

February 24, 2017 • No. 9

During the North Dakota Legislative Session, CHAD monitors bills that may be of interest to CHCs and provides weekly reports each Friday. If you are aware of any issues CHAD should know about or if you have any questions, contact:

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Crossover Is Finally Here!

By Rod St. Aubyn

We have completed the 8th week and all bills have been completed in the houses of origination. Both the House and the Senate completed their work early Thursday morning beating their designated Friday deadline date of Friday. They will be taking a break until Wednesday when the process resumes with the House considering Senate bills and the Senate reviewing House bills that survived. So far I have to think that we have had a successful session so far. Several notable accomplishments so far:

- Medicaid Expansion (HB 1012, the appropriations bill for the Department of Human Services) was reauthorized in the house.
- The bill to require “assisters” to be registered by the state and also require a state criminal background check was defeated in the Senate.
- Several bills to assist health care worker shortages were approved.
- And many bills impacting behavioral health were considered and approved.

Overall, bills were greatly impacted by the state’s financial situation. If a bill contained an appropriation, those appropriations were either deleted or greatly reduced. Legislators will be getting their final revenue projection on March 9th. That meeting will determine how each house will consider bills in the “second half” of the Legislative Session. Legislative leaders are trying to save 10 days of their constitutionally 80-day limit to possibly call themselves back into a special session to deal with any changes occurring from the federal government. Those significant changes could occur in the areas of health care reform, immigration, and other areas impacting states. Whether they can accomplish this goal of saving 10 days will be very much dependent upon how the conference committees go at the end of the session. I personally think that several conflicts will occur. I do think that they could save a few days, but I am doubtful that it will be 10 days. In addition, we will now see bills passed by both houses being forwarded to newly elected Gov. Burgum for his consideration. If he vetoes any of these bills a delay could occur if there is a fight between the legislative and executive branches of our state government.

Crossover Bill Summary – We have attached the bill summary for the bills that we have been monitoring during this session and others being considered by the ND CEO’s. Please let us know if you have any questions on these bills.

Medicaid Expansion – Even though Medicaid Expansion was reauthorized by the House, debate on the House floor on Thursday made it very clear that House members want the Senate to amend Medicaid Expansion to require the state to apply for a waiver to allow the state to have premium or other cost sharing options on Medicaid Expansion. This could come into play if the March 9th revenue projection is negative. I think that this could be a significant issue for

the conference committee on HB 1012 (Human Services), which is often one of the last bills decided during a legislative session.

Congressman Cramer’s Health Care Roundtable – I was invited to participate in a health care roundtable discussion hosted in Bismarck by Congressman Cramer and Governor Burgum. Individuals invited and participating included Governor Burgum, Sen. John Hoeven, Congressman Cramer, Congressman Burgess (the chair of the Health subcommittee of the House Energy and Commerce Committee), many members of the Governor’s staff dealing with health care issues, hospital representatives, Sanford Health, the ND Insurance Commissioner, Long Term Care representatives, UND Center for Rural Health, and a few advocacy representatives. Congressmen Cramer and Burgess talked about progress on the “Repeal and Replace” efforts in the House. They emphasized that as of now there is no consensus in the House, but a formal plan will be revealed soon and they expect some votes to be taken in the next 3 weeks or so. Congressman Burgess emphasized that the overall plan will need to get at least 8 Democrats in the Senate, so they are looking to package something that will ultimately pass. One encouraging issue that came out “loud and clear” among the ND participants – Medicaid Expansion has been very valuable in North Dakota and some form must remain in the Federal proposal.

How to Contact Your Legislators

During the session, legislators can be reached at the Capitol by leaving a message with the legislative telephone message center at 888-NDLEGIS (635-3447). A legislator can also be reached by email, phone or mail as listed in the legislator’s online bio: [Senate](#) or [House](#). Detailed information on legislative activities is available on the [Legislative Assembly website](#).

