

2023 HOUSE HUMAN SERVICES

HB 1418

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1418
2/1/2023

Relating to the membership of the brain injury advisory council.

Chairman Weisz called the meeting to order at 9:14 AM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Ruby not present.

Discussion Topics:

- Advocacy council
- Organization of council meetings
- Improvement of brain injury healthcare
- Individuals with disabilities caused by brain injuries
- Size of the council

Rep. Dobervich introduced HB 1418 with supportive testimony, (#17575), (#18353).

Rep. Fegley spoke in support of bill.

Denise Harvey, Director of Program Services for Protection & Advocacy (P&A), offered testimony in support of bill (#18462).

Additional written testimony:

Rebecca Quinn, Program Director of the Center for Rural Health at the University of North Dakota School of Medicine and Health Sciences, supportive testimony (#18245).

Nan Kennelly, Chair of the North Dakota Brain Injury Advisory Council, supportive testimony (#18240).

Chairman Weisz adjourned the meeting at 9:24 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1418
2/1/2023

Relating to the membership of the brain injury advisory council.

Chairman Weisz called the meeting to order at 11:05 AM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Ruby not present.

Discussion Topics:

- Committee work
- Amendment

Chairman Weisz called for a discussion on HB 1418

Rep. Dobervich proposed an amendment to HB 1418 and moved the amendment, (23.1038.01001).

Seconded by Rep. McLeod.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	AB
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	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	N

Motion carries 11-1-2.

Rep. Dobervich moved a do pass as amended.

Seconded by Rep. Beltz.

Committee discussion

Roll call vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	AB
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	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-0-2.

Carried by Rep. Holle.

Chairman Weisz adjourned the meeting at 11:12 AM.

Phillip Jacobs, Committee Clerk

February 1, 2023

JA 2-2-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1418

Page 1, line 7, replace "six" with "eight"

Page 1, line 12, overstrike "one" and insert immediately thereafter "two"

Page 1, line 12, overstrike "survivor" and insert immediately thereafter "survivors"

Page 1, line 13, overstrike "one" and insert immediately thereafter "two"

Page 1, line 13, overstrike "member" and insert immediately thereafter "members"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1418 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "~~six~~" with "eight"

Page 1, line 12, overstrike "one" and insert immediately thereafter "two"

Page 1, line 12, overstrike "survivor" and insert immediately thereafter "survivors"

Page 1, line 13, overstrike "one" and insert immediately thereafter "two"

Page 1, line 13, overstrike "member" and insert immediately thereafter "members"

Renumber accordingly

2023 SENATE HUMAN SERVICES

HB 1418

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1418
3/13/2023

Relating to the membership of the brain injury advisory council.
--

10:30 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, and Hogan** were present.

Discussion Topics:

- 2 non-voting members
- Advisory council representation
- Quarterly meetings

10:30 AM **Representative Dobervich** introduced HB 1418, and testified in favor. #23916.

10:31 AM **Denise Harvey, Director of Program Service, Protection and Advocacy**, testified in favor. #23826.

10:32 AM **Rebecca Quinn, Program Director North Dakota Brain Injury Network**, testified online in favor. #23858.

10:33 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 1418
3/14/2023

Relating to the membership of the brain injury advisory council.

9:25 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, and Hogan** were present.

Discussion Topics:

- Non-voting members
- Amendment

Senator Cleary moved to adopt the amendment, LC 23.1038.02001 to change page 1 line 7 to change 9 to 13 maximum committee members.

Senator Weston seconded the motion.

Roll call vote.

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

The motion passed 4-0-2.

Senator Cleary moved **DO PASS AS AMENDED**.

Senator Weston seconded the motion.

Roll call vote.

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

The motion passed 4-0-2.

Senator Weston will carry HB 1418.

