

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2073

2005 SENATE HUMAN SERVICES

SB 2073

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2073

Senate Human Services Committee

Conference Committee

Hearing Date January 5, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-1923
Committee Clerk Signature <i>Cathy Miranda</i>			

Minutes: All members were present.

Chairman Lee opened the hearing on SB 2073.

Chairman Lee welcomed all member of the committee and each person in the room introduced themselves.

Tom Tupa, lobbyist representing the Board of Clinical Laboratory Practice.

See Attachment 1

Tupa: I was supposed to have people here from the Health Department to help answer any questions, however, they haven't arrived yet.

Chairman Lee: Define phlebotomy. It's the process of drawing blood from your arm?

Tupa: It's the process of drawing blood, period. And with various screenings happening at pharmacies and bedsides, there isn't a concise definition and the Board needs to adjust them time to time.

Chairman Lee: I'm passing around 43-48-03 of the NDCC so everyone can see the context of the original bill. I have a grammatical question; the phrase at the end, "who is supervised by an individual licensed by the board," when it's placed where it is it looks like it's modifies "the board." Seems to me it should say, "an individual who is supervised by an individual licensed by the board performing tests and using methods identified by rule adopted by the board."

Tupa: This language was developed by the Board's legal council, but I can take it back to him and get back with you today.

Sen. Warner: Does the simple use of a lancet (a finger puncture) require a license? We're only talking about the use of a needle.

Tupa: No, a finger puncture doesn't require a license.

Sen. Warner: So we'll still have the surgical procedure of phlebotomy being done by licensed people?

Tupa: The individual who would be doing the procedure, if they are supervised by someone who is licensed under the licensure of the Board, would be protected. But people who do home testing, i.e., diabetics or some pharmacists also do testing come under the exceptions. Those do not come under the jurisdiction of the Board. But most lab facilities in clinics and hospitals would come under the jurisdiction of the Board.

Sen. Warner: I guess I'm still looking at the distinction between finger pricking with a lancet and surgically opening a vein with a needle.

Chairman Lee: Well you don't have to have a license to do a vena puncture either, you just have to be supervised by someone who is licensed.

Tupa: That would be my understanding as well, however, I'm not the specialist in this area, we only do administrative work. Bruce Prichard is the expert. He and another staff member are scheduled to be here, but have not yet arrived.

Tupa: Mr. Prichard has just arrived, so may he answer your question now?

Chairman Lee: We'll look at SB 2073, Sen. Warner would you like to ask your question?

Sen. Warner: I'm unsure as to the licensure of a phelbotomist. Is there an actual physical license issued to a person which allows them to do phlebotomy?

Bruce Prichard, Board of Clinical Laboratory Practices: There is no licensing of phelbotomist in this state right now.

Chairman Lee: So as long as they're under the supervision of someone who is a registered phelbotomist; in other words, as long as they are trained by a registered phelbotomist or pathologist at the laboratory or clinic in which they work, they may have someone who is trained to do phlebotomy.

Prichard: I don't think that's required, but it is how it works. Those labs and clinics hire people and train them according to how they (clinical staff) were trained. But there is no law that says a qualified person has to train a phelbotomist.

Roll call vote 1: 5 yeas, 0 nays, 0 absent Action: Do Pass. Motion made by Sen. Brown, seconded by Sen. Dever

Roll Call vote 2: 5 yeas, 0 nays, 0 absent Action: Do Pass Motion made by Sen. Brown seconded by Sen. Dever Carrier: Sen. Lyson

Chairman Lee closed the hearing.

Date: 1/5/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2073

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 2073

Action Taken Do Pass

Motion Made By Sen. Brown Seconded By Sen. Brown

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment —

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

Date: 1/5
 Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2073

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 5805.7.0101 Title .0200

Action Taken Do pass

Motion Made By Sen. Brown Seconded By Sen Dever

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen Lyson

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

N.

REPORT OF STANDING COMMITTEE

SB 2073: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Sixth order on the calendar.

