2023 HOUSE HUMAN SERVICES

HB 1165

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1165
1/11/2023

Relating to powers and duties of the department of health and human services public health division, central public health laboratory, and surge staffing, state health officer, state health council and the executive director of the department of health and human services, and to the health division, state health council, a biennial report, and reporting sexually transmitted diseases.

Chairman Weisz called the meeting to order at 2:21 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Absent: Rep. Todd Porter

Discussion Topics:

- Updated department language
- State health council tasks
- State health positions
- Measuring environmental quality
- Outdated language and provisions

Vice Chairman Ruby introduced HB 1165 speaking in favor of bill.

Jonathan Alm, attorney with the Department of Health and Human Services, offered testimony in support of HB 1165. (#12916)

Chairman Weisz closed the hearing on HB 1165.

Chris Jones, Director of , Department of Health and Human Services answered questions from the committee relating to HB 1165

Representative Rohr moved a do pass on HB 1165.

Seconded by Representative Beltz.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y

Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	AB
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 13-0-1.

Representative Ruby: Bill carrier

Chairman Weisz adjourned the meeting at 2:52 PM

Phillip Jacobs, Committee Clerk By: Leah Kuball

REPORT OF STANDING COMMITTEE

HB 1165: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1165 was placed on the Eleventh order on the calendar.

2023 SENATE HUMAN SERVICES

HB 1165

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1165
3/7/2023

Relating to the powers and duties of the department of health and human services, state health officer, state health council and the executive director of the department of health and human services, relating to the health division, state health council, a biennial report, and reporting sexually transmitted diseases.

11:18 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Adding designee
- Updated language
- Department duties and task
- Department structure

11:19 AM **Jonathon Alm, Attorney, ND Department of Health and Human Services,** introduced HB 1165 and testified in favor. #22511

11:34 **Bridget Dowing, ND Homecare Association,** presented an amendment and testified in favor. #22707

11:35 AM **Rochelle Vander Vliet, Home Health Director,** verbally testified in favor.

11:41 AM **Madam Chair Lee** adjourned the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1165
3/7/2023

Relating to the powers and duties of the department of health and human services, state health officer, state health council and the executive director of the department of health and human services, relating to the health division, state health council, a biennial report, and reporting sexually transmitted diseases.

2:49 PM **Vice Chairman Cleary** called the meeting to order. **Senators Cleary, Clemens, K. Roers, Weston, Hogan** were present. **Senator Lee** was absent.

Discussion Topics:

- Bill review
- Designee
- Nurses and midwives

Senator Cleary explained the bill and provided an update.

2:53 PM **Vice-Chairman Cleary** adjourned the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1165
3/8/2023

Relating to the powers and duties of the department of health and human services, state health officer, state health council and the executive director of the department of health and human services, relating to the health division, state health council, a biennial report, and reporting sexually transmitted diseases.

3:30 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston** are present. **Senator Hogan** was absent.

Discussion Topics:

- Homecare association
- Clinical Nurse Specialist (CNS)
- Primary care provider

Senator Roers provided information verbally.

Senator Lee provided information verbally.

3:36 PM **Madam Chair** adjourned the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1165
3/27/2023

Relating to the powers and duties of the department of health and human services, state health officer, state health council and the executive director of the department of health and human services, relating to the health division, state health council, a biennial report, and reporting sexually transmitted diseases.

3:59 PM **Madam Chair** called the meeting to order. **Senators Lee, Clemens, K. Roers, Weston, Hogan** were present. **Senator Cleary** was absent.

Discussion Topics:

- Practitioner
- State Health Council

Senator Lee provided information verbally.

Senator Roers provided information verbally.

4:05 PM **Madam Chair** adjourned the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1165
3/27/2023

Relating to the powers and duties of the department of health and human services, state health officer, state health council and the executive director of the department of health and human services, relating to the health division, state health council, a biennial report, and reporting sexually transmitted diseases.

4:09 PM **Madam Chair** called the meeting to order. **Senators Lee, Clemens, K. Roers, Weston, Hogan** were present. **Senator Cleary** was absent.

Discussion Topics:

- Practitioner
- Primary care provider

Senator Lee called for discussion.

4:09 PM **Jon Alm, Attorney, ND Department of Health and Human Services,** presented amendment, to remove 23.01.02. 23.01.03 from page 2 line 11, State Health Council from page 2 line 12 and 23.01.02.23.01.03 from page 78 line 1.

Senator K. Roers moved to **adopt amendment,** LC 23.8144.01001.

Senator Hogan seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	AB
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 5-0-1.

Senator Hogan moved **DO PASS** as **AMENDED**.

Senator Weston seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	AB
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 5-0-1.

Senator Lee will carry HB 1165

Madam Chair adjourned the meeting.

Patricia Lahr, Committee Clerk

23.8144.01001
Title.02000

Adopted by the Senate Human Services Committee

March 27, 2023

AG
3-27-23
(1-1)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1165

Page 2, line 11, remove "23-01-02, 23-01-03,"

Page 2, line 12, remove "state health council,"

Page 78, line 1, remove "23-01-02, 23-01-03,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1165: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1165 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 11, remove "23-01-02, 23-01-03,"

Page 2, line 12, remove "state health council,"

Page 78, line 1, remove "23-01-02, 23-01-03,"

Renumber accordingly

TESTIMONY

HB 1165

NORTH Dakota | Health & Human Services
Be Legendary.

Testimony
House Bill No. 1165
House Human Services Committee
Representative Robin Weisz, Chairman

January 11, 2023

Chairman Weisz, and members of the House Human Services Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1165.

This Bill does the following:

1. Replaces executive director of the Department with commissioner of the Department. (Sections 1, 2, 16, 22, 27, 28, 41, 58, 61, 62, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 86, 101, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 127, 128, 129, 130, 132, 133, and 134)
2. Adds "designee" after commissioner of the Department and state health officer to allow both positions to delegate certain tasks and duties. (Sections 1, 2, 5, 63, 65, 66, 75, 76, 78, 86, 105, 106, 111, 112, 114, 115, 116, 117, 120, 121, 125, 126, 127, 128, 130, and 132)
3. Updates language to reflect the integration of the Department of Human Services and State Department of Health and align with the current structure of the Department, including removing definitions no longer used in certain chapters and adding definition to certain chapters. (Sections 3, 23, 25, 31, 48, 64, 67, 102, and 104)
4. Replaces state health officer or executive director with the Department to clarify the function is not tied to the specific

position, but the Department. (Sections 4, 10, 11, 18, 19, 24, 26, 32, 40, 47, 49, 50, 53, 55, 56, 57, 59, 77, and 107)

5. Removes state health council's tasks and duties and replaces state health council with the Department. The Department is aware of another proposed bill that will reestablish and clarify the tasks and duties of the state health council. (Sections 6, 7, 8, 9, 20, 21, 29, 30, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 49, 50, 51, 52, 54, 60, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 103, 104, 123, 124, 131, and 136)
6. Replaces state health officer with commissioner of the Department to reflect the structure of the Department and post-integration duties and tasks. (Sections 12 and 17)

There are specific sections of this Bill that I will now discuss in more detail. (Sections 9, 13, 14, 15, 16, 39, 48, 61, 75, 109, 110, 111, 135, and 136)

Section 1:

Section 1 of this Bill amends subdivision p of subsection 1 of section 11-16-01 of the North Dakota Century Code to replace "executive director" with "commissioner" regarding the Department and to add "or designee".