9:28 AM **Madam Chair Lee** adjourned the meeting.
Patricia Lahr, Committee Clerk

23.1038.02001
Title.03000

Adopted by the Senate Human Services
Committee

March 14, 2023

DK
141
3-14-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1418

Page 1, line 7, overstrike "nine" and insert immediately thereafter "thirteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1418 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 7, overstrike "nine" and insert immediately thereafter "thirteen"

Renumber accordingly

2023 CONFERENCE COMMITTEE

HB 1418

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1418
4/10/2023
Conference Committee

Relating to the membership of the brain injury advisory council.
--

Chairman Fegley called the meeting to order at 10:01 AM.

Chairman Clayton Fegley, Representatives Kathy Frelich, and Gretchen Dobervich present.
Chairman Kent Weston, Senators David Clemens, and Kristen Roers present.

Discussion Topics:

- Brain injury network
- Voting and non-voting members
- Governor appointees

Chairman Fegley called for a discussion on HB 1418.

Sen. K Roers moved that the Senate recede from senate amendments.

Seconded by Chairman Weston.

Roll Call Vote:

Motion carries 6-0-0.

Carried by Chairman Weston in the Senate.

Carried by Rep. Frelich in the House.

Chairman Fegley adjourned the meeting at 10:12 AM.

Phillip Jacobs, Committee Clerk

**2023 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL NO. 1418 as engrossed

House Human Services Committee

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

Motion Made by: Roers Seconded by: Weston

Representatives					Senators				
	4/10		Yes	No		4/10		Yes	No
Rep. Fegley	X		Y		Sen. Weston	X		Y	
Rep. Frelich	X		Y		Sen. Clemens	X		Y	
Rep. Dobervich	X		Y		Sen. K. Roers	X		Y	
Total Rep. Vote					Total Senate Vote				

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep. Frelich Senate Carrier Weston

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1418, as engrossed: Your conference committee (Sens. Weston, Clemens, K. Roers and Reps. Fegley, Frelich, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1286 and place HB 1418 on the Seventh order.

Engrossed HB 1418 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1418

House Bill 1481
House Human Services Committee
Testimony of Rep. Gretchen Dobervich, Bill Sponsor
January 25, 2023

Good morning Chairman Weiss and fellow members of the House Human Services Committee. I am before you this morning to introduce HB 1481. This bill is a technical corrections bill to sections of North Dakota Century Code that apply to the work of our county coroners. Please note that there was a glitch in Requests and some amendments are still to come.

The proposed change to Subsection 2 of section 23-02.1-27 adds county coroners, medical examiners and the state forensic officer to the list of persons who can provide a certified copy of a complete death record to a relative, an authorized representative, the child fatality review board, a licensed physician, or a genetic sibling for the purposes of researching family medical history. This proposed change allows county coroners, medical examiners, and the state forensic officer to view the complete death record, which they are legally required to sign, prior to signing it.

An amendment is on the way for HB 1481 to amend North Dakota Century Code 44-04-18.18 to include an item (6) Teaching and training of county coroner personnel or other medical professional education. This section addresses the legal uses of autopsy images. While there is a subsection (1) which states autopsy photos can be used for "medical or scientific teaching or training purposes" the coroner who requested this amendment stated that they felt it was necessary as they have had issues in the past obtaining photographs for training purposes.

An amendment is also coming to amend North Dakota Century Code 44-04-18.7 to add a number 10 which reads an image taken by county coroner personnel or a medical examiner using a digital camera or similar device. In North Dakota Century Code 44-04-18.7 (2) add law enforcement after coroner. This allows law enforcement to use deidentified autopsy images for teaching and training purposes. In North Dakota Century Code 44-04-18.7(3) add law enforcement after coroner. This allows a decedent's spouse, child, parent, or sibling, upon proof of the relationship to view an autopsy photograph, image, or recording in the business offices of law enforcement. Current law allows for viewing in the offices of medical examiner, coroner, or physician, if there is not an active criminal investigation or prosecution. It is believed this is needed as in some counties a law enforcement official is also the county coroner and there may not be a designated coroner's office.

That concludes my testimony and I stand for any questions.

Thank you Mr. Chairman and Members of the Committee.

