

2009 HOUSE HUMAN SERVICES

HB 1145

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1145

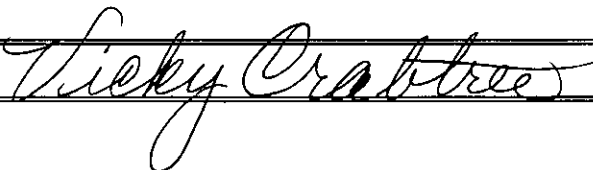
House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 27, 2009

Recorder Job Number: 7848

Committee Clerk Signature



Minutes:

Rep. Weisz called the hearing to order on HB1145.

Paul Kolstoe, President of ND Psychological Association: Testified in support and wants an amendment to the bill. **See Testimony #1.**

Rep. Weisz: You are ok with all other provisions?

Paul Kolstoe: We are.

Rep. Frantsvog: Can someone explain to us what the bill does?

Paul Kolstoe: We thought someone from the board would be here. I'm not comfortable addressing that question?

Rep. Weisz: You will receive testimony from the board at a later date.

OPPOSITION:

Kurt Synder, Executive Director of Heartview Foundation: Testified in opposition. **See Testimony #2.** Also passed out testimony for Donald Wahus, licensed addiction counselor. **See Testimony #3.**

Rep. Weisz: You are opposing the standing, this wouldn't prohibit (inaudible).

Kurt Snyder: It would not change that a licensed addiction counselor could expand psychologist's role. There other entities in the state that oversee addiction services and one

would be the DHS (inaudible) mental health with their administrative unit. It does bypass current Century Code (inaudible) board of addiction counselor and its owners which clearly defines the requirements (inaudible) for any addiction counselor. Adding this line, substance use disorders does allow psychologists to expand their scope of practice to not only do diagnosing, but also treating of addiction disorders.

Rep. Porter: On that same line, line 12, right after the new language is added, the existing language say, disorders of habit or conduct as well as the psychological aspects of physical illness. Couldn't they already treat someone who has a substance abuse disorder?

Kurt Snyder: I believe there's overlap. But, since substance abuse disorder is clearly defined in diagnostic statistic manual for under the different mental health substance use disorders. So, it is clearly a different, that language doesn't apply for the (inaudible) substance abuse disorders outlined in that manual.

Rep. Porter: Could you give me an example then of the disorder of habit?

Kurt Snyder: It's not under a substance use disorder area. It's a little bit outside of my area, so I would feel lost to give you an examples of that. I can speak at length about substance use disorders and other areas of habit, I would be guessing as to what that means.

Rep. Holman: Your overlap concept. Aren't a lot of psychologists doing addiction counseling now because they need to (inaudible)?

Kurt Snyder: There are a number of psychologists that do (inaudible) addiction patients in addiction treatment services, but they are also duo licensed.

Rep. Weisz closed the hearing.

After hearing was closed Dr. Alan Fehr, President of the ND Board of Psychologist

Examiners handed in testimony in support: See Testimony #4.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1145

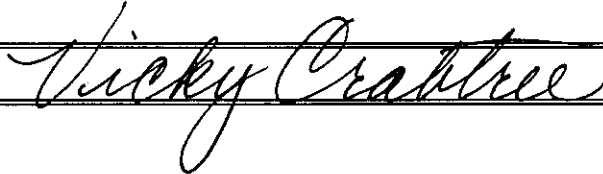
House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 2, 2009

Recorder Job Number: 8404

Committee Clerk Signature



Minutes:

Rep. Weisz: Let's look at 1145. Have suggested amendments.

Rep. Porter: I would Move the proposed amendment from the ND Psychological Association that on page 5 line 16-19 and line 18, change "must" to "may".

Rep. Hofstad: Second.

Rep. Potter: What was discussion to change must to may?

Rep. Weisz: If a "must", it eliminates a 2 year, if a "may", then they can be licensed as soon as they past the exam.

Voice Vote: 13 yeas, 0 nays, 0 absent.

Rep. Conklin: Page 2, line 12, there are objections by constituents that they want that whole phrase taken out.

Rep. Conklin: Motion to remove page 2, line 12.

Rep. Holman: Second.

Rep. Porter: I'm going to oppose putting that amendment in. It goes back to other areas of boards and professions are regulated, that they can (drops sentence). We always seem to

have a lot of fence building that goes on with these kinds of bills and the purpose of a board is

to protect the public and regulate the session. It's not to build areas and fences along professions.

Rep. Holman: In defense of the motion to strike that. The testimony and follow-up testimony deals with the specific training that (inaudible) professionals have and the fact that any psychologist, all they'd have to do is complete that requirement and then they would be fully qualified. They would be able to do this (inaudible) without completing the specific training the substance disorders should (inaudible). Think we should remove it.

Rep. Porter: When you look at the one board setting the requirements of another licensed professional in another board has always created problems. It's the same as saying that the medical examiners get to write rules that limit the practice of the nurse practitioner and they get their license through the board of nursing. Those things fall back into turf not what's best for the patient. If the board of psychological examiners thinks that they think a psychologist is not capable of doing substance abuse disorders, then it is their responsibility as the regulator of psychologist to come up with the requirements of education to allow a psychologist to do it. Not another board.

Rep. Holman: Aren't they adding to their turf without any qualifications?

Rep. Porter: They aren't necessarily adding to their turf. They are clarifying the existing language. By adding it doesn't give them a blank check to say, you are a licensed psychologist, you can go out and do it. Still the responsibility of board to see that those people are qualified.

Rep. Hofstad: By not having a certain disorder listed, does not necessarily preclude them from not diagnosing or services that particular disorder, does it?

Rep. Weisz: If not listed in there and that is not the scope of practice, that's why we generally have the (inaudible) because with the first addiction profession, the fact that it's not listed, then the board doesn't have the power to allow or regulate it.

Rep. Potter: I've heard and don't remember where I got the information, but it had to do with psychotropic drugs and the concern of them being used by the psychologist.

Rep. Weisz: Perfect example we will have to decide which is right or wrong in that civil case. Not this bill, just an example.

Rep. Conrad: Not sure how I feel about this but, (too much paper ruffling makes it inaudible) consider their turf. When they get into substance abuse disorders (inaudible). I'm uncomfortable like you.

Rep. Kilichowski: When physical illness part of substance abuse disorder, I think they can do it.

Rep. Weisz: That's the reason the language is in there, to clarify it.

Rep. Holman: Have psychologists been doing this and you guys are upset about it and now you want to remove it specifically?

Rep. Weisz: They probably feel they have overstepped their bounds and shouldn't be so this should come out.

Rep. Conrad: (Inaudible, wants to ask question of someone)

Rep. Weisz: Do you have an answer for us Bonnie?)

