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DESCRIPTION

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Deanna Hall
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10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1165

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1165

House Human Services Committee

☐ Conference Committee

Hearing Date January 13, 2003

Tape Number	Side A	Side B	Meter #
1	x		9.8-27.7
2	x		33.5-34.2
Committee Clerk Signature <i>Sharon Rengrow</i>			

Minutes:

Karen Romig Larson, Director of the Div. of Mental Health & Substance Abuse Services

appeared in support of the bill with written testimony stating this bill is offered for 2 actions:

The first is to repeal Chapter 23-27.1 of the NDCC relating to the licensing of addiction hospitals and the second is to create a new chapter, 50-31 and also proposed amendments of language changes which reflect current practice and definition of addiction treatment.

Questions of Ms. Larson by the committee consisted of, licensing programs not facilities, programs offered by individuals, confidentiality statement, statistical information on number of patients treated in a facility across the state, non identifiable statistics, suspending or revoking of licenses and if there was an appeal process.

Rep. Devlin noted that he was not at ease with the appeal process and wondered if language should be amended to include the appeal process they are using now. Because to him, it was very clear that you can just pull a license and they just start over.

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Page 2

House Human Services Committee

Bill/Resolution Number HB 1165

Hearing Date January 13, 2003

Krista Andrews, Attorney for the Dept. of Health was called upon to explain why they have the amendment for Chapter 23-16 and that was to make sure that all the cross references in other portions of the Century Code were updated to reflect that we moved this section from the Health Dept.'s chapter over to the Human Services chapter.

Ms. Larson also stated that we have in our rules adopted the ability to have what we have called deemed status so that we don't go in and just create another 2-3 days of very expensive time and this program has been accredited by the joint commission on accreditation for hospitals. We accept that accreditation as verification that they need licenses.

Ms. Larson was also called upon in regards to West Central Human Services to explain how the process works, who inspects them, who licenses and how the process will work if this bill were to pass.

Ms. Larson stated that nothing will change from how it has been operating.

Rep. Porter stated concerns with the Dept. basically licensing and inspecting themselves, and was wondering who have the oversight to make sure that the Dept. just isn't doing a 100 % job of the task assigned them.

David Peske of the North Dakota Medical Assoc. appeared in support of the amendments proposed by Ms. Larson, stating that the language she is deleting really addresses construction and renovation in facility issues.

No opposition to this bill.

Rep. Devlin moved the amendments by Ms. Larson, Rep. Weisz second it. All in favor = 13, those opposed = 0, motion carried by oral vote.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1165

House Human Services Committee

☐ Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1		x	0.0 - 2.6
Committee Clerk Signature <i>Sharon Pennington</i>			

Rep. Devlin handed out an amendment furnished by the dept. at the request of the committee.

Committee had concerns and questions with the 10 days instead of 30.

Rep. Devlin moved a motion to changed the proposed amendment from 10 days to 30 days and adopt the amendment, second by Rep. Pollert. All in favor = 13, those opposed = 0, motion carried by oral vote.

Discussion: concerns with substance abuse, stating we are not getting into the hospital area at this time.

Rep. Porter made a motion of DO PASS as Amended, Rep. Kreidt second it. 13-0-0

Rep. Pollert will carry the bill.

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10/2/03
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FISCAL NOTE
Requested by Legislative Council
01/03/2003

Bill/Resolution No.: HB 1165

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

☐ The bill is a housekeeping measure relating to substance abuse treatment programs to correct statutory cross-references. This bill has no fiscal impact.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Welsz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	01/10/2003

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10/2/03
Date

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1165

Page 2, line 8, remove "or without written approval"

Page 2, line 8, after "license" insert "+"

Page 2, remove lines 9 and 10

Renumber accordingly

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10/2/03
Date

Date: 1-14-03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1165

House _____ HUMAN SERVICES _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP as Amended

Motion Made By Rep. Porter Seconded By Rep. Kreidt

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Pollert

If the vote is on an amendment, briefly indicate intent:

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1/12/03
Date

REPORT OF STANDING COMMITTEE (410)
January 14, 2003 4:34 p.m.

Module No: HR-06-0561
Carrier: Pollert
Insert LC: 38208.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1165, as amended, Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1165, as amended, was placed on the Sixth order on the calendar.