Section 2:

Section 2 of this Bill amends section 14-13-03 of the North Dakota Century Code to replace "executive director" with "commissioner" regarding the Department and to add "or designee".

Section 3:

Section 3 of this Bill amends subsection 2 of section 15-52-03 of the North Dakota Century Code updates the language based on the integration of the Department of Human Services and State Department of Health that one member of the school of medicine and health sciences

advisory council is the state health officer or designee with another member from the Department.

Section 4:

Section 4 of this Bill amends section 16.1-02-06 of the North Dakota Century Code replaces "state health officer" with the "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 5:

Section 5 of this Bill amends subsection 2 of section 19-24.1-38 of the North Dakota Century Code to add "or designee" after state health officer.

Section 6:

Section 6 of this Bill amends section 23-01-03.1 of the North Dakota Century Code replaces "health council" with "state health officer" and removes the requirement that the health council approves the advisory committee regarding newborn metabolic and genetic disease.

Section 7:

Section 7 of this Bill amends section 23-01-03.3 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the administration of the long-term care nursing scholarship and loan repayment grant program.

Section 8:

Section 8 of this Bill amends section 23-01-04.3 of the North Dakota Century Code replaces "state health council" or "council" with "department of health and human services" regarding the alternative health care services pilot project.

Section 9:

Section 9 of this Bill amends section 23-01-05 of the North Dakota Century Code outlines and updates the state health officer duties and tasks. The proposed amendment removes the reference of the health

council promulgating regulations, as the Department performs those tasks and removes several tasks and duties of the state health officer. A majority of the duties removed from the state health officer were moved into the duties and tasks of the public health division and central public health laboratory of the Department in Sections 13 and 14 of this Bill. This Bill also adds and clarifies the duties and tasks of the state health officer based on the integration of Department of Human Services and State Department of Health.

Section 10:

Section 10 of this Bill amends section 23-01-05.1 of the North Dakota Century Code removes "executive director of the" to clarify the function is not tied to the specific executive director position, but the Department.

Section 11:

Section 11 of this Bill amends subsection 3 of section 23-01-05.3 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 12:

Section 12 of this Bill amends section 23-01-05.4 of the North Dakota Century Code replaces "state health officer" with "commissioner of the department of health and human services" to clarify the structure of the Department.

Section 13:

Section 13 of this Bill creates a new section to chapter 23-01 of the North Dakota Century Code regarding the powers and duties of the public health division of the Department. The powers and duties of the public health division reflect the powers and duties that were outlined in section 23-01-05 regarding the state health officer duties and tasks and in other areas of the North Dakota Century Code. The proposed changes do not

expand the powers and duties of the Department besides taking on some of the duties and tasks performed by the state health council, such as working on administrative rules.

Section 14:

Section 14 of this Bill creates a new section to chapter 23-01 of the North Dakota Century Code regarding the powers and duties of the central public health laboratory of the Department that were outlined in section 23-01-05 regarding the state health officer's duties and tasks. The proposed changes do not expand the powers and duties of the Department.

Section 15:

Section 15 of this Bill creates a new section to chapter 23-01 of the North Dakota Century Code regarding the Department ability to employ staff to deploy to local hospitals, basic care facilities, long-term care facilities, and other health care settings to cover staff shortages.

Section 16:

Section 16 of this Bill amends section 23-01-08 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and to clarify that the state health officer may appoint a deputy state health officer, instead of the executive director of the Department or designee making that appointment.

Section 17:

Section 17 of this Bill amends section 23-01-08.1 of the North Dakota Century Code replaces "state health officer" with the commissioner regarding the Department to reflect the organizational structure of the Department.

Section 18:

Section 18 of this Bill amends section 23-01-12 of the North Dakota Century Code replaces "state health officer" with "department" or

"department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 19:

Section 19 of this Bill amends subsection 3 of section 23-01-44 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 20:

Section 20 of this Bill amends section 23-01.2-01 of the North Dakota Century Code removes the "health council, in conjunction with the" and "as determined by the health council" from the requirement to establish and maintain a comprehensive trauma system.

Section 21:

Section 21 of this Bill amends section 23-01.2-03 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the allowance of reasonable amount of time for a hospital to fully meet all trauma designation standards.

Section 22:

Section 22 of this Bill amends section 23-01.2-04 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 23:

Section 23 of this Bill amends subsection 8 of section 23-01.3-01 of the North Dakota Century Code adds "public" to reflect the division's proper name.

Section 24:

Section 24 of this Bill amends subsection 1 of section 23-01.3-06 of the North Dakota Century Code replaces "state health officer" with

"department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 25:

Section 25 of this Bill amends section 23-01.3-08 of the North Dakota Century Code adds "public" to reflect the division's proper name.

Section 26:

Section 26 of this Bill amends subsection 8, 17, and 21 of section 23-02.1-01 of the North Dakota Century Code replaces "state health officer" or "state health officer or the state health officer's designee" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 27:

Section 27 of this Bill amends section 23-02.1-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 28:

Section 28 of this Bill amends section 23-02.1-03 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 29:

Section 29 of this Bill amends subsection 4 of section 23-07-02.3 of the North Dakota Century Code removes the health council's ability to adopt rules or emergency rules regarding an emergency or a disaster.

Section 30:

Section 30 of this Bill amends section 23-07-15 of the North Dakota Century Code replaces "health council" with the "department of health and human services" and removing "directing the department of health and human services" regarding the adoption of rules as the Department would have the ability to adopt rules, if necessary.

Section 31:

Section 31 of this Bill amends section 23-07.2-01 of the North Dakota Century Code reorganizes the section and removes "state health officer" as a defined term as it is not used in chapter 23-07.2 of the North Dakota Century Code.

