

**2019 SENATE HUMAN SERVICES COMMITTEE**

**SB 2170**

# 2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

SB 2170  
1/29/2019  
Job # 31653

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Justin Velez

## Explanation or reason for introduction of bill/resolution:

Relating to clinical laboratory personnel exemptions.

## Minutes:

Attachments #1-3

**Madam Chair Lee:** Opens the hearing on SB 2170

**(00:26-02:10) Erin Oban, Senator for District 35.** Testifying in favor on SB 2170. Please see **Attachment #1** for testimony and introduction of SB 2170.

**(03:08-06:43) Christie Massen, Director of the Division of Microbiology at the North Dakota Department of Health.** Testifying in favor of SB 2170. Please see **Attachment #2** for testimony.

**Madam Chair Lee:** Is there a reason why nurse practitioners and PA's (physician assistant) aren't included, or would you be friendly to an amendment that included them?

**Christie Massen:** I would have to sit back down with the board and see how they feel about it.

**Madam Chair Lee:** How about I just do it, because if the advanced practice RN is a primary care provider with a totally independent practice available to them, I can't think of any reason to why they couldn't supervise the hemoglobin being done.

**(07:58-10:29) Kirby Kruger, Director of the Division of Disease Control for the North Dakota Department of Health.** Testifying in favor of SB 2170. Please see **Attachment #3** for testimony.

**Madam Chair Lee:** Do you see any concerns about adding nurse practitioners and im thinking physician assistants are all under the supervision of a physician anyway so they are not going to ask a PA to do it if they don't think it's the right thing to do and NP's are independent practitioners anyway. Is there a barrier you see with that being considered by this committee?

**Kirby Kruger:** Our experience working with infectious diseases and working with local providers is that it's the nurse practitioner in these rural areas that's the provider and so anything from our perspective anything that we can do to help expand the use of these tests when they are needed is a good thing.

**Madam Chair Lee:** Any further questions?

**Madam Chair Lee closes the hearing on SB 2170.**

# 2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

SB 2170  
1/29/2019  
Job # 31654

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Justin Velez

## Explanation or reason for introduction of bill/resolution:

Relating to clinical laboratory personnel exemptions

## Minutes:

No Attachments

**Madam Chair Lee:** So what we would be looking at is the amendment that would add on page 3 line 6 “or an advanced practice registered nurse who would be licensed by the board of.....”

**Senator Hogan:** You may need to add it on line 3 on page 2 also

**Madam Chair Lee:** We could say a physician or PA licensed by the board of medicine and then APRN licensed by the board of nursing. So the two places we are seeing would be page 2 line 3 after physician to add “or a physician’s assistant licensed by the board of medicine, advanced practice registered nurse licensed by the board of nursing, or other categories” and we would do the same thing on line 6 on page 3. Any questions about those changes? Knowing that is what we plan to do, is there any further discussion of the amendment?

**Senator K. Roers:** I move to **ADOPT AMENDMENT.**  
**Seconded by Senator O. Larsen**

**ROLL CALL VOTE TAKEN**  
**6 YEA, 0 NAY, 0 ABSENT**  
**MOTION CARRIES TO ADOPT AMENDMENT**

**Madam Chair Lee:** Is there any discussion on the amended bill?

**Senator Hogan:** I move **DO PASS, AS AMENDED.**  
**Seconded by Senator O. Larsen**

**ROLL CALL VOTE TAKEN**  
**6 YEA, 0 NAY, 0 ABSENT**  
**MOTION CARRIES DO PASS, AS AMENDED**  
**Senator J. Lee will carry SB 2170 to the floor.**

# 2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

SB 2170  
1/29/2019  
Job # 31657

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Justin Velez

## Explanation or reason for introduction of bill/resolution:

Relating to clinical laboratory personnel exemptions

## Minutes:

No Attachments

**Senator K. Roers:** I move to **reconsider SB 2170**  
**Seconded by Senator O. Larsen**

**VOICE VOTE TAKEN**  
**MOTION CARRIES**

**Madam Chair Lee:** We will reconsider and someone please tell us why PA's can't do this.

**Dr. Christie Massen, with the Board of Clinical Lab Practice:** There is concern over physician assistants as they are not currently exempted from performing the testing and so the current language in the amendment that was proposed would allow these individuals who can't perform the testing to now supervise the testing.