Bonnie Steiger, Executive Director for ND Psychological Association: Yes

Rep. Weisz: I'll allow it.

Bonnie Steiger: My understanding is that this change is not unlike what the Legislative

Council does when they update language. The licensing board in this particular case, many of the changes in the bill that they brought forward were to update language to current usage.

Currently psychologist in practice in ND are able to diagnosis and treat substance abuse disorders. My understanding that those three words inserted there are to update and clarify what they are already doing and capable of doing. So if you amend out what they are proposing, it goes back to the old archaic language which still allows them to do it.

Rep. Conklin: What is the reasoning why the (inaudible) don't want it in?

Bonnie Steiger: Turf. That is an unfair question.

Rep. Frantsvog: I want to ask another unfair question. Why did we get so much push to exclude it? Why do you suspect that?

Bonnie Steiger: Same answer to Rep. Conklin's question. It is turf.

Rep. Kilichowski: You are saying that Legislative Council is the one that (coughing, can't hear) anybody that came forward and said they this in the statute.

Bonnie Steiger: That is not correct. I used that as an analogy.

Rep. Weisz: Call the roll for Do Pass on the amendment.

Roll Call Vote on DO PASS on the amendment: 3 yes, 10 no, 0 absent.

MOTION FAILED.

Rep. Hofstad: Motion for a DO PASS AS AMENDED>

Rep. Damschen: Second.

Roll Call Vote: 13, yes, 0, no, 0 absent.

MOTION CARRIED DO PASS AS AMENDED.

BILL CARRIER: Rep. Frantsvog.

VR
2/3/0

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1145

Page 5, line 18, overstrike "must" and insert immediately thereafter "may"

Renumber accordingly

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1145

House HUMAN SERVICES☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. PORTER Seconded By Rep. HOFSTAD

[illegible]

Total (Yes) 13 No 0

Absent _____

Bill Carrier _____

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

motion for DP on suggested amendment. Page 5 line 16-17 and line 18 Change "must" to "may".

Date: 2-2-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1145

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep. Conklin Seconded By Rep. Holman

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ		✓	REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH		✓	REP. KARI L CONRAD		✓
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG		✓	REP. ROBERT KILICHOWSKI		✓
REP. CURT HOFSTAD		✓	REP. LOUISE POTTER		✓
REP. MICHAEL R. NATHE		✓			
REP. TODD PORTER		✓			
REP. GERRY UGLEM		✓			

Total (Yes) 3 No 10

Absent 0

Bill Carrier _____

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

remove Amend. pg 2 line 12

Failed

Date: 2-2-09
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1145

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Rep. Hofstad Seconded By Rep. Damschen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 13 No 0

Absent 0

Bill Carrier Rep. Frantsovog

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

REPORT OF STANDING COMMITTEE

HB 1145: Human Services Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 5, line 18, overstrike "must" and insert immediately thereafter "may"

Renumber accordingly

2009 SENATE HUMAN SERVICES

HB 1145

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1145

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/3/09

Recorder Job Number: 10067, 10096

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee opened the hearing on HB 1145 relating to licensing of psychologists and the practice of psychology.

Dr. Alan Fehr (ND State Board of Psychologist Examiners) introduced HB 1145.

Attachment #1

Senator J. Lee asked him to explain an industrial organizational psychologist.

Dr. Fehr explained that would be a psychologist created in the licensure law in the last legislative session. There aren't any in the state of ND. If someone applies and is licensed they would consult to organizations.

Senator J. Lee asked if they were then just looking to make it is included so it isn't something that skirts the current law.

Dr. Fehr said it was included in the law. It was left to them to try to define what the supervisory requirements leading up to licensure. Their law was crafted to look very parallel to the general licensure law so the residents would then be parallel in supervision to what a psychology resident is.

Senator J. Lee asked if there were any objections from people who are involved with that kind of educational program.

Dr. Fehr said they hadn't had any objections.

Senator Heckaman referring to section 3, asked how many licensed psychologists there are now.

Dr. Fehr – around 200.

Senator Heckaman asked him where their budget stands now.

Dr. Fehr answered that they are not in the red now. If they have a major challenge they wouldn't have enough in their reserves.

Senator Heckaman asked what kind of reserves they are looking at.

Dr. Fehr - \$30,000

License fees are probably lower than most states.

Senator Dever asked if they were ok with the amendments the House put on this bill.

Dr. Fehr said they were neutral to the amendment from the Psych Association "must" to "may".

Senator Pomeroy asked how many places in ND have acceptable programs for the training.

Dr. Fehr clarified that the training leading up to a Doctoral degree is only available at UND in ND. The other issues in terms of training have to do with pre doctoral training and post doctoral training. There are no approved programs in the state.

School psychologists were discussed.

Bonnie Staiger (Executive Director NDPA) testified in support of HB 1145. Attachment #2

Senator Dever asked Ms. Staiger to comment on the number of psychologists in the state compared to psychiatrists and if the school psychologists are part of their organization.

Ms. Staiger replied that school psychologists could be part of the NDPA as an associate member.

Discussed was the number of psychologists and psychiatrists in ND and the problem of psychologists needing to go out of state to get a portion of their training. Also discussed was taking fees out of statute and putting in rules.

Donald Wahus (Licensed Addiction Counselor) testified in opposition to HB 1145 in respect to adding substance use disorders.

Senator J. Lee asked if he thought they were the only ones who should be able to or if there is another profession that has requirements about this particular niche.

Mr. Wahus said he believed that psychologists can and do it as long as they have some academic training in that area.

Senator Dever asked if these concerns were raised in the House.

Mr. Wahus replied that they did when they testified at the House hearing and they did not respond to the concerns.

Senator Heckaman looking at line 12, asked if those often present as co existing disorders with a lot of things the psychologist would be better trained to handle.

Mr. Wahus – definitely so, a lot of people present themselves to dual diagnosis. That's why as a team psychologists play a significant role in it.

Discussion followed on educational qualifications for psychologists and licensed addiction counselors.

Kurt Snyder (ND Addiction Treatment Providers Coalition) testified in opposition to line twelve on page two of HB 1145. Attachment #4

Senator Dever asked what it would take for psychologists to add to their training to satisfy concerns.

Mr. Snyder replied that if the psychologists would have focus in levels of care especially counseling skills required for addiction they wouldn't have a problem with it.

Senator Dever stated that the words before and after involve compulsive disorders and disorders of habit or conduct. He asked if the treatment of those would be similar.

Mr. Snyder said there are specific treatments for addiction. Those treatments include a whole continuum of levels of care. The others mentioned don't have those.