2017 Legislative Deadlines

Feb. 24 Crossover for bills
 Feb. 27-28 Recess
 May 1 Session limited to 80 days

Community HealthCare Association of the Dakotas (CHAD)

CHAD Bills as of Crossover (Feb. 24, 2017)

Bill No.	Bill Description	Bill Status	CHAD Position
HB 1012	DHS appropriation bill. Relating to Medicaid expansion; to repeal section 50-24.1-37 of the North Dakota Century Code, relating to the Medicaid expansion program; to provide for exemptions; to provide statements of legislative intent; to provide a report to the legislative management; to provide for a legislative management study; to provide appropriations; to provide an expiration date; to provide a contingent effective date; and to declare an emergency.	House: PASSED Senate: INTRODUCED 02/23 S Received from House 02/23 S Introduced, first reading, (emergency), referred Appropriations Committee	Support
HB 1015	OMB Appropriation bill. Typically, this is the bill legislative leaders use in the final conference committee that is resolved at the end of the session. It is often the so-called “Christmas Tree” bill that any issue can and is attached at the end of the session.	House: PASSED Senate: INTRODUCED 02/23 S Received from House 02/23 S Introduced, first	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
		reading, referred Appropriations Committee	
HB 1032	Medicaid expansion- removes sunset and private carrier requirement; provider rate same as Traditional Medicaid	House: DEFEATED 02/17 H Reported back, do not pass, placed on calendar 17 0 4 02/23 H Second reading, failed to pass, yeas 0 nays 89	Support Med Ex
HB 1033	Medicaid expansion- removes sunset and private carrier requirement; waiver for cost-sharing	House: DEFEATED 02/17 H Reported back, do not pass, placed on calendar 17 0 4 02/23 H Second reading, failed to pass, yeas 2 nays 87	Support Med Ex
HB 1034	Medicaid expansion- removes sunset and private carrier requirement; transparency of rates	House: DEFEATED 02/17 H Reported back, do not pass, placed on calendar 20 0 1 02/23 H Second reading, failed to pass, yeas 0 nays 89	Support Med Ex
HB 1035	Removes penalty from dentist loan repayment program	House: PASSED Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Human Services Committee	Support
HB 1040	Relating to an evidence-based alcohol and drug education program; to amend and reenact subsection 3 of section 5-01-08 of the North Dakota Century Code, relating to a penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; to provide for a report; and to provide an appropriation to the department of human services. Provides Behavioral Health funding.	House: PASSED Senate: INTRODUCED 02/22 S Received from House 02/22 S Introduced, first reading, referred Human Services Committee	Support
HB 1041	Corrections bill; authorizes additional mental health professionals to provide addiction counseling. Relating to presumptive probation; to amend and reenact sections 12-44.1-32, 12-54.1-01, 12-59-08, 12.1-17-13, and 12.1-23-05, subsection 2 of section 12.1-32-02, subsections 3 and 6 of section 12.1-32-07, section 19-03.1-22.3, subsection 1 of section 19-03.1-22.5, subsections 5 and 7 of section 19-03.1-23, subdivision a of subsection 1 of section 19-03.1-23.1, section 19-03.4-03, subdivision f of subsection 5 of section 39-08-01, section 43-45-06, subsection 17 of section 50-06-05.1, and section 50-09-29 of the North Dakota Century Code, relating to sentence reduction credit, medical paroles, domestic violence offender treatment, grading of theft offenses, credit for time spent in custody, terms and conditions of probation, controlled substances and controlled substance paraphernalia, addiction counseling services, and the supplemental nutrition assistance program; to provide a penalty; to provide for the creation of a pretrial services program pilot project within the department of corrections and rehabilitation; to provide a report to the legislative management; and to provide for a report to the legislative assembly.	House: PASSED Senate: INTRODUCED 02/22 S Received from House 02/22 S Introduced, first reading, referred Judiciary Committee	Support
HB 1072	DHS appropriation bill offered by former Gov. Dalrymple. Relating to the expiration date on Medicaid expansion, Medicaid expansion contracting language, and the health care trust fund; to provide for exemptions; to provide statements of legislative intent; to provide an appropriation; to provide an effective date; and to declare an emergency.	House: DEFEATED 01/26 H Reported back, do not pass, placed on consent calendar 19 0 2 01/27 H Second reading, failed to pass, yeas 0 nays 88	KILLED

