

2011 SENATE HUMAN SERVICES

SB 2166

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee  
Red River Room, State Capitol

SB 2166  
1-17-2011  
Job Number 12964

Conference Committee

Committee Clerk Signature

*T. Gorgenson*

## Explanation or reason for introduction of bill/resolution:

Relating to detoxification services in interstate contracts for treatment of mental illness or chemical dependency.

## Minutes:

Attachments included.

**Senator Judy Lee** opened the hearing on SB 2166. There is no fiscal note.

**Senator Tim Mathern**, District 11, introduced SB 2166; passage of this bill will provide another avenue for people to receive mental health and addiction services. Found that an unmet need was access to medical detoxification services; such services were available in MN, but the service was considered unusable because it was in another state. Spoke with the MN States Attorney and our local agencies and was told that a clarification of our present reciprocal agreement statute would address the situation. This bill is the outcome and was drafted by Judy Leer, Attorney for the Department of Human Services. Practical option to permit the states to work together in housing people in one facility. The bill does not fund anything; it only makes the potential collaborative relationship possible. (See testimony #1)

**Senator Berry:** Section 5, page 2, line 19, would you clarify this section? Which people are not eligible and which are?

**Senator Mathern:** The language you refer to is present state law. There seems to be routine process where persons with mental illness diagnosis can receive treatment in MN or North Dakota, and can go back and forth across the states. Adding "required" detoxification services" as some people believe that the present arrangements for reciprocal movement of people and application of our laws are stricter in terms of only applying to a diagnosis of mental illness or a diagnosis of addiction, and didn't feel that detoxification aspect was covered. Not changing these agreements; just adding this other condition of needing detoxification is also applicable.

Often when there is not a specific unit for medical detoxification a person in North Dakota would go to the hospital and might include law enforcement being posted 24 hours a day because most hospitals are not a secure facility. This bill would create a clarification that specific aspect is included under the reciprocal agreements.

**Senator J. Lee:** Just adding detoxification to the list? **Senator Mathern:** That is right.

**Senator J. Lee:** And we have done that because we have found (on the borders) that law enforcement from one state may be picking up someone from the bordering state, and it was not clear who was responsible and who has jurisdiction, and what kinds of collaborative agreements can be done.

**Senator Mathern:** It would include voluntary and involuntary; and would require agencies to figure out how to do this. The bill doesn't figure it out, just allows them to permit the states to collaborate.

**Senator Dever:** Does this apply to juveniles as well as adults?

**Senator Mathern:** Believes this actually refers to any resident, and would appear that it would apply to those individuals. It does include not only MN, but SD and MT. Thinks it has some potential for being used in a broader situation than just adults between Fargo and Moorhead.

**Senator Berry:** Question about page 1, line 11, Subsection 3—unless prohibited by another law and subject to the exceptions as . . . What does Subsection 3 state? **Senator J. Lee:** top of page 2, it is already there.

**Senator Dever:** Is there a higher charge in MN for nonresidents? If facilities are available in Fargo, does one have a choice of which facility to go to?

**Senator Mathern:** It appears that the cost in Moorhead would be considerably less than the person being in the hospital in Fargo. However, this bill does not set out either the charges or who pays them. Often a service that is specialized develops methods of economy that are not available in a general medical facility. Hope is two things: there will be a service more readily available and that it will be at a reduced cost.

**Senator J. Lee:** Assume the negotiation about cost would be between the political subdivisions involved.

**Senator Mathern:** Right; now there are other services available that are not medical detox, but not if medical conditions accompany inebriation.

**Senator J. Lee:** Will this help to alleviate our crisis bed issue in case it was not just intoxication that might have something to do with mental illness? Is there any connection?

**Senator Mathern:** Oftentimes these conditions are related; often people who use alcohol might be self medicating. Really have a mental illness that is of such pain that they use alcohol to deal with the pain. Is the person alcoholic or does the person have mental illness? Often very closely connected. He believes that persons getting proper services for drug addiction will alleviate the crisis situations in mental health also.

**Senator Berry:** Is there any evidence to support your feeling regarding this issue?

**Senator Mathern:** Yes, there is evidence; he doesn't have it at the moment. Am also a trained social worker, and though doesn't see individuals, he does keep up with professional journals and research.

**Mike Reitan**, Assistant Chief of the West Fargo Police Department, testified in support of SB 2166 (see attachment #2)

**Nancy Miller**, National Association of Social Workers, would like to go on record as support of this bill as well.

No further testimony in support of SB 2166; no testimony in opposition; hearing closed.

#### **Committee Discussion:**

**Senator Mathern:** Think there will be some that this is simpler than it is; some may think that the bill passed and all of a sudden it isn't that easy. Encourage that if any of committee members are contacted by individuals who will be supportive of this, and think that now we'll be sending people across state lines—it really isn't that simple. Really just is facilitation. **Senator J. Lee:** enabling legislation that allows political subdivisions and law enforcement entities to negotiate agreements, if I understand correctly. **Senator Mathern:** and through the department of Human Services. **Senator J. Lee:** Yes. **Senator Mathern:** Someone has to figure out how to pay for all of this. Just enables these departments and organizations to work on that and see what they come up with. Some people want this so bad and they THINK it is going to solve all of the problems. Just solves it to the point of enabling; they still have to solve the problem of costs. There is no cash in this bill. **Senator J. Lee:** We've tried to enable other kinds of sensible collaboration across state lines.