House Human Services Committee

February 1, 2023

Chairman Weisz and members of the Human Services Committee. My name is Nan Kennelly, and I am a Speech-Language Pathologist in Fargo, ND. I am both owner and treating clinician at Onword Therapy, a private practice that specializes in the treatment of cognitive-communication impairments related to brain injury. I am also the current chair of the governor appointed North Dakota Brain Injury Advisory Council. My testimony today is in support of all individuals and families in North Dakota who are living with brain injury.

House Bill 1418 offers clarification of membership for the North Dakota Brain Injury Advisory Council. The proposed language in HB 1418 would create two new non-voting positions on the Brain Injury Advisory Council, both a representative from adults and aging services and a brain injury advocacy organization. These positions will broaden the expertise of the advisory council and be in alignment with North Dakota's commitment to the development of a seamless system of care for individuals with brain injury in North Dakota. I would appreciate your support of House Bill 1418 in order to better serve North Dakota residents and families who are living with brain injury.

Thank you for your time and consideration.

Respectfully submitted,

Nan Kennelly, MS CCC-SLP, CBIST
Licensed Speech-Language Pathologist
Certified Brain Injury Specialist and Trainer
Onword Therapy, Fargo ND

House Human Services Committee

Chairman Weisz and other members of the Committee. I am Rebecca Quinn and serve as program director at the Center for Rural Health at the University of North Dakota School of Medicine and Health Sciences. The Center for Rural Health is contracted by the Department of Human Services to operate the North Dakota Brain Injury Network. My testimony today is on behalf of all the individuals and families impacted by brain injury in North Dakota.

My testimony today is in support of House Bill 1418 which offers clarification of membership for the Brain Injury Advisory Council. The proposed language in HB 1418 would create two new non-voting positions on the Brain Injury advisory council; a representative from adults and aging services and a brain injury advocacy organization. These positions would increase the content expertise of the advisory council and will be in alignment with North Dakota's commitment to the development of a seamless system of care for individuals with brain injury in North Dakota.

Thank you for your time and I welcome any questions.

Respectfully submitted,

Rebecca Quinn; LMSW, CBIST
Associate Director
Center for Rural Health
1301 N Columbia Road, Stop 9037
Grand Forks, ND 58202-9037

House Bill 1418
House Human Services Committee
February 1, 2023 9:00am CST
Testimony of Rep. Gretchen Dobervich

Good Morning Mr. Chairman and Members of the House Human Services Committee. For the record my name is Representative Gretchen Dobervich, I work for the people of District 11 in south central Fargo.

House Bill 1418 seeks to amend Section 50-06.4-10 of North Dakota Century Code to increase the governor's mandatory appointments of voting members to the North Dakota Brain Injury Advisory Council from five to six, but no more than nine. This addition voting member would be a representative of the adult and aging population.

House Bill 1418 would also provide the Governor the opportunity to appoint a non-voting member representing a brain injury advocacy organization.

Mr. Chairman and Members of the Committee HB 1418 has no fiscal note. That concludes my testimony and I stand for any questions.

House Human Services Committee
Senate Bill 1418 – February 1, 2023
Denise Harvey, P&A Director of Program Services

Chairman Weisz and members of the House Human Services Committee, I am Denise Harvey, Director of Program Services for Protection & Advocacy (P&A). P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

While Protection & Advocacy supports the proposed addition of two new non-voting positions on the Brain Injury Advisory Council, a representative from adults and aging services and a brain injury advisory organization, P&A respectfully requests an amendment to the bill. While P&A respects and appreciates the knowledge that persons in these proposed new positions can bring to the council, it is requested that upon adding additional professional positions to the Brain Injury Advisory Council, that an equal amount of positions be added where the role of person is to solely represent an individual with a brain injury. It is best practice for these types of boards/councils to have a majority of members be persons with disabilities. As an advocacy organization P&A highly values the input and expertise offered by individuals with disabilities. Individuals with Brain Injury are able to share their stories of how brain injury has impacted their lives, can provide valuable input regarding services and truly have the best understanding of brain injury that is so needed to address issues related to individuals with brain injury.

