

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/83) 5M



ROLL NUMBER

DESCRIPTION

2114

2001 SENATE HUMAN SERVICES

SB 2114

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2114

Senate Human Services Committee

Conference Committee

Hearing Date January 22, 2001

Tapo Number	Side A	Side B	Meter #
1	X	X	
January 24, 2001 1	X		
January 24, 2001 1		X	39
January 24, 2001 2	X		
January 29, 2001 2		X	13.6
March 28, 2001 1	X		
Committee Clerk Signature <i>Carol Holodyschuk</i>			

Minutes:

The Senate Human Services Committee was called to order by Senator Lee with all Senators present. The hearing for 2114 was held in the Brynhild Haugland Room.

DR. CONSTANCE KALANEK, Executive Director of the ND Board of Nursing introduced bill and supports amendments to it. (Written testimony). SENATOR KILZER : When you change the term nursing assistant, does that change the term entirely from code or are there other locations where it will still be made? DR. KALANEK: We have tried to be consistent in our changes. There may be some other parts that it is included and we can deal with it at another time.

SUSAN McNABOE, Registered Nurse, Williston supports bill. (Written testimony)

MARY SMITH, ND Nurses Association, supports bill. SENATOR LEE: Are there any changes in the actual procedure for discipline or conduct in an action. DR. KALANEK: There is no significant change in the investigative process.

PENNI WESTON, Registered Nurse and board member of the ND Nurses Association, supports this bill and proposed an amendment. (Written testimony)/ SENATOR LEE: Are you familiar with the Medical Assistant Training Module that is being provided by Minot State University? Yes, Do you have any information from ND regarding higher error record with people who are administering medications in a non medical setting. MS. WESTON: When I came into my present position the medications were being administered by people that the Mrg did not put on the Registry of the Board of Nursing. Gave them the self study manual and let them complete that. We had situations of medication that was given for Parkinson's disease that is given in different dosages. We ran out of one of those strengths and because they didn't realize that you just couldn't break it in half, they were actually giving a wrong medicine because it doesn't become the same dosage. SENATOR MATHERN: On the amendment explain that we would be leaving in other folks to administer medications. MS. WESTON: Our concern was if you look at the way it was currently written they could delegate to someone who is not on the registry. So we felt that by putting that terminology in as a compromise. SENATOR LEE pointed out that the amendment is the same as Dr. Kalanek's amendment.

BONNIE SELZLER, Assistant Director of Mental Health, Dept of Human Services, supports bill.

(Written testimony) SENATOR LEE asked why adult foster care facilities were included. MS. SELZLER: Dept of Human Services met with BON and this is just clarification.

KIRSTEN FRIEDT, Registered nurse, ABLE, Inc of Dickinson, supports bill. (Written testimony). She does not support Penni Weston's amendment.

ELAINE D. TAYLOR, President of NDLPN Association, supports bill and proposes amendment. (Written Testimony)

MELANA HOWE, RN, Director of Patient Care Services, Hettinger, supports bill and amendment. (Written testimony)

SHELLEY PETERSON, President of ND Long Term Care Association, supports bill and amendments. (Written testimony) SENATOR POLOVITZ: Who was the questionnaire sent to?

MS. PETERSON: It was sent to all 88 nursing homes and 30 basic care facilities. 2/3 of them respond. Statistics in testimony.

JANIS GAULT, Rolette, supports bill. I work as a LPN and am furthering my education. I understand that a 2-year LPN in other states is different. SENATOR LEE: So you support the continuing ed provision? Yes. SENATOR KILZER: How many years have you worked as an LPN? MS. GAULT: Since 1989. SENATOR KILZER. Would you continue to work at the same time that you are doing your continuing education or would you have to stop work according to your planning. MS. GAULT: I would continue to work and do continuing education at the same time. My Grandparents stepped in and helped with the kids.

VALARIE EIDE, RN, Nursing Home Administrator of Good Shepherd, Watford City, supports bill. Gave an illustration of Maria being a RN in 49 other states, but not in ND. I had no inquiries when I needed a Director of Nursing position. I could not hire Maria, even though she would be an exceptional candidate.

GLENICE DARWIN, Director of Nursing Service at Good Samaritan Center, Arthur, ND, supports bill. (Written test.) Proposed an amendment.

BRUCE BOWERSOX, Administrator at Hillsboro, supports bill. We have a tremendous need for nurses. Next 5-10 years will put an additional strain on supply of nurses. SENATOR MATHERN: Have you ever had a situation where a nurse from another area left because of education? MR. BOWERSOX: An RN in Minn. came to work at our facility. She took 3-4 bachelor level classes, and after a number of years of trying this she went back to Minnesota because it was easier.

CARY KROSTAD, supports amendment. There must be core values cannot allow unlicensed to administer medication. SENATOR MATHERN: Are you in favor of or opposed regarding the 30 hour continuing education? MS. KROSTAD: Opposed.

ARNOLD THOMAS, President of the ND Health care Association, supports the bill (Written testimony).

There was no other testimony. The hearing was closed on SB 2114.