Section 32:

Section 32 of this Bill amends section 23-09.4-08 of the North Dakota Century Code replaces "state health officer" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 33:

Section 33 of this Bill amends subsection 4 of section 23-10-03 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 34:

Section 34 of this Bill amends section 23-10-06 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 35:

Section 35 of this Bill amends subsection 2 of section 23-10-06.1 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 36:

Section 36 of this Bill amends section 23-10-12 of the North Dakota Century Code removes "adopted by the health council" regarding the adoption of rules.

Section 37:

Section 37 of this Bill amends section 23-16-05 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the adoption of regulations.

Section 38:

Section 38 of this Bill amends section 23-16-06 of the North Dakota Century Code replaces "state health officer with the approval of the health council" with "department of health and human services" regarding compliance with adopted rules and to remove the hearing process before the health council as the appeal process is outlined in section 23-16-10 of the North Dakota Century Code.

Section 39:

Section 39 of this Bill amends section 23-16-10 of the North Dakota Century Code establishes the appeal process that may be taken to the office of administrative hearings, which can be further appealed to the district court.

Section 40:

Section 40 of this Bill amends section 23-16-11 of the North Dakota Century Code adds "of health and human services" after "department" and replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 41:

Section 41 of this Bill amends section 23-17-08 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 42:

Section 42 of this Bill amends section 23-17.6-01 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules in the definition of operating room.

Section 43:

Section 43 of this Bill amends section 23-17.6-02 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 44:

Section 44 of this Bill amends section 23-17.6-04 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 45:

Section 45 of this Bill amends section 23-17.6-06 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 46:

Section 46 of this Bill amends section 23-17.7-03 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 47:

Section 47 of this Bill amends section 23-23-03 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 48:

Section 48 of this Bill amends section 23-24-01 of the North Dakota Century Code removes the definition of "district" and creates a new definition for "department" regarding vector control districts.

Section 49:

Section 49 of this Bill amends section 23-24-02 of the North Dakota Century Code replaces "state health council" or "council" with

"department" and replaces "state health officer" with "department" regarding vector control districts.

Section 50:

Section 50 of this Bill amends section 23-24-02.1 of the North Dakota Century Code replaces "state health council" or "council" with "department" and "state health officer" with "department" regarding vector control districts and to remove "and shall submit a report to the council".

Section 51:

Section 51 of this Bill amends section 23-24-06 of the North Dakota Century Code replaces "state health council" with "department" regarding vector control district boards.

Section 52:

Section 52 of this Bill amends section 23-27-03 of the North Dakota Century Code removing the "state health council" from setting licensing fees for emergency medical services operations.

Section 53:

Section 53 of this Bill amends section 23-27-04.7 of the North Dakota Century Code removing the "to the state health officer" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 54:

Section 54 of this Bill amends subsection 3 of section 23-27-04.9 of the North Dakota Century Code replacing "health council" with "department" regarding adoption of rules.

Section 55:

Section 55 of this Bill amends section 23-35.1-02 of the North Dakota Century Code replacing "state health officer" with "department" to clarify

the function is not tied to the specific state health officer position, but the Department.

Section 56:

Section 56 of this Bill amends section 23-35.1-03 of the North Dakota Century Code replacing "state health officer" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 57:

Section 57 of this Bill amends section 23-36-08 of the North Dakota Century Code replacing "state health officer, or the state health officer's designee" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 58:

Section 58 of this Bill amends subsection 1 of section 23-38.1-02 of the North Dakota Century Code replacing "executive director" with "commissioner" regarding the Department.

Section 59:

Section 59 of this Bill amends section 23-43-01 of the North Dakota Century Code replacing "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department and to add "of health and human services" after "department".

Section 60:

Section 60 of this Bill amends subsection 3 of section 23-43-05 of the North Dakota Century Code removes "and health council" regarding stroke system of care task force making recommendations to the health council and the Department.

Section 61:

Section 61 of this Bill amends section 23-46-02 of the North Dakota Century Code updates the emergency medical services advisory council's language by clarifying whom in the Department may appoint an individual to represent basic life support, advanced live support, and the other members of the board. The proposed changes also removes the "and the state health officer", replaces "executive director" with "commissioner" and reorganizes the structure of the section.

Section 62:

Section 62 of this Bill amends subsection 1 of section 23-47-03 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 63:

Section 63 of this Bill amends subsection 7 of section 25-01-01 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 64:

Section 64 of this Bill amends subsection 1 of section 25-01-01.1 of the North Dakota Century Code adds "public" to reflect the division's proper name.

Section 65:

Section 65 of this Bill amends subsection 3 of section 25-02-01.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 66:

Section 66 of this Bill amends section 25-03.1-34.1 of the North Dakota Century Code replaces "director" with "commissioner" regarding the Department and adds "or designee".

Section 67:

Section 67 of this Bill amends section 25-03.3-01 of the North Dakota Century Code removes the definition of "executive director" as the term would no longer be used in chapter 25-03.3 of the North Dakota Century Code.

Section 68:

Section 68 of this Bill amends section 25-03.3-12 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 69:

Section 69 of this Bill amends section 25-03.3-13 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 70:

Section 70 of this Bill amends section 25-03.3-14 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 71:

Section 71 of this Bill amends section 25-03.3-17 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 72:

Section 72 of this Bill amends section 25-03.3-18 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 73:

Section 73 of this Bill amends section 25-03.3-18.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 74:

Section 74 of this Bill amends section 25-03.3-24 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 75:

Section 75 of this Bill amends section 25-04-08.1 of the North Dakota Century Code removes "county social service board" in response to the changes made in 2019 Senate Bill 2124 and replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 76:

Section 76 of this Bill amends section 25-11-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 77:

Section 77 of this Bill amends subsection 2 of section 37-17.4-01 of the North Dakota Century Code replacing "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 78:

Section 78 of this Bill amends section 43-10-02 of the North Dakota Century Code adds "or designee" to allow the state health officer or designee to serve on the state board of funeral service.

Section 79:

Section 79 of this Bill amends section 43-12.3-01 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the administration of student loan repayment program for health care professionals.

Section 80:

Section 80 of this Bill amends section 43-12.3-02 of the North Dakota Century Code replaces "health council" with "department of health and

human services" regarding the development of an application process for the student loan repayment program for health care professionals.

Section 81:

Section 81 of this Bill amends section 43-12.3-03 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the selection of public and private entities for the participation in the student loan repayment program for health care professionals.

Section 82:

Section 82 of this Bill amends section 43-12.3-04 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the selection of public and private entities for the participation in the student loan repayment program for health care professionals.

Section 83:

Section 83 of this Bill amends section 43-12.3-05 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the selection of health care professionals for the participation in the student loan repayment program for health care professionals.

Section 84:

Section 84 of this Bill amends section 43-12.3-06 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding contracting with the selected health care professional for the student loan repayment program for health care professionals.

