let's look at 2243.

Rep. Laning: One of the things mentioned was to have a "shall consider" as far as a study is concerned. It was in the bill to begin with and then amended out. I don't whether we want to amend it back in or let it ride.

Chairman Weisz: It depends on if the bill amended will require a study which is seems is what the supporters want. "Shall consider", we will leave up to legislative management.

Rep. Mooney: I think the necessity is out there and I think we should keep it as a shell study.

Vice-Chair Hofstad: I agree. There is no emphasis on mental health and we need to get it on a level field.

Chairman Weisz: I would suggest we take the money out as there is money available for studies. Then it wouldn't have to go to appropriations.

Rep. Fehr: I e-mailed Sen. Lee and didn't get a response. I thought take the section out and put in a sentence, "Legislative Council may contract". My motion is on line 11 between the words "institution" and "The", to insert the sentence, "Legislative council may contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study". And then strike from line 14 down.

Vice-Chair Hofstad: Second.

VOICE VOTE: MOTION CARRIED

Rep. Fehr: I move a Do Pass as amended on Engrossed SB 2243.

House Human Services Committee

SB 2243

March 20, 2013

Page 2

Vice-Chair Hofstad: Second.

ROLL CALL VOTE: 12 y 0 n 1 absent

MOTION CARRIED

Bill Carrier: Rep. Fehr

VK
3/20/13

March 20, 2013

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 11, after the period insert "The legislative council may contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Re-number accordingly

Date: 3-20-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

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. Fehr Seconded By Rep. Hofstad

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:

*new sentence between "institution," and "The" on line 11
Strike line 14 down.*

*Voice Vote
Motion Carried*

Date: 3-20-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

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. Fehr Seconded By Rep. HOFSTAD

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) 12 No 0

Absent 1

Floor Assignment Rep. Fehr

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

REPORT OF STANDING COMMITTEE

SB 2243, as engrossed: 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). Engrossed SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 11, after the period insert "The legislative council may contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Renumber accordingly

2013 CONFERENCE COMMITTEE

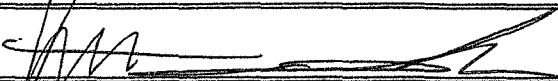
SB 2243

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2243
4/10/13
21088

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs.

Minutes:

Senator Dever, Senator J. Lee, Senator Axness is present.
Representative Damschen, Representative Fehr, Representative Mooney are present.

Senator Dever opens the conference committee on SB 2243

Senator Dever asks for explanation of House amendments.

There is discussion on appropriation for a consultant for the study.

Senator J. Lee shares her opinion on the language of the bill stating "may contract" and the consultant funding.

Representative Fehr asks what they envision the study to be, from the Senate Human Services Committee.

There is a discussion on the need of the consultant for the study.

Senator Dever asks if the appropriations should be added back in.

There is a discussion on funding.

Representative Mooney asks if Legislative Management did not have the funds would they not pay for the study.

Senator Axness discusses wording with in SB 2243.

Senator Dever asks if they are in agreement that there should be a consultant.

There is more discussion on contracting the consultant.

Representative Ferh asks clarification on the involvement of the consultant.

There is discussion on the interim committee and their roll.

Senator Dever closes the conference committee

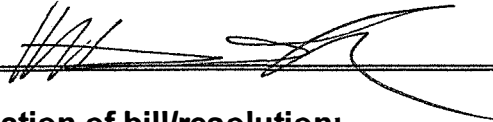
2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2243
4/12/13
21138

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs.

Minutes:

Sen. Dever, Sen. J. Lee, Sen. Dever are present.
Rep. Damschen, Rep. Fehr, Rep. Mooney are present.

Sen. Dever opens the conference Committee on SB 2243

Rep. Damschen discusses the proposed amendments for SB 2243. Attachment #1

There is a discussion on the proposed amendments and language within SB 2243

Rep. Damschen motions HOUSE recede from House amendments and amend as follows.

Rep. Mooney seconds

6 yes
0 no
0 absent

The motion carries.

