

Testimony

Administrative Rules Committee

March 12, 2008

North Dakota Department of Health

Good afternoon, Mr. Chairman and members of the Administrative Rules Committee. My name is Kenan Bullinger, and I am director of the Division of Food and Lodging for the North Dakota Department of Health. I will present a brief review of the testimony provided at your last meeting in December and also some new information that hopefully will clarify our intended use of the new FTE that would be hired with the special funds generated as a result of the proposed license fee increases.

As mentioned at your last meeting, the license fee increases were a result of staffing and resources needed to enforce new statutes that were passed in the last legislative session dealing with tattoo/body art and tanning. Because of the increased workload anticipated with the passage of that new legislation, authority to hire an additional FTE was granted to the department to assist in the enforcement of those two new regulatory programs. However, at that time, we could only roughly estimate the number of tattoo/body art facilities and tanning beds the department would inspect and the amount of revenue this would generate because there was no registration of these facilities and we didn't know how many of the inspections local public health units would conduct rather than the Department of Health. During the legislative session it was estimated that around half of the position would be used for and could be funded through new fees established for tattoo/body art and tanning. The remainder of the FTE could be funded with and used for additional work in the food and lodging licensure area. However my testimony at your last meeting left the impression that food and lodging fees would be subsidizing an FTE for body art and tanning bed inspections.

Generating the extra food and lodging license revenue will allow us to hire the new position full time rather than half time, allowing us to inspect higher-risk food and lodging establishments more frequently, which should result in fewer violations and reduce the potential for problems or complaints. In addition this will assist us in meeting additional work required over the past few years in schools and assisted living facilities. Our current four-person field inspection staff is able to conduct approximately one inspection per year of the high-risk food establishments. The federal Food and Drug Administration recommends that high-risk food establishments be inspected two to three times per year. Our intent is to divide our current four inspectional regions into five somewhat smaller regions, resulting in more efficient travel and inspection time. Each field inspector will be responsible for all inspection

work (food, lodging, schools, assisted living, tattoo/body art, tanning, etc.) throughout his or her assigned territory.

The rulemaking process for these fee increases included filing a Notice of Intent to Amend Administrative Rules with Legislative Council, printing public notices of the rules hearing in the state's major newspapers in late June and early July, holding a hearing on August 1, and providing a 13-day written comment period. No oral or written comments were received on these proposed fee increases.

This concludes my testimony. I am happy to answer any questions you may have.