

2011 HOUSE HUMAN SERVICES

HB 1110

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

HB 1110
January 10, 2011
12704

☐ Conference Committee

Committee Clerk Signature

Vicky Crabtree

Explanation or reason for introduction of bill/resolution:

This bill will permit licensed addiction counselors to make recommendations regarding continuing treatment orders.

Minutes:

Chairman Weisz: The hearing is now called to order on HB 1110.

Alex Schweitzer: Superintendent of the ND State Hospital and ND Developmental Center (Center One) of the Department of Human Services testified in support of the bill. (See attached Testimony #1.)

Chairman Weisz: Do you have the Senate Bill number for the identical....

Schwietzer: Senate Bill 2039

Chairman Weisz: Thank you. Any questions from the committee?

Rep. Porter: Is there any need to expand that even further for nurse practitioners or any other professions? I bring this up because of the shortage areas out there. Is there a problem with those areas even with this expansion because of not many licensed addiction counselors across the state?

Schwietzer: You will have some people testifying to that affect. My concern is that the person is an expert in the area they are testifying on. The court and the legal counsel representing the patient will be very concerned that the person is an expert in the area they are testifying in.

Lisa Hawley: Owner of Advanced Counseling for Change in Devils Lake and a clinical social worker testified in support of the bill. (See attached Testimony #2.)

Rep. Porter: Can you give us an example within social work where you are authorized to order continued treatment?

L. Hawley: Right now we are able to do an emergency letter to the courts to ask for a commitment for a short period of time as a licensed clinical social worker. However, we are not able to continue the order beyond that. I've never been involved in making the addiction treatment. We do see where someone will need a continued treatment order and neither the addiction counselor or myself are able to do that continuation. We give all our information to a doctor in order for that to happen which takes time.

Rep. Porter: How would that streamline that process in the courts? This isn't a patient care issue, but a court issue of having someone in charge asking the courts for the continuation of mandatory treatment. You are saying it will have to go to someone else for that process to work.

L. Hawley: Currently we do. If you change this, we would be considered an expert in our area then we would be able to write a letter stating reasons for the need to continue treatment for the patient and submit it directly to the court.

Rep. Porter: Would you see that as being the sole letter or petition going to the courts or an addition to someone else's letter or petition? Has that need arisen where no one else is in charge of this particular case and there was a struggle to find a petitioner?

L. Hawley: There are times when there are duo diagnoses and then I think you would want more letters of support. If it is an addiction treatment issue I would want a licensed addiction counselor to write a letter of support for that. In Cando we have a doctor come only periodically and there are times when a continuation of treatment happens today or tomorrow and he is not available. Then we have to search and find someone to sign off on that and they may not know the case. We have to relay all our information to them which wastes valuable time.

Rep. Porter: I read this as saying there is not any one profession is left out of being able to put forth their diagnosis or reason for this to continue. It just says who has to certify the continuation to the courts. It doesn't say that a licensed social worker can't include their reason into the process only these individuals are allowed to have the certification letter that is included with it. Is that correct?

L. Hawley: That is correct.

Rep. Porter: How does that piece fit then if you're focusing on one area and submit thoughts on the area you are dealing with and then the addiction counselor submits their thoughts and the psychiatrist submits their thoughts as the certification letter. How would that process change that you would be allowed to submit the end certification letter?

L. Hawley: If we are looking specifically at mental health, then we would be able to directly submit that certification. If a duo diagnosis, I would want the input of a licensed addiction counselor to do with that process as well. If only addiction treatment, then they should seek that. That is why we are here today.

Rep. Hofstad: Is there a difference in the process between how we initially handle a patient when you commit somebody and a continuing treatment?

L. Hawley: I have been a bystander to committing someone on an emergency basis. Licensed independent clinical social workers can do that for a short period of time. There is a form we fill out through the state and submit that for approval. This is different as it is within the treatment process.

Rep. Hofstad: With your license, do you have the power to commit someone?

L. Hawley: Not for addiction treatment just for mental health.

Nancy Miller: Executive Director of ND Chapter of National Association of Social Workers. Testified in support of the bill. (See attached Testimony #3.)

Chairman Weisz: Did your association testify in front of the judicial process of the Senate version?

Nancy Miller: No. We were not aware of this issue at the time. We would be willing to work with the interim committee on the Senate side and help clarify the language and make it consistent throughout the entire Chapter.

Chairman Weisz: Thank you. Anyone else in support of HB 1110? Any opposition?

Corinne Hofmann: I'd like to offer testimony for Carlotta MCleary, Executive Director of ND Federation of Families for Children's Mental Health. (See attached Testimony #4.) Testifying in favor of the bill with a request for an amendment. I am testifying in opposition. (See attached Testimony #5.)

