2023 SENATE JUDICIARY

SB 2067

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2067
1/4/2023

A bill relating to medical screening and acute forensic medical examination costs.

1:00 PM Chairman Larson called the meeting to order.
Senators, Larson, Paulson, Sickler, Braunberger, Estenson, Luick and Myrdal are present.

Discussion Topics:

- Children's Advocacy Center
- Evidence
- Child victims

1:00 PM Chairman Larson introduced SB 2067 and testified in favor.
1:03 PM Paula Condol, Director of Children's Advocacy Center, testified in favor. #12309.

1:09 PM Greg Kasowski, Executive Director, Children's Advocacy Center, testified in favor. #12282.

1:14 PM Kristie Wolff, Communications and Engagement Coordinator for Central Dakota Forensic Nurse Examiners, testified in favor. #12368.

1:18 PM Christal Halseth, Executive Director, Northern Plains Children's Advocacy Center, testified in favor. #12310.

1:21 PM Becky Kelly, Finance Director for the Attorney General's Office, testified verbally.

1:19 PM Senator Luick moves Do Pass the bill.
Senator Braunberger seconds the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed. 7-0-0
Chairman Larson will carrying the bill.

1:20 PM Chairman Larson adjourned the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2067: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE JUDICIARY

SB 2067

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2067
3/13/2023

Relating to medical screening and acute forensic medical examination costs

9:00 AM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter.

Discussion Topics:

- Insurance Coverage.
- Forensic Medical Examination.
- Monthly Reimbursement.
- Exam Fees.

Senator Larson: Introduced the bill. No written testimony.

Paula Condol, Director of the Dakota Children's Advocacy Center: Testimony #23695

Greg Kasowski, Executive Director, The Children's Advocacy Center of ND: Testimony #23701

Kristie Wolff, Communications & Engagement Coordinator for CDFNE: Testimony # 24107

John Arnold, Deputy Insurance Commissioner: No written testimony

The hearing closed at 9:23 AM.

Rep. VanWinkle moved a Do Pass;
Seconded by Rep. Christensen

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 13 Yes 0 No 0 Absent Motion carried.
Carrier: Rep. VanWinkle

The meeting closed at 9:27 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2067: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2067

Senate Judiciary Committee
Testimony In Support of Senate Bill #2067
1-4-23

Madame Chairman, members of the Senate Judiciary Committee, my name is Greg Kasowski, and I'm the executive director of the Children's Advocacy Centers of North Dakota. I appear today in support of Senate Bill 2067.

Paula Condol has informed you about the issue regarding the once-a-biennium reimbursements for forensic interviews, and how this bill would allow us to request reimbursements throughout the biennium instead.

There is one more piece to the bill to bring to your attention, and that is the removal of the insurance requirement in the reimbursement process.

To provide background on the situation, a reimbursement for each child's forensic interview goes through three other agencies first before it comes to the Attorney General's office. Our Children's Advocacy Centers first seek reimbursement through private health insurance, second through Medicaid, third through the Crime Victims' Compensation program, and, if none of those programs reimburse, then through the Attorney General's office.

Although Medicaid and the Crime Victims Fund covers about 57% of the 1,700 forensic interviews conducted each biennium, zero forensic interviews are being reimbursed by health insurance. This is because health insurers do not pay for evidence collection for a crime. They do not even have a billing code for evidence collection and always deny claims. We are running thousands of claims through health insurance, unnecessarily wasting at least 170 hours each biennium of administrative time. This bill would alleviate that administrative burden on our Children's Advocacy Centers.

Madam Chairman and Members of the Committee, I ask for your support of Senate Bill 2067. Thank you for the opportunity to testify today.

Senate Judiciary Committee
Testimony In Support of Senate Bill #2067
1-4-23

Madam Chairman and Members of the Committee.

For the record, my name is Paula Condol. I am the Director of the Dakota Children's Advocacy Center, here in Bismarck, Dickinson, McKenzie County, and Standing Rock. I am here today to ask for your support for Senate Bill 2067.