Page 1, line 7, after "individual" insert "supervised by an individual licensed by the board and"

Page 1, line 8, remove "who is supervised by an individual licensed by the board"

Renumber accordingly

2005 HOUSE HUMAN SERVICES

SB 2073

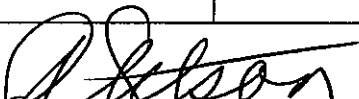
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2073

House Human Services Committee

Conference Committee

Hearing Date : Feb 8, 2005

Tape Number	Side A	Side B	Meter #
#1	x		#481- 828
Committee Clerk Signature 			

Minutes:

Chairman Price opened hearing. 10 members present 2 absent.

Tom Tupa, representing **ND Clinical Lab. Practice**

See Attached Testimony.

Further is asking to hold this bill as they are hoping to enhance the language.

Chairman Price: Several years ago, we had out of state for profit agencies coming in and paying individuals for their blood, and shipping out of state. How will this effect that situation?

T. Tupa: No this should not impact that at all.

Chairman Price: Anyone else in favor, any opposition?

Close hearing.

MR# 830


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2073

House Human Services Committee

Conference Committee

Hearing Date March 7, 2005

Tape Number	Side A	Side B	Meter #
3	x		
Committee Clerk Signature 			

Minutes:

Chairman Price opened the discussion on SB 2073.

Rep. Porter: I looked into the current code and there is an exemption. This subsection relates to exemptions from this act. In the exemption phlebotomy is currently exempted. In talking with the board, it was my feeling and Rep. Devlin's feeling that it should remain in the code. There may be a situation, where a secretary at the front desk, would also be trained in phlebotomy, but the actual test would be performed by the Dr. the nurse that works in the office. If this bill were to pass and there were no individual licensed by the board working there, then only the individuals who have a different license, would be able to perform those duties. The phlebotomist would no longer be able to part of their job. With the amendment, we kept number 6, in sub section 6, saying that they can perform those procedures. We removed the portion about "and beside screening tests". That test are really the only test left that left that is blood glucose test done by a quick machine type situation. We added a new piece to that exemption,

that is someone who is supervised by an individual that is licensed by the board and performing tests using methods by rules adopted by the board. That allows someone licensed by the board, a phlebotomist to get additional training to run some tests as long as they are supervised by someone licensed by the board. A phlebotomist doing just blood draws are exempt from this chapter. The way the amendment reads and there is a piece added that if they are supervised, that there is a method for them to actually increase their duties under this part, according to the rules of the board. With that I would move the amendment.

Rep. Devlin: Second.

Rep. Sandvig: When I contacted my clinic, they indicated that they train people to draw blood. Would this cover them, am I right?

Rep. Porter: The function of phlebotomy, by adopting the amendment, will not affect them at all. If you don't adopt the amendment, the function of phlebotomy, kind of goes away. Because the exemption goes away.

Chairman Price: In Section 1, they still will be able to draw, do the tests, if they are supervised by a person who is licensed. And section 2 does what?

Rep. Porter: Yes that is right, and Sub section 6, they can do expanded things as long as they are licensed by the board.

Voice vote on amendment: unanimous

Chairman Price: We have an amended bill.

Rep. Porter: Move Do Pass as amended.

Rep. Weisz: Second.

Vote: 12-0-0 Carrier: Rep. Porter

House Amendments to Engrossed SB 2073 - Human Services Committee 03/08/2005

Page 1, line 1, replace "amend and reenact subsection 6 of section 43-48-03 of the North Dakota" with "create and enact a new subsection to section 43-48-03 of the North Dakota Century Code, relating to exemptions from clinical laboratory personnel licensure."

Page 1, remove line 2

Page 1, replace lines 4 through 8 with:

"SECTION 1. AMENDMENT. A new subsection to section 43-48-03 of the North Dakota Century Code is created and enacted as follows:

An individual supervised by an individual who is licensed by the board and who performs tests and uses methods identified by rules adopted by the board."