Senator Dever asked if currently a psychologist is involved it is in a collaborative effort with an addiction counselor.

Mr. Snyder said that was correct.

Senator J. Lee asked if there has been any discussion between the psychologists' organization and the substance abuse counselors' organizations about academic programs that are in parallel.

Mr. Snyder – there are a handful of licensed addiction counselors that are also psychologists. He went on to speak about how psychologists could become licensed for addiction counseling.

Senator Dever asked if he was correct in his understanding that there is a shortage of licensed addiction counselors in ND.

Mr. Snyder said there has been a workforce issue in the state.

Don Wright (Assistant Director of the Mental Health and Substance Abuse Services Division, ND Dept. of Human Services) testified in opposition to HB 1145 specifically – page 2, line 12, the addition of “substance use disorders”. See attachment #5. He offered an amendment – attachment #6.

Senator Dever asked if it was clear when a psychologist is treating someone that they are straying into the substance abuse disorder.

Mr. Wright replied that he couldn't answer what takes place in a psychologists practice.

Discussion followed on psychologists treatment overflowing into addiction counseling and referring patients to an addiction counselor.

Senator J. Lee asked Dr. Fehr if they were planning to include additional training in order to do substance abuse counseling.

Dr. Fehr answered talked about psychologists working within their areas of competency and the regulatory board expecting them to have the knowledge and a working capability within their setting to work with addictions.

They are not expecting them to become licensed addiction counselors and do programmatic treatment. They are expected to practice within their level of competence.

Senator J. Lee spoke about specific areas needing specific training.

Continuing education for psychologists was discussed.

The hearing on HB 1145 was closed.

Job #10096

Senator J. Lee opened HB1145 for committee work.

Committee members discussed the realities of whether or not psychologists would refer patients to addiction counselors if it was beyond their area of expertise.

Senator J. Lee was inclined to take "substance abuse disorders" out.

Senator Heckaman didn't think psychologists would be doing a lot of substance abuse counseling. She felt they would refer those people on.

Senator Pomeroy asked if it would affect anything they do if it was taken out.

Discussion that it wouldn't change anything they do right now. They just couldn't say they were a substance abuse counselor. If they are interested in doing that training under their license, they can go and get the necessary training.

Senator Dever said it was his inclination to either remove it or restate it in a way that limits it.

Senator J. Lee said making an exception would be messing with their scope of practice.

Senator Heckaman moved to accept the amendment to remove substance abuse disorders.

Second by **Senator Dever**.

Roll call vote 4-0-2 (Senator Erbele and Senator Marcellais) **Amendment adopted.**

Senator Heckaman moved a **Do Pass as Amended**.

Second by **Senator Pomeroy**.

Roll call vote 4-0-2. (Senator Erbele and Senator Marcellais) **Motion carried.**

Carrier is Senator Heckaman.

Additional information – attachment #7

98066.0201
Title.0300

Adopted by the Human Services Committee
March 3, 2009

[Handwritten signature]
3/3/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1145

Page 2, line 12, remove "substance use disorders,"

Renumber accordingly

Date: 3/3/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1145

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations
☒ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair			Senator Richard Marcellais		
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 4 No 0

Absent 2

Floor Assignment _____

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

Date: 3/3/09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1145

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98066.0201 Title .0300

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Rerefer to Appropriations
☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Pomeroy

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair			Senator Richard Marcellais		
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 4 No 0

Absent 2

Floor Assignment Senator Heckaman

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

REPORT OF STANDING COMMITTEE

HB 1145, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1145 was placed on the Sixth order on the calendar.

Page 2, line 12, remove "substance use disorders."

Renumber accordingly

2009 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1145

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1145

House Human Services Committee

☒ Check here for Conference Committee

Hearing Date: April 13, 2009

Recorder Job Number: 11837

Committee Clerk Signature

Dicky Crabtree

Minutes:

Chairman Hofstad called the Conference Committee meeting on HB 1145 to order.

Chairman Hofstad: I'm going to let one of the members of the Senate explain the amendments.

Sen. Dever: This is a pretty simple amendment. The bill refers to the practice of psychology and under the definitions on page 2, it refers to, "practice of psychology means", and it goes through all of the different things that psychologists do. The second sentence says, "the term includes psychological testing and evaluation", and many other things, but it makes a reference in line 12 to, "substance use disorders". The license addiction counselors took issue with that. We had a lengthy discussion on it and the psychologists sent us an e-mail and said, they decided to back away from that. The argument of the counselors was that it is a very specialized practice dealing with addictions which doesn't necessary follow all under the umbrella of the psychologists and should be considered separate.

Sen. Heckaman: One of the other things too was that doesn't preclude them from having someone come into them with a substance abuse disorder. It's sort of a specialty area of the difference between general practitioner and orthopedic surgeon. The general practitioner may see a person with an orthopedic disability and refer them on. They can still see patients with

disorders of habit and conduct. That still allows them to refer them onto a licensed addition counselor.

Chairman Hofstad: As I recall our conversations in committee we too have talked to that at length. Part of the problem I'm having here is we are talking about definitions. If we are looking at psychologists in their scope of practice certainly they have the ability to treat substance disorders. As we looked and talked about this and looking at the definition, I had a lot of questions about disorders of habit and what are disorders of habit? In the think in the conversation we talked about disorders of habit as probably as the same vein as substance use disorders, but it is antiquated language. What we are really doing was updating language and not changing the scope of practice of psychologists. If we could steer that discussion that order. We have some experts here that could probably speak to that. Bonnie would you please speak to that?

Bonnie Staiger, Executive Director of ND Psychological Association: I am not a licensed psychologist. Dr. Alan Fehr is here and is the President of the Licensing Board that put forward this bill and he could speak more specifically of the actual scope of practice in regard to substance use disorders. In answer to your question. I think you have nailed it. When you say it when you said it does not change the scope of practice. It doesn't do anything with what psychologists are able to do. All you are doing is using different language to describe that. The licensing board's position was to update the language. If you go with the Senate version and not update the language, you are leaving language in that is already 10-15 years old. It doesn't change the scope of practice at all. This statute would go forward with language that is already archaic.

Sen. Heckaman: The substance use disorder in the original bill was put as, "disorders of habit and conduct" still remains in there. That wasn't taken out. That's the original version of the bill.

Bonnie Stagier: It doesn't change what I'm saying that still is a matter of definition and describing of scope of practice that will not change regardless of which language you accept in your conference committee.

Chairman Hofstad: In the bill when we talk about disorders of habit or conduct, is that indeed substance use disorders? Is that what we are talking about?

Bonnie Stagier: Yes. Psychologists are trained to do that work and will continue to do so.

Rep. Frantsovog: What you are saying is, "substance use disorders" or the term of "disorders of habit or conduct", are one in the same?

