

FISCAL NOTE
Requested by Legislative Council
02/24/2015

Amendment to: HB 1274

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$93,000		
Expenditures				\$135,600		
Appropriations				\$135,600		

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

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

HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and adds two new board members (including one consumer member).

- 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.*

Current revenues are expected to be \$93,000 across 2015-2016. If amendments pass, rules would permit increased fees to potentially offset the fiscal impact. However, there would likely need to be significant percentage renewal fee increase. (See attached details)

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.*

Our Board is funded primarily by Special Funds generated by renewal fees (average 250 x \$150), new application fees (average of 20 new applicants per year x \$450). (See attached details).

- 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.*

See attached details.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

See attached details.

Name: Margo Adams Larsen, Ph.D.

Agency: ND State Board of Psychologist Examiners

Telephone: 701.772.1588 (office)

Date Prepared: 03/09/2015

FISCAL NOTE
Requested by Legislative Council
02/24/2015

Amendment to: HB 1274

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$93,000		
Expenditures				\$135,600		
Appropriations				\$135,600		

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

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

HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and adds two new board members (including one consumer member).

- 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.*

Current revenues are expected to be \$93,000 across 2015-2016. If amendments pass, rules would permit increased fees to potentially offset the fiscal impact. However, there would likely need to be significant percentage renewal fee increase. (See attached details)

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.*

Our Board is funded primarily by Special Funds generated by renewal fees (average 250 x \$150), new application fees (average of 20 new applicants per year x \$450). (See attached details).

- 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.*

See attached details.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

See attached details.

Name: Margo Adams Larsen, Ph.D.

Agency: ND State Board of Psychologist Examiners

Telephone: 701.772.1588 (office)

Date Prepared: 03/09/2015

Fiscal Note for Engrossed HB 1274 – Prepared by Dr. Margo Adams Larsen

	2013-2015		2015-2017		2017-2019	
	General	Other	General	Other	General	Other
Revenue				93,000* 130,500		
Expenditures				124,600 135,600**		
Appropriations				continued		

*current revenues if bill does not pass.

**fiscal impact of two new board members – significant fiscal burden

2A HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and adds two new board members (including one consumer member).

2B Current revenues are expected to be \$93,000 across 2015-2016. If amendments pass, rules would permit increased fees to potentially offset the fiscal impact. However, there would likely need to be an equal percentage renewal fee increase. (See attached details)

DETAILS:

SECTION 1 amendment increases the size of the board by 40%, which is a substantial increase in operating costs for the board (about \$12,000 across two years). While the board supports the addition of members on principle, the amount renewal fees would need to increase to allow for adequate training and administration related to these members may be unpalatable to current licensees. The estimates to provide adequate financial functioning for the board would be a 40% increase in fees each year for two years (current renewal is \$150 which would increase 40% each year to \$210 in 2015 and to \$270 in 2016) which would leave a very small margin of reserves for these two years (only \$2400). See below for previous summary of projected costs when two new board member expenditures were not considered.

SECTION 3 amendment essentially sets a timeframe between due date of renewal fees (currently December 31-proposed November 15) and renewal date such that the Board office can more effectively process incoming paper applications and renewal fees to ensure licensee compliance and process renewal certificates. In addition, removing the capped fee of “not to exceed one hundred and fifty dollars” and inserting “by rule” permits the board more functionality to address fiscal issues such as the impact this bill will have on our finances as well as exploring the potential for online renewal application processing. It is the intention of our board to increase these fees occasionally to cover the work of the Board, and by defining this fee in statute, the Board has limited capacity to respond to consumer needs. This fiscal impact will be considered in the fees the board sets by rule. Renewal fees are currently \$150. We currently have 256 licensed or registered professionals. The remaining changes in this section simply update the use of technology within the regulatory system and our board office. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 4 amendment permits the board to set the late fee for delinquent renewals by rule. The cost of office staff time to process renewal applications and fees will be considered by the board when setting these fees. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 5 amendment clarifies that the board has authority to establish by rule, fees for administrative services such as official license verifications, which currently are not able to be reimbursed and cost about \$10-\$15 per record look up for staff time and verification of records, mailing costs, etc. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 6, SECTION 7, SECTION 8, SECTION 9, SECTION 10, SECTION 11, SECTION 13, SECTION 14

These sections rearrange for better understanding current language already in our statute, and simply make the comprehension of our statute more efficient. The fiscal implications of these sections are simply in the costs for rule writing that may apply to these changes, (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 12 amendments rearrange current language for better clarity, but also specifically authorize the board the ability to assess costs incurred by the board for investigations related to disciplinary actions, and allow the board to set fines for minor infractions of this chapter. While some of this authority is noted elsewhere in the ND Century Code, including in this section clarifies the board's authority and permits the board to develop a fee structure in rule. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 15

This section removed a grandfathering clause that no longer applies. There will be no fiscal impact.

3A REVENUES:

Our Board is funded primarily by Special Funds generated by renewal fees (257x\$150), new application fees (average of 20 new applicants per year x\$450). (See attached details).

DETAILS:

If allowed to set fees in rules, the board was initially considering the increased expenses of rule promulgation, and considered a stepped fee increase from our current renewal fee of \$150 by \$50 per year across the next two years. This structure would increase our revenues based on 250 professionals in the following ways: 2015 = 37,500 to 2016 = 50,000 to 2017 = 62,500 (total estimated revenues across two years of \$18,000+50,000+62,500 = \$130,500). If the fees are allowed to be set to cover our costs, these would be estimated revenues. Currently, our revenues would actually be: \$93,000, yet expenditures are expected to increase). However, with the addition of two new board members in the current amendments, the renewal fees (and possibly application fees) would need to increase substantially to cover the addition \$6,000 per year to add these members.

3B EXPENDITURES:

Currently, 832 hours of secretary time are offset by 500 hours of unpaid volunteer time of 4 board members. Estimated costs of fiscal impact of this bill:

- Costs of travel and meetings \$500/time (anticipate 4 meetings across 2 years for total of \$2000).
- Increased costs of legal fees for rule writing and testimony, etc., approximately \$10,000 per year (\$20,000 increase across 2 years). (Current costs are about \$10,000 per year).
- Publication costs for proposed rules: \$1800 per publication time (estimated), possibly 2 times for total of \$3,600 across two years).
- Board work time is anticipated to increase, and paid staff hours need to increase to reduce the load of volunteer board members – estimated costs for increased work-load (1000 hours across two years) would be an additional \$17,000 (across two years). Current costs are \$14,200 per year.
- Office costs are anticipated to increase significantly to provide technological support for responding to consumer and legislative requests, with estimates to be about \$6,000 per year (Currently, office costs are about \$3000 per year). Estimates for 2015-2017 would be an additional \$6,000 across 2 years.
- **Training costs for new board members will increase the board expenditures by about \$6,000 per year (\$12,000) across two years.**
- Reserve funds for unpredictable costs of investigation and litigation are not included in this summary, but the board generally attempts to have between \$15,000 and \$30,000 per year (\$30-60,000 per two years) to cover the investigation and litigation costs of disciplinary actions.

3C APPROPRIATIONS:

Currently, the board has authorization for continuing appropriate for our special fund to spend our revenues per NDCC. These items are noted in the "Other Funds" category, and apply to all amendments.

FISCAL NOTE
Requested by Legislative Council
01/14/2015

Bill/Resolution No.: HB 1274

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$93,000		
Expenditures			\$20,000	\$124,600		
Appropriations			\$20,000	\$124,600		

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

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

HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and proposes in Section 16 and 17 to provide appropriated general funds for the promotion of training and networking of professional regulators within ND.

- 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.*

Revenues expected to be \$93,000 across 2015-2016. If amendments pass, expected revenues would offset the fiscal impact. Sections 16 and 17 would not be offset by our revenues and were specifically requested from the general fund, as these sections benefit all occupational and professional boards in ND. (See attached details)

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.*

Our Board is funded primarily by Special Funds generated by renewal fees (average 250 x \$150), new application fees (average of 20 new applicants per year x \$450). (See attached details).

- 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.*

See attached details.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

See attached details.

Name: Margo Adams Larsen, Ph.D.

Agency: ND State Board of Psychologist Examiners

Telephone: 701.772.1588 (office)

Date Prepared: 02/17/2015

Fiscal Note for HB 1274 – Prepared by Dr. Margo Adams Larsen

	2013-2015		2015-2017		2017-2019	
	General	Other	General	Other	General	Other
Revenue				93,000* 130,500		
Expenditures			20,000	124,600		
Appropriations			20,000	continued		

*current revenues if bill does not pass.

2A

HB amends several sections of licensing statutes to read more consistently throughout the statute, clarifies powers and duties of the Board, and proposes in Section 16 and 17 to provide appropriated general funds for the promotion of training and networking of professional regulators within the State of North Dakota.

2B

Current revenues are expected to be \$93,000 across 2015-2016. If amendments pass, expected revenues would offset the fiscal impact. Sections 16 and 17 would not be offset by our revenues and were specifically requested from the general fund, as these sections benefit all occupational and professional boards in ND. (See attached details)

DETAILS:

SECTION 3 amendment essentially sets a timeframe between due date of renewal fees (currently December 31-proposed November 15) and renewal date such that the Board office can more effectively process incoming paper applications and renewal fees to ensure licensee compliance and process renewal certificates. In addition, removing the capped fee of “not to exceed one hundred and fifty dollars” and inserting “by rule” permits the board more functionality to address fiscal issues such as the impact this bill will have on our finances as well as exploring the potential for online renewal application processing. It is the intention of our board to increase these fees occasionally to cover the work of the Board, and by defining this fee in statute, the Board has limited capacity to respond to consumer needs. This fiscal impact will be considered in the fees the board sets by rule. Renewal fees are currently \$150. We currently have 256 licensed or registered professionals. The remaining changes in this section simply update the use of technology within the regulatory system and our board office. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 4 amendment permits the board to set the late fee for delinquent renewals by rule. The cost of office staff time to process renewal applications and fees will be considered by the board when setting these fees. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 5 amendment clarifies that the board has authority to establish by rule, fees for administrative services such as official license verifications, which currently are not able to reimbursed and cost about \$10-\$15 per record look up for staff time and verification of records, mailing costs, etc. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 6, SECTION 7, SECTION 8, SECTION 9, SECTION 10, SECTION 11, SECTION 13, SECTION 14
These sections rearrange for better understanding current language already in our statute, and simply make the comprehension of our statute more efficient. The fiscal implications of these sections are simply in the costs for rule writing that may apply to these changes, (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 12 amendments rearrange current language for better clarity, but also specifically authorize the board the ability to assess costs incurred by the board for investigations related to disciplinary actions, and allow the board to set fines for minor infractions of this chapter. While some of this authority is noted elsewhere in the ND Century Code, including in this section clarifies the boards authority and permits the board to develop a fee structure in rule. The fiscal implication of this section is the costs for rule writing that may apply to these changes (which would likely include the cost of two board meetings, travel for testimony, publication of proposed rules, and attorney time and expenses).