**Senator Dever:** Is this part of the pre-booking process pilot project in Cass County? Is that the committee that you serve on **Senator Mathern?** **Senator Mathern:** Right, that committee came up with this need, and this request that this service be made available.

**Senator Dever:** Is it a function of the Fargo police department or Cass County sheriff's office—or both? **Senator Mathern:** Often it is the Fargo police department that is the first call if they find someone on the street. They are called to do something, so are the first contacts, along with the West Fargo (as it grows).

**Senator J. Lee:** Part of the discussion in the last 1.5 years has been among a variety of stakeholders: law enforcement, CEO's of hospitals, the department of human services, etc. Law enforcement brought this to my attention after the last session because they are the ones that get these individuals in various stages of bad behavior, and addiction or under the influence of drugs/alcohol, or mentally ill—they have them in their police cars and have to decide a course of action. The person may need more attention than putting them in jail, which is why the detox facility is important. Larger communities are seeing problems with people in immediate need of some kind of attention, because they may be of danger to themselves or others.

Motion by **Senator Mathern** a DO PASS; second by **Senator Uglem**; motion carried 5-0-0; carried by **Senator Dever**.

Date: 1-17-2011

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2166

Senate HUMAN SERVICES Committee

Check here for Conference Committee

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

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

Motion Made By Sen. Mathern Seconded By Sen. Uglem

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Gerald Uglem, V. Chair	✓				
Sen. Dick Dever	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Dever

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

**REPORT OF STANDING COMMITTEE**

**SB 2166: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the  
Eleventh order on the calendar.

**2011 HOUSE HUMAN SERVICES**

**SB 2166**

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee  
Fort Union Room, State Capitol

SB 2166  
March 8, 2011  
Job #15075

Conference Committee

Committee Clerk Signature

*Vicky Crabtree*

## Explanation or reason for introduction of bill/resolution:

Relating to detoxification services in interstate contracts for treatment of mental illness or chemical dependency.

## Minutes:

See Testimony #1

**Chairman Weisz:** Opened the hearing on SB 2166.

**Sen. Tim Mathern:** From District 11 in Fargo introduced and testified in support of the bill. (See Testimony #1.)

**Rep. Paur:** Somewhere in this committee or my GVA committee I was looking at a bill where there are agreements with surrounding states. That does not apply in this instance?

**Chairman Weisz:** We do have a reciprocal agreement in place and I was going to ask Sen. Mathern here. Obviously they have determined that the current language of appropriate treatment doesn't go to detoxification services?

**Sen. Mathern:** That is the case. If you look at the bill one of the additions placed in there was the word detoxification I think or detox. It was viewed by the states attorney in Moorhead as being too restrictive. Some people would say that someone who is suffering from chemical addiction is mentally ill and that it is the same thing. Some view it as a distinct difference. That is how this was viewed in Minnesota and maybe some folks in ND also that our law was too narrow to a form of mental illness. This would broaden that out to include the concept of detoxification. Your right we have such a law and your right this is before us to broaden that use to this other kind of condition.

**Rep. Hofstad:** There are two different types of detoxification. One is a clinical and the other a social. Are we talking about the clinical detoxification process here?

**Sen. Mathern:** That is essentially how this comes before us. We have social detox in Cass County. What really has happened is the only way to provide what would be called a medical detox or clinical is having somebody at like the Sanford Hospital. The cost of providing that service in a general hospital is dramatically higher than in a facility that is set up only for that like they have in Clay County. There are different layers of detoxification



and the goal is to provide that layer of service in a less costly environment. Sanford Hospitals are doing other things, but for them to provide this service requires issues of security and specialized treatment people. Detox facilities that only does that has those things in place. In Clay County it is done at the Clay County jail because they have the security in place and they also have the medical aspect that is required. You are right.

**John Vastag:** I am the Executive Director of the Health Policy Coalition which is made up of Med Center One in Bismarck, Altru in Grand Forks, Trinity Hospital in Minot and Sanford in Fargo and are in support of SB 2166. As Sen. Mathern said, we have a huge issue in Cass County and have an underutilized facility less than 2 miles away in Clay County and we can't get those people across the river at this point. This bill will allow us to contract with that facility in Clay County versus having law enforcement dump them in our emergency room which is not an appropriate service and it is a very expensive service.

**Rep. Hofstad:** How many detox centers do we have in ND or do we have any that are specifically designed for that purpose?

**John:** None that I am aware of, but that is not my field of expertise.

#### **NO OPPOSITION**

**Chairman Weisz:** Closed the hearing on SB 2166.

**Chairman Weisz:** Let's take a look at 2166.

**Rep. Hofstad:** This is a much bigger and broader issue than what we are looking at. We have people all across this state that are being dumped off really in jail cells and they are going through medical detox and jail cells all across the state without any real medical expertise there. I know in my area it is a serious issue and the hospitals don't want them because they can't handle them. The hospitals say go away and the police end up taking them from the hospital room to the locking them in the jail cell and there they are. The bill doesn't address that, but it is a big issue.