Bonnie Stagier: The scope of practice is the same thing. How that would be interpreted with the day to day practice of psychologists will not change.

Sen. Dever: That confuses me a little I guess. When I think of disorders habit or conduct I think of addictions like gambling. I think part of the argument in front of our committee was that they are very different things. A person in our committee suggested that we amend that out was Don Wright, the Assistant Director of Mental Health and Substance Abuse in the DHS. He refers to the addition of substance use disorders as one of the areas as one of the treatment for psychologists. He sees it as something different.

Chairman Hofstad: We too had that discussion. What exactly are disorders of habit and if it was different or inclusive of substance use disorders or if we were adding something. I'm still not sure that lends itself to scope of practice because we are not changing the scope of practice. We are talking about definitions. Dr. Fehr, I'd like to call you to the podium to ask you some questions.

Dr. Alan Fehr, President of Board of Psychologists Examiners announced himself.

Chairman Hofstad: Under your scope of practice currently, you have the authority to treat substance use disorders?

Dr. Fehr: That is true to some extent. It is a little gray and it is also (inaudible) with Mr. Don Wright with the Division of Mental Health. They have a licensure process for treatment facilities. Our understanding and intention of putting this in was not to bypass their licensure process. The intent was to make it clear in the scope of practice for psychologists in general should include substance abuse disorders. A broader picture for us is a regulatory board and that is what we are; is to look at it and say, we believe that psychologists as doctor level practitioners should be practicing and look at it as within their scope of practice. To assess and provide at least the initial assessment intervention and the initial treatment for people with substance abuse disorders who end up coming to see them rather than for some other reason. The reason we backed off in terms of accepting the amendment is because Mr. Don Wright, representing the DHS said that putting this in would interfere or putting in an exemption to require psychologists to be licensed if they are providing mental health treatment as part of a treatment facility. That was never our intent. Our intent was that psychologists would see within their scope of practice they should have some level of competency. We as a board are looking at broader issues for psychologists is competency in a broad range of areas. We look at what does it take to be a competent psychologist. The objection thing putting it here in these words now makes it an exemption which was never our intent. We thought we would accept these amendments which takes out the language, go back to the drawing board and have the next legislative session (inaudible) with the DHS and we would work out the language issues and come back with language they are comfortable with. In principle we aren't add odds with Don Wright.

Sen. Dever: I would ask Dr. Fehr, that would be language we could work out in another conference committee meeting on Wednesday?

Chairman Hofstad: We could do it now. Certainly this would be the opportune time and would not have to revisit this again. We can schedule a conference committee next week or Wednesday.

Sen. Heckaman: If we leave substance abuse orders in there does that put up a red flag for somebody that now these people will have to be licensed?

Dr. Fehr: No, there isn't an issue. The practice of psychology for example we have bio feedback, but not every psychologist necessarily does bio feedback. We don't expect that. That comes back to an issue of competency. Only the psychologists do that who demonstrate training experience and supervised practice.

Chairman Hofstad: I suggest we adjourn and we will work with the doctor. I'll appoint myself and Sen. Heckaman and the three of us will work together to come to some resolution and amendment that would resolve this issue. Would that be acceptable with everyone?

Sen. Dever: You would involve Don Wright in this conversation?

Chairman Hofstad: Yes, absolutely. Meeting is adjourned.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1145

House Human Services Committee

☒ Check here for Conference Committee

Hearing Date: April 15, 2009

Recorder Job Number: 11879

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Hofstad called the Conference Committee meeting on HB 1145 is called to order. Chairman Hofstad asked Sen. Heckaman to report on their meeting.

Sen. Heckaman: Yesterday morning JoAnn Hoesel, Bonnie Staiger, Rep. Hofstad and myself met. We talked about options on this bill. The House's concern was the words, substance abuse disorder. We are thinking to take those words out and leave as the Senate had it. The reason is, it is causing a difficulty for the department to have it in there. There is difficulty with interpretation, billing and insurance issues. The department did bring an amendment forward, that if you left it in there you would have substance abuse disorder subject to requirements in Section 50.31 which is the treatment program. If you are going to be providing a treatment program, a psychologist currently would have to be licensed to do a program. They don't have to be licensed as an addiction counselor to do diagnosis and evaluations, but once you get to the treatment part of substance abuse disorders they have to be licensed. The thoughts were to leave it out or put it in with a qualifier.

Rep. Hofstad: I think the consensus of the meeting was the language of the bill is antiquated, but to fix it and solve the issue is more complicated than what we thought it would be. The

● solution right now is to take substance abuse disorders out like the Senate did and work on this issue on the interim and try to solve it then.

Sen. Heckaman: It will give the state (inaudible) a year and a half to come back with something next session and basically I understood taking it out wouldn't make any difference right now what psychologists can do. We are not hurting anyone by taking it out.

Chairman Hofstad: I think we were sure that the practice of psychology will continue as it is under their current scope of practice. The prudent thing to do is to take it out and bring the stake holders together and go forth with this in the interim. The motion we are looking for is for the House to Accede to the Senate amendments.

Rep. Frantvog: Motion the House Accede to the Senate Amendments.

Sen. Dever: Second.

● **Roll Call Vote: 6 yes, 0 no, 0 absent.**

MOTION CARRIED.

BILL CARRIER: Rep. Frantvog.

Chairman Hofstad: Meeting adjourned.

●

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1145 (, as (re)engrossed):

Date: 4-13-09

Your Conference Committee Human Services

For the Senate:

For the House:

YES / NO

YES / NO

Attendance	✓	Sen. D. DEVER			Rep. C. HOFSTAD			✓	Attendance
	✓	SEN. R. ERBERLE			Rep. R. Frantsvog			✓	
	✓	Sen. J. HECKAMAN			Rep. R. Kilichowski			✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

OTE COUNT YES NO ABSENT

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

Bill Number 1145 (, as (re)engrossed):

Date: 4-15-89

Your Conference Committee Human Services

For the Senate:

For the House:

		YES / NO				YES / NO	
Attendees	✓ Sen. DEVER	✓	✓	Rep. HOFSTAD	✓	✓	✓
	✓ Sen. ERBELE	✓	✓	Rep. FRANTVOG	✓	✓	✓
	✓ Sen. HECKAMAN	✓	✓	Rep. KILICHOWSKI	✓	✓	✓

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 888 -

and place 1145 on the Seventh order.

, adopt (further) amendments as follows, and place _____ on the Seventh order:

, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

NOTE COUNT YES NO ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1145, as engrossed: Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Frantsvog, Kilichowski) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 888 and place HB 1145 on the Seventh order.