SECTION 15

This section removed a grandfathering clause that no longer applies. There will be no fiscal impact.

SECTION 16 and SECTION 17 are new functions proposed to permit the appropriation from the general fund for training funds to cover the costs of bringing a trainer into North Dakota in August 2015 to provide comprehensive regulatory training to any professional board regulators, staff, or attorneys. Our Board would is not able to cover the tuition costs and travel costs for our Board members under our current statute limited structure, and by making this available to more occupational and professional boards, it meets the Legislative initiative to build more consistency across professional boards within North Dakota. However, Boards are not currently able to cover the costs of such training and networking. The fiscal impact of this training, which would occur twice in the next two years, would be \$20,000, and if not permitted through appropriation of the general fund, the costs of SECTION 16 would impose a financial hardship to our Board.

3A REVENUES:

Our Board is funded primarily by Special Funds generated by renewal fees (257x\$150), new application fees (average of 20 new applicants per year x\$450). (See attached details).

DETAILS: If allowed to set fees in rules, the board would consider the increased expenses of rule promulgation, and likely consider a stepped fee increase from our current renewal fee of \$150 by \$50 per year across the next two years. This structure would increase our revenues based on 250 professionals in the following ways: 2015 = 37,500 to 2016 = 50,000 to 2017 = 62,500 (total estimated revenues across two years of \$18,000+50,000+62,500 = \$130,500). If the fees are allowed to be set to cover our costs, these would be estimated revenues. Currently, our revenues would actually be: \$93,000, yet expenditures are expected to increase).

3B EXPENDITURES:

Currently, 832 hours of secretary time are offset by 500 hours of unpaid volunteer time of 4 board members. Estimated costs of fiscal impact of this bill:

- Costs of travel and meetings \$500/time (anticipate 4 meetings across 2 years for total of \$2000).
- Increased costs of legal fees for rule writing and testimony, etc., approximately \$10,000 per year (\$20,000 increase across 2 years). (Current costs are about \$10,000 per year).
- Publication costs for proposed rules: \$1800 per publication time (estimated), possibly 2 times for total of \$3,600 across two years).
- Board work time is anticipated to increase, and paid staff hours need to increase to reduce the load of volunteer board members – estimated costs for increased work-load (1000 hours across two years) would be an additional \$17,000 (across two years). Current costs are \$14,200 per year.
- Office costs are anticipated to increase significantly to provide technological support for responding to consumer and legislative requests, with estimates to be about \$6,000 per year (Currently, office costs are about \$3000 per year). Estimates for 2015-2017 would be an additional \$6,000 across 2 years.
- Reserve funds for unpredictable costs of investigation and litigation are not included in this summary, but the board generally attempts to have between \$15,000 and \$30,000 per year (\$30-60,000 per two years) to cover the investigation and litigation costs of disciplinary actions.

3C APPROPRIATIONS:

Currently, the board has authorization for continuing appropriate for our special fund to spend our revenues per NDCC. These items are noted in the "Other Funds" category, and apply to all but two sections of amendments (Sections 16 & 17).

Sections 16 and 17 of the HB amendments refer to amounts requested to be appropriated from the general fund and are specific to the speaker fees for the training proposed to be offered two times in the next two years. These costs are \$10,000 per training. The funds requested are \$20,000 (total for two years). Our Board does NOT have a mechanism to cover the costs associated with this training should general funds not be appropriated for this purpose.

2015 HOUSE HUMAN SERVICES


HB 1274

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1274
1/28/2015
22733

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to the powers and duties of the state board of psychologist examiners.

Minutes:

Attachment #1 #2 #3 #4 #5

Chairman Weisz opened the meeting on HB 1274.

Rep. Alan Fehr: Introduced and supported HB 1274. (See Testimony #1)

Rep. Mooney: Is the short hand of this that it allows for quicker response time to the licensing issues?

Rep. Fehr: If someone is licensed as a psychologist in another state and they apply in this state they will fill out an application form requesting what is sometimes referred to as reciprocity or to be acknowledged for that. If they are licensed in a state that looks the same as our in terms of a licensure that is it requires a doctorate degree from a credited university that looks like our licensure law. It includes that they have completed a residency that looks like our laws, if they completed and approved internship. If to the best of the board's knowledge the licensure in that state looks like our licensure requirements they will then give what we know as reciprocity. If there is any part of that that doesn't look like our states then they go through the whole licensure process. It speeds things along considerably if they can give what we commonly refer to as reciprocity. This temporary license would actually be a fast track to what is called a provisional license. The requirement is the board would still have to follow through on looking at all the licensure issues, but at least they now would have something from the board from the state.

Rep. Mooney: In regards to page 2, where the board may establish by rule fees for administrative services which are consistent with the states open record laws. Do we have that many requests?

Rep. Fehr: I defer that question to the board.

Rep. Oversen: Can you talk a little bit more about the training that is being requested? The way I'm reading it it's not necessarily training specific to the state board of psychologist examiners but all of boards that regulate.

Rep. Fehr: The short answer is you are correct. What the president of the board had communicated with is that she has talked to number of other boards and they want to put together training that is related to regulations of boards.

Dr. Paul Kolstoe: Psychologist testified in support of the bill. (See Testimony #2). (He handed out an amendment. See Attachment #3).

Rep. Porter: Why don't you have a public member on your board?

Dr. Kolstoe: That would have been within the Legislative purview so I will put it back with them. I know that nationally various regulatory boards some have citizen members some don't. There is an argument that goes both ways. One is that you need to have a perspective from somebody who is not immersed in the feel to add to the consideration of the boards. The other argument is that professionals that are with in the field then that better understand what the presenting issues are that the public is dealing with. To my knowledge I have not seen any studies that show better or worse responsiveness by boards relative to the presence of a member. So whether there is any imperial information about the impact of someone I am not aware that it changes the course of any activates of the boards, but again I leave it to the legislative body to make the final judgment on those kinds of issues.

Rep. Porter: When boards have come before us asking us to do special projects for them, we as the legislative body have been resistant to using the general funds of the state of North Dakota for those purposes. In the past we have allowed the board of nursing to do a onetime fee increase in order to do a data project that they paid for themselves. I would be interesting in hearing the financial status of your board and what your current ending fund balance is within the board of psychology.

Dr. Kolstoe: In general if my memory serves, we have between about 15,000-30,000 dollars remaining after each year that we try to preserve because we run into things. Boards at times also have to be prepared to go to court and they do need a fund of operating dollars to be prepared.

Rep. Porter: Certainly those kinds of activities are relevant activities to the boards and their special needs of doing their work. Some of us are very in tune to the fact that bards can't be bankrupt by legal proceedings as we dealt with the board of podiatric medicine and we ended up having to but enormous increases in the licensing fees to cover those legal expenses in order to get them a balanced budget. In my estimation it is the responsibility of the professionals that they are regulating not the tax payers of the state.

Rep. Weisz: How many are you licensing now and what is your licensure fee currently?

Dr. Kolstoe: The fee is 150 dollars a year. In terms of current licensees I don't have the specific number in front of me but I can get that for you, I think we have over 200 licensed. That would include behavior analyst.

Rep. Weisz: Do you know the breakdown?

Dr. Kolstoe: Behavior analyst we have around 10 or 12 license behavior analyst, two registered behavior analyst and like I said just over 200 psychologists. In terms of the licensure if one keeps in mind that people pay have a license for North Dakota but may live and practice somewhere else but they may maintain their North Dakota license.

Rep. Mooney: Why do we need additional fees for the open records law?

Dr. Kolstoe: What we have encountered is a number of entities have been requesting verification if licensure and they are looking for that such verification in paper form. So they are entitled to that information, but we have been encountering significant copying and mailing and our executive secretary spends a lot of time just handling those kinds of requests.

Rep. Mooney: So this is the general public that is asking for these records?

Dr. Kolstoe: In many cases it's insures, employers or various entities that are seeking verification.

Rep. Damschen: On page 1 under section 2 43-32-12 it says "the board shall adopt rule establishing the amount of the application fee for licensure". Is that different from the fee that you were saying the legislature set?

Dr. Kolstoe: The application fee it is a one-time fee and we have considerable background work in order to pull all the records together, and then the renewal fee. The application now is in the administrative rule and what the piece of legislation in front of you would do is remove the renewal fee to the administrative rule section as well so that can be adjusted based on economic conditions and things like that.

Rep. Fehr: If this was approved and you in fact had this training could that board activity that is moving forward in a different bill coincide with the time you get together to do this training?

Dr. Kolstoe: That is exactly the point behind it. We had already been moving in a direction the last two years to try and get some information for regulatory boards in North Dakota so that we could see a meshing of effort. There is likely to be some state dollars involved in helping the regulatory boards retool into a way that we can be consistent across each other, provide efficient technologies to people and these are issues that cross the state board. The kinds of things that the various boards could learn in that kind of situation can make their other operations much more efficient. In order to sustain that coming together across the boards the boards may need to be in the position where they pick up the costs into the future but we are looking for a cross the board as just an opportunity to pull our recourses financially and informational.

Dr. Benson Licensed Psychologist: (Attachment #4)

Rep. Mooney: Your initial testimony was referencing 43-32-20 correct?

Dr. Benson: Correct

Rep. Mooney: What you are saying in there is that you would be supportive of the language amendments that are in here specifically with regards to lines 16 and 17, Canadian Psychological Association or the Association of State and Provincial Psychology Board that that help to boarded our definitions?

Dr. Benson: I believe there is also a statement in there to approve another accrediting agency by board rule, which further opens that up.

Rep. Mooney: We have some amendments sitting in front of us that would look to overstrike and remove the Association of State and Provincial Board?

