

**2025 SENATE HUMAN SERVICES**

**SB 2169**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Lincoln Room, State Capitol

SB 2169  
1/20/2025

Relating to physical therapy patient management.
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9:05 a.m. Chairman Lee called the meeting to order.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

### **Discussion Topics:**

- Postponed hearing for testimony
- Patient informed consent

9:06 a.m. Senator Randy Burckhard introduced the bill and submitted testimony #30080.

9:08 a.m. Senator Lee closed the hearing.

*Andrew Ficek, Committee Clerk*

January 20, 2025

**Senator Lee and members of the Senate Human Services Committee:**

My name is Sen. Randy Burckhard. I represent District 5 – Minot. I have sponsored many bills for the North Dakota Board of Physical Therapy in the past and am pleased to sponsor SB 2169 regarding patient informed consent.

We were hoping to have physical therapy students from the University of Mary attend the hearing on this bill and testify. However, there was a mix-up on our part regarding scheduling. They were planning on bringing the students to the Capitol next Monday, January 27<sup>th</sup>.

I would respectfully request that you continue this hearing to Monday, January 27<sup>th</sup>.

I ask for your favorable consideration of SB 2169. Thank you for your time.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Lincoln Room, State Capitol

SB 2169  
1/27/2025

Relating to physical therapy patient management.
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9:00 a.m. Chairman Lee called the meeting to order.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Clemens, Senator Van Oosting, Senator Hogan, Senator Roers.

### Discussion Topics:

- Patient informed consent

9:01 a.m. Senator Randy Burckhard, testified in favor.

9:03 a.m. Corbin Olson, University of Mary Student on behalf of American Physical Therapy Association testified in favor and submitted testimony #31075.

9:06 a.m. Dr Heather Lundeen, Associate Professor of University of Mary, testified in favor.

9:08 a.m. Senator Roers moved Do Pass.

9:08 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

9:09 a.m. Motion passed 5-0-1.

Senator Roers will carry the bill.

9:10 a.m. Chairman Lee closed the hearing.

*Andrew Ficek, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2169 ([25.0618.01000](#))**

**Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2169 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

Monday January 27, 2024  
Senate Human Services Committee  
SB 2169

Madame Chair and members of the Human Services Committee,

My name is Corbin Olson, and I am testifying on behalf of the American Physical Therapy Association – North Dakota Chapter. I am in my third-year of pursuing my Doctorate in Physical Therapy at the University of Mary, set to graduate in a few short months. I have had the pleasure of completing three full-time clinical rotations, and I am very active in the leadership of our professional association, currently serving as the Chairman of the National Student Council of the American Physical Therapy Association.

I am here today to request that your committee consider Senate Bill 2169, which is a motion to adopt language requiring informed consent.

As Physical Therapists, we are trained to live in a land of ambiguity. We recognize that each patient and their specific presentation is profoundly unique, so students have been hearing since their first day of PT school that commonly in the world of physical therapy, “It Depends.” However, we recognize that there is no room for ambiguity when it comes to informed consent for treatment, especially in physical therapy treatment which often requires a therapist to be literally hands-on.

The American Physical Therapy Association offers a model Practice Act for us to consider adopting ours to resemble, and they acknowledge the importance of informed consent by including it in their wording:

*The physical therapist shall communicate the overall plan of care with, and obtain informed consent from, the patient or the patient's legally authorized representative.*

As highly trained healthcare professionals, physical therapists are aware that we must be obtaining informed consent prior to any treatment. However, adopting this language into our North Dakota Physical Therapy Practice Act would remove any potential ambiguity and protect North Dakotans who are seeking our services.

Thank you for your time and your consideration.

Sincerely,

Corbin Olson, SPT  
University of Mary DPT Program  
cjolson2@umary.edu  
605-939-8522

**2025 HOUSE POLITICAL SUBDIVISIONS**

**SB 2169**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Room JW327B, State Capitol

SB 2169  
3/21/2025

A BILL for an Act to amend and reenact subsection 6 of section 43-26.1-11 of the North Dakota Century Code, relating to physical therapy patient management.