Section 85:

Section 85 of this Bill amends section 43-12.3-07 of the North Dakota Century Code replaces "health council" with "department of health and

human services" regarding continuing appropriation for the student loan repayment program for health care professionals.

Section 86:

Section 86 of this Bill amends subsection 14 of section 43-15-10 of the North Dakota Century Code replaces "director" with "commission" regarding the Department and adds "or designee".

Section 87:

Section 87 of this Bill amends section 43-28.1-01 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the loan repayment program for dentists.

Section 88:

Section 88 of this Bill amends section 43-28.1-03 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the criteria for the loan repayment program for dentists.

Section 89:

Section 89 of this Bill amends section 43-28.1-05 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding eligible loans for the loan repayment program for dentists.

Section 90:

Section 90 of this Bill amends section 43-28.1-07 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the contract obligations for the loan repayment program for dentists.

Section 91:

Section 91 of this Bill amends section 43-28.1-08 of the North Dakota Century Code replaces "state health council" with "department of health

and human services" regarding the payment and termination terms for the loan repayment program for dentists.

Section 92:

Section 92 of this Bill amends section 43-28.1-09 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the Department's ability to accept gifts, grants, and donations and continuing appropriation for the loan repayment program for dentists.

Section 93:

Section 93 of this Bill amends section 43-29.1-01 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the loan repayment program for veterinarians.

Section 94:

Section 94 of this Bill amends section 43-29.1-02 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the powers of the Department regarding the loan repayment program for veterinarians.

Section 95:

Section 95 of this Bill amends subsection 1 of section 43-29.1-03 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the selection criteria and eligibility for the loan repayment program for veterinarians.

Section 96:

Section 96 of this Bill amends section 43-29.1-04 of the North Dakota Century Code replaces "health council" and "state health council" with "department of health and human services" regarding the community selection criteria for the loan repayment program for veterinarians.

Section 97:

Section 97 of this Bill amends section 43-29.1-05 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding eligibility loans for the loan repayment program for veterinarians.

Section 98:

Section 98 of this Bill amends section 43-29.1-06 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the release from contract obligation for the loan repayment program for veterinarians.

Section 99:

Section 99 of this Bill amends subsection 5 of section 43-29.1-07 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the loan repayment for the loan repayment program for veterinarians.

Section 100:

Section 100 of this Bill amends section 43-29.1-08 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the Department's ability to accept gifts, grants, and donations and continuing appropriation for the loan repayment program for veterinarians.

Section 101:

Section 101 of this Bill amends section 43-34-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 102:

Section 102 of this Bill amends section 43-38-01 of the North Dakota Century Code adds a definition of "department" and removes the definition of "state health officer" regarding electrologists and electronic hair removal technicians' chapter of the North Dakota Century Code. The

state health officer definition is removed as the term would no longer be used in chapter 43-38 of the North Dakota Century Code.

Section 103:

Section 103 of this Bill amends section 43-38-02 of the North Dakota Century Code replaces "state health council" with "department of health and human services" and removes "by the council" regarding issuing electrologist and electronic hair removal technician licenses as the Department would issue the licenses.

Section 104:

Section 104 of this Bill amends section 43-38-03 of the North Dakota Century Code removing "of health and human services" as it is redundant based on the definition of Department and to remove language regarding the health council and state health officer regarding the rulemaking authority of the Department.

Section 105:

Section 105 of this Bill amends subsection 1 of section 43-43-01 of the North Dakota Century Code adds "or designee" to allow the health officer delegate the task to serve as chairperson and appoint others on the environmental health practitioners advisory board.

Section 106:

Section 106 of this Bill amends section 43-43-03 of the North Dakota Century Code adds "or designee" to allow the health officer delegate the task to serve as chairperson on the environmental health practitioners advisory board.

Section 107:

Section 107 of this Bill amends section 43-43-05 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 108:

Section 108 of this Bill amends subsection 10 section 50-01.1-06 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 109:

Section 109 of this Bill amends section 50-06-01.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds language to allow legislative council to replace references to the "executive director of the department of human services or any derivatives of those terms with commissioner of the department of health and human services or designee in any measure enacted by the sixty-eighth legislative assembly."

Section 110:

Section 110 of this Bill amends section 50-06-01.3 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department, permits the commissioner to appoint a deputy commissioner, and allows the commissioner to delegate any of the commissioner's authority as the commissioner determines necessary.

Section 111:

Section 111 of this Bill amends section 50-06-01.4 of the North Dakota Century Code adds "public" to reflect the division's proper name, replaces "executive director" with "commissioner of the department" or "commissioner of the department or commissioner's designee", cleans up language regarding the behavioral health division's structure, and adds "state health council" regarding the Department performing the former roles of the state health council.

Section 112:

Section 112 of this Bill amends subsection 3 of section 50-06-05.3 of the North Dakota Century Code replaces "executive director" with

"commissioner" regarding the Department and adds "or commissioner's designee".

Section 113:

Section 113 of this Bill amends section 50-06-05.5 of the North Dakota Century Code replaces "executive director" and "director's" with "commissioner", "commissioner's", or "commissioner of the department".

Section 114:

Section 114 of this Bill amends section 50-06-05.8 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 115:

Section 115 of this Bill amends section 50-06-06.6 of the North Dakota Century Code replaces "executive director" with "commissioner" and "commissioner of the department or commissioner's designee" and adds "or commissioner's designee".

Section 116:

Section 116 of this Bill amends section 50-06-30 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 117:

Section 117 of this Bill amends section 50-06-31 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "commissioner's designee".

Section 118:

Section 118 of this Bill amends section 50-06-32 of the North Dakota Century Code replaces "director" and "director's" with "commissioner" and "commissioner's" of the Department.

Section 119:

Section 119 of this Bill amends subsection 1 of section 50-06-43.2 of the North Dakota Century Code replaces "executive director" and "executive director's" with "commissioner" and "commissioner's" of the Department.

Section 120:

Section 120 of this Bill amends subsection 4 of section 50-06.1-01 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 121:

Section 121 of this Bill amends subsection 7 of section 50-10.1-03 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 122:

Section 122 of this Bill amends subsection 1 of section 50-11.1-25 of the North Dakota Century Code replaces "director" and "director's" with "commissioner" and "commissioner's" regarding the Department.

Section 123:

Section 123 of this Bill amends section 50-21-02 of the North Dakota Century Code removes the health council from the requirement to approve the revolving loan fund for nursing homes and basic care facilities.

Section 124:

Section 124 of this Bill amends section 50-21-04 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the approval of building plans of facilities built by using the revolving loan fund for nursing homes and basic care facilities.

