

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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Week 12

There are few hearings on next week's schedule as most policy committees finished hearing bills this week. Remaining bills will likely be moved out of policy committees next week with the final deadline of April 6.

The heavy lifting remains with the Appropriations Committees as they continue hearings on agency bills and rereferred bills from policy committees, along with significant committee work. Conference committees may start next week.

Recap: Week of March 20-24

Below is a summary of some of the bills CHAD is monitoring that had hearings or votes this past week.

[HB 1012](#) – DHS appropriation, including Medicaid Expansion

The four-member subcommittee of the Senate Appropriations Committee (Sen. Kilzer, chair; Sen. Erbele; Sen. Dever and Sen. Mathern) began its detail work on the DHS appropriation March 21 with discussion of the Administrative and Support Division. At Chairman Kilzer's request, Maggie Anderson identified staffing challenges in HB 1012 as passed by the House; she noted response times would be longer and services provided would be reduced. Kilzer also asked Anderson about impacts of federal changes, and she said they are monitoring the proposals and in conversation with the governor's office and congressional delegation. The subcommittee met again this morning on the State Hospital. It is expected the subcommittee will discuss the Medical Services Division, which includes Medicaid Expansion, next week.

[SB 2327](#) – New Department of Environmental Quality and limited x-ray operators

This bill creates a new Department of Environmental Quality (DEQ) and transfers duties and responsibilities from the Department of Health relating to environmental quality to the DEQ. This bill was not on CHAD's tracking list, but Darrold Bertsch shared information about a possible amendment regarding limited x-ray operators. It is our understanding the bill has been amended to move regulation of limited x-ray operators from the Department of Health to the ND Medical Imaging and Radiation Therapy Board of Examiners. We are not sure about the motivation for this change but are concerned the board may change current regulations. The ND Hospital Association is also concerned about this issue and, as of now, plans to weigh in during the Administrative Rules process. Please let [Shelly](#) or [Dana](#) know if your FQHC utilizes limited x-ray operators currently regulated by the Department of Health.

BEHAVIORAL HEALTH

[HB 1040](#) – Behavioral health funding

This interim bill was amended by the Senate Human Services Committee to include several areas of behavioral health funding removed by the House, including \$400,000 (up from \$200,000) for a school-based early intervention pilot program, \$70,000 for 2-1-1 services, and \$75,000 each for peer-to-peer and family-to-family support services. Contingent funding based on general fund revenue collections was also included for peer-to-peer (\$125,000) and

family-to-family (\$75,000) support services. Finally, \$7 million with \$7 million federal match was included for targeted case management services. The bill has been rereferred to the Senate Appropriations Committee and will be heard next week.

SB 2033 – Supervision of behavioral health professionals

This bill permits behavioral health professionals to provide supervisory experience for other behavior health professionals not in their exact field to support workforce expansion. The House Human Services Committee amended the bill at the request of the Board of Social Work Examiners to reconcile changes being made to the social workers practice act this session. It received a unanimous do pass recommendation from the committee and is on the House floor for a vote.

SB 2088 – Licensed addiction counselors

This bill expands the scope of practice of licensed clinical addiction counselors to include gambling addiction and makes changes to the licensing board. It received a unanimous do pass recommendation as amended by the House Human Services Committee and is on the House floor for a vote.

SB 2038 – Children’s behavioral health

This bill provides for the establishment of a task force on children's behavioral health and also identifies emergency hold limitations for mental health examinations. The House Human Services Committee removed the requirement for behavioral health training for educators and early childhood service providers. It received a unanimous do pass recommendation for the committee and is on the House floor for a vote.

HB 1041 – Department of Corrections

This interim bill primarily deals with the Department of Corrections. It originally included a section related to licensed addiction counselors, but this was amended out by the Senate Judiciary Committee. It has been rereferred to the Senate Appropriations Committee.

WORKFORCE

SB 2034 – Nursing faculty student loan repayment program

This bill was amended to place nursing faculty into the existing health professional student loan repayment program but received a 10-3 do not pass recommendation from the House Human Services Committee. Legislators opposing the bill argued the loan repayment program should benefit on-the-ground health care professionals, not faculty. It is on the House floor for a vote.

SB 2235 – Interstate medical compact

This bill, which would have established a mechanism for North Dakota to join an interstate medical licensure compact, failed the House 18-74 on March 21. Although this bill passed the Senate unanimously, the State Board of Medical Examiners opposed it when it reached the House.