The meeting on January 24, 2001 was called to order by Senator Lee. Dr. Clayton Jenson of Fargo was welcomed to the committee. He is Dr. Of the day. He will give us a little insight on 2114 and the availability of a Distance Learning Program, capable of delivering nursing education to all facilities in ND. It originates in USD and is very well done. It is an excellent program for continuing ed or advanced education toward degrees. It is possible for every LTC facility to satellite. An estimate of cost is \$2500 per month. It is a mechanism for nursing education for CNA, LPN, administrators, training people within a community. SENATOR LEE asked if it would be available on fee basis. DR. JENSON said that is was possibly negotiable. SENATOR MATHERN asked if we can get UND or somebody to fill in the excess time. SENATOR POLOVITZ: Is this philosophically a real plus to attract people to work in these homes. DR. JENSON: Yes, it allows rooted workers to go from CNA to LPN and not

leave the facility. A lot to be said to make maximum use of all communications we can use.

SENATOR LEE: The basic degree is what one needs for fundamental knowledge. Continuing ed is designed to keep one updated on new techniques and procedures. DR. JENSON:

Continuing education is an absolute must. Good Sam's requires continuing ed to be recertified.

It you don't have continuing education you become a dinosaur in the profession.

The Dr. Was thanked for the opportunity afforded to the committee to hear about this possibility.

Committee discussion was held again on January 24, Tape 1, Side B, Meter 39.

General discussion on 2114 and 2241. SENATOR KILZER moved amendments. SENATOR FISCHER seconded it. Discussion pursued the SENATOR KILZER withdrew his motion along with the second of SENATOR FISCHER.

Discussion resumed on January 29, 2001, Tape 2, Side B, Meter 14.2

DR. KALANEK answered questions on the bill. SENATOR FISCHER moved amendments presented by Dr. Kalanek. SENATOR KILZER seconded it. Discussion Proof of progression towards degree; transitional license, additional 30 CE credits can be in either situation. Roll call vote carried 6-0. SENATOR MATHERN moved to further amend with Bonnie Selzer amendments. SENATOR POLOVITZ seconded it. Roll call vote carried 6-0. SENATOR POLOVITZ moved DO PASS AS AMENDED. SENATOR KILZER seconded the motion. Roll call vote carried 6-0. SENATOR LEE will carry the bill.

March 28, 2001, Tape 1, Side A, Meter 35.6

Discussion resumed on SB 2114. Voice vote carried for a DO CONCUR. SENATOR LEE will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 02/05/2001

Bill/Resolution No.:

Amendment to: SB 2114

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The Specialty Practice Registered Nurse License application fee may generate \$3000.00 per biennium in additional revenue to the board. Estimate 30-50 nurses would qualify for this type of licensure.

Removal of the residency requirement could increase the number of nurses that renew their licenses (estimate of \$3000 per biennium), as it would allow nurses to renew even though they are not residing or employed in ND.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Will not affect state general fund.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Will not affect state general fund

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and*

appropriations.

As an occupational board, the ND Board of Nursing follows NDCC 54-44-12 for appropriations. The Board of Nursing is funded primarily through licensure fees from RNs, LPNs, and APRNs.

Name:	Constance B Kalanek	Agency:	ND Board of Nursing
Phone Number:	(701) 328-9777	Date Prepared:	02/06/2001

FISCAL NOTE
 Requested by Legislative Council
 12/26/2000

Bill/Resolution No.: SB 2114

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$6,000	\$0	\$6,000
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The Speciality Practice Registered Nurse License application fee may generate \$3000 per biennium in additional revenue to the board. Estimate 30-50 nurses would qualify for this type of licensure.

Removal of the residency requirement could increase number of nurses that renew their license (estimate \$3000 per biennium), as it would allow nurses to renew even if they are not working or residing in ND.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No effect to state general fund.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No effect to state general fund.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

As an occupational board, the ND Board of Nursing follows NDCC 54-44-12 for appropriations. The Board of Nursing is funded primarily through licensure fees from RNs, LPNs, and APRNs.

Name:	Connie Kalanek	Agency:	ND Board of Nursing
Phone Number:	(701) 328-9777	Date Prepared:	12/28/2000

PROPOSED AMENDMENTS TO SENATE BILL NO. 2114

Page 1, line 1, after the third comma insert "43-12.1-05,"

Page 1, line 2, remove "and"

Page 1, line 3, after "43-12.1-15" insert ", and 43-12.1-16"

Page 1, line 5, remove "and" and after "procedures" insert ", and the expiration date of the authority of a licensed nurse to delegate medication administration"

Page 2, after line 25, insert:

9. "Transitional practical nurse license" means a license issued by the board to a person who meets all of the requirements for licensure by endorsement as a licensed practical nurse, except the educational requirements.

10. "Transitional registered nurse license" means a license issued by the board to a person who meets all of the requirements for licensure by endorsement as a registered nurse, except the educational requirements."

Page 2, line 26, replace "9" with "11"

Page 4, line 23, replace "Staff" with "A person"

Page 4, line 28, replace "Group" with "Within group", replace "and" with an underscored comma, and after "facilities" insert ", and adult foster care facilities"

Page 4, line 29, replace "and" with "or"

Page 5, line 1, replace "Human" with "Within human" and remove "A licensed nurse may"

Page 5, remove lines 2 and 3

Page 5, after line 8, insert:

"SECTION 4. AMENDMENT. Section 43-12.1-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-12.1-05. Board of nursing - Composition - Term of office. There is a state board of nursing whose members must be appointed by the governor which must consist of five registered nurses, three licensed practical nurses, and one public member. Each board member must be appointed for a term of four years. No appointee may be appointed for more than two consecutive terms. An appointment for an unexpired term of more than eighteen months will constitute a full term. Terms of nurse board members must be evenly distributed to allow two licensed nurse board members to be appointed or reappointed each year. ~~The members of the board holding office on August 1, 1995, may continue to serve as members for their respective terms."~~