**Madam Chair Lee:** Any questions for Dr. Massen?

**Senator Anderson:** The clinical laboratory board would get on board with most of the rest of the country and simply exempt all tests so that anyone can do them as the FDA has indicated in their approval for clinical wave test. When we are looking at expanding these clinical laboratory improvement act waiver means that anybody can prove that test according to the FDA and yet in North Dakota we have all these restrictions about who can perform and supervise these tests when the test is supposed to be simple enough so that the average person can perform.

**Madam Chair Lee:** We tried that four years ago and we got shot down.

**Senator O. Larsen:** Just for clarification, these tests are they a drug/urine/pregnancy test? I can administer the test but I can't supervise and watch someone give or collect the test.

**Madam Chair Lee:** This is the board of medicine that licenses PA's.

**Senator K. Roers:** So what is the process now to amend the amendment?

**Madam Chair Lee:** So what we would like to do is further amend the need to strike PA.

**Senator K. Roers:** I move to **further amend SB 2170 striking PA from the amendment.**  
**Seconded by Senator Hogan**

**VOICE VOTE TAKEN**  
**MOTION CARRIES TO FURTHER AMEND**

**Madam Chair Lee:** I'm interested on why you don't want to amend the amendment Senator Anderson.

**Senator Anderson:** (Inaudible)

**Senator K. Roers:** Where is that exemption, is it in code or administrative rules? We could change it.

**Bridget Weidner, Department of Health:** It is actually in century code chapter 43-48 and it lists the exemption.

**Madam Chair Lee:** I would be reluctant to change the statute without having the opportunity to have a public hearing on that.

**Senator Hogan:** I move a **DO PASS, AS AMENDED.**  
**Seconded by Senator O. Larsen**

**ROLL CALL VOTE TAKEN**  
**6 YEA, 0 NAY, 0 ABSENT**  
**MOTION CARRIES DO PASS, AS AMENDED**  
**Senator J. Lee will carry SB 2170 to the floor.**

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Title.02000

Adopted by the Human Services Committee

January 29, 2019

SAC  
10/21

PROPOSED AMENDMENTS TO SENATE BILL NO. 2170

Page 2, line 3, after the second underscored comma insert "an advanced practice registered nurse licensed by the board of nursing."

Page 3, line 6, after the second underscored comma insert "an advanced practice registered nurse licensed by the board of nursing."

Renumber accordingly

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2170**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: See below

- 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. K. Roers Seconded By Sen. D. Larsen

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

\$ page 2, line 3, after "physician" add "or a physician's assistant licensed by the board of medicine, advanced practice registered nurse licensed by the board of nursing, or other categories"



Date: 1/29/19  
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2170**

Senate 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 Sen. R. Roers    Seconded By Sen. D. Larsen

Senators	Yes	No	Senators	Yes	No
Chair Lee			Senator Hogan		
Vice Chair Larsen					
Senator Anderson					
Senator Clemens					
Senator Roers					
VOICE VOTE					
MOTION CARRIES					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 1/29/19  
 Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2170**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: Strike "PA's"

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. K. Roers Seconded By Sen. Hogan

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee			Sen. Kathy Hogan		
Sen. Oley Larsen					
Sen. Howard C. Anderson					
Sen. David Clemens					
Sen. Kristin Roers					

VOTES

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Motion Carries*



**REPORT OF STANDING COMMITTEE**

**SB 2170: 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). SB 2170 was placed on the Sixth order on the calendar.

Page 2, line 3, after the second underscored comma insert "an advanced practice registered nurse licensed by the board of nursing."