SB 2162 – Professional student exchange program

This bill would have required students receiving state financial assistance to attend an out-of-state school of dentistry or optometry to return to practice in North Dakota for at least three years or repay the funds. It received an 11-3 do not pass recommendation from the House Human Services Committee and is on the House floor for a vote.

SB 2202 – Clinical laboratory practice

This bill makes changes to the clinical laboratory practice exemptions and board membership. It received a unanimous do pass recommendation from the House Industry, Business and Labor Committee and is on the House floor for a vote.

SB 2216 – Contact by bodily fluid

This bill provides penalties for intentional contact by bodily fluids or excrement in health care sites. It passed the House as amended 89-3 on March 17 and was returned to the Senate for concurrence. If the Senate does not concur with the House amendments, the bill goes to conference committee.

OTHER

[HB 1365](#) – Guardian duties regarding medical decisions

This bill, which relates to powers and duties of a guardian regarding medical decisions, passed the Senate unanimously as amended March 23 and the emergency clause carried. It was returned to the House for concurrence. If the House does not concur with the Senate amendments, the bill goes to conference committee.

[SB 2039](#) – Changes to DHS Human Service Centers

This bill requires the accreditation of each of the Department of Human Services 8 Regional Human Service Centers (HSC). It also changes the membership of each HSC Human Services Advisory group. The House Human Services Committee gave it a unanimous do pass recommendation as amended and is on the House floor for a vote.

Hearing Schedule: March 27-31

This is next week’s hearing schedule for bills CHAD is monitoring this session. If you have comments on bills being heard by committee or if you plan to testify, please let [Shelly](#) or [Dana know as soon as possible](#).

03/27/2017 09:30 AM 	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 to the legislative management; to provide an appropriation; and to provide a contingent appropriation.	Senate Appropriations	Harvest	Support
03/28/2017 08:30 AM 	HB 1041	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, subsection 3 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, 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, 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; to provide for a report to the legislative assembly; to provide an appropriation; to provide an effective date; and to declare an emergency.	Senate Appropriations	Harvest	Support

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

April 6 Bills must be reported out of committee

May 1 Final day of session (limited to 80 days)

Community HealthCare Association of the Dakotas (CHAD)

Status of CHAD Bills as of March 24, 2017

All bills defeated before Crossover have been removed.