Sen. Tim Mathern: Handed in testimony in support of the bill. (See attached Testimony #6.)

Chairman Weisz: If the language is limited to chemically dependent, are you still opposed in general to the bill?

Corinne Hofmann: If the language was amended to limit the scope of authority to treatment to chemical dependency, that would address our concern. Or a licensed addiction counselor tagged at the end.

Chairman Weisz: Any more opposition? If not, we will close the hearing on HB 1110.

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

HB 1110
January 12, 2011
Job # 12793

☐ Conference Committee

Committee Clerk Signature

Vicky Crabtree

Minutes:

No "attached testimony."

Chairman Weisz: Opened the hearing for HB1110. The bill pertains to limiting the scope of Licensed Addiction Counselor.

Clerk took the roll

Chairman Weisz: The bill pertains to limiting the scope of Licensed Addiction Counselor. The amendment would start after the original bill. So the amendment would include who is actually practicing in the actual professional scope of practice.

Rep Porter: Made a motion to move the amendment is to add: after the word counselor on line 12, who is practicing within the professional scope of practice.

Rep Anderson: Seconded the motion.

There was a voice vote of 13 Yeas and 0 Nays.

Rep Hofstad: I would move a DO PASS on HB 1110 as amended.

Rep Schmidt: Seconded the bill

Rep Louser: Asked what kind of training that this would entail, as what kind of hours Addiction Counselors are required?

Chairman Weisz: No we didn't

Rep Hofstad: I talked to Joann this morning and that came up and she responded that it would be a 4 Year Degree, and an additional 9 months of Internship.

Chairman Weisz: Any further questions?

Do Pass 12 Yeas 1 Nays 0 absent and not voting.

Do Pass on HB 1110 as Amended. Rep. Louser will carry the bill.

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1110
January 14, 2011
12704

☐ Conference Committee

Committee Clerk Signature

Eminth

Explanation or reason for introduction of bill/resolution:

This bill will permit licensed addiction counselors to make recommendations regarding continuing treatment orders.

Committee Work Minutes

Chairman Weisz: There are two issues that came up on HB 1110, that's the one life and prediction counselors. There was opposition because there was concern about allowing license prediction counselors refer someone with mental health issues, verses someone with just addiction abuse issues.

There was also the group that wanted to add the licensed clinical social workers. Are there any questions?

Rep. Holman: I would go on with the right before the licensed addiction counselor, putting a coma in the case of chemical dependency. That would narrow that down to that expertise. On the second issue I would not support.

Chairman Weisz: I don't know if the court would accept that one, that doesn't mean it couldn't happen, do we want an addiction counselor writing up a mental health comment.

Rep. Holman: This is involving a court situation so we have judicial proceeding taking place here. We have to trust the judge to sort out the evidence and make sure it is worth while.

Chairman Weisz: Further comments

Rep. Hofstad: Last session we added addiction counselors gave them authority for committal. Did we not?

Chairman Weisz: we added them for an emergency. They are the ability to have them committed for a short time and then a mental health professional. In the code it says for substance abuse counselors. So they were pacific.

Rep. Holman: Can we have our clerk research that?

Chairman Weisz: Does anybody want to add licensed clinical social workers?

Rep. Damschen: I would want to know there ability and training is compared to some of the other people.

Chairman Weisz: Any other comments? I was surprised that is hasn't gone to the interim committee.

Rep. Holman: Often it is a combination of issues I'm talking about a juvenile court which I observed. The social workers, law enforcement and others were involved in the process.

Chairman Weisz: Other arguments are that in the rural areas it is hard to have professionals that can sign off. I would think there a lot more physicians in rural areas than licensed clinical social workers.

Rep. Damschen: I don't have an argument about it.

Chairman Weisz: Is there anyone who served on the interim committee?

Rep. Porter: This is a Department Bill. This is not cutting out any profession, the social workers or anybody else. They are all part of the case management. All this is the letter of certification, where it has to come from. Anybody can have numerous people testify that letter of justification. In the end it requires a letter of certification from somebody. These are the individuals that it can be from everybody is involved in the case.

Chairman Weisz: You weren't here for the earlier discussion, are you saying you don't want to add licensed addiction counselors?

Rep. Porter: I would be o.k. with doing that.

Chairman Weisz: One of the discussions before you got here is if we add the addiction counselor was to limit the language that it had to be for substance abuse issues so that they would be able to petition do mental health issues. If that is the case we would need to correct the language.

Rep. Porter: I don't care for this, I'm going to vote against it.

Rep. Hofstad: Doesn't this make it easier because we are not requiring the physicians, psychologist, psychiatrist or addiction counselor but a physician, psychologist, psychiatrist or licensed addiction counselor so we can make it easier.