Page 3, line 6, after the second underscored comma insert "an advanced practice registered nurse licensed by the board of nursing."

Renumber accordingly

**2019 HOUSE HUMAN SERVICES**

**SB 2170**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

SB 2170  
3/4/2019  
33163

- Subcommittee  
 Conference Committee

Committee Clerk: Nicole Klaman by Marjorie Conley

## Explanation or reason for introduction of bill/resolution:

Relating to clinical laboratory personnel exemptions.

**Minutes:**

Attachment 1,2,3

**Senator Oban:** Introduced SB 2170, see **attachment 1**

(0:2:22)

**Dr. Christie Massen,** director of the Division of Microbiology Dept. of Health. In support, see **attachment 2**

**Representative Bill Devlin:** I was surprised PAs not added any reason why?

**Dr. Christie Massen:** They haven't been added.

**Representative Clayton Fegley:** Sometimes glucose needs to be tested in the back of an ambulance. How would this bill affect that testing?

**Dr. Christie Massen:** Glucose doesn't need licensure to preform testing.

**Lindsay VanderBusch,** HIV. STD. TB. Viral Hepatitis program manager for ND Dept. of Health: in support, written testimony provided, see **attachment 3**

**Representative Mary Schneider:** What is the syringe service program?

**Lindsay VanderBusch:** Needle exchange program.

**Opposition:** None

**Chairman Weisz:** closes hearing.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

SB 2170  
3/5/2019  
33305

- Subcommittee  
 Conference Committee

Committee Clerk: Nicole Klaman by Marjorie Conley

## Explanation or reason for introduction of bill/resolution:

Relating to clinical laboratory personnel exemptions.

## Minutes:

**Chairman Weisz:** Reopen SB 2170.

**Rep. Rohr:** Moved a Do Pass on SB 2170.

**Rep. Skroch:** Seconded.

**Chairman Weisz:** Any discussion?

**Rep. Skroch:** Is there any administrative oversight of that list?

**Chairman Weisz:** Any other questions?

**Rep. Westlind:** Why didn't they allow PA's in there?

**Rep. Devlin:** It was something that the board would have to do.

**Rep. Skroch:** I was told that they could not draw blood.

**Chairman Weisz:** At the hearing, Christie Massen said they could not do the test, so they could not supervise the test.

**Rep. Devlin:** I think that it should be the board to do that.

Roll Call Vote Yes 14 No 0 Absent 0

**Rep. Ruby** is the **Carrier**.

Date: 3-5-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2170**

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 Rep. Rohr Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman	X		Mary Schneider	X	
Dick Anderson	X				
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep Ruby

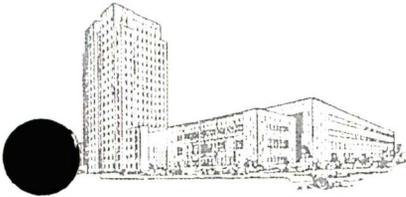
If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2170, as engrossed: Human Services Committee (Rep. Weisz, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed SB 2170 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**SB 2170**



# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360

SB 2176  
1/29/19  
#1 pg.1



## Senator Erin Oban

District 35  
1319 Apache Street  
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C: 701-955-3188  
eoban@nd.gov

## COMMITTEES:

Education  
Government and Veterans Affairs

## SB 2170

Senate Human Services Committee

Hearing: January 29, 2019 | 10:45 am

Testimony provided by Erin Oban, Senator, District 35

Madam Chair, members of the Committee, for the record, Erin Oban, Senator for Bismarck's District 35. I'm here to introduce SB 2170 to expand who can supervise an individual performing exempt tests as identified by the ND Board of Clinical Laboratory Practice (NDBCLP) to include a physician, and, potentially other appropriate practitioners as approved by the board.