Section 125:

Section 125 of this Bill amends section 50-24.6-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 126:

Section 126 of this Bill amends subsection 3 of section 50-25.1-04.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 127:

Section 127 of this Bill amends subsection 1 of section 50-28-04 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee" or "or designee".

Section 128:

Section 128 of this Bill amends subsection 1 of section 50-28-05 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 129:

Section 129 of this Bill amends subsection 2 of section 50-35-01 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 130:

Section 130 of this Bill amends section 54-44.3-31 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee" or "designee".

Section 131:

Section 131 of this Bill removes the reference to section 23-01-02 and amends subsection 1 of section 54-07-01.2 of the North Dakota Century

Code to remove the state health council from the list of Governor appointed boards and commissions.

Section 132:

Section 132 of this Bill amends section 54-46-13 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 133:

Section 133 of this Bill amends subsection 1 of section 54-59-25 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 134:

Section 134 of this Bill amends section 54-59-33 of the North Dakota Century Code replaces "executive director" and "director's" with "commissioner" or "commissioner's" regarding the Department.

Section 135:

Section 135 of this Bill amends section 57-60-03 of the North Dakota Century Code replaces "state health officer" with "department of environmental quality" to reflect the proper location for an operator of any coal gasification plan to file a report listing the quantity of byproducts produced during the year.

Section 136:

Section 136 of this Bill repeals sections 23-01-01, 23-01-02, 23-01-03, 23-01-06, and 23-07-07 of the North Dakota Century Code. Section 23-01-01 is no longer needed due to the integration of the Department of Human Services and the State Department of Health and the removal of the state health council. Sections 23-01-02 and 23-01-03 is regarding the creation of the state health council and powers and duties of the health council. Section 23-01-06 would remove the redundant provision that requires the Department to file a biennial report to the Governor and

Secretary of State in accordance with section 54-06-04 of the North Dakota Century Code as the Department is already listed in section 54-06-04 of the North Dakota Century Code. Section 23-07-07 is being repealed as it is outdated and covered by authority in other laws.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

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Testimony
House Bill No. 1165
Senate Human Services Committee
Senator Judy Lee, Chairman
March 7, 2023

Chairman Lee, and members of the Senate Human Services Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1165.

This Bill does the following:

1. Replaces executive director of the Department with commissioner of the Department. (Sections 1, 2, 16, 22, 27, 28, 41, 58, 61, 62, 63, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 86, 101, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 127, 128, 129, 130, 132, 133, and 134)
2. Adds "designee" after commissioner of the Department and state health officer to allow both positions to delegate certain tasks and duties. (Sections 1, 2, 5, 63, 65, 66, 75, 76, 78, 86, 105, 106, 111, 112, 114, 115, 116, 117, 120, 121, 125, 126, 127, 128, 130, and 132)
3. Updates language to reflect the integration of the Department of Human Services and State Department of Health and align with the current structure of the Department, including removing definitions no longer used in certain chapters and adding definitions to certain chapters. (Sections 3, 23, 25, 31, 48, 64, 67, 102, and 104)
4. Replaces state health officer or executive director with the Department to clarify the function is not tied to the specific position, but the Department. (Sections 4, 10, 11, 18, 19, 24, 26,

32, 40, 47, 49, 50, 53, 55, 56, 57, 59, 77, and 107)

5. Removes state health council's tasks and duties and replaces state health council with the Department. The Department is aware of another proposed bill, Senate Bill No. 2227, that will reestablish and clarify the tasks and duties of the state health council. (Sections 6, 7, 8, 9, 20, 21, 29, 30, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 49, 50, 51, 52, 54, 60, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 103, 104, 123, 124, 131, and 136)
6. Replaces state health officer with commissioner of the Department to reflect the structure of the Department and post-integration duties and tasks. (Sections 12 and 17)

There are specific sections of this Bill that I will now discuss in more detail. (Sections 9, 13, 14, 15, 16, 38, 39, 48, 61, 75, 109, 110, 111, 135, and 136)

Section 1:

Section 1 of this Bill amends subdivision p of subsection 1 of section 11-16-01 of the North Dakota Century Code to replace "executive director" with "commissioner" regarding the Department and to add "or designee".

Section 2:

Section 2 of this Bill amends section 14-13-03 of the North Dakota Century Code to replace "executive director" with "commissioner" regarding the Department and to add "or designee".

Section 3:

Section 3 of this Bill amends subsection 2 of section 15-52-03 of the North Dakota Century Code updates the language based on the integration of the Department of Human Services and State Department of Health that one member of the school of medicine and health sciences

advisory council is the state health officer or designee with another member from the Department.

Section 4:

Section 4 of this Bill amends section 16.1-02-06 of the North Dakota Century Code replaces "state health officer" with the "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 5:

Section 5 of this Bill amends subsection 2 of section 19-24.1-38 of the North Dakota Century Code to add "or designee" after state health officer.

Section 6:

Section 6 of this Bill amends section 23-01-03.1 of the North Dakota Century Code replaces "health council" with "state health officer" and removes the requirement that the health council approves the advisory committee regarding newborn metabolic and genetic disease.

Section 7:

Section 7 of this Bill amends section 23-01-03.3 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the administration of the long-term care nursing scholarship and loan repayment grant program.

Section 8:

Section 8 of this Bill amends section 23-01-04.3 of the North Dakota Century Code replaces "state health council" or "council" with "department of health and human services" regarding the alternative health care services pilot project.

Section 9:

Section 9 of this Bill amends section 23-01-05 of the North Dakota Century Code outlines and updates the state health officer duties and tasks. The proposed amendment removes the reference of the health

council promulgating regulations, as the Department performs those tasks and removes several tasks and duties of the state health officer. A majority of the duties removed from the state health officer were moved into the duties and tasks of the public health division and central public health laboratory of the Department in Sections 13 and 14 of this Bill. This Bill also adds and clarifies the duties and tasks of the state health officer based on the integration of Department of Human Services and State Department of Health.

Section 10:

Section 10 of this Bill amends section 23-01-05.1 of the North Dakota Century Code removes "executive director of the" to clarify the function is not tied to the specific executive director position, but the Department.

Section 11:

Section 11 of this Bill amends subsection 3 of section 23-01-05.3 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 12:

Section 12 of this Bill amends section 23-01-05.4 of the North Dakota Century Code replaces "state health officer" with "commissioner of the department of health and human services" to clarify the structure of the Department.

Section 13:

Section 13 of this Bill creates a new section to chapter 23-01 of the North Dakota Century Code regarding the powers and duties of the public health division of the Department. The powers and duties of the public health division reflect the powers and duties that were outlined in section 23-01-05 regarding the state health officer duties and tasks and in other areas of the North Dakota Century Code. The proposed changes do not

expand the powers and duties of the Department besides taking on some of the duties and tasks performed by the state health council, such as working on administrative rules.