The Children's Advocacy Centers in North Dakota are committed to improving the response to child abuse. Each CAC is a community partnership that utilizes a comprehensive multidisciplinary team approach in supporting alleged victims and investigations of child abuse. Professionals from social services, law enforcement, prosecution, victim advocacy and the medical and mental health communities meet under one roof so that a child only has to tell of his or her abuse one time. Sensitivity to the needs and abilities of children is the hallmark of the children's advocacy center model which is utilized at nearly 900 Children's Advocacy Centers, in all 50 states across the country. Including eight sites here in North Dakota.

Child abuse happens in North Dakota. In 2022 Children's Advocacy Centers in ND served 2,690 people and provided 44,969 services to them. Every year our centers see children that are repeatedly sexually abused, often by those they know and trust. Some have beaten, sustained broken bones, and sometimes lifelong head injuries. Many have witnessed violence and at times been exploited through pornography and trafficking. Children's Advocacy Centers offer environments that are safe, friendly, and warm. This welcoming atmosphere makes the situation less stressful for the child and as a result they may be more open to sharing their horrific experiences.

One of the services we offer is a forensic interview. The forensic interview process allows the child to tell their experience in a safe, child friendly environment and is used a child's statement in an investigation. The process is unique because all investigative parties participate in a single interview with the child. At Children's Advocacy Center, one professional interviews the child in a child-friendly room. Law enforcement, prosecution and social services participate in the interview via a closed-circuit television. They contribute to the interview by prompting the interviewer to ask specific questions during breaks. With all parties involved, the interviewer can gain all necessary information to protect the child and assure to that the proper steps have been followed where legal action is necessary.

In 2017 the CAC's came before the legislature to recognize forensic interviews as evidence collection and would allow CAC's to bill the Attorney General's Office for forensic interviews conducted of children that weren't covered by other means. This bill passed, however, the language in the bill only allowed the CAC's to seek reimbursement at the end of each biennium. This has caused significant strain on CAC's, who are all small non-profits and rely on funding to continue to provide services. This means that we have to pay our forensic interview staff for 24 months before receiving reimbursement to cover their services. Its not sustainable and we are here today to ask you to rectify this by changing the statute to allow CAC's to bill the AG's office at the time of the service.

Children's Advocacy Centers in ND play a critical role in ensuring the safety of abused children in our state. We greatly appreciate the support and confidence the Legislature has in the services we provide. I am the first to wish our centers could close our doors and go out of business, but until we can do so knowing that NO child in North Dakota needs our help, I ask you for your support.

Madam Chairman and Members of the Committee, thank you for allowing me the opportunity to testify before you today and I am happy to try and answer any of your questions.

Senate Judiciary Committee
Testimony In Support of Senate Bill #2067
1-4-23

Madam Chairman and Members of the Committee.

For the record, my name is Christal Halseth. I am the Executive Director of the Northern Plains Children's Advocacy Center in Minot, ND. I am here today to ask for your support for Senate Bill 2067.

As a nonprofit organization, our center relies heavily upon grants and donations to maintain services. Receiving payment for forensic interviews conducted at the end of the biennium creates hardship in our organization's ability to successfully develop an annual budget. It is, in many ways, a guessing game as to what we will get paid after providing the service over a two-year period. Most of our grants are on a reimbursement basis, and we are paid these reimbursements monthly. We can plan how to utilize those grants depending upon the needs of our center. However, in terms of reimbursements from the Attorney General's Office, we are significantly challenged due to the 24-month period we must wait to be reimbursed, and the amount of reimbursement is not known.

Our center operates using a line of credit, which we utilize due to relying on reimbursements. We must provide the services before we receive funding. To pay our expenses, mostly consisting of salaries, we often borrow against the line of credit when needed. Waiting 24 months for reimbursement for forensic interviews increases the amount borrowed against our line of credit which then accrues higher costs in interest to our center. Funding used to pay these costs would be better utilized in maintaining services.

Being able to bill for forensic interviews on a timelier basis will strengthen our budgets, by allowing us to make more practical decisions in expending our funding and eliminating the guessing game. Our budgets, over time, will become more stable, and we will be able to plan accordingly in terms of fundraising and grant writing.

Madam Chairman and Members of the Committee, I thank you for allowing me the opportunity to testify before you today and I will be happy to answer any of your questions.