Page 2, line 8, remove "or without written approval"

Page 2, remove line 9

Page 2, line 10, remove "construction of substance abuse treatment programs"

Page 3, line 2, after the underscored period insert "Within thirty days after service of the written charges, the applicant or licensee may submit to the department a written request for an administrative hearing as provided in chapter 28-32."

Renumber accordingly

2003 SENATE HUMAN SERVICES

HB 1165

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10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1165

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1		X	576 - 1125
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened the public hearing for HB relating to the correction of statutory cross-references; and to repeal chapter of the North Dakota Century Code, relating to the licensing of addiction hospitals.

KAREN LARSON, Director of the Division of Mental Health and Substance Abuse Services, testified in support of the bill. (Written testimony) Stated housekeeping 20 years in coming.

Explained what her department does. (Meter # 626- 1054)

SENATOR LEE: No further testimony. Public hearing closed. (Meter #1054)

SENATOR LEE asked for committee wish.

SENATOR FISCHER moved DO PASS.

SENATOR ERBELE seconded the motion.

Roll call was read. 6 yeas 0 nays.

SENATOR FISCHER to be the carrier. (Meter # 1125)

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10/2/03
Date

Date: 03-05-03
Roll Call Vote #: ①

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1165

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass.

Motion Made By Sen. Fischer Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Sen. Fischer

If the vote is on an amendment, briefly indicate intent:

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10/2/03
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REPORT OF STANDING COMMITTEE (410)
March 5, 2003 4:02 p.m.

Module No: SR-39-4034
Carrier: Fletcher
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1165, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1165 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-39-4034

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2003 TESTIMONY

HB 1165

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10/2/03
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TESTIMONY
HB 1165
HOUSE HUMAN SERVICES COMMITTEE
CLARA SUE PRICE, CHAIR
JANUARY 13, 2003

Chairperson Price and members of the Committee: I am Karen Romig Larson, Director of the Division of Mental Health and Substance Abuse Services. I am here today to testify in support of HB 1165.

This bill is offered to accomplish two actions. The first is to repeal Chapter 23-27.1 of North Dakota Century Code relating to the licensing of addiction hospitals. This chapter has existed since 1965, and is based on licensing when the former Division of Alcohol and Drug Abuse it was a part of the ND Department of Health. The Division was transferred to the Department of Human Services when it was created in 1983, but the licensing statute has remained in Chapter 23.

The second action is to create a new chapter, 50-31. In creating that new chapter, we have also proposed language changes which reflect current practice and definition of addiction treatment.

In reviewing the bill, I have discovered an oversight in removing some of the language currently found in Chapter 23-17.1 as it pertains to a facility and construction. I offer an amendment to delete the reference to additions and construction found on page 2, lines 8, 9 and 10. The proposed amendment is attached.

Beyond the updated language, I believe the original intent of the licensure chapter remains virtually the same. I would be pleased to answer any questions you may have.

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TESTIMONY
HB 1165
SENATE HUMAN SERVICES COMMITTEE
SENATOR JUDY LEE, CHAIR
MARCH 5, 2003

Chairperson Lee and members of the Senate Human Services Committee: I am Karen Romig Larson, Director of the Division of Mental Health and Substance Abuse Services. I am here today to testify in support of HB 1165.

This bill is offered to accomplish two actions. The first is to repeal Chapter 23-27.1 of North Dakota Century Code relating to the licensing of addiction hospitals. This chapter has existed since 1965, and is based on licensing when the former Division of Alcohol and Drug Abuse was a part of the ND Department of Health. The Division was transferred to the Department of Human Services when it was created in 1983, but the licensing statute has remained in Chapter 23.

The second action is to create a new chapter on licensure, Chapter 50-31. In creating this new chapter, language changes have been made which reflect current practice and definitions of addiction treatment.

One amendment passed in the House removed language referring to facility construction, as licensure is currently geared to program and not facilities. A second amendment passed in the House added the right of the applicant or licensee to request an administrative hearing in the case of a suspension or revocation of a license.

Beyond the updated language, I believe the original intent of the licensure chapter remains virtually the same. I would be pleased to answer any questions you may have.

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