Sen. Axness will carry

Rep. Fehr will carry.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2243
4/19/13
21326

Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study of behavioral health needs.

Minutes:

You may make reference to "attached testimony."

Sen. Dever, Sen. J. Lee, Sen. Axness
Rep. Damschen, Rep. Fehr, Rep. Mooney

Rep. Damschen explains what happened with SB 2243 and the motion to reconsider.

There is a discussion about conference committee report and how to move forward.

Rep. Damschen asks for clarification on procedure.

Sen. Axness shares his concerned with accede to the House.

Sen. J Lee shares her concerns and the importance of the mandatory study.

There is a discussion on the committee report and the amendment .02002

There is a discussion about the funding within SB 2243.

Rep Damschen motions to for the House to recede from House amendments and amend.

Sen. J Lee seconds

There is discussion on the new amendment to SB 2243

6 yes

0 no

0 absent

The motion carries

Senate Human Services Committee
SB 2243
4/19/13
Page 2



Senate carrier Sen. Dever

House Carrier Rep. Damschen

13.0777.02002
Title.04000

Prepared by the Legislative Council staff for
Representative Damschen
April 11, 2013

4/12/13
TD

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243

That the House recede from its amendments as printed on page 918 of the Senate Journal and page 1009 of the House Journal and that Engrossed Senate Bill No. 2243 be amended as follows:

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 13, after the period insert "The legislative council may spend up to \$45,000 to contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Renumber accordingly

April 19, 2013

VK
4/20/13

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243

That the House recede from its amendments as printed on page 918 of the Senate Journal and page 1009 of the House Journal and that Engrossed Senate Bill No. 2243 be amended as follows:

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 5, replace the first "study" with "consider studying"

Page 1, line 11, after the period insert "The legislative council may contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Re-number accordingly

Date 4-12-13

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2243 as (re) engrossed

Senate Human Services Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep Damschen Seconded by: Rep MOONEY

Senators	4/10	4/12	Yes	No	Representatives	4/10	4/12	Yes	No
Sen. Dever	✓	✓	✓		Rep. Damschen	✓	✓	✓	
Sen. J. Lee	✓	✓	✓		Rep. Fehr	✓	✓	✓	
Sen. Axness	✓	✓	✓		Rep. Moony	✓	✓	✓	
Total Senate Vote			3		Total Rep. Vote			3	

Vote Count Yes: 6 No: 0 Absent: _____

Senate Carrier Sen. Axness House Carrier Rep Fehr

LC Number 13.0777 . 02002 of amendment

LC Number _____ . _____ of engrossment

Date 4-19-13

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2243 as (re) engrossed

Senate Human Services Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep Damschen Seconded by: Sen J Lee

Senators	4/19	Yes	No	Representatives	4/19	Yes	No
Sen. Dever	✓	X		Rep. Damschen	✓	X	
Sen. J. Lee	✓	X		Rep. Fehr	✓	X	
Sen. Axness	✓	X		Rep. Mooney	✓	X	
Total Senate Vote		63		Total Rep. Vote		3	

Vote Count Yes: 6 No: 0 Absent: —

Senate Carrier Sen Dever House Carrier Rep Damschen

LC Number 13.0777 . 020023 of amendment

LC Number _____ of engrossment

REPORT OF CONFERENCE COMMITTEE

SB 2243, as engrossed: Your conference committee (Sens. Dever, J. Lee, Axness and Reps. Damschen, Fehr, Mooney) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 918, adopt amendments as follows, and place SB 2243 on the Seventh order:

That the House recede from its amendments as printed on page 918 of the Senate Journal and page 1009 of the House Journal and that Engrossed Senate Bill No. 2243 be amended as follows:

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 13, after the period insert "The legislative council may spend up to \$45,000 to contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Renumber accordingly

Engrossed SB 2243 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2243, as engrossed: Your conference committee (Sens. Dever, G. Lee, Axness and Reps. Damschen, Fehr, Mooney) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 918, adopt amendments as follows, and place SB 2243 on the Seventh order:

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Page 1, line 11, after the period insert "The legislative council may contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Renumber accordingly

Engrossed SB 2243 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

SB 2243

13.0777.01001
Title.

Prepared by the Legislative Council staff for
Senator Mathern
January 28, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2243

Page 1, line 1, after "needs" insert "; and to provide an appropriation"

Page 1, line 4, replace "consider studying" with "study"

Page 1, line 6, replace "may" with "must"

Page 1, line 8, replace "nonprofit" with "social and clinical"

Page 1, line 8, after the third comma insert "mental health advocacy organizations,"

Page 1, line 9, after "agencies" insert "and institutions"

Page 1, after line 11, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$45,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

SB 2243 Testimony

Good morning, Madam Chairman and members of the Committee:

I am Representative Alan Fehr, District 36.

I am here to testify in support of SB 2243 for a legislative management study of behavior health needs.

I'm a clinical psychologist and have spent the past 30 years working in ND. Although I currently work for the ND National Guard, in my career I have worked for 4 of the 8 Human Service Centers, I worked at a regional hospital, and I owned and managed a behavior health clinic for many years.

I would like to offer some comments about our system of behavior health services in ND and why I think that a study is long overdue.

First, I'd like to make the point that our public system has not had major changes or reorganization for 25 plus years.

The biggest reorganization was in the early 80s when the Area Social Service Centers, the Regional Mental Health Centers, and other programs were merged into the umbrella concept of the eight Human Service Centers.

This put acute and long-term behavior health services, services for the developmentally disabled, addiction services, vocational rehabilitation, and aging services into one center.

As a general statement, we have a twin system of behavior health provision in ND: public and private. The public system through the Department of Human Services serves people with more severe problems and least ability to pay. People with less severe problems, such as adjustment issues and relationship issues, are more likely to seek assistance in private settings, especially if they have insurance or the ability to pay for services.

Whether or not we have a twin system of care, there is a need to creatively manage care for those with the most severe, long-term problems. A few people with severe needs can consume a disproportionate amount of resources. This may include repeated hospitalizations, recurring crises and trips to an emergency room, self-destructive behavior, and health care visits without an identifiable health care

diagnosis,

More times than not, the public and private systems do not communicate or work together in a meaningful way – the public system focused on sustaining itself and the private system focused on reimbursable services. Neither system seems able to make transformational changes in behavior health programming.

In conducting a study of behavior health needs, we need to ensure that we ask about solutions, not just problems. We need to ask about creative approaches that are evaluated to demonstrate their effectiveness.

This bill asks for "... consideration of access, availability, and delivery of services."

Regarding this, here's a point to consider:

Currently, there is a disconnect between physical health care and behavior health care, both from the viewpoint of consumers and providers. As a general rule, a person with a physical health condition will seek medical services as long as they have the ability to pay for the care.

But with behavior health, there are several likely courses of action that will result in incomplete behavior health outcomes. A person needing help could:

1. Be unaware of their need for behavior health services and therefore not seek help,
2. Be aware of their need but delay or avoid seeking help due to concerns about what other people might think of them,
3. Seek care from their physician and receive medication only, or
4. Seek or be referred for behavioral health care but discontinue prematurely.

A person is more likely to receive help if behavior health is in the same clinic as primary care. Physicians are more likely to refer and patients are more likely to accept a referral if the behavior health provider is down the hall from the primary care physician. While this may seem common sense, there is no current initiative in this state to integrate behavior health into primary care.

Furthermore, an ideal system of comprehensive behavior health care would also include:

1. Prevention, to try to strengthen resources and reduce risk factors before

behavior health problems begin, and

2. Early intervention, to provide services early and "nip problems in the bud,"

In summary, our current system of behavior health care leaves many unmet needs. But if we ask about needs without looking for creative solutions, I expect to hear that the needs are enormous, heart-breaking, and the need for funding unlimited. The questions we ask will make a difference.