Bill No.	Bill Description	Bill Status	CHAD Position
HB 1086	Current law requires that if a workers' comp (WSI) patient is discontinued medical benefits by WSI, the physician is notified. Part of this bill eliminates that notification requirement. Relating to notice to treating doctor, social security offset, criminal offense for filing of false claim, and vocational rehabilitation pilot program reports; to provide a penalty; and to provide for application.	House: PASSED Senate: PASSED 02/22 S Second reading, passed, yeas 46 nays 0 02/23 H Returned to House	Monitor?
HB 1096	Relating to the advanced practice registered nurse licensure compact.	House: PASSED Senate: INTRODUCED 02/15 S Committee Hearing - 10:00 AM 02/23 S Reported back amended, do pass, amendment placed on calendar 7 0 0	Support
HB 1097	Relating to the nurse licensure compact.	House: PASSED Senate: INTRODUCED 02/03 S Introduced, first reading, referred Human Services Committee 02/15 S Committee Hearing - 11:00 AM	Support
HB 1116	Relating to the structure of the department of human services and changes in terminology.	House: PASSED Senate: INTRODUCED 02/03 S Introduced, first reading, referred Human Services Committee 02/14 S Committee Hearing - 09:20 AM	Monitor
HB 1117	Relating to changes in terminology with respect to substance abuse and behavioral health.	House: PASSED Senate: PASSED 02/22 H Returned to House 02/23 S Signed by President	Monitor
HB 1120	Relating to the prior authorization prescription program for Medicaid. Broadens the ability for Medicaid to utilize prior authorization.	House: PASSED Senate: INTRODUCED 02/02 S Introduced, first reading, referred Human Services Committee 02/15 S Committee Hearing - 09:00 AM	Monitor
HB 1136	Establishes in the Century Code the substance use disorder treatment voucher system and makes several technical corrections; to amend and reenact subsections 4 and 5 of section 50-01.2-03, subsection 1 of section 50-06-01.4, sections 50-06-05.1 and 50-06-05.2, subsection 1 of section 50-06-05.3, sections 50-06-05.5 and 50-06-06.6, subsection 1 of section 50-06-20, sections 50-06-23, 50-06-24, and 50-06-29, and subsection 1 of section 50-06-34 of the North Dakota Century Code, relating to departmental updates for statutory consistency, technical corrections, powers and duties of the department, department structure, program activities, regional human service centers, leases, and aging and disability resource center funding; and to repeal sections 50-06-01.5, 50-06-36, 50-06-39, and 50-08.1-01 of the North Dakota Century Code, relating to office and office equipment, developmental disability provider review, expedited rate setting process, and coordinating services for pregnant women; and to declare an emergency.	House: PASSED Senate: INTRODUCED 02/21 S Committee Hearing - 09:00 AM 02/23 S Reported back, do pass, place on calendar 7 0 0	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
HB 1157	Approves a physical therapy licensure compact.	House: PASSED Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Human Services Committee	Monitor to NLM?
HB 1210	Relating to a cardiac ready community grant program; and to provide a continuing appropriation.	House: PASSED Senate: INTRODUCED 02/20 S Received from House 02/20 S Introduced, first reading, referred Human Services Committee	Monitor
HB 1226	Creation of a Medicaid fraud control unit in the attorney general's office.	House: PASSED Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Human Services Committee	Monitor
HB 1227	Relating to Medicaid fraud; and to provide a penalty.	House: DEFEATED 02/08 H Reported back, do not pass, placed on calendar 9 1 4 02/14 H Second reading, failed to pass, yeas 10 nays 78	KILLED
HB 1256	Relating to the establishment and regulation of dental therapists; to amend and reenact sections 43-20-01.1, 43-20-01.3, 43-20-01.4, 43-20-02.1, 43-20-05, 43-20-06, 43-20-08, 43-20-10, 43-20-11, 43-20-12.2, 43-28-03, 43-28-04, and 43-28-06 and subsection 9 of section 43-28-18 of the North Dakota Century Code, relating to the regulation of dental therapists; to provide for reports; and to provide for application.	House: DEFEATED 02/07 H Amendment adopted, placed on calendar 02/08 H Second reading, failed to pass, yeas 32 nays 59	KILLED
HB 1259	Reauthorizes Medicaid expansion; to provide an expiration date; to provide a contingent expiration date; and to declare an emergency.	House: DEFEATED 02/20 H Amendment adopted, placed on calendar 02/23 H Second reading, failed to pass, yeas 0 nays 89	Support Med Ex
HB 1289	Relating to grounds for disciplinary action by the medical board.	House: PASSED Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Human Services Committee	Monitor
HB 1308	Relating to mandatory addiction screening for temporary assistance for the needy families program individual employment plan participants; and to provide an effective date. mandatory addiction screening for TANF program individual employment plan participants	House: PASSED Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Human Services Committee	Monitor
HB 1312	Relating to the prohibition of an individual under nineteen years of age from purchasing and using tobacco products; and to provide a penalty.	House: DEFEATED 01/31 H Reported back, do not pass, placed on calendar 7 5 2 02/03 H Second reading, failed to pass, yeas 22 nays 68	KILLED

