

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2249

2001 SENATE HUMAN SERVICES

SB 2249

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Human Services Committee

Conference Committee

Hearing Date January 29, 2001

Tape Number	Side A	Side B	Meter #
1		X	10.4
Committee Clerk Signature			

Minutes:

The hearing was opened on SB 2249.

ROLF SLETTEN, Executive secretary and treasurer of ND State Board of Medical Examiners, introduced the bill. (Written testimony) SENATOR MATHERN: Why not include this under number 3? MR. SLETTEN: They are not licensed.

BERT KNELL, President of the Board of Cosmetology, supports the bill, written testimony.

No opposition.

The hearing was closed on SB 2249.

SENATOR MATHERN moved a DO PASS. SENATOR FISCHER seconded it. Roll call vote carried 6-0. SENATOR KILZER will carry the bill.

Date: 1/29/01

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2249

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Mathern Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Kilzer

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 29, 2001 1:06 p.m.

Module No: SR-15-1823
Carrier: Kilzer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2249: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the
Eleventh order on the calendar.

2001 HOUSE HUMAN SERVICES

SB 2249

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

House Human Services Committee

Conference Committee

Hearing Date February 13, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		800 to 1785
Tape 1			1910 to 2060
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: Open the hearing on SB 2249.

Senator Kilzer: Presented the Bill. SB 2249 is a bill that I sponsored at the request of the State Board of Medical Examiners. Skin care comes under the Board of Cosmetology and if you violate something to do with skin care without a license, you will be prosecuted by the Board of Cosmetology. There are seven or eight exemptions under the existing law. This bill would add one more exemption to the people who do skin care so that they would not be subject to the Board of Cosmetology. This bill states that people who work in physicians offices and clinics would be exempt. For example, if I have someone in my office who removes stitches after

surgery and they don't have proper qualifications, they could be prosecuted if they are not licensed. So this Bill is brought in to take care of that.

Rep. Weiler: Can you give me an example in your office of someone that would take out stitches?

Senator Kilzer: Usually LPN's, sometimes technicians of one type or another.

Rep. Weiler: Give me an example of someone that is licensed to do that?

Senator Kilzer: In a typical medical office, it is just the physicians who are licensed in addition to nurses that might be there.

Chairman Price: Are you saying that, unless we pass this bill, that anyone in a physicians office that does some type of skin care is falling under the Board of Cosmetology right now?

Senator Kilzer: The incident that Mr. Sutton will address is someone that was in that situation. There is a possible liability of someone doing skin care without a license.

Rep. Galvin: I can't envision a cosmetologist removing stitches, but it must have something to do with removing or shaving the hair before the procedure, that's what the bill would be about?

Senator Kilzer: That is probably a better example than what I gave.

Rep. Devlin: We had suggested merging the Board of Podiatrists with the State Medical Board, and it didn't meet with a lot of success. Do you have any thoughts on that?

Senator Kilzer: My thoughts on that is that we should have the numbers. We should have at least 100 or 200 practitioners before we give licensing authority, because if they have to discipline one of their members, they run out of funds and complete the process.

Chairman Price: We will stand at ease until Mr. Sletten gets here.

Chairman Price: The meeting will come to order and we will resume the hearing on SB 2249.

John Olson: North Dakota Board of Medical Examiners. I have passed out testimony that was written out by my boss, the Executive Director Rolf Sletten. The bill essentially does a very simple thing. It exempts the services provided under the supervision, control, and responsibility of a North Dakota licensed physician from Cosmetology Practice Act. Currently Estheticians are people who engage in the practice of skin care and they are regulated by the Board of Cosmetology. The Board of Cosmetology's attorneys advised the Board of Medical Examiners that there were some people who were providing these kinds of services in a plastic surgeons office that were in violation of the Cosmetology Act. As a result, this Bill was prepared to exempt those people who assist physicians in Dermatologists offices from the Cosmetology Act. (See Rolf Sletten's written testimony.)

Bert Knell: President, N.D. State Board of Cosmetology. (See support of SB 2249 in written testimony.) The board members voted to except this exemption.

Chairman Price: Close hearing on SB 2249.

