

PROPOSED AMENDMENTS TO SENATE BILL NO. 2004

Page 1, line 2, after "health" insert "; to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to a donated dental services program; to amend and reenact subdivision b of subsection 1 of section 14-02.1-02.1 and section 23-01-05 of the North Dakota Century Code, relating to information regarding fetal development and to the qualifications of the state health officer; to repeal section 19-02.1-25 of the North Dakota Century Code, relating to country of origin labels; and to provide a statement of legislative intent"

Page 1, line 10, replace "28,937,730" with "29,020,730"

Page 1, line 11, replace "17,165,035" with "17,182,035"

Page 1, line 14, replace "31,433,486" with "24,178,552"

Page 1, after line 14, insert:

"Tobacco prevention and control 7,069,934"

Page 1, line 16, replace "96,549,451" with "96,464,451"

Page 1, line 17, replace "81,503,958" with "81,518,714"

Page 1, line 18, replace "15,045,493" with "14,945,737"

Page 2, line 20, replace "\$5,000,000" with "\$4,815,000"

Page 2, after line 22, insert:

**"SECTION 8. WATER DEVELOPMENT TRUST FUND.** The estimated income line item included in section 1 of this Act includes \$99,756, or so much of the sum as may be necessary, to be made available to the state department of health from the water development trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 9. AMENDMENT.** Subdivision b of subsection 1 of section 14-02.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. Materials, published in a booklet format, designed to inform the woman of the probable anatomical and physiological characteristics of the fetus at two-week gestational increments from the time when a woman can be known to be pregnant to full term, including any relevant information on the possibility of the survival of the fetus and pictures representing the development of a fetus at two-week gestational increments. The majority of the pictures included in the booklet must be full color photograph-style images and the pictures must contain the dimensions of the fetus and must be realistic and appropriate for the stage of pregnancy depicted. The materials must be objective, nonjudgmental, and designed to convey only accurate scientific information about the fetus at the various gestational ages.

**SECTION 10. AMENDMENT.** Section 23-01-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-01-05. Health officer - Qualifications, salary, term, duties - Advisory committee.** The governor shall appoint the state health officer who must have had ~~postgraduate training or experience in public health administration~~ substantive private or public administrative experience and demonstrated experience in the management of people. The state health officer is entitled to receive a salary commensurate with that person's training and experience. The governor shall set the salary of the state health officer within the limits of legislative appropriations to the department. The state health officer is entitled to receive all necessary traveling expenses incurred in the performance of official business. The state health officer may not engage in any other occupation or business that may conflict with the statutory duties of the state health officer and holds office for a term of four years beginning January 1, 1993. The state health officer is the administrative officer of the state department of health. If the governor does not appoint as state health officer a physician licensed in this state, the governor shall appoint at least three licensed physicians recommended by the state medical association to serve as an advisory committee to the state health officer. Each member of the advisory committee is entitled to receive reimbursement of expenses in performing official duties in amounts provided by law for other state officers. The term of the advisory committee coincides with the term of the state health officer. A committee member serves at the pleasure of the governor. The duties of the state health officer are as follows:

1. Enforce all rules and regulations as promulgated by the health council.
2. Hold public health unit boards of health responsible for enforcement of state rules, serve in an advisory capacity to public health unit boards of health, and provide for coordination of health activities.
3. Establish and enforce minimum standards of performance of the work of the local department of health.
4. Study health problems and plan for their solution as may be necessary.
5. Collect, tabulate, and publish vital statistics for each important political or health administrative unit of the state and for the state as a whole.
6. Promote the development of local health services and recommend the allocation of health funds to local jurisdictions subject to the approval of the health council.
7. Collect and distribute health education material.
8. Maintain a central public health laboratory and where necessary, branch laboratories for the standard function of diagnostic, sanitary and chemical examinations, and production and procurement of therapeutic and biological preparations for the prevention of disease and their distribution for public health purposes.
9. Establish a service for medical hospitals and related institutions to include licensing of such institutions according to the standards promulgated by the health council and consultation service to communities planning the construction of new hospitals and related institutions.
10. Comply with the state merit system policies of personnel administration.
11. Establish a program to provide information to the surviving family of a child whose cause of death is suspected to have been the sudden infant death syndrome.

12. Issue any orders relating to disease control measures deemed necessary to prevent the spread of communicable disease. Disease control measures may include special immunization activities and decontamination measures. The state health officer may apply to the district court in a judicial district where a communicable disease is present for an injunction canceling public events or closing places of business. On application of the state health officer showing the necessity of such cancellation, the court may issue an ex parte preliminary injunction, pending a full hearing.
13. Make bacteriological examination of bodily secretions and excretions and of waters and foods.
14. Make preparations and examinations of pathological tissues submitted by the state health officer, by any county superintendent of public health, or by any physician who has been regularly licensed to practice in this state.
15. Make all required analyses and preparations, and furnish the results thereof, as expeditiously and promptly as possible.
16. Cause sanitary statistics to be collected and tabulated, and cause to be ascertained by research work such methods as will lead to the improvement of the sanitation of the various parts of the state.
17. From time to time, cause to be issued bulletins and reports setting forth the results of the sanitary and pathological work done in the laboratories embodying all useful and important information resulting from the work carried on in the laboratories during the year, the substance of such bulletins and reports to be incorporated in the annual report of the state health officer.
18. Establish by rule a schedule of reasonable fees that may be charged for laboratory analysis. No charge may be made for any analysis conducted in connection with any public health incident affecting an entire region, community, or neighborhood.

