

2009 SENATE HUMAN SERVICES

SB 2094

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2094

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-12-2009

Recorder Job Number: 6795

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee opened the hearing on SB 2094 relating to exempting certain employees at the developmental center at Westwood Park, Grafton, from the requirements of the Nurse Practices Act. This bill has no fiscal impact.

Alex Schweitzer, Superintendent of the ND State Hospital and ND Developmental Center of the Dept. of Human Services provided testimony in support of SB 2094. See attached testimony #1. He also offered an amendment and explained that it clearly defines that the medication program must be approved by the Dept. of Human Services.

Senator Dever asked, if these people are not nurses what are their qualifications beyond the 48 hours training.

Mr. Schweitzer replied that they are not nurses; they are direct care staff and trained in addition to give medications.

Senator J. Lee asked if this is the same kind of medication administration class that providers in other types of facilities take.

Mr. Schweitzer said it was the same as the group homes for the developmentally disabled, same as health care facilities, same duties.

There was no opposing testimony.

Senator J. Lee asked for any neutral testimony.

Nelson Benson – President of the ND Board of Nursing – provided information that Mr. Schweitzer and the staff worked this out and they are happy with the bill and the amendment. The hearing on SB 2094 was closed.

Senator Dever moved the amendment.

Seconded by **Senator Heckaman**.

Senator Dever asked if nurses are administering these now but won't be.

Mr. Schweitzer said that med techs administer the medications. They want to put them on equal footing with other direct care staff throughout the state that are exempt.

Senator J. Lee asked if they were correcting an oversight and if they possibly should have been included in the original.

Mr. Schweitzer said he thought that was correct.

Roll call vote on the amendment 6-0-0. **Amendment approved.**

Senator Dever moved approval of the bill as amended.

Seconded by **Senator Marcellais**.

Roll call vote 6-0-0. Motion passed.

Carrier is **Senator Dever**.

FISCAL NOTE
Requested by Legislative Council
12/22/2008

Bill/Resolution No.: SB 2094

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

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill exempts certain employees at the Developmental Center from the requirements of the Nurse Practices Act. There is no fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

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

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

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

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Brenda M. Weisz	Agency:	DHS
Phone Number:	328-2397	Date Prepared:	12/22/2008

PROPOSED AMENDMENT TO SENATE BILL NO. 2094

Page 2, line 8, replace "Who" with "Within the developmental center at westwood park, Grafton, to the extent the person who provides medications" and replace "within" with "as approved by the department of human services"

Page 2, line 9, remove "the developmental center at westwood park, Grafton"

Renumber accordingly

Date: 1-12-09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2094

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number Schweitzer amendment

Action Taken Do Pass Do Not Pass Amended

Motion Made By Sen. Dever Seconded By Sen. Heckaman

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) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 1-12-09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2094

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 98185.0101 Title .0200

Action Taken Do Pass Do Not Pass Amended

Motion Made By Sen. Dever Seconded By Sen. Marcellain

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) 6 No 0

Absent 0

Floor Assignment Senator Dever

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

REPORT OF STANDING COMMITTEE

SB 2094, as amended, Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094, as amended, was placed on the Sixth order on the calendar.

Page 2, line 8, replace "Who" with "Within the developmental center at westwood park, Grafton, to the extent the individual who provides medications" and replace "within" with "as approved by the department of human services"

Page 2, line 9, remove "the developmental center at westwood park, Grafton"

Renumber accordingly

2009 HOUSE HUMAN SERVICES

SB 2094

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2094

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9540

Committee Clerk Signature

Willy Crabtree

Minutes:

Chairman Weisz called the hearing to order on SB 2094.

Alex C. Schweitzer, Superintendent of ND State Hospital and ND Developmental Center of DHS: Testified in support. See Testimony #1.

NO OPPOSITION:

Chairman Weisz closed hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2094

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9543

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Weisz: What are the committee's wishes?

Rep. Porter: Motion for a DO PASS.

Rep. Kilichowski: Second.

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

MOTION CARRIED ON DO PASS.

BILL CARRIER: Rep. Kilichowski.

Date: 2-16-09

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2094

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. PORTER Seconded By Rep. Kilichowski

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. Kilichowski

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2009 2:37 p.m.

Module No: HR-30-2930
Carrier: Kilichowski
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2094, as engrossed: Human Services Committee (Rep. Welsz, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2094 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2094

Testimony
Senate Bill 2094 – Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman
January 12, 2009

Chairman Lee, members of the Senate Human Services Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and North Dakota Developmental Center of the Department of Human Services. I am here today to provide you testimony in support of Senate Bill 2094.

This bill would exempt direct training technicians or vocational training technicians at the North Dakota Developmental Center who provide medications to individuals from the requirements of the Nurse Practices Act. Currently, the statute exempts direct care staff in correctional facilities, psychiatric residential treatment facilities for children, group homes for the developmentally disabled, residential child care facilities and adult foster care homes who provide medications to individuals from the requirements of the Nurse Practices Act.

This change in the statute would put the staff at the North Dakota Developmental Center on equal footing with staff in other care facilities who provide the same type of service. Direct Training Technicians and Vocational Training Technicians at the Developmental Center are trained for the provision of medications through a comprehensive training program taught by a registered nurse and approved by the Department of Human Services.

The Department of Human Services is also offering an amendment to Senate Bill 2094 after consultation with the Board of Nursing. This amendment clearly defines that the medication program must be approved by the Department of Human Services.

I would appreciate your support of Senate Bill 2094 and the amendment as presented.

I would be happy to answer any questions.

#1

Testimony
Senate Bill 2094 – Department of Human Services
House Human Services Committee
Representative Weisz, Chairman
February 16, 2009

Chairman Weisz, members of the House Human Services Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and North Dakota Developmental Center of the Department of Human Services. I am here today to provide you testimony in support of Senate Bill 2094.

This bill would exempt direct training technicians or vocational training technicians at the North Dakota Developmental Center who provide medications to individuals from the requirements of the Nurse Practices Act. Currently, the statute exempts direct care staff in correctional facilities, psychiatric residential treatment facilities for children, group homes for the developmentally disabled, residential child care facilities and adult foster care homes who provide medications to individuals from the requirements of the Nurse Practices Act.

This change in the statute would put the staff at the North Dakota Developmental Center on equal footing with staff in other care facilities who provide the same type of service. Direct Training Technicians and Vocational Training Technicians at the Developmental Center are trained for the provision of medications through a comprehensive training program taught by a registered nurse.

The change in statute was reviewed and discussed with the North Dakota Board of Nursing. The Board of Nursing presented support for the change in statute in the Senate Human Services Committee hearing. The Board of Nursing also requested that the bill be amended to require that the Center's training program be approved by the Department of Human Services. The Senate amended the bill to meet this request.

I would be happy to answer any questions.