Engrossed HB 1145 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1145

**House Human Services Committee
In Support of an Amendment to HB 1145
Provided by Paul Kolstoe
President of North Dakota Psychological
Association**

Chairman Weisz, Members of the Human Services Committee. My name is Paul Kolstoe, North Dakota Clinical Psychologist License Number 333 and President of the North Dakota Psychological Association. I am also the third-generation in my family to serve North Dakota in Psychology. I appear today to present an important amendment to HB 1145.

This bill includes many ‘housekeeping’ changes to the licensing of psychologists in North Dakota and we support passing this bill. We propose one additional change, as the NDPA Board of Trustees seeks to remove a barrier to the recruitment of new psychologists to North Dakota. We believe this change can be made with a change of one word.

Currently, to be licensed in North Dakota a psychologist must complete a Pre-Doctoral Internship of one year, and then after receiving his or her degree must go through a Second Year of Supervised Experience before the license is granted. This Two-Year requirement for Supervised Experience remains important to ensuring psychologists are appropriately trained for licensure. There are very few formal Post-Doctoral paid training opportunities in the

United States and seldom one available in North Dakota. However, the American Psychological Association and the North Dakota Psychological Association have found that these two years can be appropriately obtained Pre-Doctorally if specific guidelines are followed.

The proposed Amendment would change the phrase ‘must be post-doctoral’ to ‘may be post-doctoral’. This would permit the North Dakota State Board of Psychologist Examiners to enact Administrative Rules permitting an applicant to demonstrate that they completed their Second Year of Supervised Experience either Pre-Doctorally or Post-Doctorally. The Board of Examiners have communicated to the North Dakota Psychological Association that they would be able to enact such rules were this single word change amendment pass.

This means that a new psychologist in North Dakota could potentially be licensed immediately after their degree is granted and passed examinations, yet still fulfill both years of Supervised Experience mandated in the law.

Other states, beginning with Washington State in 2004, have been making this change that makes it easier for fully qualified new psychologists to begin employment immediately in those states. North Dakota is losing potential psychologists to those states because this additional year prevents full

practice, interferes with income, and adds an unnecessary year-long burden that does not meaningfully improve their qualifications.

As a result of this amendment, fully qualified new psychologists could be employed as a licensed psychologist immediately. They would not have to endure the additional hardship of waiting a year before they can practice, generate an income, and contribute to meeting the mental health needs of people in North Dakota.

In summary,

- The American Psychological Association and North Dakota Psychological Association recommend this change to allow the second year to be completed prior to the doctorate.
- The amendment would not materially change the current rigorous training requirement of psychologists of Two Years of Supervised Experience;
- The current regulation of licensing psychologists would NOT be compromised, as the board retains the right to determine if the supervised experience is adequate – just as it does with the current post-doctoral requirement;
- Psychologists are difficult to recruit to North Dakota. The current requirement is an additional barrier compared to other states that license immediately using this proposed standard. The amendment would allow new psychologists to begin employment in North Dakota immediately.

Thank you for considering this critically important amendment to improve the availability of psychologists to the people of North Dakota. I appreciate this opportunity to testify before you and would be happy to answer any questions.

Sixty-first
Legislative Assembly

Proposed by:
North Dakota Psychological Association
Paul Kolstoe, President

Amendment to HB 1145

On Page 5, line 16 -19

- d. Has completed at least two full years of supervised professional experience, one year of which must be an internship program, and one year of which ~~must~~ may be postdoctoral. Both years of experience must comply with the board's rules.

HB 1145

#2

ND HOUSE HUMAN SERVICES COMMITTEE:

Mr. Chairman and members of the committee,

My name is Kurt Snyder, I am the Executive Director of The Heartview Foundation. I am a Licensed Addiction Counselor and a Licensed Social Worker with a Masters in Management. The Heartview Foundation was established in 1964 and we are the oldest non profit private substance use provider in the state of ND. In our 45 years of service we have provided substance abuse services to over 23,000 patients and their family members. I am also the Chair of the North Dakota Addiction Treatment Providers Coalition (NDATPC). Mr. Don Wahus is a registered Lobbyist for NDATPC and has provided testimony via email to the members of the committee. Due to his unforeseen absence, I can share his comments with the committee or provide copies of his testimony if you would like. Mr Wahus is mandated by NDATPC and ND Addiction Counselors Association to oppose line twelve (12) on page two (2) which adds SUBSTANCE USE DISORDERS to the areas of diagnosis and treatment for psychologists.

As the Executive Director of the Heartview Foundation, I also strongly oppose expanding the practice of psychologists by legislation to include diagnosing and treating SUBSTANCE USE DISORDERS. There is specific training and education requirements set forth by the ND Board of Addiction Counseling Examiners that are not provided within the training and education of psychologists. Therefore, I respectfully request that the part of HB 1145 regarding Substance Use Disorders be amended per our concerns.

#3

ND HOUSE HUMAN SERVICES COMMITTEE:

Mr Chairman and members of the committee:

My name is Donald Wahus, I am a LICENSED ADDICTION COUNSELOR and have practiced this profession for over 36 years in the State of ND. I am writing this letter on behalf of the ND ADDICTION COUNSELORS ASSOCIATION and the ND ADDICTION TREATMENT PROVIDERS COALITION for which I am a registered lobbyist and have been mandated to speak for them on behalf of HB 1145, which relates to matters of practice for psychologists in ND. Our organizations have no comment on most changes included in this bill with the exception of line twelve (12) on page two (2) which adds SUBSTANCE USE DISORDERS as one of the areas of diagnosis and treatment for psychologists.

We strongly OPPOSE the addition of these services to psychologists for the following reasons: First, under ND law all persons representing themselves as providing addiction services must be licensed by the ND BOARD OF ADDICTION COUNSELOR EXAMINERS and have completed the requisite academic and practicum training in order to be qualified providers. While some psychologists may have some knowledge, (a handful are LAC's) many have little or no academic or practicum training in this profession and could put at risk vulnerable clients by providing services with which they have little background.. Secondly, this would give them certification by legislation rather than training, and allow them to provide treatment programs without being Licensed Addiction Counselors and possibly allow them to bypass current administrative rules for addictions programs licensed by the ND Department of Human Services. These rules are in place to ensure quality care for addicted persons in our state.

Psychologists can be a valuable part of the treatment team in treating persons with addiction and other issues but should not be given free reign by legislative mandate to provide services in areas that require special training and knowledge. We respectfully request that the part of this bill relating to Substance Abuse Disorders be amended per our concerns.