Bill No.	Bill Description	Bill Status	CHAD Position
HB 1365	Relating to powers and duties of a guardian regarding medical decisions; and to declare an emergency.	House: PASSED Senate: INTRODUCED 02/20 S Received from House 02/20 S Introduced, first reading, (emergency), referred Human Services Committee	Monitor
HB 1371	Regulation and licensure of medical imaging and radiation therapy practitioners. Relating to a licensure grandfathering provision; and to amend and reenact sections 43-62-01, 43-62-04, 43-62-09, 43-62-14, 43-62-15, 43-62-17, and 43-62-19 of the North Dakota Century Code, relating to the regulation and licensure of medical imaging and radiation therapy practitioners.	House: DEFEATED 02/08 H Reported back, do not pass, placed on calendar 12 0 2 02/10 H Second reading, failed to pass, yeas 5 nays 85	KILLED
SB 2004	A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health.	Senate: PASSED 02/22 S Second reading, passed, yeas 42 nays 4, Emergency clause carried 02/23 H Received from Senate	Monitor
SB 2033	This bill permits other behavioral health professionals to provide supervisory experience for other behavior health professionals not in the exact field in order to allow easier access in cases where reciprocity does not meet state requirements. It is felt that this will make more behavioral health professionals able to practice in ND. Relating to licensure requirements for behavioral health professionals; and to provide for a report to the legislative management.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Human Services Committee	Support?
SB 2034	A BILL for an Act to create and enact chapter 43-12.4 of the North Dakota Century Code, providing for a nursing faculty student loan repayment program.	Senate: PASSED House: INTRODUCED 01/13 H Received from Senate 02/09 H Introduced, first reading, referred Human Services Committee	Support
SB 2038	This bill does several things related to children's behavioral health. Among those items include establishing a "task force on children's behavioral health", providing training for educators and early childhood service providers, and provides for a report on children's behavioral health services to the Governor and the Legislative Management Committee.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Human Services Committee	Support to M?
SB 2039	Department of Human Services restructuring. Relating to the placement of children in the least restrictive environment; to amend and reenact subsection 5 of section 14-09-08.4, subsections 4 and 5 of section 50-01.2-03, sections 50-06-01, 50-06-01.4, 50-06-05.1, 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-06.2, and 50-06-06.5, and subsection 1 of section 50-06-20 of the North Dakota Century Code, relating to the structure and duties of the department of human services with respect to behavioral health; to repeal chapter 25-10 and sections 25-02-02, 50-06-01.2, and 50-06-23 of the North Dakota Century Code, relating to mental health services, the additional location for a hospital for the mentally ill, and the assumption of duties by the department of human services; to provide for transition; and to provide an effective date.	Senate: PASSED House: INTRODUCED 02/09 H Introduced, first reading, referred Human Services Committee 02/13 H Committee Hearing - 03:30 PM	Monitor
SB 2040	Relating to the scope of practice of addiction counselors.	Senate: DEFEATED 01/19 S Reported back, do not pass, placed on calendar 7 0 0	KILLED

