

2021 HOUSE HUMAN SERVICES

HB 1343

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1343
1/26/2021

Relating to rights of health care facility residents to use electronic communication.

Chairman Weisz opened the hearing at 9:27 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Communication devices and/or internet services
- Private communication technology

Rep. Steve Vetter, District 18 (9:28) introduced bill and submitted testimony # 3402

Senator Doug Larsen, District 3 (9:34) testified in favor

Noelle Flodin (9:37) testified in favor and submitted testimony # 3315

Shelly Peterson – President of ND Long Term Care Association (9:41) testified in favor

Chairman Weisz adjourned at 9:45 a.m.

Tamara Krause, Committee Clerk by Anna Fiest

Good Morning,

Introduction.

House bill 1343 is simple bill that deals with patients' rights in health care facilities. On page 2 lines 9 it adds the words 'and electronic mail" and line 10 "and electronic devices". This is modernizing the language and intent of this section of law for patients' rights.

Especially in times like we experienced in the last year, loved ones want to Facetime, Skype or video chat with loved ones when they cannot see them in person. It came to my attention from a constituent that because of the laws restricting videotaping, a facility did not want their residents using 'video' equipment in case the accidentally 'videotaped' other residents without their permission. However, this could already be done with any smart phone right now.

House Bill 1343 puts in law that video chatting and sending emails are included in their patient's rights.

The only issue that might arise that I thought of after I introduced the bill, is that I do not want it to imply that the health care facility is required to provide the resident with an I-pad or video device. However, if you read the bill it says, 'personal mail' and 'private conversations'. I think that qualifies it as them using their own devices. If you think that it needs an amendment, then please fix the bill.

This may be the only bill I bring before this committee that gets a unanimous vote. This because there should no opposition and I think most people kind of expected it was already part of the law. It is a good bill and should be passed into law. Please vote for a DO PASS for HB 1343. Thank you, I will stand for questions.

HB 1343**Human Services Committee****Testimony of Noelle Flodin in support****January 26, 2020**

Mr. Chairman and Members of the Committee:

I am here today to offer testimony in support of House Bill 1343, which would allow residents of health-care facilities the right to private communication via electronic devices. This bill is important to me because, as a Certified Nursing Assistant of nearly five years, I have worked in a variety of long-term and transitional healthcare settings, and I have seen the importance of electronic communication to my residents firsthand. I would like to shed a light today on some of the residents of healthcare facilities who I have worked with in the past, and how private electronic communication changed their experience of what is often a very difficult situation.

Last summer, I worked with a resident for several months who had suffered a terrible brain injury. At less than 30 years of age, she was very different from most of the residents I was used to caring for. This particular resident struggled to use her arms and hands and needed help with almost every activity of daily living. I often felt bad for her, because it seemed that she had no privacy and no way of communicating with the outside world other than by lifting her eyebrows and occasionally shaking her head. She could clearly understand what we were saying to her, but she did not have an efficient way to communicate back to her care staff or her family or friends. As I got to know this resident better, I learned that she was incredibly connected to the world around her, just not in the ways I expected.

Thanks to her adaptive technology and wheelchair, this resident was able to use special remote controls that were sensitive to her minimal hand movement to type on an iPad. She used

this iPad to send emails, FaceTime her family and friends (including her son), text, update social media, and even create care plans for herself that her nurses and caregivers could use. Both this resident's access to technology and her right to private communication via technology made her recovery much more bearable. Personal relationships help our residents maintain more normal lives even amid their recovery in a global pandemic, and personal relationships require privacy. This resident's caregivers and medical staff did not look at her messages or listen to her phone calls unless she specifically asked for help, and I saw her improved quality of life based on the independent, personal relationships she maintained through her electronic devices. She could have still spoken to friends and family without a right to privacy, but those conversations may not have been as genuine as they were, and she might not have felt safe expressing herself honestly with other eyes watching and ears listening.