I am asking for your support of SB 2243 and I would welcome your questions.

Senate Human Services
Senate Bill No. 2243
January 30, 2013

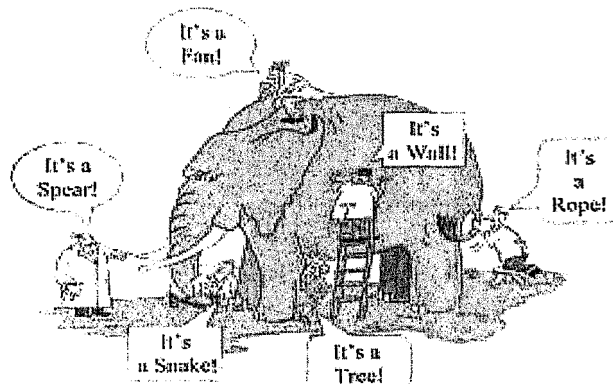
Chairman Lee and Members of the Committee, my name is Corinne Hofmann. I am Director of Policy and Operations for the Protection and Advocacy Project [P&A]. P&A supports Senate Bill 2243.

You are probably familiar with the story of six people asked to describe an elephant, each viewing a different part. The resulting descriptions are very different, based on the part of the elephant examined. The story illustrates the illusive nature of truth, a possible reason for the conflicting positions of experts, and the need to respect different perspectives.

This bill fosters a "whole elephant" approach in an area where the approach is too often "tail of the elephant". That is refreshing and overdue.

We have seen a number of bills, in this and previous legislative sessions, seeking to change mental health commitment statutes based on the concerns of a limited number of stakeholders. It is a cause for concern. The behavioral health system in North Dakota is complex, with many stakeholders, each with a piece of the truth. We wholeheartedly support seeking input from all stakeholders to determine needed changes and avoid unintended consequences.

P&A asks the committee to support SB 2243. Thank you. I would be happy to answer any questions the committee might have.



Testimony
Senate Bill 2243
Senate Human Services Committee
Senator Lee, Chairman
January 30, 2013

Chairman Lee, members of the Senate Human Services Committee, I am Nancy McKenzie, Public Policy Director for Mental Health America of North Dakota (MHAND). I am here today to speak in support of SB 2243, which provides for a legislative management study of behavioral health needs.

The mission of Mental Health America is to promote mental health through education, advocacy, understanding and access to quality care for all individuals. This bill impacts the care delivery system in North Dakota.

Behavioral healthcare, like other aspects of the healthcare delivery system in general, is undergoing change on a number of fronts: research is identifying a number of evidence-based practices leading to effective recovery; growing emphasis is being placed on the integration of medical and behavioral healthcare services; and, healthcare reform is driving change in mechanisms to access care and insurance coverage.

The system of care has many strengths, but there continue to be gaps in access and coverage. Our state, rural in nature, has additional complex challenges due to changing demographics and workforce issues.

The behavioral healthcare system in North Dakota depends upon strong partnerships between public and private sectors for maximum effectiveness and access to care. A comprehensive study of behavioral healthcare that involves these multiple stakeholders is a timely investment of resources for future planning.

MHAND strongly supports SB2243, and urges your passage.

This concludes my testimony; I will be happy to answer any questions.

Human Service Committee

Senate Bill 2243

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

Chairman Lee and members of the Human Services Committee I would respectfully ask for your 'Do Pass' recommendation on SB2243 relating to an interim study of behavioral health needs.

Throughout North Dakota law enforcement is frequently the first point of contact for the treatment of individuals with behavioral health issues. Contact may be due to a criminal act committed by the individual or as law enforcement being the resource of last resort for a family member seeking intervention for the individual. Once contact has been made law enforcement is faced with a limited number of options as to where to seek help for the individual. Too often the only available option is an emergency room or jail neither of which provides the appropriate level of care.