8:59 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Davis, Hager, Klemin, Ostlie, Toman, Warrey

Members Absent: Representatives Bolinske, Hatlestad, Heilman, Motschenbacher,

### Discussion Topics:

- Physical therapist informed consent
- Physical therapist practice act

9:01 a.m. Senator Randy Burckhard, North Dakota Senator for District 5, introduced the bill.

9:02 a.m. Jack McDonald, North Dakota Association of Physical Therapy, testified in favor.

9:03 a.m. Heather Lundeen, American Physical Therapy Association of North Dakota, testified in favor and provided testimony #43256.

9:09 a.m. Representative Warrey moved a Do Pass.

9:09 a.m. Representative Davis seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	A
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	A
Representative Matthew Heilman	A
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	A
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

9:10 a.m. Motion passed 9-0-4



9:10 a.m. Unanimous decision to be placed on the Consent Calendar.

9:10 a.m. Representative Davis will carry the bill.

9:11 a.m. Chairman Longmuir closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2169 ([25.0618.01000](#))**

**Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 0 NAYS, 4 ABSENT OR EXCUSED AND NOT VOTING). SB 2169 was placed on the Tenth order on the calendar.

Friday, March 21<sup>st</sup>  
House Political Subdivisions Committee  
SB 2169

Chairman Longmuir and members of the Political Subdivisions Committee,

My name is Heather Lundeen. I am testifying on behalf of the American Physical Therapy Association (APTA) North Dakota, of which I am a member of. I am a practicing physical therapist (PT) who graduated with my Masters and Doctorate in Physical Therapy from the University of North Dakota in 1999 and 2005 respectively and my EdD from the University of Mary in 2022. I have practiced in Bismarck for 25 years as a pediatric PT and have been a full-time faculty member at the University of Mary for the last 15 years. APTA ND is the state physical therapy association affiliated with the American Physical Therapy Association which represents over 100,000 PTs across the country. The NDPTA represents the interests of 355 licensed physical therapists and physical therapist assistants and 357 PT and PTA students in the state of ND.

I am here today to request that your committee consider Senate Bill 2169, which is a request to adopt language that explicitly adds informed consent to the ND Physical Therapy Practice Act which is a part of the Century Code.

*The physical therapist shall communicate the overall plan of care with, **and obtain informed consent** from, the patient or the patient's legally authorized representative. (text in italics exists, text in bold and underline is the addition)*

This addition aligns with the updated APTA's practice act model language and the intent of the addition is to optimize public safety. Two core principles are at the heart of informed consent: patient autonomy and shared communication and decision-making between the patient and provider. The APTA Guide for Professional Conduct, which provides interpretation for the APTA Code of Ethics for the Physical Therapist states that a PT must "respect the individual's right to make decisions regarding the recommended plan of care, including consent, modification, or refusal." The APTA Code of Ethics states that PTs must "provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapy care" and "collaborate with patients and clients to empower them in decisions about their health care."

As University of Mary 3<sup>rd</sup> year student Corbin Olson stated in his testimony to the Senate Human Service Committee, "As Physical Therapists, we are trained to live in a land of ambiguity. We recognize that each patient and their specific presentation is profoundly unique, and therefore our answers to questions of PT practice are oftentimes, "It Depends." However, we recognize that

there is no room for ambiguity when it comes to informed consent for treatment, especially in physical therapy treatment which often requires a therapist to be literally hands-on.”

As highly trained healthcare professionals, physical therapists are acutely aware that we must be obtaining informed consent prior to any treatment. However, adopting this language into our North Dakota Physical Therapy Practice Act would remove any potential ambiguity and protect North Dakotans who are seeking our services. I respectfully request today, on behalf of the North Dakota Physical Therapy Association representing PTs across the state who provide therapy services to North Dakota citizens, that your committee recommend a DO PASS for SB 2169

Thank you for your time and consideration. If you have any questions, I would be happy to try to answer them for you.

Sincerely,

Dr. Heather Lundeen PT, DPT, EdD

Board Certified Pediatric Clinical Specialist