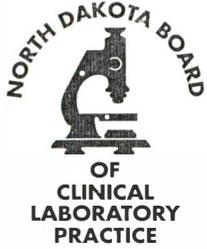
In general, this Board regulates professionals who carry out blood tests in laboratories. They might not necessarily be the ones who draw your blood, but they carry out many of the tests that come after that draw.

Access to some of the more common types of tests and receiving timely results - like a lot of health care related services in North Dakota - is sometimes limited, especially in rural areas. And while getting *accurate* test results is critical (and ensuring lab personnel in our state are qualified to do accurate tests is a large part of why this Board exists), it is also important to have the tests *accessible* and carried out in a *timely* manner.

This bill is not asking for an expansion of *who* can perform the testing but rather who is authorized to *oversee* or *supervise* that testing.

Madam Chair, I don't dare try to explain anything further about their day-to-day work for fear of getting it wrong, *especially* to someone who fully understands this work. Instead, a Board member, Dr. Christie Massen, is here to share deeper background regarding why this change is in front of you.

Madam Chair and Committee members, that concludes my introduction and the extent of my knowledge on the bill before you. Luckily, there are others here to bail me out should you have questions I can't answer.



**NORTH DAKOTA BOARD OF CLINICAL  
LABORATORY PRACTICE**

**P.O. Box 4103  
Bismarck, ND 58502-4103  
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SB 2170  
1/29/19  
#2 pg. 1

Senate Bill 2170

Senate Human Services Committee

January 29, 2019

Good morning, Madam Chair Lee and members of the Senate Human Services Committee. My name is Christie Massen. I am the director of the Division of Microbiology at the North Dakota Department of Health and I serve as the ex-officio member of the North Dakota Board of Clinical Laboratory Practice (NDBCLP) as the State Health Officer's appointee. In addition, I am a ND licensed Medical Laboratory Scientist (MLS). The NDBCLP oversees licensed laboratory professionals in the state performing diagnostic human testing. In addition to the typical moderate and high-complexity laboratory testing services associated with clinical/hospital laboratories, easy-to-use low-complexity testing methods are available. For example, low-complexity test would be an automated urinalysis or an erythrocyte sedimentation rate. Some of these low-complexity tests have been Food and Drug Administration (FDA) waived and NDBCLP exempted, meaning that non-licensed individuals can perform that test under the supervision of a NDBCLP licensed laboratory professional. This supervision ensures that the unlicensed individual is properly trained, demonstrates proficiency, and

follows the test procedure to ensure accuracy. This level of supervision is important because inaccurate test results, such as a false positive, could put the patient through a great deal of unnecessary stress and result in the pursuit of unnecessary treatment. Similarly, a false negative could result in a failure to seek treatment for a medical condition.

In July of 2018, members of the North Dakota Department of Health, Division of Disease Control and Dr. Baird, formerly with the Fargo-Cass Public Health Unit, attended a regularly scheduled board meeting. During the meeting, a few individuals and Dr. Baird expressed the need to expand access to testing services. There are many areas of the state that do not have quick and/or easy access to moderate or high-complexity laboratories. To accomplish this, they proposed changing our statute so that, in addition to allowing Board licensee's to be the supervisors of these waived and exempt tests, licensed physicians could also be allowed to supervise these tests. The Board agreed that the proposed option would safely expand access to these waived and exempt tests. Through subsequent meetings, the Board also concluded that other professionals might be interested in and qualified to supervise these tests, and that it would be efficient if the Board—through rulemaking—were given the authority to add such professionals if needed.

This expansion will improve access to testing services. For example, individuals in rural areas would be able to screen for infectious diseases like HIV and link patients to appropriate care as needed. Physicians and other individuals able to oversee waived

and exempt testing would still adhere to the supervision requirements as outlined in NDAC96-02-10-02.

The NDBCLP respectfully requests a vote in favor of SB 2170 to improve access to testing services by expanding the supervision requirements of waived and exempt testing to physicians and other individuals as approved by board rule.

