

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:

- [Shelly Ten Napel](#), CEO, 605-275-2423
- [Dana Schaar Jahner](#), Clearwater Communications, 701-214-0144 (cell)

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## The Final Weeks

Conference committee work, along with floor sessions, marked this 15th week of legislative session. Today is the 68th day. Leadership saved one legislative day this week by not gaveling in on Tuesday, which pushed the 80th legislative day to May 2. Conference committees continued their work on both policy and appropriations bills as the legislature moves into its final days.

The Department of Human Services appropriation, HB 1012, will likely be one of the final bills to be resolved, along with other agency bills.

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## Recap: Week of April 10-14

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**

This bill as amended by the Senate Appropriations Committee passed the Senate 44-3 on April 12, and it will now go to conference committee. During floor debate, Sen. Larsen offered an amendment to eliminate Medicaid Expansion. After debate, this amendment was defeated (only four supported the amendment: Sens. Larsen, Anderson, Kannianen and Myrdal.)

The DHS appropriation as approved by the Senate is \$3.78 billion with \$1.36 billion in general funds. While some FTEs were reinstated by the Senate, this bill still reduces FTEs by 45.85 for the 2017-19 biennium. Key items in the bill include:

- Reauthorizing Medicaid Expansion through July 31, 2019 (Sec. 36), as well as repealing it if the federal government ends the program (Secs. 37 and 38)
- Requiring DHS to study managed care options for all populations and develop an implementation plan for the 2019-21 biennium (Sec. 30)
- Requiring behavioral health providers that receive state funding to submit process and outcome measures (Sec. 24)

There are significant differences between the House and Senate versions of HB 1012, so it is anticipated a conference committee will be required.

### **Medicaid fraud unit**

The Attorney General's appropriation, [HB 1003](#), includes establishment of a state Medicaid fraud unit contingent on formal notification from the federal government that the state will lose funding if the unit is not established. The bill is in conference committee.

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## 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 (LMFT) to a higher tier, which the Senate does not support. The conference committee met several times this week, and another meeting is scheduled next week.

### **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 \$200,000 each for peer-to-peer and family-to-family support services. This bill is in conference committee.

### **SB 2033 – Social workers**

This bill originally permitted behavioral health professionals to provide supervisory experience for other behavior health professionals not in their exact field to support workforce expansion. As agreed upon by conference committee, this bill applies only to social workers, provides for some supervision outside the social work profession, and allows the board to accept applicants from other states whose qualifications or experience are “substantially similar” to North Dakota requirements. It passed the Senate April 10 and the House April 12 and will now go to the governor.

## **OTHER**

### **SB 2004 – Department of Health appropriation**

This bill includes funding for the dental loan repayment program. It was also amended to include language requiring dental loan recipients to accept Medicaid patients, after the bill that originally included this language (SB 2162) failed. It passed the House 84-7 on April 10 and is now in conference committee.

### **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. The Senate concurred with the House amendments, and it will be sent to the governor.

### **SB 2216 – Contact by bodily fluid**

This bill provides penalties for intentional contact by bodily fluids or excrement in health care sites. Yesterday, the conference committee agreed to amendments to include emergency responders in the bill, although the latest bill draft is not yet available.

### **SB 2052 – Insurance coverage of telehealth**

This bill mandates insurance coverage for telehealth and is on the Senate floor for adoption of the conference committee report.

### **HB 1120 – Medicaid prior authorization**

This bill broadens the ability for Medicaid prescription program to utilize prior authorization. The Senate adopted the conference committee report, and it is now on the House floor.

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## **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

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legislator's online bio: [Senate](#) or [House](#). Detailed information on legislative activities is available on the [Legislative Assembly website](#).

## 2017 Legislative Deadlines

May 2

Final day of session (limited to 80 days)

