

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 13

Conference committees on policy bills began meeting this week, while Appropriations Committees continued their work on budget bills. The House began twice-a-day floor sessions on Tuesday and even held a third floor session on Wednesday. Although Thursday was the deadline to report all bills out of committee, the rules were suspended to extend the deadline to next week. All bills are out of policy committees, but several remain in Appropriations.

According to an [April 6 budget status summary](#) by Legislative Council, the estimated general fund balance at the end of the 2017-19 biennium is (\$448.3 million). This means additional expenses must be cut or transfers from other funds must be made to meet the state's constitutional balanced budget requirement.

Leadership hopes to complete its work the week of April 17, saving several of the 80 legislative days authorized each biennium so legislators may return to Bismarck prior to the 2019 session if necessary.

Status of CHAD Bills

Through the first half of the session, CHAD tracked 54 bills. After Crossover, 36 remained in play. The status of these bills is summarized on the attached tracking report. As of this morning:

- 16 bills have passed both chambers
- 5 have been defeated
- 8 are in conference committee
- 7 still require action by one of the chambers

Recap: Week of April 2-7

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 subcommittee of the Senate Appropriations Committee (Sen. Kilzer, chair; Sen. Erbele; Sen. Dever and Sen. Mathern) concluded its detail work on the DHS appropriation April 4 with discussion about the DHS behavioral health division. The subcommittee met this morning to discuss amendments to the bill, including:

- Returning to commercial reimbursement rates for Medicaid Expansion
- Keeping 19-20 year olds in Medicaid Expansion in managed care instead of moving to fee-for-service like traditional Medicaid
- Changing the managed care study from Legislative Management to DHS and requiring an implementation plan for managed care in the 2019-21 biennium
- Increasing funding for the substance use disorder voucher (\$200,000 for the remainder of this biennium and an increase to \$1.5 million for the 2017-19 biennium)

The committee will meet again next week as conversation continues on state funding of county social services, which could possibly be amended into this bill.

Medicaid fraud unit

There were originally three bills related to the creation of a state Medicaid fraud unit in the Attorney General's office due to notification the federal government would no longer provide North Dakota a waiver in this area. Two of the three bills were defeated and a third, [HB 1226](#), was turned into an interim study. Since the study passed, the Senate has amended the Attorney General's appropriation, [HB 1003](#), to authorize establishment of a Medicaid fraud unit contingent on formal notification of the federal government that the state will lose funding if the unit is not established.

BEHAVIORAL HEALTH

[SB 2042](#) – Behavioral health professional tiers

This bill establishes four tiers (levels) of behavioral health professionals and specified activities allowed to be conducted by professionals in each tier. Amendments by the House moved licensed marriage and family therapists to a higher tier. It passed the House 86-4 March 31 and is now in conference committee.

[HB 1040](#) – Behavioral health funding

This interim bill has undergone significant changes since its original introduction. The bill as approved by the Senate 42-3 on April 6 includes \$400,000 each for peer-to-peer and family-to-family support services. It will likely go to conference committee due to significant changes from the House version.

[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 passed the House as amended 74-0 on April 4, and the Senate concurred.

OTHER

[SB 2344](#) – Medical marijuana

The bill establishes state law relating to the implementation and authorization of medical marijuana as approved by voters last fall. A health care provider as defined in the bill includes a physician and an advanced practice registered nurse. Written certification by a health care provider is one of the requirements for a patient to purchase medical marijuana. The certification must explain the patient's debilitating medical condition and the medical justification for the health care provider's certification of the patient's debilitating medical condition. It passed the House as amended 79-13 on April 4 and will go to the Senate for concurrence or assignment to conference committee.

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

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

Community HealthCare Association of the Dakotas (CHAD)

Status of CHAD Bills as of April 7, 2017

All bills defeated before Crossover have been removed. Bills highlighted in blue have either passed both chambers or been defeated. Bills highlighted in orange are in conference committee.