Respectfully Submitted,

Donald Wahus, LAC, SAP, NCACII
Wahus Consulting, Inc
901 6th St West
Williston, ND 58801
701-770-2649
Lobbyist # 434

ND STATE BOARD OF PSYCHOLOGIST EXAMINERS

P.O. BOX 661
Dickinson, ND 58602

TELEPHONE: 701-590-1754
FAX: 701-225-6225

Testimony on HB 1145

Chairman Weisz and Members of the Human Services Committee:

I am Dr. Alan Fehr, clinical psychologist and president of the North Dakota State Board of Psychologist Examiners. We are a volunteer board, under appointment by the governor to regulate the profession of psychology in North Dakota.

Thank you for the opportunity to represent the Board of Psychologist Examiners to explain the reasons we have requested to revise chapter 43-32 of the North Dakota Century Code, relating to the licensure of psychologists, as indicated in HB 1145.

We support HB 1145, as it was introduced at our request.

The proposed changes are intended to strengthen the public protections in this law in several ways. Generally, these changes include:

- Clarifying the appropriate scope of the practice of psychology,
- Clarifying that psychology residents, who are completing postdoctoral supervised experience requirements, are subject to continuing education requirements and to regulation by the board,
- Improving the board's financial ability to withstand a legal challenge,
- Clarifying the type of doctoral degree in psychology that is acceptable for licensure,

- Simplifying the process of reciprocity with other jurisdictions,
- Simplifying the procedure for regulating psychologists who have been disciplined in another jurisdiction.

I will briefly describe each of these areas in turn.

First, regarding the scope of practice of psychology, the board proposes to clarify that the appropriate scope of practice of psychologists listed in Section 1 includes several functional areas probably assumed but not currently specified in the century code. The additional areas falling under the psychologist's appropriate scope of practice include biofeedback, behavior analysis and therapy, clinical applications of hypnosis, diagnosis and treatment of substance use disorders, and supervision of students and residents. It includes services to organizations and institutions in addition to individuals, families, groups, and the public. The board wants to clarify that these are appropriate areas of practice of psychology, often with dual-diagnosis populations, and should be subject to regulation by the board.

Second, in Section 10 the board proposes to clarify that psychology and industrial-organizational psychology residents, who are completing postdoctoral supervised experience requirements, are **not** exempt from regulation under Chapter 43-32, but are rather subject to regulation by the board (Section 7), including continuing education requirements (Section 2), and must register with the board prior to practicing psychology

(Section 1). Currently, they are listed as exempt from our codes and regulation, making it difficult for us to serve the interest of public protection.

Third, Section 3 allows the board to increase the annual license renewal fee. Over the past 10 years the board has experienced a gradual decline of our financial reserves, placing in jeopardy our ability to effectively respond, if we experienced a major challenge to any board decision.

Fourth, in Section 4 the board proposes to clarify at 43-32-20 (1) (b), the type of doctoral program qualifying the applicant for licensure. There are numerous online advertisements for college degrees and even doctoral degrees, which promise to lead to a job in psychology but may be of dubious training value. The board has had to evaluate some of these programs in time-consuming detail. We are proposing definitions at 43-32-20 (1b) and 43-32-20 (2b), which we believe will help the board to define those programs which produce graduates who have adequate education for the practice of psychology in North Dakota.

Fifth, the board proposes an additional revision in Section 5 to ease mobility into the state of qualified practitioners of psychology. This section improves our ability to grant reciprocity by recognizing the certificate of professional qualification in psychology, a nationally recognized standard commonly referred to as the "CPQ." This will save the board time and make it easier for employers to recruit qualified psychologists from other states.

Sixth, the board proposes in Section 8 that the board may use disciplinary action in another jurisdiction as grounds for action against the license of an applicant or licensee. 43-32-27 (k) would resolve a problem the board has recently faced, having extensive documentation from another state of egregious action committed by an applicant but not being allowed within our law to deny that application without conducting a full investigation of our own.

I welcome your questions and look forward to an opportunity to testify in person.

Respectfully,

Dr. Alan Fehr

#1

ND STATE BOARD OF PSYCHOLOGIST EXAMINERS

P.O. BOX 661
Dickinson, ND 58602

TELEPHONE: 701-590-1754
FAX: 701-225-6225

Testimony on HB 1145

Chairman Lee and Members of the Human Services Committee:

I am Dr. Alan Fehr, clinical psychologist and president of the North Dakota State Board of Psychologist Examiners. We are a volunteer board, under appointment by the governor to regulate the profession of psychology in North Dakota.

Thank you for the opportunity to represent the Board of Psychologist Examiners to explain the reasons we have requested to revise chapter 43-32 of the North Dakota Century Code, relating to the licensure of psychologists, as indicated in HB 1145.

We support HB 1145, as it was introduced at our request.

The proposed changes are intended to strengthen the public protections in this law in several ways. Generally, these changes include:

- Clarifying the appropriate scope of the practice of psychology,
- Clarifying that psychology residents, who are completing postdoctoral supervised experience requirements, are subject to continuing education requirements and to regulation by the board,
- Improving the board's financial ability to withstand a legal challenge,
- Clarifying the type of doctoral degree in psychology that is acceptable for licensure,

- Simplifying the process of reciprocity with other jurisdictions,
- Simplifying the procedure for regulating psychologists who have been disciplined in another jurisdiction.

I will briefly describe each of these areas in turn.

First, regarding the scope of practice of psychology, the board proposes to clarify that the appropriate scope of practice of psychologists listed in Section 1 includes several functional areas probably assumed but not currently specified in the century code. The additional areas falling under the psychologist's appropriate scope of practice include biofeedback, behavior analysis and therapy, clinical applications of hypnosis, diagnosis and treatment of substance use disorders, and supervision of students and residents. It includes services to organizations and institutions in addition to individuals, families, groups, and the public. The board wants to clarify that these are appropriate areas of practice of psychology, often with dual-diagnosis populations, and should be subject to regulation by the board.

Second, in Section 10 the board proposes to clarify that psychology and industrial-organizational psychology residents, who are completing postdoctoral supervised experience requirements, are not exempt from regulation under Chapter 43-32, but are rather subject to regulation by the board (Section 7), including continuing education requirements (Section 2), and must register with the board prior to practicing psychology

(Section 1). Currently, they are listed as exempt from our codes and regulation, making it difficult for us to serve the interest of public protection.

Third, Section 3 allows the board to increase the annual license renewal fee. Over the past 10 years the board has experienced an unavoidable increase in operating expenses, while fees have remained constant. The resulting decline of our financial reserves places in jeopardy our ability to effectively respond if we experience a major challenge to any board decision.