Good Morning, Chairwoman Lee and members of the Senate Human Services Committee. My name is Kirby Kruger and I am the Director of the Division of Disease Control for the North Dakota Department of Health. I am here today to provide testimony in support of Senate Bill 2170.

The proposed revisions to this statute would allow for physicians who are licensed by the board of medicine to oversee and be responsible for CLIA waived testing performed by otherwise exempted persons.

As the agency who administers the HIV and hepatitis C rapid testing program in North Dakota, the North Dakota Department of Health feels that these changes will increase and enhance the availability of testing for HIV and hepatitis C to at-risk individuals.

Under current law, lay individuals performing testing, like our Field Epidemiologists, are required to be overseen and trained by a clinical laboratory director who is licensed by the Clinical Laboratory Board. Many local public health units, some small clinics or other organizations that provide services to people at-risk for HIV or hepatitis C may not have access to a laboratory director or to a person otherwise exempt from supervision and thus could be limited in the services they provide.

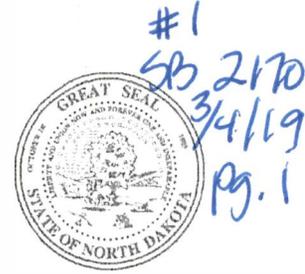
An example of a public health program that would benefit from this proposed change is syringe service programs. Providing rapid hepatitis C and HIV testing within the syringe service program is essential and necessary to retain high risk people who may need to be referred elsewhere for such testing.

A second example is paramedics being able to perform rapid testing without oversight from a laboratory director. Most services have a Medical Director who could oversee the testing. Right now, paramedics who otherwise perform complex invasive medical procedures, are unable to perform low-complexity waived tests.

This concludes my testimony and I urge the Committee to support Senate Bill 2170. Thank you and I would be happy to take questions.

# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



**Senator Erin Oban**  
District 35  
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**COMMITTEES:**  
Education  
Government and Veterans Affairs

## SB 2170

House Human Services Committee

Hearing: March 4, 2019 | 11:15 am

Testimony provided by Erin Oban, Senator, District 35

Mr. Chairman, members of the Committee, for the record, Erin Oban, Senator for Bismarck's District 35. I'm here to introduce SB 2170 to expand who can supervise an individual performing exempt tests as identified by the ND Board of Clinical Laboratory Practice (NDBCLP) to include physicians and advanced practice registered nurses, and, potentially other appropriate practitioners as approved by the board.

In general, this Board regulates professionals who carry out blood tests in laboratories. These professionals might not necessarily be the ones who draw your blood, but they carry out many of the tests that come after the blood is drawn.

Much like a lot of health care related services in North Dakota, access to some of the more common types of tests and receiving timely results is sometimes limited, especially in rural areas. And while getting *accurate* test results is critical (and ensuring lab personnel in our state are qualified to do accurate tests is a large part of why this Board exists), it is also important to have the tests *accessible* and carried out in a *timely* manner.

This bill is not asking for an expansion of *who* can perform the testing but rather who is authorized to *oversee* or *supervise* that testing.

Honestly, I don't dare try to explain anything further about their day-to-day work for fear of getting it wrong, *especially* to someone who likely better understands this work. Instead, a Board member, Dr. Christie Massen, is here to share deeper background regarding why this change is in front of you.

Mr. Chairman and Committee members, that concludes my introduction and the extent of my knowledge on the bill before you, and I appreciate your consideration.