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: INTRODUCED Senate: PASSED 04/06 S Second reading, passed as amended, yeas 42 nays 3 04/06 H Returned to House (12)	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: CONF. COMM Senate: PASSED 04/05 H Refused to concur 04/05 H Conference committee appointed K. Koppelman Satrom M. Nelson	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 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 Governor: SIGNED 03/03 H Signed by Governor 03/02 03/06 Filed with Secretary Of State 03/03	Monitor
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

Bill No.	Bill Description	Bill Status	CHAD Position
HB 1097	Relating to the nurse licensure compact.	House: PASSED Senate: PASSED Governor: SIGNED 04/03 H Sent to Governor 04/05 H Signed by Governor 04/04	Support
HB 1116	Relating to the structure of the department of human services and changes in terminology.	House: PASSED Senate: PASSED 03/31 H Signed by Speaker 04/03 H Sent to Governor	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: CONF. COMM Senate: CONF. COMM 03/31 H Conference committee appointed Seibel Westlind Schneider 04/04 S Conference committee appointed Anderson J. Lee Clemens	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: PASSED Senate: PASSED Governor: SIGNED 04/03 H Sent to Governor 04/06 H Signed by Governor 04/05	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
HB 1289	Relating to grounds for disciplinary action by the medical board.	House: PASSED Senate: PASSED Governor: SIGNED 03/23 H Signed by Governor 03/22 03/27 Filed with Secretary Of State 03/23	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	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
		03/16 S Second reading, failed to pass, yeas 21 nays 25	
HB 1365	Relating to powers and duties of a guardian regarding medical decisions; and to declare an emergency.	House: CONF. COMM Senate: CONF. COMM 03/31 H Conference committee appointed Rohr Skroch P. Anderson 04/04 S Conference committee appointed J. Lee Anderson Kreun	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 03/31 H Committee Hearing - 08:30 AM 04/05 H Committee Hearing - 10:15 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: CONF. COMM House: CONF. COMM 04/03 S Conference committee appointed Anderson J. Lee Piepkorn 04/05 H Conference committee appointed Rohr Kiefert Schneider	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: DEFEATED 03/23 H Amendment adopted, placed on calendar 03/27 H Second reading, failed to pass, yeas 12 nays 80	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: PASSED 04/05 S Signed by President 04/05 S Sent to Governor	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: CONF. COMM House: CONF. COMM 04/03 S Conference committee appointed J. Lee Kreun Heckaman 04/05 H Conference committee appointed Devlin B. Anderson Damschen	Monitor
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: CONF. COMM House: PASSED 04/04 S Refused to concur 04/04 S Conference committee appointed J. Lee Anderson Heckaman	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	Senate: CONF. COMM House: CONF. COMM 03/31 S Conference committee appointed J. Lee Anderson Heckaman	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
	services. Most insurers currently provide reimbursement for these services anyway.	04/05 H Conference committee appointed B. Anderson Kiefert Schneider	
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: PASSED 04/05 S Signed by President 04/05 S Sent to Governor	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 Governor: SIGNED 03/30 S Signed by Governor 03/29 03/31 Filed with Secretary Of State 03/30	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: PASSED 04/04 S Signed by President 04/05 S Sent to Governor	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: DEFEATED 03/22 H Reported back, do not pass, placed on calendar 11 3 0 03/24 H Second reading, failed to pass, yeas 11 nays 79	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: PASSED 04/04 S Signed by President 04/05 S Sent to Governor	Monitor
SB 2216	Relating to penalties for intentional contact by bodily fluids or excrement in health care sites; and to provide a penalty.	Senate: CONF. COMM House: CONF. COMM 03/31 S Conference committee appointed Myrdal Luick D. Larson 04/04 H Conference committee appointed Karls Roers Jones M. Nelson	Monitor
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 2327	Establishes new Department of Environmental Quality separate from the Department of Health; also moves regulation of limited x-ray operators from Department of Health to ND Medical Imaging and Radiation Therapy Board of Examiners	Senate: PASSED House: PASSED 04/04 S Signed by President 04/05 S Sent to Governor	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: DEFEATED 03/28 H Reported back, do not pass, placed on calendar 11 4 0	Support

Bill No.	Bill Description	Bill Status	CHAD Position
		03/29 H Second reading, failed to pass, yeas 22 nays 70	
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.	Senate: INTRODUCED House: PASSED 04/04 H Emergency clause carried 04/04 S Returned to Senate (12)	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