Fourth, in Section 4 the board proposes to clarify at 43-32-20 (1) (b), the type of doctoral program qualifying the applicant for licensure. There are numerous online advertisements for college degrees and even doctoral degrees, which promise to lead to a job in psychology but may be of dubious training value. The board has had to evaluate some of these programs in time-consuming detail. We are proposing definitions at 43-32-20 (1b) and 43-32-20 (2b), which we believe will help the board to define those programs which produce graduates who have adequate education for the practice of psychology in North Dakota.

Fifth, the board proposes an additional revision in Section 5 to ease mobility into the state of qualified practitioners of psychology. This section improves our ability to grant reciprocity by recognizing the certificate of professional qualification in psychology, a nationally recognized standard commonly referred to as the "CPQ." This will save the

board time and make it easier for employers to recruit qualified psychologists from other states.

Sixth, the board proposes in Section 8 that the board may use disciplinary action in another jurisdiction as grounds for action against the license of an applicant or licensee. 43-32-27 (k) would resolve a problem the board has recently faced, having extensive documentation from another state of egregious action committed by an applicant but not being allowed within our law to deny that application without conducting a full investigation of our own.

I welcome your questions.

Respectfully,

Dr. Alan Fehr

**Provided by Bonnie Staiger, Hon. AIA
North Dakota Psychological Association**

In Support of Engrossed HB 1145

Chairman Lee, Members of the Human Services Committee. My name is Bonnie Staiger, Executive Director of the North Dakota Psychological Association (NDPA). I'm here to testify in support of Engrossed HB 1145.

This bill introduced by the State Board of Psychologist Examiners, includes many 'housekeeping' and general updates to the licensing act for psychologists and we support passing this bill. In the House, we proposed a 1-word change that the House accepted and is now an important part of the bill. That change is on page 5 line 18 essentially removes a barrier to the recruitment of new psychologists to North Dakota.

Currently, to be licensed in North Dakota a psychologist must complete a pre-doctoral internship of one year, and then after receiving his or her degree must go through a second year of supervised experience before the license is granted. This two-year requirement remains important to ensuring psychologists are appropriately trained for licensure. There are very few formal post-doctoral paid training opportunities in the United States and seldom one available in North Dakota. However, the American Psychological Association and NDPA have found that these two years can be appropriately obtained pre-doctorally if specific guidelines are followed.

The engrossed bill changes the phrase 'must be post-doctoral' to 'may be post-doctoral'. This one-word change permits the North Dakota State Board of Psychologist Examiners to enact Administrative Rules permitting an applicant to demonstrate that they have completed their second year of supervised experience either pre-doctorally or post-doctorally. The Board of Examiners has communicated to us that they would be able to enact such rules with this single word change.

When enacted, a new psychologist in North Dakota could potentially be licensed immediately after their degree is granted, passed the required examinations, and fulfill both years of supervised experience as mandated in the law.

Because this is a national issue, many other states have begun making this change which essentially makes it easier for fully qualified new

psychologists to begin employment immediately. As a result, we are keenly aware that North Dakota is losing potential psychologists to those states because this additional year prevents independent practice, reduces income potential, and adds an unnecessary year-long burden that does not meaningfully improve their qualifications. A clear bonus will be the contribution we can make to provide the mental health needs of people in a state with so many under-served areas.

Overall, HB1145 primarily modernizes language without promoting any material changes in the scope of practice for psychologists. [We understand that written testimony was provided to the House committee and we trust that it has been provided to you or will be made available explaining the Board of Psychologist Examiners.] While we did not initiate this bill, we do recognize the issues the licensing board needs to address and we are in support of them.

In summary,

- The North Dakota Psychological Association (NDPA) supports the passage of this bill to modernize the current psychologist licensing laws.
- The American Psychological Association and NDPA recommend allowing the second year to be completed prior to the doctorate, as included in the engrossed bill.
- The amendment does not materially change the current rigorous training requirement of psychologists of two years of supervised experience;
- The current regulations would NOT be compromised because the licensing board retains the right to determine if the supervised experience is adequate – just as it does with the current post-doctoral requirement;
- Psychologists are difficult to recruit to North Dakota. The current post-doctoral requirement is an additional barrier compared to other states that license immediately using this proposed standard. The engrossed bill would allow new psychologists to begin employment in North Dakota immediately. Thank you for considering this critically important issue to improve the availability of psychologists to the people of North Dakota.

ND SENATE HUMAN SERVICES COMMITTEE:

Madam Chairman and members of the committee:

My name is Donald Wahus, I am a LICENSED ADDICTION COUNSELOR and have practiced this profession for over 36 years in the State of ND. I have practiced in both the public and private sectors and currently run my own consulting business. I am here today representing the ND ADDICTION COUNSELORS ASSOCIATION and the ND ADDICTION TREATMENT PROVIDERS COALITION and have been asked to speak on their behalf on HB 1145, which relates to matters of practice for psychologists in ND. Our organizations have no comment on most changes included in this bill with the exception of line twelve (12) on page two (2) which adds SUBSTANCE USE DISORDERS as one of the areas of diagnosis and treatment for psychologists.

We strongly OPPOSE the addition of these services to psychologists for the following reasons:

First, under ND law all persons representing themselves as providing addiction services must be licensed by the ND BOARD OF ADDICTION COUNSELOR EXAMINERS and have completed the requisite academic and practicum training in order to be qualified providers.

While some psychologists may have some knowledge, (a handful are LAC's) many have little or no academic or practicum training in this profession and could put at risk vulnerable clients by providing services with which they have little background.. Secondly, this would give them certification by legislation rather than training, and allow them to provide treatment programs without being Licensed Addiction Counselors and allow them to bypass current administrative rules for addictions programs licensed by the ND Department of Human Services. These rules are in place to ensure quality care for addicted persons in our state.

Psychologists can be a valuable part of the treatment team in treating persons with addiction

and other issues but should not be given free reign by legislative mandate to provide services in areas that require special training and knowledge. We respectfully request that the part of this bill relating to Substance Abuse Disorders be amended out per our concerns.

Respectfully Submitted,

Donald Wahus, LAC, SAP, NCACII
Wahus Consulting, Inc
901 6th St West
Williston, ND 58801
701-770-2649
Lobbyist # 434

ND SENATE HUMAN SERVICES COMMITTEE:

Madam Chairman and members of the committee,

My name is Kurt Snyder, I am the Executive Director of The Heartview Foundation. I am a Licensed Addiction Counselor and a Licensed Social Worker with a Masters in Management. I am also the Chair of the North Dakota Addiction Treatment Providers Coalition (NDATPC). The mission of our Coalition is to enhance opportunities that advance our members ability to deliver proactive and holistic treatment services. I represent a Coalition of agencies whose sole purpose is to treat SUBSTANCE USE DISORDERS. Today I provide testimony on behalf of the NDATPC in opposition to line twelve (12) on page two (2) which adds SUBSTANCE USE DISORDERS to the areas of diagnosis and treatment for psychologists.