#2  
SB 2170  
3/4/19  
pg. 1

Senate Bill 2170

House Human Services Committee

March 4, 2019

Good morning, Representative Weisz and members of the House Human Services Committee. My name is Christie Massen. I am the director of the Division of Microbiology at the North Dakota Department of Health and I serve as the ex-officio member of the North Dakota Board of Clinical Laboratory Practice (NDBCLP) as the State Health Officer's appointee. In addition, I am a ND licensed Medical Laboratory Scientist (MLS). The NDBCLP oversees licensed laboratory professionals in the state performing diagnostic human testing. In addition to the typical moderate and high-complexity laboratory testing services associated with clinical/hospital laboratories, easy-to-use low-complexity testing methods are available. For example, low-complexity test would be an automated urinalysis or an erythrocyte sedimentation rate. Some of these low-complexity tests have been Food and Drug Administration (FDA) waived and NDBCLP exempted, meaning that non-licensed individuals can perform that test under the supervision of a NDBCLP licensed laboratory professional. This supervision ensures that the unlicensed individual is properly trained, demonstrates proficiency, and follows the test procedure to ensure accuracy. This level of supervision is important because inaccurate test results, such as a false positive, could put the patient through a great deal of unnecessary stress and result in the pursuit of unnecessary treatment. Similarly, a false negative could result in a failure to seek treatment for a medical condition.

In July of 2018, members of the North Dakota Department of Health, Division of Disease Control and Dr. Baird, formerly with the Fargo-Cass Public Health Unit, attended a regularly scheduled board meeting. During the meeting, a few individuals and Dr. Baird expressed the need to expand access to testing services. There are many areas of the state that do not have quick and/or easy access to moderate or high-complexity laboratories. To accomplish this, they proposed changing our statute so that, in addition

#2  
SB 2170  
3/4/19  
Pg. 2

to allowing Board licensee's to be the supervisors of these waived and exempt tests, licensed physicians could also be allowed to supervise these tests. The Board agreed that the proposed option would safely expand access to these waived and exempt tests. Through subsequent meetings, the Board also concluded that other professionals might be interested in and qualified to supervise these tests, and that it would be efficient if the Board - through rulemaking - were given the authority to add such professionals if needed. During the Senate Human Services Committee hearing, an amendment to add advanced practice nurses was adopted. The Board also agreed that this was an acceptable addition to the proposed bill.

This expansion will improve access to testing services. For example, individuals in rural areas would be able to screen for infectious diseases like HIV and link patients to appropriate care as needed.

Physicians, advanced practice registered nurses, and other individuals able to oversee waived and exempt testing would still adhere to the supervision requirements as outlined in NDAC96-02-10-02.

The NDBCLP respectfully requests a vote in favor of SB 2170 to improve access to testing services by expanding the supervision requirements of waived and exempt testing to physicians, advanced practice registered nurses, and other individuals as approved by board rule.

#3  
SB 2170  
3/4/19  
Pg. 1

Good Morning, Chairman Weisz and members of the House Human Services Committee. My name is Lindsey VanderBusch and I am the HIV.STD.TB.Viral Hepatitis program manager for the North Dakota Department of Health. I am here today to provide testimony in support of Senate Bill 2170.

The proposed revisions to this statute would allow for physicians and advance practice registered nurses, who are licensed by their respective boards, to oversee and be responsible for CLIA waived testing performed by otherwise exempted persons.

The North Dakota Department of Health, as the agency who administers the HIV and hepatitis C rapid testing program in North Dakota, feels that these changes will increase and enhance the availability of testing for HIV and hepatitis C to at-risk individuals.

Under current law, lay individuals performing testing, like myself, are required to be overseen and trained by a clinical laboratory director who is licensed by the Clinical Laboratory Board. Many local public health units, some small clinics or other organizations that provide services to people at-risk for HIV or hepatitis C may not have access to a laboratory director or to a person otherwise exempt from supervision and thus could be limited in the services they provide.

An example of a public health program that would benefit from this proposed change is syringe service programs. Providing rapid hepatitis C and HIV testing within the syringe service program is essential and necessary to avoid losing high risk people who may need to be referred elsewhere for such testing.

A second example is that of paramedics being able to perform rapid testing without oversight from a laboratory director. Most services have a medical director that could now oversee the testing. Right now, paramedics who otherwise perform complex invasive medical procedures, are unable to perform low-complexity waived tests.

This concludes my testimony and I urge the committee to support senate bill 2170. Thank you and I would be happy to take questions.