Dr. Benson: It is my understanding the that Association of State and Provincial Boards is no longer currently is accrediting programs but has in the past accredited programs so there are some programs that will continue to have that accreditation so leaving that in doesn't help students going forward to be able to do that but I believe it captures students who have previously been accredited.

Rep. Mooney: So then if it's stricken you would be ok if that is removed from the language?

Dr. Benson: I would prefer that I not be stricken, that it be included and that it remain as written currently in the bill language.

Donya Blair- Tischer, Psychologist Breckenridge, MN: (Attachment #5)

Rep. Mooney: So in your particular instance is there any resolution then that's available to you in order to be able to practice here in North Dakota without you having to go back to school again?

Tischer: At this point, no. I have spoken with the Minnesota Board and I am fully able to process with license for process in residency to be licensed as a clinical psychologist in Minnesota however not in North Dakota.

No opposition

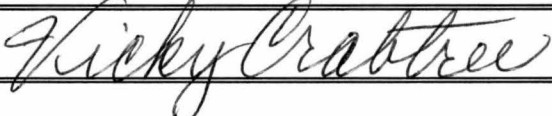
Hearing Closed

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1274
1/28/2015
22733

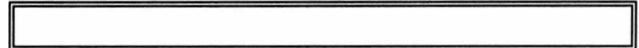
- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

A bill relating to the powers and duties of the state board of psychologist examiners.

Minutes:



Minutes start at 51:20

Chairman Weisz: Let's start out with HB 1274.

Rep. Fehr: I was looking through the amendments that were submitted by the board; so far I don't have any objections to theirs.

Rep. Mooney: Is this the one that allow for the drug usage or is this a different one?

Chairman Weisz: This has nothing to do with medical prescribing.

Rep. Porter: The only not that I had written down on this one was just the thought that there was no public member on their board. We have kind of tired to make sure all boards have public members.

Chairman Weisz: They have five members on their board?

Rep. Porter: They have five total.

Chairman Weisz: Rep. Fehr where you planning to prepare an amendment that addresses theirs?

Rep. Fehr: I can do so. I haven't done that yet.

Rep. D. Anderson: Didn't we have a question on section 17?

Chairman Weisz: I just don't know if we have ever given a board money to implement their own standards. Being that it is your bill Representative Fehr I'll ask that you get the amendments drafted if possible by tomorrow so we can take a look at them. I guess I do

agree with Representative Porter generally we always put a public member on a board. I think some have more than on public members.

Rep. Fehr: My only comment to that is that when I was on the board the way they divided up, unless they restructured things differently they had some people working on the applications, some people working on the approving the CU's. So one of the things I'm wondering is it reasonable to increase the size of the board?

Chairman Weisz: I guess I wasn't thinking of reducing the current members. My thought would be you are expanding the size of the board to include a public member.

Rep. Porter: Mine was to add not to decrease the number. I do still have a concern with section 17 though.


Chairman Weisz: I agree with that. We can deal with that tomorrow.

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1274
2/3/2015
23143

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

A bill relating to the powers and duties of the state board of psychologist examiners.

Minutes:

Attachment #1

Chairman Weisz took up HB 1274.

Rep. Fehr: (Attachment #1) I added two additional members, one of them being a public member so it is now a 7 member board. There are a number of relatively minor changes that the board had asked for so I incorporated that. I testified so I incorporated that. The one thing that I did not address is the appropriation in section 17. There are many possibilities and their president of the board had emailed me this sheet that she would like to me taken into account as we deliberate whether to keep that section as is, remove it, reduce the amount or whatever we do with section 17 appropriations.

Chairman Weisz: On page 5 and I know that they seem to think that where you added the language "which may include the" and then your amendment takes one of them out. I just fail to understand why any of that needs to be in there because they have the power. It says in a program that the doctor accredited by, approved by the board by rule. So why in the world do we need to say "which may include". They can include it why do we care?

Rep. Fehr: That came from legislative council when I was told we shouldn't give authority to organizations.

Chairman Weisz: Why list them that is century code what's the point? They will decide by rule that says "they will decide by accrediting body approved by the board by rule".

Rep. Fehr: It really doesn't matter if that's there or not.

Chairman Weisz: There are just a couple lines of code I just don't understand the need for. Representative Fehr you don't object to just removing the language on 15,16 and 17 on page 5?

Rep. Fehr: No

Chairman Weisz: Has anyone have questions on Rep. Fehr's amendment?

Rep. Fehr: In regards to the appropriation as they indicated what they are wanting to do is set up this training and pull these boards together to do this interdisciplinary training and are just asking for some help to cover registration. All the boards are going to need to cover their own individuals but would like to get it started.

Chairman Weisz: Why don't you clarify more your sections 16, what type of instate comprehensive training for state agencies regarding current best practices relating to professions, what professions?

Rep. Fehr: That goes with the appropriation.

Chairman Weisz: I understand that part. What professions are we referring too?

Rep. Fehr: Let me refer to the note on the top line that refers to pharmacy, nursing, social work and veterinarian medicine. I'm assuming that they want to open up any board could take part in it. As I understand she has talked specifically to people on these specific boards not all boards, but has talked to some boards and found some interest and wants to get it started and be something that becomes and ongoing training.

Rep. Porter: I'm not in favor of section 16 or 17. I don't think it's the responsibility of any one board to do something based on us telling them to do this training. If it's a good idea, if they work in conjunction with those other boards that want to do it if they find that they want to do it then they can do it. They have their own money, they charge their members fees, now they can raise their fees and reflect if they want to do that kind of work and do an annual regulator best practice or just do it one time. As a professional board they are responsible for protecting the consumers and for making sure that the individual's license under the board meets the requirements set by the board and the legislature. That's it. I don't think that training other boards is a component or function of any board. When the nurses wanted to do a registry and try to get their arms around a particular component inside the practice of nursing, they asked us for the money to do that, we said no. We did give them the authorization if they wanted to increase their licensing fees to their members they certainly could do that. This board we are taking the legislative oversight of their fees away. So if they wanted to charge a dollar extra to their members and do this they are certainly more than welcome to do it. I certainly can't support this going down to appropriations for this purpose.

Chairman Weisz: Why don't we take Representative Fehr's amendments just as they are first and then we will further discuss that section and some of the other sections that I mentioned. We have a amendments 3001 that Representative Fehr's brought forward and that's basically changing the board to seven members, that's mainly what it does, with a couple other minor technical changes. So we are going from five to seven with one public member on that board. Is there a motion out here on that?

Rep. Hofstad: I motion

Rep. D. Anderson: I second

Voice Vote
Motion to Adopt Amendment
Motion made by Representative Hofstad.
Seconded by Representative D. Anderson.
Motion Carried

Chairman Weisz: So we adopted 3001. Now any further amendments?

Rep. Porter: I'm just trying to read how this engrossed thing looks now. Page 13 line 22 replace 16 with section 17, we did not renumber section 16 or 17 as far as I can see then? I Move an amendment to remove section 16 and 17.

Chairman Weisz: We have a motion is there a second?

Rep. Hofstad: Second.

Chairman Weisz: Discussion on the amendment would basically remove the training component for the board and the appropriation that went with the training.

Rep. Porter: We have never done anything like this before I doubt that the bill in itself is clean up language to the board and it should remain that way. It shouldn't end up in appropriations, it shouldn't end up going through that process and it's a policy bill. It's the cleanup of the psychology board that we are responsible for. I think if they want to come in with a separate bill at some point in the future or along those lines to be the agency that coordinates that kind of training then they should. I don't think there's anything that stops them from doing what they want to do. They certainly can work with those other boards and do exactly what they want to do. I just don't think the state inside of the general fund should be on the hook for it.

Chairman Weisz: Further discussion?

Voice Vote
Motion to Adopt Amendment remove section 16 and 17.
Motion made by Representative Porter.
Seconded by Representative Hofstad
Motion Carried

Chairman Weisz: Motion carried, we have a further amended bill.

Rep. Damschen: Did you make the changes on page 5? Dropping the language on line 15,16 and 17.

Chairman Weisz: To remove the underline to move the new language.

Rep. Damschen: Motion is to remove the new language on lines 15, 16 and 17 on page 5.

Rep. Hofstad: Second

Voice Vote

Motion made to remove language on page 15,16 and 17 on page 5.

Motion made by Representative Damschen.

Seconded by Representative Hofstad.

Motion Carried

Chairman Weisz: Any further amendments?

Rep. Hofstad: I would further amend 1274 page 2 lines 25 and 26 be removed.

Rep. Mooney: I second

Voice Vote

Motion to remove lines 25 and 26 on page 2.

Motion made by Representative Hofstad.

Seconded by Representative Mooney.

Motion Carried.

Chairman Weisz: What are the committees wishes?

Rep. Porter: I move a Do Pass As Amended

Rep. D Anderson: I second

Motion Made to Do Pass As Amended

Motion made by Representative Porter

Seconded by Representative D. Anderson

Total Yes 13. No 0. Absent 0.

Floor Assignment Representative D. Anderson.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1274

Page 1, line 1, after "sections" insert "43-32-02,"

Page 1, line 4, after the first "the" insert "membership,"

Page 1, line 4, after "powers", insert an underscored comma

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 43-32-02 of the North Dakota Century Code is amended and reenacted as follows:

43-32-02. State board of psychologist examiners - How appointed - Qualifications.

The governor shall appoint a state board of psychologist examiners consisting of ~~five~~seven members. ~~At One board member must be designated a public member who is a resident of this state, is at least twenty-one years of age, and is not affiliated with any group or profession that provides or regulates health care in any form. Of the remaining six board members, at least one member must be engaged primarily in providing service in psychology, and at least one member must be engaged primarily in teaching, training, or research in psychology. Each~~Except the public member, each member must:

1. Be a resident of this state.
2. Be a psychologist licensed under this chapter.
3. Have received a doctorate degree in psychology from a school or college at least five years before appointment.
4. Have actively engaged in the practice of teaching or research of psychology for at least five years."

Page 2, line 9, after "renewal" insert ", which commences on January first"

Page 3, line 7, after the first "is" insert "a psychologist, is"

Page 3, line 7, after "analyst" insert an underscored comma

Page 4, line 17, remove the overstrike over "er"

Page 4, line 18, after "~~board~~" insert "is certified by a professional organization that is identified by the board by rule"

Page 5, line 16, replace the first underscored comma with "or"

Page 5, line 16, remove ", or"

Page 5, line 17, remove "the association of state and provincial psychology boards"

Page 12, line 14, after the semicolon insert "and"

Page 12, line 15, overstrike "Is credentialed as a behavior analyst by a board-approved credentialing entity,"

Page 12, overstrike line 16

Page 12, line 17, overstrike "d."