Bill No.	Bill Description	Bill Status	CHAD Position
		01/20 S Second reading, failed to pass, yeas 1 nays 43	
SB 2042	This bill establishes 4 Tiers (levels) of mental health professionals in ND and makes designation for parts of state law allowing each Tier to perform different specified activities. Relating to references to mental health professionals.	Senate: PASSED House: INTRODUCED 02/09 H Introduced, first reading, referred Human Services Committee 02/13 H Committee Hearing - 03:15 PM	Support?
SB 2052	This bill was a health insurance mandate on NDPERS health plan for a two-year period. As part of the state health insurance mandate law, a new bill is to be introduced after the two-year period to apply the new mandate on all insurers. This mandate will require all insurers to reimburse for specified telehealth services. Most insurers currently provide reimbursement for these services anyway.	Senate: PASSED House: INTRODUCED 01/11 H Received from Senate 02/09 H Introduced, first reading, referred Human Services Committee	Support?
SB 2064	A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; and to declare an emergency. This was former Gov. Dalrymple's proposed budget.	Senate: DEFEATED 01/26 S Reported back, do not pass, placed on consent calendar 14 0 0 01/27 S Second reading, failed to pass, yeas 0 nays 45	KILLED
SB 2088	Relating to licensed clinical addiction counselors; and to expand the scope of practice of licensed clinical addiction counselors to include gambling addiction. Their training includes this type of addiction as well.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Human Services Committee	Monitor/Support?
SB 2117	Relating to criminal history record checks for Medicaid services applicants, providers, and staff members; to amend and reenact section 50-06-01.9 of the North Dakota Century Code, relating to criminal history record checks for job applicants, department staff, county employees, contractors, and Medicaid services applicants, providers, and staff members; to provide an effective date; and to declare an emergency.	Senate: PASSED House: INTRODUCED 02/09 H Introduced, first reading, (emergency), referred Judiciary Committee 03/01 H Committee Hearing - 03:45 PM	Monitor?
SB 2138	Relating to state certification of assisters for health benefit exchanges; to amend and reenact subdivision mm of subsection 2 of section 12-60-24 of the North Dakota Century Code, requiring criminal history background checks; and to provide a penalty.	Senate: DEFEATED 01/23 S Reported back, do not pass, placed on calendar 6 0 0 01/24 S Second reading, failed to pass, yeas 9 nays 36	KILLED
SB 2141	Relating to regulation by the state board of psychologist examiners; and to repeal sections 43-32-33 and 43-32-34 of the North Dakota Century Code, relating to applied behavior analysis.	Senate: PASSED House: INTRODUCED 02/23 H Request return from committee 02/23 H Rereferred to Human Services	Monitor
SB 2153	Relating to emergency care for minors.	Senate: DEFEATED 01/19 S Reported back, do not pass, placed on calendar 7 0 0 01/20 S Second reading, failed to pass, yeas 0 nays 44	Monitor
SB 2162	This bill places a new requirement that mandates students receiving a special state financial in-state tuition benefit while attending an out-of-state school of	Senate: PASSED House: INTRODUCED	Support?