**SECTION 11.** A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

**Donated dental services program.** The state department of health shall contract with the North Dakota dental association, or other appropriate and qualified organizations, to develop and administer a donated dental services program through which volunteer dentists provide comprehensive dental care for needy, disabled, aged, or medically compromised individuals. The volunteers will treat individuals through the program and, with the exception of certain dental laboratory costs, will fully donate their services and supplies. The contract must specify the responsibilities of the administering organization and include:

1. Establishment of a network of volunteer dentists, including dental specialists, volunteer dental laboratories, and other appropriate volunteer professionals to donate dental services to eligible individuals;
2. Establishment of a system to refer eligible individuals to appropriate volunteers;
3. Development and implementation of a public awareness campaign to educate eligible individuals about the availability of the program;
4. Provision of appropriate administrative and technical support to the program; and

5. Submission of an annual report to the state department of health that:
  - a. Accounts for all program funds;
  - b. Reports the number of individuals served by the program and the number of dentists and dental laboratories participating as providers in the program;
  - c. Includes any other information required by the state department of health; and
  - d. Performs, as required by the state department of health, any other duty relating to the program."

Page 2, after line 25, insert:

**"SECTION 13. LEGISLATIVE INTENT - STATE AID TO LOCAL HEALTH DISTRICTS.** It is the intent of the legislative assembly that the state department of health provide aid to local health districts grants during the biennium beginning July 1, 2001, and ending June 30, 2003, totaling \$1,100,000 and that the additional \$100,000 necessary to fund that level be found by the department within its appropriation.

**SECTION 14. REPEAL.** Section 19-02.1-25 of the North Dakota Century Code is repealed."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2004 - State Department of Health - Senate Action**

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$28,937,730	\$83,000	\$29,020,730
Operating expenses	17,165,035	17,000	17,182,035
Equipment	1,454,626		1,454,626
Capital improvements	41,704		41,704
Grants	31,433,486	(7,254,934)	24,178,552
WIC food payments	17,516,870		17,516,870
Tobacco prevention and control		7,069,934	7,069,934
Total all funds	\$96,549,451	(\$85,000)	\$96,464,451
Less estimated income	81,503,958	14,756	81,518,714
General fund	\$15,045,493	(\$99,756)	\$14,945,737
FTE	316.00	1.00	317.00

**Dept. 301 - State Department of Health - Detail of Senate Changes**

	PROVIDE FUNDING FOR WIC COORDINATOR POSITION	CHANGE FUNDING FOR 3 TMDL POSITIONS 1	PROVIDE FUNDING FOR TREATMENT OF METABOLIC DISEASES 2	PROVIDE FUNDING FOR DONATED DENTAL SERVICES PROGRAM 3	FUNDING FOR TOBACCO PREVENTION 4	REDUCE GRANTS 5
Salaries and wages	\$83,000					
Operating expenses	17,000					
Equipment						
Capital improvements						
Grants			\$80,000	\$35,000		(\$7,369,934)
WIC food payments						
Tobacco prevention and control					7,069,934	
Total all funds	\$100,000	\$0	\$80,000	\$35,000	\$7,069,934	(\$7,369,934)

Less estimated income	<u>100,000</u>	<u>99,756</u>	<u>80,000</u>	<u>35,000</u>	<u>7,069,934</u>	<u>(7,369,934)</u>
General fund	\$0	(\$99,756)	\$0	\$0	\$0	\$0
FTE	1.00	0.00	0.00	0.00	0.00	0.00
	TOTAL SENATE CHANGES					
Salaries and wages	\$83,000					
Operating expenses	17,000					
Equipment						
Capital improvements						
Grants	(7,254,934)					
WIC food payments						
Tobacco prevention and control	7,069,934					
Total all funds	(\$85,000)					
Less estimated income	<u>14,756</u>					
General fund	(\$99,756)					
FTE	1.00					

- 1 Funding for 3 FTE positions to develop total maximum daily loads and pollution control plans is transferred from general fund moneys to the water development trust fund.
- 2 Provides funding from the community health trust fund for services and insurance coverage for treatment of metabolic diseases. This amendment provides an appropriation amount for Senate Bill No. 2239, which has no appropriation.
- 3 Provides funding from the community health trust fund for the donated dental services program.
- 4 This provides funding from the Centers for Disease Control and Prevention for tobacco prevention of \$2,369,934 and from the community health trust fund of \$4,700,000. This funding is to be used for the implementation of programs in Senate Bill No. 2380.
- 5 Reduces the grants line item by the total funding for tobacco prevention, including \$5,000,000 from the community health trust fund and \$2,369,934 of federal funds.

A section is added directing the State Department of Health to publish a booklet regarding fetal development. A majority of pictures in the booklet must be full color photograph-style images.

A section of legislative intent is added directing the State Department of Health to find an additional \$100,000 within its appropriation to provide local health district grants totaling \$1,100,000.

A section is added creating a donated dental services program, including the provisions in Senate Bill No. 2295.

A new line item for tobacco prevention and control is created. This includes funding from the community health trust fund of \$4,700,000 and federal funds from the Centers for Disease Control and Prevention of \$2,369,934. The intent of this funding is to implement the programs outlined in Senate Bill No. 2380.

A section is added to require the State Health Officer to have substantive administrative experience and demonstrated experience in the management of people.

A section of the North Dakota Century Code relating to country of origin labels is repealed.