Page 13, line 22, replace "16" with "17"

Renumber accordingly

February 3, 2015

SK
2-4-15
1/2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1274

Page 1, line 1, after "sections" insert "43-32-02,"

Page 1, remove "and"

Page 1, line 2, remove "subsection 3 of section 43-32-16, and sections"

Page 1, line 4, after "the" insert "membership,"

Page 1, line 4, after "powers" insert an underscored comma

Page 1, line 4, remove "to direct"

Page 1, line 5, replace "the state board of psychologist examiners to provide education;" with
"and "

Page 1, line 5, remove "; and to"

Page 1, line 6, remove "provide an appropriation"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 43-32-02 of the North Dakota Century Code is amended and reenacted as follows:

43-32-02. State board of psychologist examiners - How appointed - Qualifications.

The governor shall appoint a state board of psychologist examiners consisting of ~~five~~seven members. ~~At One board member must be designated a public member who is a resident of this state, is at least twenty-one years of age, and is not affiliated with any group or profession that provides or regulates health care in any form. Of the remaining six board members, at least one member must be engaged primarily in providing service in psychology, and at least one member must be engaged primarily in teaching, training, or research in psychology. Each~~Except the public member, each member must:

1. Be a resident of this state.
2. Be a psychologist licensed under this chapter.
3. Have received a doctorate degree in psychology from a school or college at least five years before appointment.
4. Have actively engaged in the practice of teaching or research of psychology for at least five years."

Page 2, line 9, after "renewal" insert "which commences on January first"

Page 2, remove lines 23 through 26

Page 3, line 7, after the first "is" insert "a psychologist, is"

2/3

Page 3, line 7, after "analyst" insert an underscored comma

Page 4, line 17, remove the overstrike over "or"

Page 4, line 18, after "~~board~~" insert "is certified by a professional organization that is identified by the board by rule"

Page 5, line 15, remove ", which may include the"

Page 5, remove line 16

Page 5, line 17, remove "the association of state and provincial psychology boards"

Page 12, line 14, after the semicolon insert "and"

Page 12, line 15, overstrike "Is credentialed as a behavior analyst by a board-approved credentialing entity,"

Page 12, overstrike line 16

Page 12, line 17, overstrike "d."

Page 13, remove lines 15 through 23

Renumber accordingly

Date: 2-3-15
Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1274**

House Human Services Committee

Subcommittee

Amendment LC# or Description: 15.0347.03001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Hofstad Seconded By D. Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen					
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-3-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1274

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Porter Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen					
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
move section 16 and 17
motion carried

Date:
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1274

House Human Services Committee

Subcommittee

Amendment LC# or Description: see bottom

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Damschen Seconded By Hofstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen					
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Motion Carried Remove lines 15, 16, 17 new language page 5

Date:
Roll Call Vote #: 4

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1274

House Human Services Committee

Subcommittee

Amendment LC# or Description: See bottom

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Hofstad Seconded By Rep. Mooney

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Mooney		
Vice-Chair Hofstad			Rep. Muscha		
Rep. Bert Anderson			Rep. Oversen		
Rep. Dick Anderson					
Rep. Rich S. Becker					
Rep. Damschen					
Rep. Fehr					
Rep. Kiefert					
Rep. Porter					
Rep. Seibel					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: motion carried page 2 lines 25 & 26
Remove

Date: 2-3-15
 Roll Call Vote #: 5

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1274**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Porter Seconded By D Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Mooney	✓	
Vice-Chair Hofstad	✓		Rep. Muscha	✓	
Rep. Bert Anderson	✓		Rep. Oversen	✓	
Rep. Dick Anderson	✓				
Rep. Rich S. Becker	✓				
Rep. Damschen	✓				
Rep. Fehr	✓				
Rep. Kiefert	✓				
Rep. Porter	✓				
Rep. Seibel	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment D. Anderson

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

REPORT OF STANDING COMMITTEE

HB 1274: Human Services Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "43-32-02,"

Page 1, remove "and"

Page 1, line 2, remove "subsection 3 of section 43-32-16, and sections"

Page 1, line 4, after "the" insert "membership,"

Page 1, line 4, after "powers" insert an underscored comma

Page 1, line 4, remove "to direct"

Page 1, line 5, replace "the state board of psychologist examiners to provide education;" with "and "

Page 1, line 5, remove "; and to"

Page 1, line 6, remove "provide an appropriation"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 43-32-02 of the North Dakota Century Code is amended and reenacted as follows:

43-32-02. State board of psychologist examiners - How appointed - Qualifications.

The governor shall appoint a state board of psychologist examiners consisting of ~~five~~seven members. ~~At One board member must be designated a public member who is a resident of this state, is at least twenty-one years of age, and is not affiliated with any group or profession that provides or regulates health care in any form. Of the remaining six board members, at least one member must be engaged primarily in providing service in psychology, and at least one member must be engaged primarily in teaching, training, or research in psychology. Each~~Except the public member, each member must:

1. Be a resident of this state.
2. Be a psychologist licensed under this chapter.
3. Have received a doctorate degree in psychology from a school or college at least five years before appointment.
4. Have actively engaged in the practice of teaching or research of psychology for at least five years."

Page 2, line 9, after "renewal" insert ", which commences on January first"

Page 2, remove lines 23 through 26

Page 3, line 7, after the first "is" insert "a psychologist, is"

Page 3, line 7, after "analyst" insert an underscored comma

Page 4, line 17, remove the overstrike over "øf"

Page 4, line 18, after "~~board~~" insert "is certified by a professional organization that is identified by the board by rule"

Page 5, line 15, remove ", which may include the"

Page 5, remove line 16

Page 5, line 17, remove "the association of state and provincial psychology boards"

Page 12, line 14, after the semicolon insert "and"

Page 12, line 15, overstrike "Is credentialed as a behavior analyst by a board-approved credentialing entity,"

Page 12, overstrike line 16

Page 12, line 17, overstrike "d."

Page 13, remove lines 15 through 23

Renumber accordingly

2015 SENATE HUMAN SERVICES

HB 1274

2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1274
3/10/2015
Job Recording 24566

- Subcommittee
 Conference Committee

Committee Clerk Signature

Donald Mueller

(Katie)

Explanation or reason for introduction of bill/resolution:

A bill relating to membership, powers, and duties of the state board of psychologist examiners

Minutes:

Attach #1: Testimony by Rep Alan Fehr
Attach #2: Testimony by Dr Paul Kolstoe
Attach #3: Proposed Amendment
Attach #4: Electronic Testimony by Kristy Kiland

Representative Alan Fehr: District 36, introduced HB 1274 to the Senate Human Services Committee, and provided an overview of HB 1274 and its changes. See attachment #1 (end 12:27)

Senator Dever: In your last comments you mentioned Applied Behavior Analysis and Registered Behavioral Analysts - what is the difference?

Representative Fehr: Yes there is, we have a member of the licensing board who can do a lot better job answering that. When the new law was created, there needed to be a way to grandfather into the practice, and the register was the way to do that.

Senator Dever: Refresh memory regarding autism, was it applied behavioral analysis that we were talking about? It wasn't necessarily proven?

Chairman Judy Lee: DSM did not recognize the work of applied behavioral analyst as being effective, but there have been changes and it is now recognized. This has been part of the evolution regarding the Advanced Behavioral Analysts.

Representative Fehr: Deferred to his expert who will follow him.

Chairman Judy Lee: Do you see anything else that needs further attention?

Representative Fehr: Good with the bill, the board is good with the bill, but there is a study that involves five boards, and wondering if the other boards can make themselves more user friendly. Creating the temporary license is one example.

Chairman Judy Lee an area that she has had contact, the terrible delays, so pleased with the rewrite of this bill.

Representative Fehr sometimes there is miss-information. The issue is sometimes reimbursement, and not the issue of not being able to practice. Another issue is where it says they must meet at least twice a year, when in fact they are meeting twice a month.

Dr. Paul Kolstoe: Representing the Board of Psychologist Examiners. See attachment #2. (17:55-24:25), and also provided proposed amendment language. See attachment #3.

Chairman Judy Lee reviewed the proposed amendments.

Dr. Kolstoe: The difference between licensed and registered behavioral analysts, it also addresses in the Midwest, we don't have many programs that train people to be certified behavioral analysts, we now have eight or nine. There has been coursework added at UND but not supervised practice experience. In order to enable existing behavioral analysts and hiring new analysts, it did include a provision for registered applied behavioral analysts which does not require the training of a board certified, and they must be under a supervised practice behavioral analyst.

Chairman Judy Lee: When we discussed two years ago, behavioral analysts were being used in life skills facility, and we wanted to make sure these people were taken care of. Will the Department of Human Services folks be able to continue their work?

Dr. Kolstoe: I believe so; I have hired 5 people out in the regions, and one on the campus, and now has grown to 7 positions. Regulation takes a long time to work through the system. Hope to have more across the state in the next few years.

Chairman Judy Lee: Educational psychologists are not regulated by your board; even though they work in the school setting. What do you think about that?

Dr. Kolstoe: In the law, school psychologists will practice in agreement with the license board and Department of Public Instruction. The board struggles with that agreement, as Department of Public Instruction has moved the regulation to the Educational and Standards Practice Board. We have a concern about the orphan group in how it reflects on this discipline and it may mislead the public. We feel responsible for psychologists and behavioral health everywhere at all levels.

Chairman Judy Lee: Can you explore the possibility of moving the school psychologists to be governed under this board in future legislation.

V. Chairman Oley Larsen: Can a school psychologist go and work for someone whose children are being home schooled? If they get tired of working at the school, can they quit the school but still practice in school related activities?

Dr. Kolstoe: They are required to be working for a school district. The school district is responsible for people being home schooled, so there could be work called for in other environments, such as home school.

Chairman Judy Lee: They have to be hired by the school district per a previous bill.

Senator Warner: In item #10 in Representatives Fehr's testimony with regards to the scope of the practice and reimbursement.