With or without our assistance, many of our older residents also benefit from their personal technology and private communication. One resident with dementia asked us CNAs to FaceTime his son every day at work. His son was happy to do this, and often expressed to us how happy it made him to see his father every day. Eventually, we taught the resident to FaceTime his son on his own, and during COVID-19 he used this technology to maintain the relationship. He often Facetimed his son and simply watched him work while sitting in his armchair all day, and it was apparent to all of us that this communication was imperative to his emotional and social well-being.

Today, with the growth of adaptive technology and the user-friendly interfaces that many common electronic companies boast, residents in long-term or transitional care facilities will benefit, during a pandemic or not, from using this technology to promote independence and create social connections during times of recovery, or simply when they are at a time in life

where they need more assistance. The health-care team should always promote independence and enforcing private communication over electronic devices is a wonderful and necessary way to do this.

I thank you for your time this morning and urge a “do pass” recommendation on House Bill 1343.

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1343
2/2/2021

Relating to rights of health care facility residents to use electronic communication.

Chairman Weisz opened the committee meeting at 11:14 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	A
Representative Mary Schneider	A
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Long-term care
- Communications

Rep. Gretchen Dobervich (11:15) made motion for **Do Pass**.

Rep. Karen Rohr (11:15) second.

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y
Representative Bill Devlin	N
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	A
Representative Mary Schneider	A
Representative Kathy Skroch	Y
Representative Bill Tveit	Y

Representative Greg Westlind	Y
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Motion Carried Do Pass 11-1-2

Bill Carrier: Rep. Kathy Skroch

Chairman Weisz adjourned at 11:17 a.m.

Tamara Krause, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1343: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS**
(11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1343 was placed on the
Eleventh order on the calendar.

2021 SENATE HUMAN SERVICES

HB 1343

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Sakakawea Room, State Capitol

HB 1343
3/9/2021

A BILL for an Act to amend and reenact subsection 1 of section 50-10.2-02 of the North Dakota Century Code, relating to rights of health care facility residents to use electronic communication.

Madam Chair Lee opened the hearing on HB 1343 at 2:27 p.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Hidden recording devices
- Long-term care residents/staff Covid-19 infection rate

[2:28] Representative Steve Vetter, District 18. Introduced HB 1343 and provided testimony #8351 in favor.

[2:34] Shelly Peterson, President, ND Long Term Care Association. Provided oral testimony in favor.

Senator Hogan moves **DO PASS**

Senator Anderson seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	ABSENT

The motion passed 5-0-1

Senator Hogan will carry HB 1343

Additional written testimony: N/A

Madam Chair Lee closed the hearing on HB 1343 at 2:40 p.m.

Justin Velez, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1343: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1343 was placed on the Fourteenth order on the calendar.

Vetter, Steve M.

From: Vetter, Steve M.
Sent: Tuesday, March 9, 2021 1:51 PM
To: Vetter, Steve M.
Subject: 1343

Madame Chairwoman Lee and Senators

Introduction-

Basically this is the FaceTime for Grandma bill. House bill 1343 is simple bill that deals with patients' rights in health care facilities. On page 2 lines 9 it adds the words 'and electronic mail' and line 10 "and electronic devices". This is modernizing the language and intent of this section of law for patients' rights.

Especially in times like we experienced in the last year, loved ones want to Facetime, Skype or video chat with loved ones when they cannot see them in person. It came to my attention from a constituent that because of the laws restricting videotaping, a facility did not want their residents using 'video' equipment in case they accidentally 'videotaped' other residents without their permission. However, this could already be done with any smart phone right now.

House Bill 1343 puts in law that video chatting and sending emails are included in their patient's rights.

I do not want it to imply that the health care facility is required to provide the resident with an I-pad or video device. However, if you read the bill it says, 'personal mail' and 'private conversations'. I think that qualifies it as them using their own devices. The House Human Services committee didn't believe it needs a amendment to clarify.

There should be no opposition to this bill because I think most people kind of expected it was already part of the law. It is a good bill and should be passed into law. Please vote for a favorable DO PASS recommendation for HB 1343.

Thank you, I will stand for questions.