Chairman Weisz: The residential treatment center the licensed addiction counselor on staff can do the petition. In the hearing you can have testimony of a wide range. I would question again if it will help in the rural areas.

Rep. Hofstad: In the rural communities where we have a court system where there is a human services department, within the human services department we likely have a addiction counselors.

Chairman Weisz: In my district none of my counties would have those people reside in counties.

Rep. Porter: If we are going to put somebody against their will in to this situation, we better be darn well versed to sign that letter against their will and so I do not agree.

Rep. Holman: I will follow up on that. What qualifications are required to get a addiction counselor license?

Chairman Weisz: Rep. Louser

Rep. Louser: Nancy Miller addressed that in her testimony, 3000 hours of post dramatic clinical.

Chairman Weisz: That came from the State Hospital from the idea that they have someone on staff, he could sign it instead of searching for a psychiatrist or someone else.

Rep. Porter: When you look at the location of the addiction counselors, they are going to be by residential treatment type facility. In those cases where it is not a medical situation is where I see it being a key.

Rep. Hofstad: I agree with Rep. Porter There certainly would be instances where the expertise of a license counselors would be more beneficial because they are treating them, they are close to the situation.

Chairman Weisz: Committee we won't vote on this, we will try to find the language on how we added licensed addiction counselors in the last session, we will get the amendments drafted and have it before you. The meeting is adjourned.

January 12, 2011

VRC
1/12/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1110

Page 1, line 12, after "counselor" insert "who is practicing within the professional scope of practice"

Renumber accordingly

Date: 1-12-11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1110

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Porter Seconded By Anderson

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. CONKLIN		
VICE-CHAIR PIETSCH			REP. HOLMAN		
REP. ANDERSON			REP. KILICHOWSKI		
REP. DAMSCHEN					
REP. DEVLIN					
REP. HOFSTAD					
REP. LOUSER					
REP. PAUR					
REP. PORTER					
REP. SCHMIDT					

Total (Yes) 13 No 0

Absent _____

Floor Assignment _____

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

*Voice
Vote*

Date: 1-12-11
Roll Call Vote # 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. H10

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Hofstad Seconded By Schmidt

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. CONKLIN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VICE-CHAIR PIETSCH	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. HOLMAN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. ANDERSON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. KILICHOWSKI	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DAMSCHEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. DEVLIN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. HOFSTAD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LOUSER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. PAUR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. PORTER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. SCHMIDT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 12 No 1

Absent _____

Floor Assignment Louser

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

REPORT OF STANDING COMMITTEE

HB 1110: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1110 was placed on the Sixth order on the calendar.

Page 1, line 12, after "counselor" insert: "who is practicing within the professional scope of practice"

Renumber accordingly

2011 SENATE HUMAN SERVICES

HB 1110

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1110
3-8-2011
Job Number 15132

☐ Conference Committee

Committee Clerk Signature

K. Anderson

Explanation or reason for introduction of bill/resolution:

Relating to petitions for continuing treatment orders.

Minutes:

Attachments

Vice Chair Senator Gerald Uglem opened the hearing on HB 1110.

Alex Schweitzer (ND State Hospital and ND Developmental Center) spoke in support of HB 1110. Attachment #1.

Senator Gerald Uglem asked if there are any addiction counselors who would not have this in the scope of their professional practice.

Mr. Schweitzer answered that there would not. When dealing with addiction cases, the scope of practice is pretty much recognized in terms of what the training is. In a court case if any expert examiner stepped out of the area of their scope of practice the defense attorney would obviously object. It was added in the House to make it clear that they were only providing these services as an expert examiner in addiction cases.

Senator Dick Dever asked if 2039 was the bill that came through this committee earlier.

Mr. Schweitzer thought it was heard in Senate Judiciary.

Mr. Schweitzer explained that this bill is specific to the continuing treatment orders and the addition of licensed addiction counselors as an expert examiner. They are recognized everywhere else in the mental health commitment law as expert examiners except in this section.

Senator Dick Dever asked if the language would still be consistent with the original commitment.

Mr. Schweitzer said this particular section just makes the law consistent with the rest of the mental health commitment law under Chapter 25.

There was discussion and comparison of this bill and 2039 and whether this bill could just go away.

There was no further testimony.

The hearing on HB 1110 was closed.

Committee discussion – holding it until they see what 2039 does. No amendments were proposed for 1110 and there is no fiscal note.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1110
3-29-2011
Job Number 16123

☐ Conference Committee

Committee Clerk Signature

W. M. B. D. O. N.

Explanation or reason for introduction of bill/resolution:

Minutes:

Senator Judy Lee opened committee work on HB 1110.