Dr. Kolstoe: What we have encountered is there are a number of circumstances, especially with disasters issues, and need for specified expertise, where there is a desire to work under certain conditions. This would allow us to have administrative code to better recognize disaster situations or specialists in an area yet maintain regulation over it. Also, tele-psychology standards are emerging but are not completely clear, so this would give us latitude to develop administrative rule.

Senator Warner: On the compensation side, are there elements not compensated by Medicaid or third party payers.

Dr. Kolstoe: I am not experienced in the payment side of this. The issue comes down to the different payers and what they provide. The health care industry is being cautious in tele-health, for example, and that the quality is not compromised.

Senator Warner: Primarily concerned in doing quality, but neutral on the reimbursement.

Dr. Kolstoe: As a regulating board, we are not asked to make decisions about reimbursement.

Chairman Judy Lee: Will this re-write allow and enable tele-health. We don't want to obstruct that.

Dr. Kolstoe: I believe it gives more latitude. On national level, there is effort to work with states and compact for tele-health items. They are trying to craft for the compact. It gives enough latitude to get started, and we'll be able to help inform.

Chairman Judy Lee: Uncompensated clinical experiences, also known as internships, are your inters compensated?

Dr. Kolstoe: It is a long tradition in psychology, interns tend to be paid. As of now, the placement sites are paid. Regarding behavioral analysts, we believe over the next year there will be a paid for 2 students at a time for a practicum to be board certified.

Chairman Judy Lee: Who pays them? The department can compensate mentors even if the counselor who is in that experience doesn't get compensated that the private provider can't. Part of the discussion on the House side is that we have addiction counselors have unpaid internships, so who pays is a big deal. I think that the universities owe it to the students who are in these academic programs to have slots for them; I didn't know until a few months ago that they are moving people through the classes and then they are saying that internships should be found on their own. That is absolutely irresponsible on the part of higher education; they shouldn't be taking people's tuition to go through the classes without offering help with internships.

OPPOSITION to HB 1274

No opposing testimony

NEUTRAL TO HB 1274

No neutral testimony

Closed public hearing.

Chairman Judy Lee: Who was added to the board? One is public member. Who is the other one?

Dr. Kolstoe: The other one would fall into the same category as the rest.

Electronic testimony provided by **Kristy Kiland** (attach #4).

2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1274
3/10/2015
24568

- Subcommittee
 Conference Committee

Committee Clerk Signature

Donald Myller

Explanation or reason for introduction of bill/resolution:

A bill relating to the practice of chiropractic

Minutes:

No attachments

These are minutes from the Senate Human Services Committee work on March 10, 2015.

The recording for these minutes are listed under 1099, recording number 24568, time begin 8:45.

Senator Howard Anderson, Jr. moved to ADOPT AMENDMENT as proposed from Dr. Paul Kolstoe. The motion was seconded by **V. Chairman Oley Larsen**. No discussion

Roll Call Vote to ADOPT AMENDMENT

6 Yes, 0 No, 0 Absent. Motion passes.

V. Chairman Oley Larsen moved the Senate Human Services Committee DO PASS HB 1274 AS AMENDED and Re-Refer to the Appropriations Committee. The motion was seconded by **Senator Howard Anderson, Jr.** No discussion.

Roll Call Vote to DO PASS AS AMENDED

6 Yes, 0 No, 0 Absent. Motion passes.

V. Chairman Oley Larsen will carry HB 1274.

It was later determined that HB 1274 does not need to be re-referred to the Appropriations Committee.

15.0347.04001
Title.05000

Adopted by the Human Services Committee

March 10, 2015

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1274

Page 1, line 18, overstrike "a psychologist"

Page 1, line 18, after "chapter" insert "for at least five years"

Page 1, overstrike lines 19 through 22

Renumber accordingly

TD
3/10/15

Date: 03/10 2015
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES**
 BILL/RESOLUTION NO. HB1274

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 15.0347.04001 Title 05000

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Anderson Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larsen (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1274**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 15.0347.04001 Title 03000

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Larsen Seconded By Sen Anderson

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larsen (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Larsen

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

REPORT OF STANDING COMMITTEE

HB 1274, 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 1274 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "a psychologist"

Page 1, line 18, after "chapter" insert "for at least five years"

Page 1, overstrike lines 19 through 22

Re-number accordingly

2015 TESTIMONY

HB 1274

**Testimony on HB 1274
Rep Alan Fehr, District 36**

#1
HB 1274
1-28-15

Mr Chairman and members of the Human Services Committee, I am Representative Alan Fehr of District 36.

I am here to introduce HB 1274, which relates to psychology licensure, the licensure board, and board training.

Development of this bill started last summer when I heard that some employers in ND were having trouble hiring psychologists in the state and issues were expressed with the licensure process. What I learned was that there was at least one example where a job applicant was licensed in other state, accepted employment in ND, but was unable to start because the person was not reimbursable by insurance. The licensure law allowed the person to practice in the state but, until the person had a ND license, an insurance company would not provide reimbursement, which delayed the start of employment.

It seemed that a simple fix would be to create a temporary licensure that the Board of Psychologist Examiners would give to applicants holding a license in good standing from another state. I met with the Board last summer to discuss this possibility.

I drafted a bill and, as is often the case, I got feedback from Legislative Council that we should clean up some of our language. Therefore, some of the changes in this bill came from that feedback.

I also got feedback from the President of the Board, suggesting additional areas in the code that should be addressed. The Board President also asked for inclusion of a request for training funds.

As a result, this bill is an accumulation of several things that relate to psychology licensure and the Board. One of the things that complicates the wording in the code is that the Board of Psychology Examiners licenses psychologists, industrial-organizational psychologists, and applied behavior analysts. It also regulates psychology residents, industrial-organizational psychology residents, and registered applied behavior analysts, who work in a supervised practice.

I will provide an explanation of the different parts of this bill. A member of the Board of Psychologist Examiners is here to testify and I understand that amendments will be suggested. I expect that the Psychological Association will also testify. Many of the changes in this bill are enabling legislation, meaning that it gives more authority to the Board. Here is a breakdown of the changes:

1. Page 4, line 14, allows the board to grant a "provisional license or registration. It requires that the applicant be licensed in good standing in another state, which the Board will need to verify with the other state's licensure board. It further indicates that the applicant must have had no disciplinary action against the license for five years to qualify for the provisional license.
2. Page 4, lines 12-13 makes explicit that provisions of chapter 43-51 are in effect unless further defined in this chapter. Chapter 43-51 is a regulation of professions that is not specific to psychology. It includes provisions for emergency practice without a license, limited practice without a license, and indirect practice without a license.
3. Page 3, lines 5-9 and lines 13-17 clarifies that this chapter protects both the practice and title of the professions regulated.
4. There are changes to allow the Board to establish or change fees by rule. These include renewal fees (page 2, line 7-8), late fees (page 2, lines 21-22), administrative fees (page 2, lines 25-26), assess costs for investigations (page 8, lines 23-24), and set fines for infractions (page 8, lines 24-25),
5. Changes in code in 2011 began the practice of applied behavior analysis with conditions whereby persons in the state were grandfathered into licensure and registration. Subsection 5, beginning on page 12 line 26 and continuing onto page 13 described this grandfathering process. Since the grandfathering was completed, these subsections are no longer needed.
6. Lines 16-19 on page 1 was a legislative directive to the Board that is unnecessary. To date, no one has applied for licensure as an organizational-industrial psychologist.
7. Page 2, line 6 makes a change to the date for submitting the licensure renewal fee. This change was prompted for two reasons:
 - a. The January 1st date is too late. A license expires on January 1st. If someone submits the required fee at the end of December, there is not enough time for the Board to process the fee and give notice of renewal before the license is expired.
 - b. November 15th will coincide the renewal fee with the report of continuing education, which is currently set at November 15th in order to allow time for the Board to conduct required CEU audits. Having two different dates has been confusing for applicants.
8. The change in subsection 1, starting on page 3, line 27, is enabling language for the Board. The current language that allows for licensing an applicant from another state uses language of "... that are at least as stringent as the requirements imposed in this state." One example of how this has been restrictive is that an applicant who has been licensed in

another state for 25 years cannot be considered for licensure in this state if the applicant never took the national licensure exam, even though it may not have been required in that state 25 years ago. Someone who has not been in school for 25 years is unlikely to be able to pass a current licensure exam, since the training programs have changed dramatically since then.

9. 43-32-27 (starting on line 20 of page 7) extends disciplinary action to all professionals regulated by the Board. For example, if registered applied behavior analysts (registrants) are not listed in this section, the Board can only take action against their supervisor, not the supervisee.
10. Line 13 on page 7 requires that a registrant is required to display their certificate authorizing their practice, similar to requirements for a licensee.
11. Lines 29-30 on page 8 gives the Board some flexibility with disciplinary action by allowing the Board to define terms by rule. For example, the Board was not able to consider an accommodation for a very ill psychologist who hoped to one day recover enough to practice again. The psychologist was unable to work or to stay current on continuing education. Creating an "inactive" status could allow that psychologist to have an inactive license that could be activated without going through the whole application process again.
12. Page 9, lines 27-29, authorizes the Board to contract with someone to do investigations to help process a complaint.
13. Subsections 1 and 2 on page 9, lines 4-14, are consistent with actions that have been taken with other Boards, such that complaints of wrongdoing against a licensee or supervisee are initially considered "allegations" and are only elevated to be "complaints" by action of the Board. The procedure for handling these complaints does not change other than the labels.
14. Subsection 2 on page 10, lines 18-21, are removed because these subsections list exemptions, which would remove these foreign practitioners from regulation. However, Chapter 43-51 already handles these foreign practitioners by providing jurisdiction over them, even though they aren't licensed in this state. If there are problems with their work and disciplinary action is needed, 43-51-09 provides a mechanism. If they are listed as exempt, no disciplinary action is allowed.
15. On page 2, line 20, the word "revocation" was changed to "expiration" to reflect a passive process of no longer being licensed. If a person does not pay the renewal fee by January 1st, their license has "expired." This is consistent with terminology on the annual license renewal, which includes an "expiration date." It is also distinguishes it from the process of disciplinary action against a licensee or registrant on page 7, line 20, which uses the term "revocation."

