

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2131

2005 SENATE HUMAN SERVICES

SB 2131

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2131

Senate Human Services Committee

Conference Committee

Hearing Date January 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		5,040-5742
Committee Clerk Signature <i>Cothy Minard</i>			

Minutes:

Senator Lee opened the hearing on SB 2131.

All member were present.

**Testimony in favor of the bill.**

**Rosalie Etherington, Clinical Director of the North Dakota State Hospital of the Department of Human Services.**

See Attachment 1

**Sen. Lyson:** Do you know why we changed the bill in 1993?

**Etherington:** It's my understanding that when the law was changed in 1993, it was to clarify the specific ability for a licensed physician counselor to testify as expert examiner. And that in the court of law a licensed physician counselor may only testify to the diagnosis of chemical

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Senate Human Services Committee  
Bill/Resolution Number SB 2131  
Hearing Date January 10, 2005

dependency and not to any other type of disorder like mental status examination in regular mental illness. Then in restructuring the law the psychologist portion of that was left out.

**Sen. Lyson:** Was this just an oversight.

**Etherington:** I believe so. We did have some individuals research that and it was there understanding it was an oversight.

No testimony in opposition. No neutral testimony.

Roll Call vote: 5 yeas, 0 nays, 0 absent

Motion made by Sen. Lyson, seconded by Sen. Brown

Carrier: Sen. Lyson

Chairman Lee closed the hearing.



**REPORT OF STANDING COMMITTEE (410)**  
January 10, 2005 11:22 a.m.

**Module No: SR-05-0208**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2131: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS**  
**(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2131 was placed on the**  
**Eleventh order on the calendar.**

2005 HOUSE HUMAN SERVICES

SB 2131


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2131

House Human Services Committee

Conference Committee

Hearing Date February 8, 2005

Tape Number	Side A	Side B	Meter #
#1	x		#0- 440
Committee Clerk Signature 			

Minutes:

**Chairman Price** opened hearing. 10 members present, 2 absent

**Rosalie Etherington, ND State Hospital, Dept. Health Services.**

See Attached Testimony.

**Rep. Potter:** You indicated that language was changed in 1993.

**R. Etherington:** In 1993, when the guidelines were evaluated, addiction counselors were added to the language and psychologists were inadvertently left out. It was an oversight.

**Chairman Price:** Anyone else in favor - any opposition?

Hearing closed.

MR#440

Hearing reopened:

Discussion:

**Rep. Devlin:** I wonder about the fact that this oversight is just coming up now, after 12 years.



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House Human Services Committee  
Bill/Resolution Number: SB 2131  
Hearing Date: February 8, 2005

**Rep. Weisz:** Motion for a Do Pass

**Rep. Ugem:** Second.

**Vote:** 10 - 0 - 2 Carrier Rep. Ugem

Date: 2/8/05

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~SB~~ SB 2131

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep Weisz Seconded By Rep Uglem

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

Total ( ) 10 No 0

Absent 2

Floor Assignment Rep Uglem

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

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2005 10:54 a.m.

**Module No: HR-25-2105**  
**Carrier: Uglem**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2131: Human Services Committee (Rep. Price, Chairman) recommends DO PASS**  
**(10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2131 was placed on the**  
**Fourteenth order on the calendar.**

2005 TESTIMONY

SB 2131

Testimony

Senate Human Services Committee

Regarding Senate Bill - 2131

Senator Judy Lee, Chairperson

January 10, 2005

*Same given to the House*

Chair Judy Lee and members of the Senate Human Services Committee, I am Rosalie Etherington, the Clinical Director of the North Dakota State Hospital of the Department of Human Services. I am here today to ask that you consider amending Section 1, Subsection 7 and 8 of section 25-03.1-01 of the North Dakota Century Code to include licensed psychologist trained in a clinical program as Expert examiner and Independent expert examiner for the evaluation of chemical dependency.

The current law defines Expert examiner and Independent expert examiner as 'a licensed physician, psychiatrist, psychologist trained in a clinical program, or licensed addiction counselor.' However, it limits evaluation of whether the respondent is chemically dependent to a licensed physician or licensed addiction counselor.

Substance-related disorders are encountered in both general practice and specialty practice settings. All healthcare professionals have a role in the screening, recognition and treatment of substance-related disorders. That role, however, understandably varies given particular circumstances of the case and the specificity of training and privileging of the practitioner. In general, psychologists have the special qualifications and expertise in the recognition, treatment, and prevention of substance-related disorders.

Page Two: SB 2131

The American Society of Addiction Medicine and the American Managed Behavioral Healthcare Association, in *The Guideline for Credentialing and Privileging* recommends that psychologists be given the broad privilege of prevention, screening, assessment, and diagnosis of chemical dependency. Before the language of this section was changed in 1993 psychologists were allowed this privilege. In general, these duties are a routine part of a psychologist's job and the ability to testify to this in court as Expert examiners is important.

In sum, I ask that the committee consider passing Senate Bill 2131 and allow psychologists to be recognized as Expert examiners and Independent expert examiners within their full scope of education and experience, which includes the assessment and diagnosis of chemical dependency.

Thank you and I am willing to answer any questions.