COMMITTEE WORK:

Chairman Price: Would you like to take action on SB 2249?

Rep. Metcalf: I will motion for a DO PASS.

Rep. Tieman: I will second.

Chairman Price: The clerk will take the roll for a DO PASS.

12 YEAS, 2 ABSENT

CARRIED BY REP. POLLERT

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249A

House Human Services Committee

Conference Committee

Hearing Date March 20, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		4350 to 5800
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

COMMITTEE WORK:

Chairman Price: We pulled SB 2249 back down here to hold until we decided on SB 2371. The Board of Medical Examiners have proposed amendments to that bill. On the last line it will read "licensed physician in a hospital or a medical clinic". The first thing we need to do to re-address this bill is that we have to vote to reconsider our options. If not, it will go back up to the floor as is as a DO PASS. The concerns expressed by the cosmetologists with this bill which all came after our hearing was that the persons owning or operating a spa would have licensed personnel doing these procedures. I had asked Mr. Olson to prepare language that he felt would definitely specify that the only exemptions are in a hospital or in the doctor's office. I also expressed my

concerns about the physician actually seeing the patient. Mr. Olson, would you like to address that?

John Olson: I presented this year and it is the best we can do. We want to make it very clear that we're not talking about spas. Medical clinics and hospitals are pretty widely known terms and should restrict those exemption to those practices where medical services are being rendered.

Chairman Price: Committee, what would you like to do?

Vice Chairman Devlin: I would move that we reconsider action where SB 2249 received a DO PASS in this committee.

Rep. Metcalf: Second.

Chairman Price: All those in favor signify by saying Aye. We have 2249 in front of us what are your wishes.

Vice Chairman Devlin: I will move the Medical Examiner's amendment.

Rep. Metcalf: Second.

Chairman Price: Any discussion? Mr. Olson, do you feel that this will take care of having these services in a spa unless by a licensed cosmetologist or esthetician?

John Olson: I don't know how more clear we can be.

Chairman Price: All those in favor of the amendments signify by saying Aye? Opposed? We have an amended bill, what are your wishes?

Rep. Metcalf: I move a DO PASS on the amended bill.

Rep. Weiler: Second.

Chairman Price: Discussion?

Rep. Dosch: Have we addressed the concern of Rep. Porter that by doing this we are allowing a licensed individual to do things in a medical office that they couldn't do anywhere else?

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House Human Services Committee

Bill/Resolution Number SB 2249

Hearing Date March 20, 2001

Chairman Price: No.

Rep. Porter: My concerns are still there. That what we're saying it is not under the direct supervision. We're saying that an untrained, unlicensed individual that is working in a medical clinic for a physician can, by themselves, apply medical grade products to an unknowing patient. If nothing ever happens, I think we have an unknowing patient situation being in a physician's office. We don't allow it with nurses, and we don't allow it with lab techs. I am going to oppose the bill as it is written.

Chairman Price: This bill came in front of us because, apparently, there was an unlicensed person doing some sort of services they felt should require a license. Do you want the physician's office to have that legally or not?

Rep. Porter: We have a motion for a DO PASS as amended. Clerk will read the roll. The motion failed.

Rep. Porter: I move a DO NOT PASS as amended.

Rep. Klein: Second

Rep. Porter: By defeating this bill it does not affect the licensed practical nurse, the licensed registered nurse, any licensed professional working inside that physician's office. All it is affecting is an untrained, unlicensed person, doing something in a physician's office. It is the right statement in public protection.

Chairman Price: We have a motion for a DO NOT PASS.

8 YES 5 NO 1 ABSENT

CARRIED BY VICE CHAIRMAN DEVLIN

Date: 2-13-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2249

House Human Services Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Metcalf Seconded By Rep. Tieman

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier		
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein					
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Pollert

If the vote is on an amendment, briefly indicate intent:

18279.0101
Title.0200

Adopted by the Human Services Committee
March 20, 2001

VR
3/20/01

HOUSE AMENDMENTS TO SB 2249 **HOUSE HUMAN SERVICES** **03/21/01**
Page 1, line 8, replace the first comma with "or medical" and remove ", or physician's office"

Renumber accordingly