**Chairman Weisz:** I was surprised as I thought we had one facility somewhere in ND. You are right, this won't fix that, but it might make a difference along the river.

**Rep. Paur:** I move we adopt bill 2166 with a Do Pass.

**Rep. Holman:** Second.

**VOTE: 13 y 0 n DO PASS CARRIED**

**Bill Carrier: Rep. Hofstad**

Date: 3-8-11  
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2166

House HUMAN SERVICES Committee

Check here for Conference Committee

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

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

Motion Made By REP. PAUR Seconded By REP. HOLMAN

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. CONKLIN	✓	
VICE-CHAIR PIETSCH	✓		REP. HOLMAN	✓	
REP. ANDERSON	✓		REP. KILICHOWSKI	✓	
REP. DAMSCHEN	✓				
REP. DEVLIN	✓				
REP. HOFSTAD	✓				
REP. LOUSER	✓				
REP. PAUR	✓				
REP. PORTER	✓				
REP. SCHMIDT	✓				

Total (Yes) 13 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. HOFSTAD

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

**REPORT OF STANDING COMMITTEE**

**SB 2166: Human Services Committee (Rep. Weisz, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2166

# 1

Human Services Committee

January 17, 2011

Senator Tim Mathern

Madame Chairman Lee and Members of the Human Service Committee

My name is Tim Mathern. I am the Senator from District 11 in Fargo and I am here to introduce SB 2166. Passage of this bill provides another avenue for people to receive mental health and addiction services.

While serving on a local community committee to prevent unnecessary incarceration of persons with mental illness or addiction I learned that an unmet need in Cass County was access to medical detoxification services. I learned that such a service was available in our neighboring state but that it was considered unusable as is was in another state. I spoke with the states attorney in Minnesota and our local agencies and was told that a clarification of our present reciprocal agreement law would address the situation. The bill before you is this outcome. It was drafted by Julie Leer, the attorney for the Department of Human Services.

Others are here to testify to this need. Passage of this bill will permit entities across state lines to work together to provide a common service versus duplicating services.

Thank you for the attention. I ask you to give this bill a Do Pass recommendation.

I am happy to address any questions you have.

Thank you for your time and consideration.

Lee, Judy E.

---

**From:** Michael D. Reitan [Michael.Reitan@westfargond.gov]  
**Date:** Sunday, January 16, 2011 3:51 PM  
**To:** Lee, Judy E.; Uglem, Gerald P.  
**Cc:** Berry, Spencer D.; Dever, Dick D.; Mathern, Tim  
**Subject:** Support of SB 2166

Committee Chair Lee, Vice Chair Uglem,

My name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I ask for your support of SB2166 relating to detoxification services in interstate contracts for treatment of mental illness or chemical dependency.

Frequently law enforcement officers come into contact with individuals requiring detoxification. In some cases the individual's level of intoxication requires medical intervention. Others have health issues relating to their chronic substance abuse or injuries suffered as the result of their intoxication. While serious, most of the conditions would not warrant admitting them to a hospital setting if an alternative treatment facility was available. In the case of my department such a facility is located in Moorhead, MN.

By utilizing the medical detoxification facility in Moorhead we could lower the number of unwarranted admissions to local hospitals. We could provide a treatment option which is more cost effective than a hospital admission and more medically appropriate than social detox. We could reduce the expenses suffered by the State or unrecoverable costs suffered by the hospital for treatment of the indigent.

To be able to include additional options for treatment of mental illness or chemical dependency currently available in neighboring communities will allow us to better serve our community. Please forward SB 2166 with a do pass recommendation. Thank you for your attention to this matter.

Michael D Reitan  
Assistant Chief  
West Fargo Police Department

---

Please be aware that all emails sent and received by a City of West Fargo E-mail address are subject to North Dakota's Century Code (44-04) Open Records law and are considered Public Record which are available for public disclosure.

#1

House Human Services Committee

March 8, 2011

Senator Tim Mathern

Mr. Chairman and Members of the Human Service Committee

My name is Tim Mathern. I am the Senator from District 11 in Fargo and I am here to introduce SB 2166. Passage of this bill provides another avenue for people to receive mental health and addiction services.

While serving on a local community committee to prevent unnecessary incarceration of persons with mental illness or addiction I learned that an unmet need in Cass County was access to medical detoxification services. I learned that such a service was available in our neighboring state but that it was considered unusable as is was in another state. I spoke with the states attorney in Minnesota and our local agencies and was told that a clarification of our present reciprocal agreement law would address the situation. The bill before you is this outcome. It was drafted by Julie Leer, the attorney for the Department of Human Services.

Others are here to testify to this need. Passage of this bill will permit entities across state lines to work together to provide a common service versus duplicating services.

Thank you for the attention. I ask you to give this bill a Do Pass recommendation.

I am happy to address any questions you have.

Thank you for your time and consideration.