Section 14:

Section 14 of this Bill creates a new section to chapter 23-01 of the North Dakota Century Code regarding the powers and duties of the central public health laboratory of the Department that were outlined in section 23-01-05 regarding the state health officer's duties and tasks. The proposed changes do not expand the powers and duties of the Department.

Section 15:

Section 15 of this Bill creates a new section to chapter 23-01 of the North Dakota Century Code regarding the Department ability to employ staff to deploy to local hospitals, basic care facilities, long-term care facilities, and other health care settings to cover staff shortages.

Section 16:

Section 16 of this Bill amends section 23-01-08 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and to clarify that the state health officer may appoint a deputy state health officer, instead of the executive director of the Department or designee making that appointment.

Section 17:

Section 17 of this Bill amends section 23-01-08.1 of the North Dakota Century Code replaces "state health officer" with the commissioner regarding the Department to reflect the organizational structure of the Department.

Section 18:

Section 18 of this Bill amends section 23-01-12 of the North Dakota Century Code replaces "state health officer" with "department" or

"department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 19:

Section 19 of this Bill amends subsection 3 of section 23-01-44 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 20:

Section 20 of this Bill amends section 23-01.2-01 of the North Dakota Century Code removes the "health council, in conjunction with the" and "as determined by the health council" from the requirement to establish and maintain a comprehensive trauma system.

Section 21:

Section 21 of this Bill amends section 23-01.2-03 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the allowance of reasonable amount of time for a hospital to fully meet all trauma designation standards.

Section 22:

Section 22 of this Bill amends section 23-01.2-04 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 23:

Section 23 of this Bill amends subsection 8 of section 23-01.3-01 of the North Dakota Century Code adds "public" to reflect the division's proper name.

Section 24:

Section 24 of this Bill amends subsection 1 of section 23-01.3-06 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not

tied to the specific state health officer position, but the Department.

Section 25:

Section 25 of this Bill amends section 23-01.3-08 of the North Dakota Century Code adds "public" to reflect the division's proper name.

Section 26:

Section 26 of this Bill amends subsection 8, 17, and 21 of section 23-02.1-01 of the North Dakota Century Code replaces "state health officer" or "state health officer or the state health officer's designee" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 27:

Section 27 of this Bill amends section 23-02.1-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 28:

Section 28 of this Bill amends section 23-02.1-03 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 29:

Section 29 of this Bill amends subsection 4 of section 23-07-02.3 of the North Dakota Century Code removes the health council's ability to adopt rules or emergency rules regarding an emergency or a disaster.

Section 30:

Section 30 of this Bill amends section 23-07-15 of the North Dakota Century Code replaces "health council" with the "department of health and human services" and removing "directing the department of health and human services" regarding the adoption of rules as the Department would have the ability to adopt rules, if necessary.

Section 31:

Section 31 of this Bill amends section 23-07.2-01 of the North Dakota Century Code reorganizes the section and removes "state health officer" as a defined term as it is not used in chapter 23-07.2 of the North Dakota Century Code.

Section 32:

Section 32 of this Bill amends section 23-09.4-08 of the North Dakota Century Code replaces "state health officer" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 33:

Section 33 of this Bill amends subsection 4 of section 23-10-03 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 34:

Section 34 of this Bill amends section 23-10-06 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 35:

Section 35 of this Bill amends subsection 2 of section 23-10-06.1 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 36:

Section 36 of this Bill amends section 23-10-12 of the North Dakota Century Code removes "adopted by the health council" regarding the adoption of rules.

Section 37:

Section 37 of this Bill amends section 23-16-05 of the North Dakota Century Code replaces "health council" with "department of health and

human services" regarding the adoption of regulations.

Section 38:

Section 38 of this Bill amends section 23-16-06 of the North Dakota Century Code replaces "state health officer with the approval of the health council" with "department of health and human services" regarding compliance with adopted rules and to remove the hearing process before the health council as the appeal process is outlined in section 23-16-10 of the North Dakota Century Code.

Section 39:

Section 39 of this Bill amends section 23-16-10 of the North Dakota Century Code establishes the appeal process that may be taken to the office of administrative hearings, which can be further appealed to the district court.

Section 40:

Section 40 of this Bill amends section 23-16-11 of the North Dakota Century Code adds "of health and human services" after "department" and replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 41:

Section 41 of this Bill amends section 23-17-08 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 42:

Section 42 of this Bill amends section 23-17.6-01 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules in the definition of operating room.

Section 43:

Section 43 of this Bill amends section 23-17.6-02 of the North Dakota

Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 44:

Section 44 of this Bill amends section 23-17.6-04 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 45:

Section 45 of this Bill amends section 23-17.6-06 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 46:

Section 46 of this Bill amends section 23-17.7-03 of the North Dakota Century Code replaces "health council" with "department" regarding the adoption of rules.

Section 47:

Section 47 of this Bill amends section 23-23-03 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 48:

Section 48 of this Bill amends section 23-24-01 of the North Dakota Century Code removes the definition of "district" and creates a new definition for "department" regarding vector control districts.

Section 49:

Section 49 of this Bill amends section 23-24-02 of the North Dakota Century Code replaces "state health council" or "council" with "department" and replaces "state health officer" with "department" regarding vector control districts.

Section 50:

Section 50 of this Bill amends section 23-24-02.1 of the North Dakota Century Code replaces "state health council" or "council" with "department" and "state health officer" with "department" regarding vector control districts and to remove "and shall submit a report to the council".

Section 51:

Section 51 of this Bill amends section 23-24-06 of the North Dakota Century Code replaces "state health council" with "department" regarding vector control district boards.

Section 52:

Section 52 of this Bill amends section 23-27-03 of the North Dakota Century Code removing the "state health council" from setting licensing fees for emergency medical services operations.

Section 53:

Section 53 of this Bill amends section 23-27-04.7 of the North Dakota Century Code removing the "to the state health officer" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 54:

Section 54 of this Bill amends subsection 3 of section 23-27-04.9 of the North Dakota Century Code replacing "health council" with "department" regarding adoption of rules.

Section 55:

Section 55 of this Bill amends section 23-35.1-02 of the North Dakota Century Code replacing "state health officer" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 56:

Section 56 of this Bill amends section 23-35.1-03 of the North Dakota Century Code replacing "state health officer" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 57:

Section 57 of this Bill amends section 23-36-08 of the North Dakota Century Code replacing "state health officer, or the state health officer's designee" with "department" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 58:

Section 58 of this Bill amends subsection 1 of section 23-38.1-02 of the North Dakota Century Code replacing "executive director" with "commissioner" regarding the Department.