Bill No.	Bill Description	Bill Status	CHAD Position
	dentistry or optometry must commit to practice in ND for at least 3 years. In addition, dental students who take advantage of the loan repayment program must accept Medicaid patients or provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic	02/17 H Received from Senate 02/20 H Introduced, first reading, referred Human Services Committee	
SB 2164	Relating to the participation of advanced practice registered nurses in guardian and conservator proceedings.	Senate: DEFEATED 01/25 S Reported back, do not pass, placed on calendar 7 0 0 01/26 S Second reading, failed to pass, yeas 3 nays 43	KILLED
SB 2184	Relating to phlebotomists and notification protocol in the case of exposure to an infectious organism; to amend and reenact sections 23-09.3-04 and 23-17.3-05 of the North Dakota Century Code, relating to notification protocol in the case of exposure to an infectious organism; and to provide an effective date.	Senate: DEFEATED 01/31 S Reported back, do not pass, placed on calendar 7 0 0 02/01 S Second reading, failed to pass, yeas 2 nays 44	KILLED
SB 2198	This is the bill that was a battle between the Imaging Board and a few critical access hospitals. Both groups came to a compromise that mandates specified CEUs for the different imaging modalities, but does not require a separate license or certification.	Senate: PASSED House: INTRODUCED 02/20 H Received from Senate 02/22 H Introduced, first reading, (emergency), referred Human Services Committee	Monitor?
SB 2202	Relating to clinical laboratory practice exemptions and board membership.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Industry, Business and Labor Committee	Monitor
SB 2216	Relating to penalties for intentional contact by bodily fluids or excrement in health care sites; and to provide a penalty.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Judiciary Committee	Monitor
SB 2235	Establishes a mechanism to join an interstate medical licensure compact.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Industry, Business and Labor Committee	Support?
SB 2256	This bill started out as a bill dealing with the regulation of naturopaths, but was amended in the Senate to be a study of the regulation of midwifery.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Human Services Committee	Monitor to NLM?
SB 2258	Relating to pharmacy claim fees and pharmacy rights; Provides more pharmacy rights against the practices of pharmacy benefit managers.	Senate: PASSED House: INTRODUCED 02/20 H Received from Senate 02/22 H Introduced, first reading, referred Industry, Business and Labor Committee	Monitor?

Bill No.	Bill Description	Bill Status	CHAD Position
SB 2274	Relating to a community behavioral health plan as a term of parole or an alternative to incarceration; to provide for a legislative management study; and to provide an appropriation.	Senate: DEFEATED 02/17 S Reported back, do not pass, placed on calendar 14 0 0 02/20 S Second reading, failed to pass, yeas 0 nays 46	Monitor
SB 2328	Relating to sale of tobacco to minors and licensure of persons in the business of selling tobacco products; and to provide a penalty.	Senate: PASSED House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Judiciary Committee	Monitor/Support?
SB 2344	Relating to a proposed bill to address missing components of a medical marijuana initiated measure that was passed by the public in November, 2016. The bill and the initiated measure calls for physicians to verify that a patient has one of the designated medical conditions within the act and could benefit from medical marijuana. Since it is still an illegal drug based on federal law, physicians can NOT prescribe medical marijuana. Since CHC physicians may be asked by one of their patients to attest that their patient does indeed have one of the designated medical conditions, it is recommended that this bill be monitored.	Senate: PASSED 02/22 S Second reading, passed, yeas 40 nays 6, Emergency clause carried 02/23 H Received from Senate	Monitor?
SCR 4001	A concurrent resolution authorizing the Budget Section of the Legislative Management to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.	House: PASSED Senate: INTRODUCED 02/23 S Received from House 02/23 S Introduced, first reading, (emergency), referred Appropriations Committee	Monitor?