Access to services and the availability of treatment and follow-on care in my opinion are the largest barriers to the adequate and appropriate treatment of behavioral health issues in North Dakota. Access to the appropriate level of treatment must be available 24 hours a day seven days a week and within a reasonable distance of travel. Once an individual has been identified as needing treatment they should not be expected to wait days to receive an evaluation and to begin treatment. After an individual has entered treatment adequate monitoring and oversight of the individual's compliance with the program is essential for a successful outcome and avoid repeated entry into the system. Our current practice of treatment is inefficient, ineffective and expensive.

I have had the privilege of working with stakeholders on a local level to address the issues common to all providers within my area. The group has been able to report some successes. There have also been meetings as individual provider disciplines with the Department of Human Service to address access and demands for services. What has lacked in those previous meetings has been a state wide coordinated effort to bring all parties together to identify the root cause of the continued shortfalls in addressing behavioral health needs in North Dakota.

A comprehensive study of behavioral health needs in North Dakota is long overdue. The interim study of access, availability, and delivery of behavioral health services for youth and adults throughout North Dakota proposed under SB2243 will serve to establish a base line for the current conditions of care. From the information obtained through the study clear goals and objectives can be formulated and a road map set to bring improvement to behavioral health services in North Dakota. To continue as we are will only result in failure for the individual and for all of the citizens of North Dakota.

I ask for your support of SB2243.

Respectfully submitted.

Assistant Chief Mike Reitan

West Fargo Police Department

800 4th Ave E

West Fargo, 58078

701-433-5500

fax 433-5508

mike.reitan@westfargond.gov<mailto:mike.reitan@westfargond.gov>

Senate Appropriations
Senate Bill No. 2243
February 18, 2013

Corinne Hoffmann
SB 2243 #1
2-18-13

Chairman Holmberg and Members of the Committee, my name is Corinne Hofmann. I am Director of Policy and Operations for the Protection and Advocacy Project [P&A]. P&A supports Senate Bill 2243.

Individuals with behavioral health needs interact with many different entities receiving public funds, including medical providers, social service agencies, our school systems, our state institutions, emergency services, law enforcement, the court system, and correctional facilities. Studying the behavioral health needs of adults and children would help optimize the use of state dollars within these systems.

The interplay of systems and stakeholders serving those with behavioral health issues is complex. There are strengths in our system, but there are also gaps in coverage and access that need to be analyzed. The needs and challenges of urban and rural areas are different, as are the needs of those areas affected by oil development. Information is critical to effective planning.

P&A believes a thorough study of behavioral health needs in North Dakota, with input from all stakeholders, would be time and money well spent. P&A asks the committee to support SB 2243.

Thank you. I would be happy to answer any questions the committee might have.

#1

SB 2243 Testimony

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I am here to testify in support of SB 2243 for a legislative management study of behavior health needs.

I'm a clinical psychologist and have spent the past 30 years working in ND. Although I currently work for the ND National Guard, in my career I have worked for 4 of the 8 Human Service Centers, I worked at a regional hospital, and I owned and managed a behavior health clinic for many years.

I would like to offer some comments about our system of behavior health services in ND and why I think that a study is long overdue.

First, I'd like to make the point that our public system has not had major changes or reorganization for 25 plus years.

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I am asking for your support of SB 2243 and I would welcome your questions.

House Human Service Committee
Senate Bill 2243
Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

#2

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I ask for your support of SB2243.

Respectfully submitted.
Assistant Chief Mike Reitan
West Fargo Police Department
800 4th Ave E
West Fargo, 58078
701-433-5500
fax 433-5508
mike.reitan@westfargond.gov<<mailto:mike.reitan@westfargond.gov>>

13.0777.02002
Title.

Prepared by the Legislative Council staff for
Representative Damschen
April 11, 2013

(P)

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243

That the House recede from its amendments as printed on page 918 of the Senate Journal and page 1009 of the House Journal and that Engrossed Senate Bill No. 2243 be amended as follows:

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 13, after the period insert "The legislative council may spend up to \$45,000 to contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Re-number accordingly

~~XXXXXXXXXX~~