Section 59:

Section 59 of this Bill amends section 23-43-01 of the North Dakota Century Code replacing "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department and to add "of health and human services" after "department".

Section 60:

Section 60 of this Bill amends subsection 3 of section 23-43-05 of the North Dakota Century Code removes "and health council" regarding stroke system of care task force making recommendations to the health council and the Department.

Section 61:

Section 61 of this Bill amends section 23-46-02 of the North Dakota Century Code updates the emergency medical services advisory council's language by clarifying whom in the Department may appoint an individual

to represent basic life support, advanced live support, and the other members of the board. The proposed changes also removes the "and the state health officer", replaces "executive director" with "commissioner" and reorganizes the structure of the section.

Section 62:

Section 62 of this Bill amends subsection 1 of section 23-47-03 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 63:

Section 63 of this Bill amends subsection 7 of section 25-01-01 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 64:

Section 64 of this Bill amends subsection 1 of section 25-01-01.1 of the North Dakota Century Code adds "public" to reflect the division's proper name.

Section 65:

Section 65 of this Bill amends subsection 3 of section 25-02-01.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 66:

Section 66 of this Bill amends section 25-03.1-34.1 of the North Dakota Century Code replaces "director" with "commissioner" regarding the Department and adds "or designee".

Section 67:

Section 67 of this Bill amends section 25-03.3-01 of the North Dakota Century Code removes the definition of "executive director" as the term would no longer be used in chapter 25-03.3 of the North Dakota Century Code.

Section 68:

Section 68 of this Bill amends section 25-03.3-12 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 69:

Section 69 of this Bill amends section 25-03.3-13 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 70:

Section 70 of this Bill amends section 25-03.3-14 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 71:

Section 71 of this Bill amends section 25-03.3-17 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 72:

Section 72 of this Bill amends section 25-03.3-18 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 73:

Section 73 of this Bill amends section 25-03.3-18.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 74:

Section 74 of this Bill amends section 25-03.3-24 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 75:

Section 75 of this Bill amends section 25-04-08.1 of the North Dakota Century Code removes "county social service board" in response to the changes made in 2019 Senate Bill 2124 and replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 76:

Section 76 of this Bill amends section 25-11-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or designee".

Section 77:

Section 77 of this Bill amends subsection 2 of section 37-17.4-01 of the North Dakota Century Code replacing "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 78:

Section 78 of this Bill amends section 43-10-02 of the North Dakota Century Code adds "or designee" to allow the state health officer or designee to serve on the state board of funeral service.

Section 79:

Section 79 of this Bill amends section 43-12.3-01 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the administration of student loan repayment program for health care professionals.

Section 80:

Section 80 of this Bill amends section 43-12.3-02 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the development of an application process for the student loan repayment program for health care professionals.

Section 81:

Section 81 of this Bill amends section 43-12.3-03 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the selection of public and private entities for the participation in the student loan repayment program for health care professionals.

Section 82:

Section 82 of this Bill amends section 43-12.3-04 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the selection of public and private entities for the participation in the student loan repayment program for health care professionals.

Section 83:

Section 83 of this Bill amends section 43-12.3-05 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the selection of health care professionals for the participation in the student loan repayment program for health care professionals.

Section 84:

Section 84 of this Bill amends section 43-12.3-06 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding contracting with the selected health care professional for the student loan repayment program for health care professionals.

Section 85:

Section 85 of this Bill amends section 43-12.3-07 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding continuing appropriation for the student loan repayment program for health care professionals.

Section 86:

Section 86 of this Bill amends subsection 14 of section 43-15-10 of the North Dakota Century Code replaces "director" with "commission" regarding the Department and adds "or designee".

Section 87:

Section 87 of this Bill amends section 43-28.1-01 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the loan repayment program for dentists.

Section 88:

Section 88 of this Bill amends section 43-28.1-03 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the criteria for the loan repayment program for dentists.

Section 89:

Section 89 of this Bill amends section 43-28.1-05 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding eligible loans for the loan repayment program for dentists.

Section 90:

Section 90 of this Bill amends section 43-28.1-07 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the contract obligations for the loan repayment program for dentists.

Section 91:

Section 91 of this Bill amends section 43-28.1-08 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the payment and termination terms for the loan repayment program for dentists.

Section 92:

Section 92 of this Bill amends section 43-28.1-09 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the Department's ability to accept gifts, grants, and donations and continuing appropriation for the loan repayment program for dentists.

Section 93:

Section 93 of this Bill amends section 43-29.1-01 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the loan repayment program for veterinarians.

Section 94:

Section 94 of this Bill amends section 43-29.1-02 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the powers of the Department regarding the loan repayment program for veterinarians.

Section 95:

Section 95 of this Bill amends subsection 1 of section 43-29.1-03 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the selection criteria and eligibility for the loan repayment program for veterinarians.

Section 96:

Section 96 of this Bill amends section 43-29.1-04 of the North Dakota Century Code replaces "health council" and "state health council" with "department of health and human services" regarding the community selection criteria for the loan repayment program for veterinarians.

Section 97:

Section 97 of this Bill amends section 43-29.1-05 of the North Dakota Century Code replaces "state health council" and "council" with

"department of health and human services" regarding eligibility loans for the loan repayment program for veterinarians.

Section 98:

Section 98 of this Bill amends section 43-29.1-06 of the North Dakota Century Code replaces "state health council" with "department of health and human services" regarding the release from contract obligation for the loan repayment program for veterinarians.

Section 99:

Section 99 of this Bill amends subsection 5 of section 43-29.1-07 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the loan repayment for the loan repayment program for veterinarians.

Section 100:

Section 100 of this Bill amends section 43-29.1-08 of the North Dakota Century Code replaces "state health council" and "council" with "department of health and human services" regarding the Department's ability to accept gifts, grants, and donations and continuing appropriation for the loan repayment program for veterinarians.

Section 101:

Section 101 of this Bill amends section 43-34-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 102:

Section 102 of this Bill amends section 43-38-01 of the North Dakota Century Code adds a definition of "department" and removes the definition of "state health officer" regarding electrologists and electronic hair removal technicians' chapter of the North Dakota Century Code. The state health officer definition is removed as the term would no longer be used in chapter 43-38 of the North Dakota Century Code.

Section 103:

Section 103 of this Bill amends section 43-38-02 of the North Dakota Century Code replaces "state health council" with "department of health and human services" and removes "by the council" regarding issuing electrologist and electronic hair removal technician licenses as the Department would issue the licenses.

Section 104:

Section 104 of this Bill amends section 43-38-03 of the North Dakota Century Code removing "of health and human services" as it is redundant based on the definition of Department and to remove language regarding the health council and state health officer regarding the rulemaking authority of the Department.