Currently the Brain Injury Advisory Council has membership of: at least one brain injury survivor, nominated by the council; and at least one family member of a brain injury survivor, nominated

by the council. There are currently 12 additional required positions on the council in various professional positions, some of whom may also be a brain injury survivor or a family member of a brain injury survivor, though for the most part represent their professional positions. In addition, the governor also has the option to appoint an individual representing stroke health.

Adding two additional professional positions will bring the requirement for appointed council membership of professionals up to 14 or 15. Protection & Advocacy's request for these two additional voting positions to be filled by persons with brain injury would bring the number of appointed persons with brain injury on the council to be at least 3 persons. Thank you for your consideration.

I am glad to answer any questions.

Denise Harvey, Director of Program Services
Protection & Advocacy

Senate Human Services Committee
Senate Bill 1418 – March 13, 2023
Testimony of Denise Harvey, P&A Director of Program Services

Chair Lee and members of the Senate Human Services Committee, I am Denise Harvey, Director of Program Services for Protection & Advocacy (P&A). P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Protection & Advocacy supports the proposed bill that includes the addition of two new voting positions, for a brain injury survivor and a family member of a brain injury survivor, and in addition a representative from adults and aging services and a representative from a brain injury advisory organization to serve on the Brain Injury Advisory Council. As an advocacy organization, P&A highly values the input and expertise offered by individuals with disabilities. Brain Injury survivors are able to share their stories of how brain injury has impacted their lives, can provide valuable input regarding services, and truly have the best understanding of brain injury that is needed to address issues. P&A also appreciates the knowledge and experience that a representative from adults and aging services and a brain injury advisory organization would bring to the council.

I am glad to answer any questions.

Denise Harvey, Director of Program Services
Protection & Advocacy

Senate Human Services Committee

Madam Chair Lee and other members of the Committee. I am Rebecca Quinn and serve as associate director at the Center for Rural Health at the University of North Dakota School of Medicine and Health Sciences. The Center for Rural Health is contracted by the Department of Health and Human Services to operate the North Dakota Brain Injury Network. My testimony today is on behalf of all the individuals and families impacted by brain injury in North Dakota.

My testimony today is in support of House Bill 1418 which offers clarification of membership for the Brain Injury Advisory Council. The proposed language in HB 1418 would create two new non-voting positions on the Brain Injury advisory council; a representative from adults and aging services and a brain injury advocacy organization. Additionally, the House amended the bill to increase the number of survivors and family members on the council from at least one to at least two and the minimum number on the council from five to eight. The Brain Injury Advisory council respectfully requests an additional amendment increasing the maximum number of voting members on the council from nine to thirteen.

The Advisory Council is in favor of this increase because it will allow for more survivor voices and greater diversity in the representation on the Council. North Dakota was recently awarded a Federal Administration for Community Living brain injury grant. This change would be in line of the requirement of this grant to have at least 50% of a state advisory council be brain injury survivors.

Thank you for your time and I welcome any questions.

Respectfully submitted,

Rebecca Quinn; LMSW, CBIST
Associate Director
Center for Rural Health
1301 N Columbia Road, Stop 9037
Grand Forks, ND 58202-9037

House Bill 1418
Senate Human Services Committee
March 13, 2023 9:30am CST
Testimony of Rep. Gretchen Dobervich

Good Morning Madame Chair and Members of the Senate Human Services Committee. For the record my name is Representative Gretchen Dobervich, I work for the people of District 11 in south central Fargo. This bill comes at the request of the North Dakota Brain Injury Network. House Bill 1418 seeks to amend Section 50-06.4-10 of North Dakota Century Code to increase the governor's mandatory appointments of voting members to the North Dakota Brain Injury Advisory Council from five to six, but no more than nine. This addition voting member would be a representative of the adult and aging population. House Bill 1418 would also provide the Governor the opportunity to appoint a non-voting member representing a brain injury advocacy organization. Madame Chair and Members of the Committee HB 1418 has no fiscal note. That concludes my testimony and I stand for any questions.