Renumber accordingly

House Amendments to Engrossed SB 2073 - Human Services Committee 03/09/2005

Page 1, line 1, after "to" insert "create and enact a new subsection to section 43-48-03 of the North Dakota Century Code, relating to exemptions from clinical laboratory personnel licensures; and to"

Page 1, line 6, remove the overstrike over "~~Phlebotomy personnel performing phlebotomy procedures~~"

Page 1, line 7, remove "An individual supervised by an individual licensed by the board and"

Page 1, line 8, remove "performing tests and using methods identified by rule adopted by the board"

Page 1, after line 8, insert:

"SECTION 2. A new subsection to section 43-48-03 of the North Dakota Century Code is created and enacted as follows:

An individual supervised by an individual who is licensed by the board and who performs tests and uses methods identified by rules adopted by the board."

Renumber accordingly

Date: 3/12/85

Roll Call Vote #: 1) Amd Rep Porter / Rep Mullin
2) Rep P. Rep W

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2073

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 58057.0202

Action Taken To Pass as amended

Motion Made By Rep Porter Seconded By Rep Weisz

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	✓		Rep.L. Kaldor	✓	
V Chrm.G. Kreidt	✓		Rep.L. Potter	✓	
Rep. V. Pietsch	✓		Rep.S. Sandvig	✓	
Rep.J.O. Nelson	✓				
Rep.W.R. Devlin	✓				
Rep.T. Porter	✓				
Rep.G. Uglem	✓				
Rep C. Damschen	✓				
Rep.R. Weisz	✓				

Total (yes) 12 No 0

Absent 0

Floor Assignment Rep Porter -

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

REPORT OF STANDING COMMITTEE

SB 2073, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2073 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 43-48-03 of the North Dakota Century Code, relating to exemptions from clinical laboratory personnel licensures; and to"

Page 1, line 6, remove the overstrike over "~~Phlebotomy personnel performing phlebotomy procedures~~"

Page 1, line 7, remove "An individual supervised by an individual licensed by the board and"

Page 1, line 8, remove "performing tests and using methods identified by rule adopted by the board"

Page 1, after line 8, insert:

"SECTION 2. A new subsection to section 43-48-03 of the North Dakota Century Code is created and enacted as follows:

An individual supervised by an individual who is licensed by the board and who performs tests and uses methods identified by rules adopted by the board."

Re-number accordingly

2005 TESTIMONY

SB 2073

TESTIMONY ON SB 2073

SENATE HUMAN SERVICES COMMITTEE

January 5, 2005

same given to House

Madame Chair and members of the committee, my name is Tom Tupa and I am representing the ND Board of Clinical Laboratory Practice. I am here in favor of the SB2073 which was requested by the Board.

Currently, the law exempts from licensure, "phlebotomy personnel performing phlebotomy (blood drawing) procedures and bedside screening tests".

Given the language, the nature of medical technology, and what constitutes "bedside screening tests", the Clinical Lab Board frequently gets questions about who is actually exempt from the law. The Board believes they need to get more specific and may have to list various screening tests that can change from time to time.

They felt this could better be addressed by eliminating the language on lines 6 and 7 and replacing it with language that would permit them to deal with the issue through the rules and regulation process.

This bill will neither bring more individuals under regulation nor will it eliminate any individuals currently under licensure. It will simply allow the board to more easily deal with the exemption questions through the rules process.

Madame Chair and members of the committee, I will try to respond to any questions you may have.

Thank you for your consideration of SB 2073.

Proposed Amendments to Engrossed Senate Bill 2073

Page 1, line 2, after "Code" insert "and to create and enact a new subsection to section 43-48-03 of the North Dakota Century Code"

Paul

Page 1, line 6, remove the overstrike from "Phlebotomy personnel performing phlebotomy procedures"

Page 1, line 7, remove "An individual supervised by an individual licensed by the board and"

Page 1, line 8, remove "performing tests and using methods identified by rule adopted by the board"

Page 1, after line 8, insert:

"SECTION 2. AMENDMENT. A new subsection to section 43-48-03 of the North Dakota Century Code is created and enacted as follows:

An individual supervised by an individual licensed by the board and performing tests and using methods identified by rule adopted by the board."

Re-number Accordingly