Section 105:

Section 105 of this Bill amends subsection 1 of section 43-43-01 of the North Dakota Century Code adds "or designee" to allow the health officer delegate the task to serve as chairperson and appoint others on the environmental health practitioners advisory board.

Section 106:

Section 106 of this Bill amends section 43-43-03 of the North Dakota Century Code adds "or designee" to allow the health officer delegate the task to serve as chairperson on the environmental health practitioners advisory board.

Section 107:

Section 107 of this Bill amends section 43-43-05 of the North Dakota Century Code replaces "state health officer" with "department of health and human services" to clarify the function is not tied to the specific state health officer position, but the Department.

Section 108:

Section 108 of this Bill amends subsection 10 section 50-01.1-06 of the

North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 109:

Section 109 of this Bill amends section 50-06-01.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds language to allow legislative council to replace references to the "executive director of the department of human services or any derivatives of those terms with commissioner of the department of health and human services or designee in any measure enacted by the sixty-eighth legislative assembly."

Section 110:

Section 110 of this Bill amends section 50-06-01.3 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department, permits the commissioner to appoint a deputy commissioner, and allows the commissioner to delegate any of the commissioner's authority as the commissioner determines necessary.

Section 111:

Section 111 of this Bill amends section 50-06-01.4 of the North Dakota Century Code adds "public" to reflect the division's proper name, replaces "executive director" with "commissioner of the department" or "commissioner of the department or commissioner's designee", cleans up language regarding the behavioral health division's structure, and adds "state health council" regarding the Department performing the former roles of the state health council.

Section 112:

Section 112 of this Bill amends subsection 3 of section 50-06-05.3 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 113:

Section 113 of this Bill amends section 50-06-05.5 of the North Dakota Century Code replaces "executive director" and "director's" with "commissioner", "commissioner's", or "commissioner of the department".

Section 114:

Section 114 of this Bill amends section 50-06-05.8 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 115:

Section 115 of this Bill amends section 50-06-06.6 of the North Dakota Century Code replaces "executive director" with "commissioner" and "commissioner of the department or commissioner's designee" and adds "or commissioner's designee".

Section 116:

Section 116 of this Bill amends section 50-06-30 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 117:

Section 117 of this Bill amends section 50-06-31 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "commissioner's designee".

Section 118:

Section 118 of this Bill amends section 50-06-32 of the North Dakota Century Code replaces "director" and "director's" with "commissioner" and "commissioner's" of the Department.

Section 119:

Section 119 of this Bill amends subsection 1 of section 50-06-43.2 of the North Dakota Century Code replaces "executive director" and "executive director's" with "commissioner" and "commissioner's" of the Department.

Section 120:

Section 120 of this Bill amends subsection 4 of section 50-06.1-01 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 121:

Section 121 of this Bill amends subsection 7 of section 50-10.1-03 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 122:

Section 122 of this Bill amends subsection 1 of section 50-11.1-25 of the North Dakota Century Code replaces "director" and "director's" with "commissioner" and "commissioner's" regarding the Department.

Section 123:

Section 123 of this Bill amends section 50-21-02 of the North Dakota Century Code removes the health council from the requirement to approve the revolving loan fund for nursing homes and basic care facilities.

Section 124:

Section 124 of this Bill amends section 50-21-04 of the North Dakota Century Code replaces "health council" with "department of health and human services" regarding the approval of building plans of facilities built by using the revolving loan fund for nursing homes and basic care facilities.

Section 125:

Section 125 of this Bill amends section 50-24.6-02 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 126:

Section 126 of this Bill amends subsection 3 of section 50-25.1-04.1 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 127:

Section 127 of this Bill amends subsection 1 of section 50-28-04 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee" or "or designee".

Section 128:

Section 128 of this Bill amends subsection 1 of section 50-28-05 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 129:

Section 129 of this Bill amends subsection 2 of section 50-35-01 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 130:

Section 130 of this Bill amends section 54-44.3-31 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee" or "designee".

Section 131:

Section 131 of this Bill removes the reference to section 23-01-02 and amends subsection 1 of section 54-07-01.2 of the North Dakota Century Code to remove the state health council from the list of Governor appointed boards and commissions.

Section 132:

Section 132 of this Bill amends section 54-46-13 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department and adds "or commissioner's designee".

Section 133:

Section 133 of this Bill amends subsection 1 of section 54-59-25 of the North Dakota Century Code replaces "executive director" with "commissioner" regarding the Department.

Section 134:

Section 134 of this Bill amends section 54-59-33 of the North Dakota Century Code replaces "executive director" and "director's" with "commissioner" or "commissioner's" regarding the Department.

Section 135:

Section 135 of this Bill amends section 57-60-03 of the North Dakota Century Code replaces "state health officer" with "department of environmental quality" to reflect the proper location for an operator of any coal gasification plan to file a report listing the quantity of byproducts produced during the year.

Section 136:

Section 136 of this Bill repeals sections 23-01-01, 23-01-02, 23-01-03, 23-01-06, and 23-07-07 of the North Dakota Century Code. Section 23-01-01 is no longer needed due to the integration of the Department of Human Services and the State Department of Health and the removal of the state health council. Sections 23-01-02 and 23-01-03 is regarding the creation of the state health council and powers and duties of the health council. Section 23-01-06 would remove the redundant provision that requires the Department to file a biennial report to the Governor and Secretary of State in accordance with section 54-06-04 of the North Dakota Century Code as the Department is already listed in section 54-

06-04 of the North Dakota Century Code. Section 23-07-07 is being repealed as it is outdated and covered by authority in other laws.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

HB 1165 – Proposed Amendment

Amendment. Section 23-17.3 of the North Dakota Century Code is amended and reenacted as follows:

23-17.3-01. Definitions.

1. "Home health services" means a broad range of health and social services furnished to individuals and families by a home health agency or by others under arrangements with the agency, in the places where the recipients are presently residing. Services must include the services of a currently licensed registered professional nurse and at least on other therapeutic services and may include additional support services. These services may only be provided with the approval of a licensed physician or an allowed practitioner.
2. "Allowed Practitioner" means a physician assistant (PA), nurse practitioner (NP), or clinical nurse specialist (CNS).

23-17.3-05 Standards of licensure.

1. The agency shall have a supervising physician or ~~a supervising registered professional nurse~~an allowed practitioner who is responsible for the direction, coordination, and general supervision of the therapeutic services provided by the agency and who is employed on a full-time basis. There must be supervision from a physician or ~~registered professional nurse~~allowed practitioner during all hours of operation.
2. The agency shall maintain clinical records on all patients to serve as documentation of the medical, nursing, and therapeutic care rendered to the patient and for communication between the physician or allowed practitioner and the agency.