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 03/15 S Committee Hearing - 08:30 AM 03/15 S Committee Hearing - 02:00 PM	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 03/20 S Committee Hearing - 11:00 AM 03/20 S Committee Hearing - 02:00 PM	Monitor
HB 1035	Removes penalty from dentist loan repayment program	House: PASSED Senate: PASSED Governor: SIGNED 03/22 H Signed by Governor 03/21 03/23 Filed with Secretary Of State 03/22	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 03/23 S Rereferred to Appropriations 03/27 S Committee Hearing - 09:30 AM	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 03/23 S Reported back amended, do pass, amendment placed on calendar 6 0 0 03/28 S Committee Hearing - 08:30 AM	Support
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	House: PASSED Senate: PASSED Governor: SIGNED	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
	offset, criminal offense for filing of false claim, and vocational rehabilitation pilot program reports; to provide a penalty; and to provide for application.	03/03 H Signed by Governor 03/02 03/06 Filed with Secretary Of State 03/03	
HB 1096	Relating to the advanced practice registered nurse licensure compact.	House: INTRODUCED Senate: PASSED 03/02 S Second reading, passed as amended, yeas 47 nays 0 03/03 H Returned to House (12)	Support
HB 1097	Relating to the nurse licensure compact.	House: INTRODUCED Senate: PASSED 03/03 S Second reading, passed as amended, yeas 46 nays 0 03/06 H Returned to House (12)	Support
HB 1116	Relating to the structure of the department of human services and changes in terminology.	House: INTRODUCED Senate: PASSED 03/03 S Second reading, passed as amended, yeas 46 nays 0 03/06 H Returned to House (12)	Monitor
HB 1117	Relating to changes in terminology with respect to substance abuse and behavioral health.	House: PASSED Senate: PASSED Governor: SIGNED 03/03 H Signed by Governor 03/02 03/06 Filed with Secretary Of State 03/03	Monitor
HB 1120	Relating to the prior authorization prescription program for Medicaid. Broadens the ability for Medicaid to utilize prior authorization.	House: INTRODUCED Senate: PASSED 03/13 S Second reading, passed as amended, yeas 34 nays 11 03/14 H Returned to House (12)	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: PASSED Governor: SIGNED 03/10 H Signed by Governor 03/09 03/13 Filed with Secretary Of State 03/09	Monitor
HB 1210	Relating to a cardiac ready community grant program; and to provide a continuing appropriation.	House: INTRODUCED Senate: PASSED 03/13 S Second reading, passed as amended, yeas 45 nays 0 03/14 H Returned to House (12)	Monitor
HB 1226	Creation of a Medicaid fraud control unit in the attorney general's office.	House: PASSED Senate: PASSED Governor: SIGNED 03/17 H Signed by Governor 03/16 03/20 Filed with Secretary Of State 03/16	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
HB 1289	Relating to grounds for disciplinary action by the medical board.	House: PASSED Senate: PASSED Governor: SIGNED 03/21 H Sent to Governor 03/23 H Signed by Governor 03/22	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: DEFEATED 03/15 S Reported back, do pass, place on calendar 4 3 0 03/16 S Second reading, failed to pass, yeas 21 nays 25	Monitor
HB 1365	Relating to powers and duties of a guardian regarding medical decisions; and to declare an emergency.	House: PASSED Senate: PASSED 03/23 S Second reading, passed as amended, yeas 46 nays 0 03/23 S Emergency clause carried	Monitor
SB 2004	A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health.	Senate: PASSED House: INTRODUCED 03/15 H Committee Hearing - 02:00 PM 03/17 H Committee Hearing - 09:15 AM	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 03/22 H Reported back amended, do pass, amendment placed on calendar 14 0 0 03/23 H Amendment adopted, placed on calendar	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 03/22 H Reported back amended, do not pass, placed on calendar 10 3 1 03/23 H Amendment adopted, placed on calendar	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 03/22 H Reported back amended, do pass, amendment placed on calendar 14 0 0 03/23 H Amendment adopted, placed on calendar	Support
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 03/22 H Reported back amended, do pass, amendment placed on calendar 14 0 0 03/23 H Amendment adopted, placed on calendar	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
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: INTRODUCED House: PASSED 03/14 H Second reading, passed as amended, yeas 88 nays 4 03/15 S Returned to Senate (12)	Monitor
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 03/22 H Reported back amended, do pass, amendment placed on calendar 14 0 0 03/23 H Amendment adopted, placed on calendar	Monitor
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: PASSED 03/23 S Concurred 03/23 S Second reading, passed, yeas 46 nays 1, Emergency clause carried	Monitor
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 Rereferred to Human Services 03/06 H Committee Hearing - 09:30 AM	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 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.	Senate: PASSED House: INTRODUCED 03/14 H Committee Hearing - 10:00 AM 03/22 H Reported back, do not pass, placed on calendar 11 3 0	Support
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: PASSED Governor: SIGNED 03/17 S Signed by Governor 03/15 03/20 Filed with Secretary Of State 03/16	Monitor
SB 2202	Relating to clinical laboratory practice exemptions and board membership.	Senate: PASSED House: INTRODUCED 03/22 H Reported back amended, do pass, amendment placed on calendar 14 0 0 03/23 H Amendment adopted, placed on calendar	Monitor
SB 2216	Relating to penalties for intentional contact by bodily fluids or excrement in health care sites; and to provide a penalty.	Senate: INTRODUCED House: PASSED 03/17 H Second reading, passed as amended, yeas 89 nays 3 03/20 S Returned to Senate (12)	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
SB 2235	Establishes a mechanism to join an interstate medical licensure compact.	Senate: PASSED House: DEFEATED 03/17 H Reported back, do not pass, placed on calendar 11 3 0 03/21 H Second reading, failed to pass, yeas 18 nays 74	Support
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 02/20 H Introduced, first reading, referred Judiciary Committee 03/15 H Committee Hearing - 10:40 AM	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 House: INTRODUCED 03/01 H Introduced, first reading, (emergency), referred Human Services Committee 03/21 H Committee Hearing - 09:30 AM	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.	Senate: PASSED House: INTRODUCED 02/02 H Received from Senate 03/01 H Introduced, first reading, referred Appropriations Committee	Monitor