16. Legislative Management suggested some changes to clean-up some of the language in the bill. For example, I was told that we should not delegate our authority to another entity. For example, on page 5, lines 10-13, instead of saying that a program has to be accredited by APA, CPA, or ASPPB, the recommended language was to say that a program has to be accredited by an accredited body approved by the Board by rule, such as APA, CPA, or ASPPB. A similar change is on the bottom of page 5, lines 29-31.
17. Finally, the Board has requested an appropriation to establish a training program in this state for members of this and other boards to be trained in best practices for state regulators. They have a vendor identified and the training would be offered in the state at a cost of \$10,000 per year. The request is for \$20,000 for the biennium.

Thank you. I urge you to support HB 1274. I welcome your questions.

#2
HB 1274
1-28-15

**Testimony on HB1274 – Bill to Amend Regulation of Psychologists
ND State Board of Psychologist Examiners
Human Services Committee
Representative Robin Weisz, Chairman
January 28, 2015 - 10:30 am**

Chairman Weisz, members of the House Human Services Committee, I am Dr. Paul Kolstoe, representing the Board of Psychologist Examiners today. I am a Psychologist, licensed under Chapter 43-32 of the ND Century Code. I am here today to testify about the position of the Board of Psychologist Examiners on the proposed changes to the statutes regulating the practice of psychology that you depend upon the Board to regulate.

The ND State Board of Psychologist Examiners was created by the 1967 Legislative Assembly to license psychologists, and now industrial organizational psychologists, applied behavior analysts, and register applied behavior analysts. Our mission is to protect the health, safety, and welfare of the public through the regulation of the practice of psychology within the State of North Dakota by licensing and registering practitioners, auditing continuing education activities, and enforcing legal and ethical requirements for the delivery of psychological and behavior analytical services. With these goals in mind, the Board met on January 19th, 2015 and reviewed the proposed HB1274, and voted in support of this proposed legislation with some minor amendment requests. The purpose of this legislation in general is to simplify and clarify the current statute to assist in increasing the efficiency of the board functioning. The Board enthusiastically supports the goals of this proposed legislation.

The revisions incorporate the behavior analysts into the flow of the language of the law, codifying the current processes which are almost

identical to those of licensed psychologists and licensed industrial organizational psychologists. The language is easier to read, more efficient in understanding the requirements for each type of qualified applicant, and distinguishes the unique requirements for each licensure and registration process more specifically.

The updates also provide more specific details about our fee structures for handling public information requests and moves the determination of renewal costs to cover the functioning of the board by rule, which remains under legislative authority. This will allow for more effective board administration to respond to public information requests, ease accessibility to public records held by the board, and enable adoption of changing technologies to increase the efficiency of the board. For example, the board would like to explore on-line access by the public of the licensee database, as well as make on-line renewal for licensees an option.

Consistent with legislative writing guidelines, the bill also removes naming outside organizations with regard to academic standards and ethical practice standards. The relevant groups would be referenced through administrative rule by the Board. While these references are not anticipated to change, this serves as a public protection to permit emergency rule changes should one of these organizations change their name, etc. Leaving these entities named specifically within the statute would result in significant delays in application processing should an entity change their name or befall some other problem, or in worse-case scenario, permit the licensing of otherwise unqualified applicants.

There are four minor amendments that would improve the accuracy and utility of the bill. We provide recommended amendments in the

attachment to this testimony. Specifically, we outline the changes formatted for committee consideration as an attachment to this testimony.

The amendments would:

- 1) Specify that November 15 is the deadline for renewal applications, but that the renewal date remains January first.
- 2) Clarify the practice of applied behavior analysis by appropriately qualified psychologists which is already within their scope of practice.
- 3) Clarify language to enable certified applied behavior analysts to have a supervised provisional work capacity while awaiting licensure. This can make access to their services available more quickly in a manner safe to the public.
- 4) Remove a reference to programs accredited by the association of state and provincial psychology boards as that is not something that board provides.
- 5) Remove a reference to certification for behavior analysts by an agency outside of state jurisdiction on page 12.

The first proposed amendment creates a more manageable time table for payment of renewal fees with regard to the start of the renewal year. It permits time for the Board to perform the necessary reviews of the renewals in a timely fashion.

The second proposed amendment would make clear that appropriately prepared psychologists also provide applied behavior analysis on page 3. If amended, it would then read the "person is licensed as an applied

behavior analyst or psychologist, or is registered and supervised as an applied behavior analyst as provided under this chapter”.

The next item would enable well-qualified applied behavior analysts to more quickly become available to provide services while applying for initial licensure. The result would allow the Board to recognize nationally certified behavior analysts to work as a registered applied behavior analyst, including supervision requirements, until their licensing is complete. The proposed sentence would read (from line 14) “The board may grant a provisional license or registration to an applicant while the application is pending, if the applicant is licensed or registered and is in good standing in another jurisdiction or certified in good standing with the national behavior analyst certification board.”

The fourth amending change we respectfully request is on page 5. It is to remove “or the association of state and provincial psychology boards”. The group referenced, sometimes abbreviated as ASPPB, does not provide accreditation services so would not be accurate to include in this sentence.

And the final recommended amendment, on page 12, would be to eliminate the reference for applied behavior analysts about certification by the national board, as this is addressed elsewhere including in administrative code.

The Board is strongly supportive as well of state specific education for our board members and staff as proposed by the additions of sections 16 and 17. The board will require the appropriation of funds for such an endeavor, and believes that this funding would greatly enhance all

professional regulatory practices within our state. Specifically, this mechanism could provide collaborative training across various professional boards would address concerns that have been raised elsewhere with regard to networking and communication between behavioral health boards, as well as beginning conversations to improve consistency in administrative procedures, licensing practices, and efficiency protocols across many boards. It would serve to accomplish greater consistency and efficiency across professional regulatory boards.

I would be happy to answer any questions.

January 28, 2015

HB 1274
#3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1274

Page 2, line 9, after "certificate of annual renewal" insert "which commences on January first".

Page 3, line 7, after "an applied behavior analyst" insert "or psychologist."

Page 4, line 17, remove the overstrike over "or"

Page 4, line 18, insert "be certified by a professional organization representing applied behavior analysts as identified by the board by rule, such as the behavior analyst certification board"

Page 5, line 16, replace "," with "or" prior to Canadian and overstrike ", or"

Page 5, line 17, overstrike "the association of state and provincial psychology boards".

Page 12, line 15, overstrike "Is credentialed as a behavior analyst by a board-approved credentialing entity, such as the behavior analyst certification board; and"

Page 12, line 17, overstrike "d."

Renumber accordingly

#4

HB 1274

1-28-15

Bill: HB 1274
Date: 1/28/2015
Constituent: Dr. Stacey Benson
District: 25
Position: Support

Good Morning. My name is Dr. Stacey Benson and I am here to testify in support of HB 1274 and to propose an amendment. Specifically I am here to talk to you about 43-32-20 Licensing Qualifications of Applicants

As the rule currently stands, only students from an APA or CPA approved school may apply for licensure as a psychologist in the state of ND. This is very strict wording, and only a small minority of states have this stringent of a requirement. This new bill will expand this to include programs that are accredited by other accrediting bodies approved by the board.

It is my belief that this change will only enhance services to the citizens of ND, by increasing the number of psychologists who practice in this state, thus improving access to care. This new proposal still requires the school to be accredited, and gives power to the board to decide whether or not to approve that accrediting body. This helps to ensure that only students from high quality degree programs are granted licensure in ND.

Without this change, ND is losing high quality, ethical, competent clinicians to other states. I have two psychology interns here with me today, and I will let each of them tell you their story in detail, but the short version is that each of them will graduate next month with their doctorate degree in psychology, from a university that is accredited by a different accrediting body. Both of them live in ND. Both had planned on working in ND and serving our citizens with mental health needs. Both were offered jobs in ND, one at my clinic in Fargo and the other at the Circle of Nations school in Wahpeton. And both were not able to accept those jobs, because under the current licensure standards, they cannot complete their residencies in ND (their next step towards licensure). They both subsequently accepted positions in MN instead.

One, Kristy, has practiced in this state as a licensed mental health professional since 1998. At the point now, where she has attained her highest level of training, and is about to be awarded her doctorate degree in Clinical Psychology, she has to leave ND and practice in another state.

Her husband has been a small business owner in North Dakota since 1996. Because of the current licensing laws, they have had to consider moving to MN (or one of the other, I think 45, states that she can be licensed in) so that she can become licensed. If they had to move away, he would need to close down his business and all of his employees would lose their jobs and their health insurance. To avoid this, my clinic opened a satellite clinic in Moorhead, for the sole purpose of allowing her to

be able to stay and practice in the area, because as it stands now, she has no option to seek licensure in ND.

It is important to note, that when she started her doctorate program she did her due diligence and looked into ND licensure laws. At the time she started, the ND Century Code allowed for schools who were not APA accredited to prove "equivalency" and still get licensed. Because it can take 7 + years to get ones doctorate degree, this rule changed while she was already in the program. After she had completed all her required academics, but before she started her required internship and finished her dissertation, the rules changed, making it impossible for her to even apply for a license to practice psychology in ND.

If the legislature does not feel adding the "or equivalency" language back into the century code is in the best interest of ND, then at a minimum, my proposed amendment to HB1274 is to make an allowance to grandfather in those students who were *already enrolled* in a doctorate program when the licensure law changed and took the wording regarding equivalency out. I believe this was approximately 2011. This would allow students, who began their program with the understanding that they would be able to apply for licensure in ND upon graduation, to still have that chance. Imagine for a moment the stress involved in having spent over 7 years and \$150,000 on a doctorate degree, only to have the rules change on you when you were nearly done with your program, making your dream of practicing in North Dakota impossible. The current law, does not allow these students even *to apply* for licensure. If this grandfathering language is passed, the board would still have the discretion to refuse a license if they felt the program and training were not up to standards, but the student would at least have the ability to apply, and plead their case.

HB 1274 moves us more in line with the majority of states, who have within their licensure standards the ability for students from a program that is not APA approved to still apply for licensure if their program meets certain requirements. Given our current access to care issues, this is not the time to be sending doctorally trained psychologists, who wish to live and work in ND, to other states to practice.