By legislatively adding SUBSTANCE USE DISORDER to the "Practice of psychology" it would allow psychologists to evaluate, diagnose and treat SUBSTANCE USE DISORDERS without having the required education or training. My wife is a MD and my sister-in-law is a psychologist. Even though both of them have more overall education and training than me as a Licensed Addiction Counselor, they have little understanding of addiction disorders and much less understanding of the treatment process.

There is specific training and education requirements set forth by the ND Board of Addiction Counseling Examiners. North Dakota Century Code 43-45-01 through 43-45-08 provides for the Board of Addiction Counseling Examiners including education and training requirements. Licensed Addiction Counselors are required to have a four year degree with specific core classes for substance use disorders and complete a 1400 hour (9 month) training program in an approved training site. The training provides the specific skills in the area of: Clinical Evaluation; Treatment

Planning; Service coordination and case management; individual, group and family counseling services; multi-cultural competence; referral, continued care and discharge planning; documentation; and professional/ethical development. The training is specialized for the diagnosis and treatment of substance use disorders.

These training sites are addiction treatment facilities that are licensed by the North Dakota Division of Mental Health and Substance Abuse under North Dakota Administrative Code Article 75-09.1. The Administrative Rules outline the programs and standards for treating substance use disorders. By adding substance use disorders to the scope of practice for psychologists this legislation would be in direct contradiction of century code that already exists and outlines licensure for the individual professionals and the programs that treat substance use disorders.

These training sites are agencies that make up of the members of the NDATPC. We are the treatment programs and the trainers of the professionals who treat substance use disorders. Our agencies include professionals from many disciplines including physicians, psychiatrists, psychologists, nurses, social workers, occupational therapists, licensed addiction counselors, dieticians and chaplains. These disciplines are our colleagues and their expertise, "in their scope of practice," is extremely important in providing quality care to those with substance use disorders. However, with all due respect to psychologists, they are not qualified or properly trained to evaluate, diagnose or treat substance use disorders. This is the position of the NDATPC. The coalition of agencies who train the professionals and run the programs that treat substance use disorders.

Testimony
HB 1145 –Department of Human Services
Senate Human Services Committee
Senator Lee, Chairperson
March 3, 2009

Chairperson Lee, and members of the Senate Human Services Committee
I am Don Wright, Assistant Director of the Mental Health and Substance Abuse Services Division, for the North Dakota Department of Human Services. I am here today to offer testimony in opposition to an amendment proposed in HB 1145; specifically: page two, line twelve, the addition of "substance use disorders" as one of the areas of treatment for psychologists.

The Division of Mental Health and Substance Abuse Services licenses eighty-five (85) substance abuse programs in North Dakota. The primary method of knowing staff in these programs have the necessary education, training, knowledge, and skills to provide substance abuse treatment is they have met the professional licensure standards set forth by the North Dakota Board of Addiction Counselor Examiners.

The substance abuse treatment system has a variety of statutes and administrative rules tied to and relying on this specific level of professional expertise.

- **N.D.C.C. § 26.1-36-08. Group health policy and health service contract substance abuse coverage.** The benefits must be provided for inpatient treatment, treatment by partial hospitalization, and outpatient treatment: Services provided under this subdivision must be provided by an addiction treatment program licensed under chapter **50-31**.

- **N.D.C.C. § 50-31-02. License required.** A person, partnership, association, corporation, or limited liability company without a license may not establish, conduct, or maintain in this state a substance abuse treatment program for the care of persons addicted to alcohol or other drugs. The Department, in accordance with the laws of this state governing injunctions and other process, may maintain an action in the name of the state against a person, partnership, association, corporation, or limited liability company for establishing, conducting, managing, or operating a substance abuse treatment program without a license.
- **N.D.C.C. § 43-45-01(1).** "Addiction counseling" means the provision of counseling or assessment of persons regarding their use or abuse of alcohol or a controlled substance.
- **N.D.C.C. § 43-45-05.2.** A person may not represent to the public that the person is an addiction counselor or engage in the practice of addiction counseling in this state unless the person is a licensed addiction counselor.
- **N.D. Admin. Code § 75-09.1-01-15(6)** indicates that counseling or assessment regarding an individual's substance use or abuse of alcohol or a controlled substance must be provided by a licensed addiction counselor.

N.D.C.C. § 43-45-06 does provide an exemption that nothing in the chapter on licensing of addiction counselors may be construed to prevent any person from doing work within the standards and ethics of that person's profession and calling, provided that the person does not

represent to the public, by title or by use of the initials L.A.C., that the person is engaging in addiction counseling. Notwithstanding this exemption, the Department does not believe the addition of substance use disorders to the definition of the practice of psychology is sufficient to provide substance abuse treatment that meets the licensing requirements for substance abuse treatment programs under chapter 50-31. The proposed language in House Bill 1145 does not contain specialized training at the level required for licensed addiction counselors nor does this law change require any specialized training. The licensing of substance abuse treatment programs with trained licensed addiction counselors is an assurance to the consumer of quality care.

I would be happy to answer any questions.

#6

PROPOSED AMENDMENT TO ENGROSSED HOUSE BILL NO. 1145

Page 2, line 12, remove "substance use disorders"

Renumber accordingly

NDLA, S HMS

#7

From: Lee, Judy E.
Sent: Thursday, March 05, 2009 5:01 PM
To: NDLA, S HMS
Subject: FW: Message from Dr Alan Fehr, ND State Board of Psychologist Examiners

Mary –

Please add this to your file plus make one copy for Dane (or e-mail it to him). I've forwarded the message to other committee members.

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
home phone: 701-282-6512
e-mail: jlee@nd.gov

From: Alan Fehr [<mailto:ndsbpe.pres@gmail.com>]
Sent: Thursday, March 05, 2009 3:34 PM
To: Lee, Judy E.; Erbele, Robert S.; Dever, Dick D.; Heckaman, Joan M.; Marcellais, Richard; Pomeroy, Jim R.
Subject: Message from Dr Alan Fehr, ND State Board of Psychologist Examiners

Chairman Lee and members of the Senate Human Services Committee:

Thank you for allowing me to testify Tuesday on HB 1145 representing the ND State Board of Psychologist Examiners.

Based on information from that hearing, we convened a special meeting today and passed the following motion:

The ND State Board of Psychologist Examiners is not opposed to the amendment to HB 1145 proposed by the ND Department of Human Services, striking the term "substance use disorders" from page 2 line 12 pertaining to the definition of the practice of psychology.

Please let me know if you have any questions (ndsbpe.pres@gmail.com or 701-225-1050).