Central Dakota
Forensic Nurse Examiners
Where Healing Begins

Kristie Wolff – Communications and Engagement Coordinator,
Central Dakota Forensic Nurse Examiners

Support SB 2067
North Dakota Senate Judiciary Committee

January 4, 2023

Chair Larson and members of the Senate Judiciary Committee, my name is Kristie Wolff, I am the Communications and Engagement Coordinator for Central Dakota Forensic Nurse Examiners (CDFNE).

CDFNE is a North Dakota based non-profit organization providing forensic medical services to children and adult survivors of sexual assault in western North Dakota. I am testifying today in support of SB 2067.

CDFNE forensic nurses have the privilege to work alongside the Children's Advocacy Center (CAC) staff in western North Dakota a member of multidisciplinary teams that respond to reports of criminal sexual conduct against children. Prior to providing forensic medical examinations for youth at the CAC, our staff observe the forensic interview to better understand what medical services a child may need. We repeatedly witness the expertise of the forensic interviewers, their unique understanding of child development, and their extensive knowledge in addressing trauma in children.

Adequate funding of services provided by the CACs in our state, including forensic interviews, is crucial to guarantee child victims of sexual assault have services available to them for the best possible outcomes.

In conclusion, I am asking you to give a DO PASS recommendation to SB 2067.

Thank you,
Kristie Wolff
kristie.cdfne@midconetwork.com
701-751-4884

House Judiciary Committee
Testimony In Support of Senate Bill #2067
3-13-23

Chairman and Members of the Committee.

For the record, my name is Paula Condol. I am the Director of the Dakota Children's Advocacy Center, here in Bismarck, Dickinson, McKenzie County, Jamestown and Standing Rock. I am here today to ask for your support for Senate Bill 2067.

The Children's Advocacy Centers in North Dakota are committed to improving the response to child abuse. Each CAC is a community partnership that utilizes a comprehensive multidisciplinary team approach in supporting alleged victims and investigations of child abuse. Professionals from social services, law enforcement, prosecution, victim advocacy and the medical and mental health communities meet under one roof so that a child only has to tell of his or her abuse one time. CAC;s are utilized at nearly 900 Children's Advocacy Centers, in all 50 states across the country. Including ten sites here in North Dakota.

Child abuse happens in North Dakota. In 2022 Children's Advocacy Centers in ND served 2,690 people and provided 44,969 services to them. Every year our centers see children that are repeatedly sexually abused, often by those they know and trust. Some have beaten, sustained broken bones, and sometimes lifelong head injuries. Many have witnessed violence and at times been exploited through pornography and trafficking. Children's Advocacy Centers offer environments that are safe, friendly, and warm. This welcoming atmosphere makes the situation less stressful for the child and as a result they may be more open to sharing their horrific experiences.

One of the services we offer is a forensic interview. The forensic interview process allows the child to tell their experience in a safe, child friendly environment and is

used a child's statement in an investigation. The process is unique because all investigative parties participate in a single interview with the child. At Children's Advocacy Center, one professional interviews the child in a child-friendly room. Law enforcement, prosecution and social services participate in the interview via a closed-circuit television. They contribute to the interview by prompting the interviewer to ask specific questions during breaks. With all parties involved, the interviewer can gain all necessary information to protect the child and assure to that the proper steps have been followed where legal action is necessary.

In 2017 the CAC's came before the legislature to recognize forensic interviews as evidence collection and would allow CAC's to bill the Attorney General's Office for this evidence collection as long as it wasn't covered by other means. This bill passed, however, the language in the bill only allowed the CAC's to seek reimbursement at the end of each biennium. This has caused significant strain on CAC's, who are all small non-profits and rely on funding to continue to provide services. This means that we have to pay our forensic interview staff for 24 months before receiving reimbursement to cover their services. Its not sustainable and we are here today to ask you to rectify this by changing the statute to allow CAC's to bill the AG's office at the time of the service.

Children's Advocacy Centers in ND play a critical role in ensuring the safety of abused children in our state. We greatly appreciate the support and confidence the Legislature has in the services we provide. I am the first to wish our centers could close our doors and go out of business, but until we can do so knowing that NO child in North Dakota needs our help, I ask you for your support.

Chairman and Members of the Committee, thank you for allowing me the opportunity to testify before you today and I am happy to try and answer any of your questions.

CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

House Judiciary
Testimony In Support of Senate Bill 2067
March 13, 2023

Chairman Klemin, members of the Committee, my name is Greg Kasowski, and I'm the executive director of the Children's Advocacy Centers of North Dakota. I appear today in support of Senate Bill 2067.

Paula Condol has informed you about the issue regarding the once-a-biennium reimbursements for forensic interviews, and how this bill would allow us to request reimbursements throughout the biennium instead. She also mentioned about the difficulties in waiting so long for reimbursements. I should mention that some Children's Advocacy Centers need to borrow against a line of credit because they have to wait so long for reimbursements. In some instances they'll have to wait 20+ months, which increases their interest costs.

I also wanted to bring attention to one other proposed change to the statute, and that is the removal of the insurance requirement in the reimbursement process.

To provide a background on the situation, a reimbursement for each child's forensic interview goes through three other agencies first before it comes to the Attorney General's office. Our Children's Advocacy Centers first seek reimbursement through private health insurance, second through Medicaid, third through the Crime Victims' Compensation program, and, if none of those programs reimburse, then through the Attorney General's office.

Although Medicaid covers about 50% and the Crime Victims Fund covers about 8% of the 1,700 forensic interviews conducted each biennium, zero forensic interviews are being reimbursed in that first step—private health insurance. This is because health insurers do not pay for evidence collection for a crime. They do not even have a billing code for evidence collection and always deny claims. We are running thousands of claims through health insurance, unnecessarily wasting at least 170 hours each biennium of administrative time. This bill would alleviate that administrative burden on our Children's Advocacy Centers.

Mister Chairman and Members of the Committee, I ask for your support of Senate Bill 2067. Thank you for the opportunity to testify today.

Children's Advocacy Centers of North Dakota
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CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

Greg Kasowski
Executive Director
701-301-3701

Central Dakota Forensic Nurse Examiners
Where Healing Begins

Kristie Wolff – Communications and Engagement Coordinator,
Central Dakota Forensic Nurse Examiners

Support SB 2067
North Dakota House Judiciary Committee

March 13, 2023

Chairman Klemin and members of the House Judiciary Committee, my name is Kristie Wolff, I am the Communications and Engagement Coordinator for Central Dakota Forensic Nurse Examiners (CDFNE).

CDFNE is a North Dakota based non-profit organization providing forensic medical services to children and adult survivors of sexual assault in western North Dakota. I am testifying today in support of SB 2067.

CDFNE forensic nurses have the privilege of working alongside Children's Advocacy Center (CAC) staff in western North Dakota. We work together as members of multidisciplinary teams that respond to reports of criminal sexual conduct against children. Prior to providing forensic medical examinations for youth at the CAC, our staff observe the forensic interview to better understand what medical services a child may need. We repeatedly witness the expertise of the forensic interviewers, their unique understanding of child development, and their extensive knowledge in addressing trauma in children.

Adequate funding of services provided by the CACs in our state, including forensic interviews, is crucial to guarantee child victims of sexual assault have services available to them for the best possible outcomes.

While we fully support this policy, the bill does not address the significant financial deficit that will be created by the change. Because of this, both myself and the Executive Director of the Children's Advocacy Center of ND testified in front of the House Appropriations Education and Environment Division on March 8th asking for increased funding for Forensic Exams. Since it's inception, the fund has reimbursed SANE programs across the state for forensic medical exams for adults and children. Both state and federal law prohibit SANE programs from charging for forensic medical exams.

The federal Violence Against Women Act requires any state that wants to be eligible for certain federal grants to certify that the state covers the cost of medical forensic exams for people who

have been sexually assaulted. North Dakota Century Code 12.1-34-07 states “When an acute forensic medical examination is performed, the costs incurred by a health care facility or health care professional for performing the acute forensic medical examination or any preliminary medical screening examination may not be charged, either directly or through a third-party payer, to the alleged victim.” There is identical language for a child forensic medical exam in the same section of code.

If SB 2067 is passed, we ask that the members of this committee work closely with your colleagues in House Appropriations to secure adequate funding.

In conclusion, I am asking you to give a DO PASS recommendation to SB 2067 with consideration for how the changes will be funded.

Thank you,
Kristie Wolff
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701-751-4884