Thank you for your time,

Dr. Stacey Benson

House of Representative
State Capital
600 East Boulevard Ave.
Bismarck North, Dakota 58505

#5
HB
1274
1-28-15

Re: Statement in support of Bill 1274

Thank you Mr. Chairman and members of the committee for the time you have dedicated in response to proposed Bill 1274. My name is Donya Blair-Tischer and I am a Licensed Mental Health provider from Wahpeton, North Dakota. Many people ask how I ended up in North Dakota since I was neither born nor raised in the state. To tell you a little about myself, I began my career in mental health in 2001 when I joined the United States Army and received training as a mental health specialist from the AMEDD School of medicine prior to being stationed as an active duty soldier in Ft. Bragg, North Carolina as a mental health specialist. After completing my service to our country, I decided to return to Graduate School and complete my Master's in Clinical Psychology in order to continue providing services in this field to my community.

In 2009 I began working as a provider in Colorado primarily assisting wounded soldiers and their families who had endured injuries such as PTSD and TBI. I continued providing services in Colorado from 2009 until 2013. During this time I returned to school to complete a Doctorate in Clinical Psychology from a University that is credentialed and whose curriculum and training met APA equivalency. While I was attending the University, the program completed an APA self-study; however, due to internship issues which were occurring nationwide, APA credentialing was put on hold.

So back to how I ended up in Wahpeton, ND. Well, I fell in love with a North Dakota farm-boy. He always told me that North Dakota was "God's country" and we must return in order to be with family and raise our family. In August 2013 we made the big move back to Wahpeton, North Dakota and I began my doctoral internship training. Towards the end of my training I received an offer for a full time position at the Native American Boarding school in Wahpeton. This position would allow me to complete the necessary post-doctoral training for Doctoral Licensure and was intended to lead to a full time psychologist position, which they had been trying to fill for quite some time. I had also recently completed extended training with Dr. Larry Burd working with Native American families and children at the Turtle Mountain Reservation, which helped prepare me further for this position. However, when I sent the necessary documentation to the North Dakota Board of Psychology I was informed that I was not to accept the position because my educational program, although accredited, was not APA accredited. Therefore, I had to accept employment in Minnesota.

Now if anyone knows about the Wahpeton/ Breckenridge area, they know there is a long standing rivalry, in good nature of course, between the communities and schools. Like I said prior, my family are farmers in Wahpeton North Dakota. My children attend the school in Wahpeton North Dakota and my husband is a High School teacher, football coach, and wrestling coach in Wahpeton, North Dakota. Having to go "across the bridge" to work in Minnesota did bring a bit of disdain to my family and our community; however, like most North Dakotans I have met, people were helpful and supportive none the less.

Providing mental health services in the State of North Dakota is of the upmost importance to me, my family, and my community. I have completed over 13 years of training, education, and experience in the mental health field. I have completed the necessary requirements for a Doctorate in Clinical Psychology from a school who has met APA equivalency standards in education and training and is accredited by the Higher Learning Commission.

I hope that my story shows the need there is for our community and the support I have for bill 1274. If an amendment to the bill is added to include the ability to accept equivalency applications for doctoral licensure then this bill will help retain qualified and quality psychologist in the North Dakota area and in rural communities like mine.

Thank you again for your time.

Donya Blair-Tischer
701-640-9453

HB 1274
2-3-15

Arguments for Appropriated Funds for Comprehensive Regulatory Training for ND Regulatory Board Members

#

A group of ND regulatory boards (Pharmacy, Nursing, Social Work, Vet Medicine) are supportive of enhancing their regulatory training by bringing a comprehensive regulatory training program into North Dakota to train board members, staff, and attorneys on a yearly basis on professional regulatory issues. This training is individually tailored to meet the needs of North Dakota regulators across various professional regulatory bodies to fulfill our duties as public protectors. This training is specifically designed to increase board member knowledge of regulatory practices, enhance agency efficiency, promote effectiveness in regulation, identify issues and potential resolutions, and strengthen best practices in board operations. A significant value this training will provide is to bring various boards and members together within the state to offer networking opportunities and build collaborative relationships to foster consistency and enhance administrative processes within our North Dakota regulatory system. Well informed and appropriately trained board members strengthen the protection for the public of North Dakota, ensure the integrity of licensure, and can also keep the State from significant litigation costs.

By way of example, the ND State Board of Psychologist Examiners exists entirely supported by fees. A yearly average for our entire operating funds is about \$38,000. We currently have 236 licensed psychologists, 14 licensed applied behavior analysts, and 4 registered applied behavior analysts who pay \$150 annual renewal fee. We license about 15 new psychologists yearly, and do not have enough trending data for annual applications for applied behavior analyst licensure or registration as these were newly introduced in the last legislative session. Our operating funds barely cover a part-time secretary, assistant attorney general fees, web site for public access, investigation costs, complaint processing, travel for testimony and training, and what is left over is utilized for training for board members. Over the past several years we have focused on efficiency and financial streamlining to be able to provide more services to meet our mission of public protection. At this point, there is no more to cut in our processes (we have decreased mailings by moving to digital sources, but these capabilities are limited by our lack of funds to fully support a comprehensive data management system that could further reduce secretary costs with on-line renewals and CE processes, which would cost significantly more than we are able to currently afford).

The cost of this training is estimated to be about \$10,000 per annum for the presenter/program, with additional costs to boards for travel and lodging of members and staff to attend. Given there are over 40 professional regulatory boards in ND, with an estimated average of 5 members, 1 attorney, and 1 staff person, this training could potentially provide training for an average of 280 people (a significantly cheap training at this volume), with boards still having to bear costs for individuals to travel to the training (travel and lodging), which is potentially a per board cost of about \$300/person minimum. We are seeking funding to support the on-going training of board members, staff, and attorneys to assist our fiscally strapped regulatory agencies in keeping up with the internationally complex world of licensing regulation.

Cost benefits of this training:

- to provide a mechanism for professional licensing boards to collaborate,
- to learn about consistency potential in board operations,
- facilitate communication about consistency in regulatory processes across agencies
- enhance board members competency in regulatory practices,
- potential to reduce the costs of litigation for the State.

①

**Testimony on HB 1274
Rep Alan Fehr, District 36**

Attach # 1
HB 1274
03/10/2015
J# 24566

Madam Chairman and members of the Senate Human Services Committee, I am Representative Alan Fehr of District 36.

I am here to introduce HB 1274, which relates to psychology licensure and the psychology licensure board.

Development of this bill started last summer when I heard that some employers in ND were having trouble hiring psychologists in the state and issues were expressed with the licensure process. What I learned was that there was at least one example where a job applicant was licensed in other state, accepted employment in ND, but was unable to start because the person was not reimbursable by insurance. The licensure law allowed the person to practice in the state but, until the person had a ND license, an insurance company would not provide reimbursement, which delayed the start of employment.

It seemed that a simple fix would be to create a temporary licensure that the Board of Psychologist Examiners would give to applicants holding a license in good standing from another state. I met with the Board last summer to discuss this possibility.

I drafted a bill and, as is often the case, I got feedback from Legislative Council that we should clean up some of our language. Therefore, some of the changes in this bill came from that feedback.

I also got feedback from the President of the Board, suggesting additional areas in the code that should be addressed.

Although this bill started as an effort to create a temporary licensure, it evolved into an accumulation of several things that relate to psychology licensure and the Board. One of the things that complicates the wording in the code is that the Board of Psychology Examiners licenses psychologists, industrial-organizational psychologists, and applied behavior analysts. It also regulates some supervised clinicians -- psychology residents, industrial-organizational psychology residents, and registered applied behavior analysts.

I will provide an explanation of the different parts of this bill. Many of the changes in this bill are enabling legislation, meaning that it gives more authority to the Board, which they will need to define by rule. Here is a breakdown of the changes:

1. Page 1, lines 10-13, increases the board size to 7, which will include a public member. This was added by the House Human Services Committee.

2. Lines 7-10 on page 2 was a legislative directive to the Board. Since to date, no one has applied for licensure as an organizational-industrial psychologist.
3. Page 2, line 15, was simplified to allow for a temporary licensure or license by reciprocity to be determined by rule without always requiring written and oral exams.
4. Page 2, lines 21-24, makes a change to the date for submitting the licensure renewal fee. This change was prompted for two reasons:
 - a. The January 1st date is too late. A license expires on January 1st. If someone submits the required fee at the end of December, there is not enough time for the Board to process the fee and give notice of renewal before the license is expired.
 - b. November 15th will co-incide the renewal fee with the report of continuing education, which is currently set at November 15th in order to allow time for the Board to conduct required CEU audits. Having two different dates has been confusing for applicants.
5. Page 2, lines 28-29, would allow the Board to send out renewal notices by email.
6. On page 3, lines 2 and 4, the word "revocation" was changed to "has expired" and "expiration" to reflect a passive process of no longer being licensed. If a person does not pay the renewal fee by January 1st, their license has "expired." This is consistent with terminology on the annual license renewal, which includes an "expiration date." It is also distinguishes it from the process of disciplinary action against a licensee or registrant, which uses the term "revocation."
7. Page 3, line 6, allows the Board to determine and set the late fee in rule.
8. Page 3, lines 16-20 and lines 24-28, clarifies that this chapter protects both the practice and title of the professions regulated.
9. The change in subsection 1, starting on page 4, line 7, is enabling language for the Board. The current language that allows for licensing an applicant from another state uses language of "... that are at least as stringent as the requirements imposed in this state." One example of how this has been restrictive is that an applicant who has been licensed in another state for 25 years cannot be considered for licensure in this state if the applicant never took the national licensure exam, even though it may not have been required in that state 25 years ago. Someone who has not been in school for 25 years is unlikely to be able to pass a current licensure exam, since the training programs have changed dramatically since then. Language regarding the oral exam is moved into subsection 2 and is permissive for the Board to establish by rule.