### Community HealthCare Association of the Dakotas (CHAD)

#### Status of CHAD Bills as of April 14, 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
<a href="#">HB 1012</a>	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: INTRODUCED Senate: PASSED 04/12 S Emergency clause carried 04/12 H Returned to House (12)	Support
<a href="#">HB 1015</a>	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
<a href="#">HB 1035</a>	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
<a href="#">HB 1040</a>	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 H Returned to House (12) 04/12 H Refused to concur	Support
<a href="#">HB 1041</a>	Corrections bill; authorizes additional mental health professionals to provide addiction counseling. Relating to presumptive probation; 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: CONF. COMM 04/06 S Conference committee appointed Armstrong D. Larson Nelson 04/12 S Appoint Sen. Osland to replace Sen. D. Larson on conference committee	Support [originally supported due to addiction counseling changes, but this language has been removed so the bill focuses solely on corrections]
<a href="#">HB 1086</a>	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	
<a href="#">HB 1096</a>	Relating to the advanced practice registered nurse licensure compact.	House: PASSED Senate: PASSED 04/10 S Signed by President 04/12 H Signed by Speaker	Support
<a href="#">HB 1097</a>	Relating to the nurse licensure compact.	House: PASSED Senate: PASSED Governor: SIGNED 04/05 H Signed by Governor 04/04 04/13 Filed with Secretary Of State 04/04	Support
<a href="#">HB 1116</a>	Relating to the structure of the department of human services and changes in terminology.	House: PASSED Senate: PASSED Governor: SIGNED 04/06 H Signed by Governor 04/05 04/13 Filed with Secretary Of State 04/05	Monitor
<a href="#">HB 1117</a>	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
<a href="#">HB 1120</a>	Relating to the prior authorization prescription program for Medicaid. Broadens the ability for Medicaid to utilize prior authorization.	House: PASSED Senate: INTRODUCED 04/12 H Conference committee report adopted 04/12 S Reported back from conference committee, placed on calendar (Senate recede)	Monitor
<a href="#">HB 1136</a>	Establishes in the Century Code the substance use disorder treatment voucher system and makes several technical corrections; 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; 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
<a href="#">HB 1210</a>	Relating to a cardiac ready community grant program; and to provide a continuing appropriation.	House: PASSED Senate: PASSED Governor: SIGNED 04/06 H Signed by Governor 04/05 04/13 Filed with Secretary Of State 04/05	Monitor
<a href="#">HB 1226</a>	Creation of a Medicaid fraud control unit in the attorney general's office. Turned into study.	House: PASSED Senate: PASSED Governor: SIGNED 03/17 H Signed by Governor	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
		03/16 03/20 Filed with Secretary Of State 03/16	
<a href="#">HB 1289</a>	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
<a href="#">HB 1308</a>	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
<a href="#">HB 1365</a>	Relating to powers and duties of a guardian regarding medical decisions; and to declare an emergency.	House: PASSED Senate: PASSED 04/10 S Reported back from conference committee, placed on calendar (House accede) 04/12 S Conference committee report adopted	Monitor
<a href="#">SB 2004</a>	A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health. Includes dental loan repayment program funding.	Senate: INTRODUCED House: CONF. COMM 04/10 S Conference committee appointed Kilzer G. Lee Mathern 04/12 H Conference committee appointed Pollert Meier Holman	Monitor
<a href="#">SB 2033</a>	This bill relates to social workers.	Senate: PASSED House: PASSED 04/12 H Conference committee report adopted 04/12 H Second reading, passed as amended, yeas 87 nays 0	<b>Support</b> [originally applied to multiple behavioral health professionals]
<a href="#">SB 2034</a>	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
<a href="#">SB 2038</a>	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 Governor: SIGNED 04/10 S Signed by Governor 04/07 04/13 Filed with Secretary Of State 04/07	Support
<a href="#">SB 2039</a>	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-	Senate: PASSED House: PASSED 04/10 H Reported back from	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
	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.	conference committee, placed on calendar (Senate accede) 04/12 H Conference committee report adopted	
<a href="#">SB 2042</a>	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: CONF. COMM 04/04 S Conference committee appointed J. Lee Anderson Heckaman 04/07 H Conference committee appointed Porter Westlind P. Anderson	Support
<a href="#">SB 2052</a>	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: CONF. COMM 04/10 S Reported back from conference committee, placed on calendar (House recede) 04/10 H Appoint Rep. Weisz to replace Rep. Kiefert on conference committee	Monitor
<a href="#">SB 2088</a>	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 Governor: SIGNED 04/10 S Signed by Governor 04/07 04/13 Filed with Secretary Of State 04/07	Monitor
<a href="#">SB 2117</a>	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
<a href="#">SB 2141</a>	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 Governor: SIGNED 04/10 S Signed by Governor 04/10 04/13 Filed with Secretary Of State 04/10	Monitor
<a href="#">SB 2162</a>	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
<a href="#">SB 2198</a>	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	Senate: PASSED House: PASSED	Monitor

Bill No.	Bill Description	Bill Status	CHAD Position
	CEUs for the different imaging modalities, but does not require a separate license or certification.	Governor: SIGNED 03/17 S Signed by Governor 03/15 03/20 Filed with Secretary Of State 03/16	
<a href="#">SB 2202</a>	Relating to clinical laboratory practice exemptions and board membership.	Senate: PASSED House: PASSED Governor: SIGNED 04/10 S Signed by Governor 04/07 04/13 Filed with Secretary Of State 04/07	Monitor
<a href="#">SB 2216</a>	Relating to penalties for intentional contact by bodily fluids or excrement in health care sites; and to provide a penalty.	Senate: PASSED House: CONF. COMM 04/10 H Conference committee report rejected 04/12 S Appoint Sen. Armstrong to replace Sen. D. Larson on conference committee	Monitor
<a href="#">SB 2235</a>	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
<a href="#">SB 2327</a>	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 Governor: SIGNED 04/10 S Signed by Governor 04/07 04/13 Filed with Secretary Of State 04/07	Monitor
<a href="#">SB 2328</a>	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 03/29 H Second reading, failed to pass, yeas 22 nays 70	Support
<a href="#">SB 2344</a>	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
<a href="#">SCR 4001</a>	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: PASSED	Monitor