10. Page 4, lines 23-24, makes explicit that provisions of chapter 43-51 are in effect unless further defined in this chapter. Chapter 43-51 is a regulation of professions that is not specific to psychology. It includes provisions for emergency practice without a license, limited practice without a license, and indirect practice without a license.
11. Page 4, lines 25-31, and page 5, lines 1-2, allows the board to grant a provisional license or registration. It requires that the applicant be licensed in good standing in another state, which the Board will need to verify with the other state's licensure board. It further indicates that the applicant must have had no disciplinary action against the license for five years to qualify for the provisional license.
12. Page 5, lines 3-9, directs the Board to issue a "limited practice certificate" to a licensee from another state who is here to practice for 30 days or less in a year.
13. Legislative Management suggested some changes to clean-up some of the language in the bill. Specifically, I was told that we should not delegate our authority to another entity. On page 5, lines 20-25, instead of saying that a program has to be accredited by APA, CPA, or ASPPB, the recommended language was to say that a program has to be accredited by an accredited body approved by the Board by rule, such as APA, CPA, or ASPPB. A similar change is on page 6, lines 8-10.
14. Page 6, lines 26-29, clarified that identification of the supervisor must occur prior to starting employment as a resident. This has been an ongoing issue for the Board and it is hoped that the new language will be more explicit. It also indicates that the identified supervisor have 3 years of experience.
15. Page 7, lines 1-7, simplifies the requirements for supervision of residents.
16. Page 7, lines 14-15, is updated language, since exams are given on an ongoing basis and the applicant can choose to take an exam at the next available time it is offered.
17. Page 7, line 23, requires that a certificate be displayed by a registrant, similar to requirements for a licensee.
18. 43-32-27 (starting on line 1 of page 8) extends disciplinary action to all professionals regulated by the Board. For example, if registered applied behavior analysts (registrants) are not listed in this section, the Board can only take action against their supervisor, not the supervisee.
19. Lines 10-11 on page 9 give the Board some flexibility with disciplinary action by allowing the Board to define terms by rule. For example, the Board was not able to consider an accommodation for a very ill psychologist who hoped to one day recover enough to practice again. The psychologist was unable to work or to stay current on continuing education.

Creating an "inactive" status could allow that psychologist to have an inactive license that could be activated without going through the whole application process again.

20. Subsections 1 and 2 on page 9, lines 15-25, are consistent with actions that have been taken with other Boards, such that complaints of wrongdoing against a licensee or supervisee are initially considered "allegations" and are only elevated to be "complaints" by action of the Board. The procedure for handling these complaints does not change other than the labels.
21. Page 10, lines 7-9, authorizes the Board to contract with someone to do investigations to help process a complaint.
22. Page 9, line 26, and page 10, line 3, clarifies that the Board has authority to investigate supervisees, not just licensees.
23. Page 10, line 27, specifies that a student or intern must be explicit about this status and supervisor.
24. Subsection 2 on page 10, lines 29-30, and page 11, lines 1-2, are removed because these subsections list exemptions, which would remove these foreign practitioners from regulation. This is covered under Section 7 of this bill, relating to the previously mentioned limited practice certificate. Also, Chapter 43-51 already handles these foreign practitioners by providing jurisdiction over them, even though they aren't licensed in this state. If there are problems with their work and disciplinary action is needed, 43-51-09 provides a mechanism. If they are listed as exempt, no disciplinary action is allowed.
25. Page 12, line 5, specifies that a person working under an exemption in a licensed facility providing applied behavior analysis services cannot be represented to the public as a psychologist.
26. Page 12, lines 27-28, were removed as this certification was deemed not necessary.
27. Changes in code in 2011 began the practice of applied behavior analysis with conditions whereby persons in the state were grandfathered into licensure and registration. Subsection 5, beginning on page 13, lines 8-26, described this grandfathering process. Since the grandfathering was completed, these subsections are no longer needed.

Madam Chairman and members of the committee, I urge you to support HB 1274. I welcome your questions.

Attach #2
HB 1274
03/10/2015
J#24566

**Testimony on HB1274 – Bill to Amend Regulation of Psychologists
ND State Board of Psychologist Examiners
Human Services Committee
Senator Judy Lee, Chairman
March 10, 2015 - 10:00 am**

Chairman Lee, members of the Senate Human Services Committee, I am Dr. Paul Kolstoe, representing the Board of Psychologist Examiners today. I am a Psychologist, licensed under Chapter 43-32 of the ND Century Code. I am here today to testify about the position of the Board of Psychologist Examiners on the proposed changes to the statutes regulating the practice of psychology before you today.

HISTORY

The ND State Board of Psychologist Examiners was created by the 1967 Legislative Assembly to license psychologists, and now industrial organizational psychologists, applied behavior analysts, and register applied behavior analysts. Our mission is to protect the health, safety, and welfare of the public through the regulation of the practice of psychology within the State of North Dakota by licensing and registering practitioners, auditing continuing education activities, and enforcing legal and ethical requirements for the delivery of psychological and behavior analytical services. With these goals in mind, the Board met on January 19th and March 9 of this year to review the proposed HB1274, and voted in support of this proposed legislation with some minor amendment requests. The purpose of this legislation in general is to simplify and clarify the current statute to assist in increasing the efficiency of the board functioning. The Board enthusiastically supports the goals of this proposed legislation.

GENERAL OVERVIEW

The revisions incorporate the behavior analysts into the flow of the language of the law, codifying the current processes which are almost identical to those of licensed psychologists and licensed industrial organizational psychologists. The language is easier to read, more efficient in understanding the requirements for each type of qualified applicant, and distinguishes the unique requirements for each licensure and registration process more specifically.

The update also provides more specific details about our fee structures for handling public information requests and moves the determination of renewal costs to cover the functioning of the board by rule, which remains under legislative authority. This will allow for more effective board administration to respond to public information requests, ease accessibility to public records held by the board, and enable adoption of changing technologies to increase the efficiency of the board. For example, the board would like to explore on-line access by the public of the licensee database, as well as make on-line renewal for licensees an option.

Consistent with legislative writing guidelines, the bill also removes naming outside organizations with regard to academic standards and ethical practice standards. The relevant groups would be referenced through administrative rule by the Board. While these references are not anticipated to change, this serves as a public protection to permit emergency rule changes should one of these organizations change their name, etc. Leaving these entities named specifically within the statute would result in significant delays in application processing should an entity change their name or befall some other problem, or in worse-case scenario, permit the licensing of otherwise unqualified applicants.

The House essentially adopted recommended amendments in our testimony with them. They adopted language to:

- Create a more manageable time table for payment of renewal fees to November 15 with regard to the start of the renewal year. It permits time for the Board to perform the necessary reviews of the renewals in a timely fashion.
- Makes clear that appropriately prepared psychologists also provide applied behavior analysis, which is merely a clarification.
- Enable well-qualified applied behavior analysts to more quickly be available to provide services while applying for initial licensure. The result would allow the Board to recognize nationally certified behavior analysts to work as a registered applied behavior analyst, including supervision requirements, until their licensing is complete.
- Removed “or the association of state and provincial psychology boards”. The group referenced, sometimes abbreviated as ASPPB, does not provide accreditation services so would not be accurate to include in this sentence.
- To eliminate the reference for applied behavior analysts about certification by the national board, as this is addressed elsewhere including in administrative code.

HOUSE ADDITIONS

The House amended the original bill further to include two additional board members, one of whom would be from the public. As you will see in the fiscal note being updated to reflect these new positions, this will add some costs to operations of the board that will need to be addressed with adjustments to fee structures.

2.4

There are two minor amendments that would improve the accuracy and utility of these changes to the bill. Specifically, we outline the changes formatted for committee consideration as an attachment to this testimony.

The amendments would:

- 1) Clarify board membership to include anyone licensed under the act, which would allow licensed applied behavior analysts to be appointed to membership on the board. Should medical psychologists ever be licensed by this board it would enable them to be appointed, too.
- 2) Clean up language already addressing specific representation in the paragraph by eliminating two further provisions that are overly detailed and repetitive, and therefore unnecessary.

Again, we support the efforts of the legislation proposed and make the modest suggestions to improve the bill further on details.

I would be happy to answer any questions.

PROPOSED AMENDMENTS TO FIRST ENGROSSED HOUSE BILL NO. 1274

Attach #3
HB 1274
08/10/2015
J# 24566

Page 1, line 18, overstrike "a psychologist" and after "chapter" insert "for at least five years"

Page 1, remove lines 19 through 22

Renumber accordingly

from Kolstoe

March 10, 2015

Dear Ms. Chairman,

My name is Kristy Kiland and I attended the House Bill 1274 (43-32-20) session on January 28, 2015. I was born and raised in North Dakota, and currently reside in Fargo. I have been a licensed mental health professional since 1998 in this state. Over the years of my professional work, I have been privileged to work with some of our state's most underprivileged, underserved, and chronically mentally ill citizens. I am now at the point of attaining my highest level of training and as I'm about to be awarded my Doctorate Degree in Clinical Psychology, I am forced to leave North Dakota to seek out a post-doctorate residency and eventually, licensure in another state. This is not a personal or professional choice, but rather a result of the current psychology licensure rule.

Currently, the rule asserts that only students from an APA or CPA approved school are granted permission to apply for licensure as psychologists in North Dakota. Please note that only a small number of states share this stringent requirement with North Dakota. My husband has been a small business owner in North Dakota since 1996. He is being faced with having to lay off employees and close his business in North Dakota because under the current licensing rule, I will not be granted permission to begin my residency or apply for licensure in the near future.

Please understand that when I first started my doctoral program, I did my due diligence and ensured that my program would meet the North Dakota Licensure equivalence requirements. This, of course, would have allowed me the opportunity to apply for licensure. Unfortunately, the option of establishing equivalency was repealed in 2011. At the time this occurred I was just finishing my last course and preparing for internship.

House Bill 1274 will expand to include programs that are accredited by other approved entities. Ultimately, this new bill places North Dakota in line with the majority of states that allow potential candidates from non-APA accredited programs to apply for licensure. There is no doubt that this is a change in the right direction, but given the great need to serve our most vulnerable, I would like the committee to reinstate the equivalency standards. In addition, I would like the committee to consider "grandfather" clause. This clause would allow psychology applicants who were enrolled in a regionally accredited academic institution on or before October 1, 2011 to apply for licensure under the "old" law and rules under the "grandfather" provision. In order to address the concerns that the equivalency standard is too expensive and time-consuming for the board, professionals applying under this clause could be held responsible for paying an additional administrative fee.

I fully understand the importance of ensuring the competence of professionals entering this discipline in North Dakota, and I believe that protecting the public from unqualified professionals is crucial. I am not requesting that the psychology board lower their standards for licensure. Rather, I am suggesting that the equivalency standard ensures the competence of professionals who graduate from regionally accredited programs. Furthermore, a grandfather clause would prevent the state from losing an important group of young professionals who planned their education appropriately, only to have the rules changed thereafter. Thank you for your time.

Sincerely,

Kristy Kiland

HB1274
03/10/15
Attach#4
J# 24566
(electronic testimony)