Senator Tim Mathern moved a **Do Not Pass**.

Seconded by **Senator Dick Dever**.

Senator Judy Lee explained that 2039 is identical except it has an emergency clause and there has been a concurrence by the Senate Committee so it can move forward and they can get rid of 1110.

Senator Tim Mathern added that 2039 came from the interim committee and this bill came from the department.

Roll call vote 5-0-0 – **Motion carried**.

Carrier is **Senator Tim Mathern**.

Date: 3-29-11

Roll Call Vote # _____

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1110

Senate HUMAN SERVICES

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Mathern Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Dick Dever	✓				
Sen. Gerald Uglem, V. Chair	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Mathern

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

REPORT OF STANDING COMMITTEE

HB 1110, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1110 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1110

#1

**House Bill 1110 – Department of Human Services
House Human Services Committee
Representative Weisz, Chairman
January 10, 2011**

Chairman Weisz, members of the House Human Services Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and North Dakota Developmental Center (One Center) of the Department of Human Services. I am here today to testify in support of House Bill 1110.

Currently, NDCC – 25-03.1-23, Petition for Continuing Treatment Orders, only allows a physician, psychiatrist or psychologist to certify a report to the district court requesting a continuing treatment order for a patient in treatment. The Department of Human Services supports a change in this section of the code to allow licensed addiction counselors to be added to the list of professionals that can certify a report for the court. This appears to be an oversight in the code as addiction counselors are recognized as expert examiners in other sections of the mental health commitment law.

Several reasons exist to modify the code:

- This fix in the code fully recognizes licensed addiction counselors as expert examiners.
- Licensed addiction counselors deal with most addiction cases and have the expertise to prepare reports for continuing treatment of addiction patients.

- North Dakota has 23 counties designated as mental health professional shortage areas and accessing a physician, psychiatrist or psychologist in a shortage area is at times difficult.
- The increased use of licensed addiction counselors as expert examiners is an additional resource for statewide services.

Thank you. I would be happy to answer any questions.

#2

From the office of
Lisa Hawley, LICSW, QCSW
Advanced Counseling for Change, PLLC
424 3rd St. SE
Devils Lake, ND 58301
701-662-1893

Good morning, Mr. Chairman and members of the subcommittee.

My name is Lisa Hawley and I am a Clinical Social Worker and the owner of Advanced Counseling for Change in Devils Lake. I am pleased to have this opportunity to testify in support of bill 1110. However I would like you to consider adding not only Licensed Addiction Counselors but also Licensed Independent Clinical Social Workers (LICSW) to the bill.

LICSWs are trained professionals who are able to administer mental health treatment therefore they should also be allowed to substantiate the need for continued treatment. LICSW have a minimum of a Master's Degree and 3000 hours of clinical experience. Therefore we should be more than qualified to make this decision.

In rural North Dakota there are times when psychiatrist is over ninety miles away and our physicians and psychologist are not only few and far between, but also they are extremely busy. Allowing LICSWs the ability to step in as needed to assess the situation and make a decision would support the patient in getting the needed services without delay.

I would like to thank you for allowing me the opportunity to testify today. Please let me know if you have any questions or comments.

#3

House Human Services Committee
January 10, 2011
HB1110

Good morning, Chairman Weisz and members of the House Human Services Committee.

My name is Nancy Miller and I am the Executive Director of the North Dakota Chapter of the National Association of Social Workers (NASW). NASW is the largest membership organization of professional social workers in the world, with 145,000 members. I am here today to offer support of HB1110, with the addition of an amendment to include Licensed Independent Clinical Social Workers (LICSW) within the proposed changes.

It is my understanding that this bill has been introduced to correct an oversight of some changes that were made during the 2009 Legislative Session, which specifically addressed Licensed Addiction Counselors. We do not want to stand in the way of this correction. However, we would like LICSW's to be included as well.

Social worker's with a Master's Degree are already recognized in Chapter 25-03.1 as a 'Mental Health Professional' along with the Licensed Addiction Counselors. LICSW's have an additional licensing requirement of obtaining a minimum of 3,000 hours of post-master's clinical experience. As trained professionals who are able to administer mental health treatment, they should also be allowed to substantiate the need for continued treatment.

The legislative intent of Chapter 25-03.1 is to:

1. Provide prompt evaluation and treatment of persons with serious mental disorders or chemical dependency.
2. Safeguard individual rights.
3. Provide continuity of care for persons with serious mental disorders or chemical dependency.
4. Encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures.
5. Encourage, whenever appropriate, that services be provided within the community

Adding LICSW's to the language of HB1110 will be one more way in which the citizens of North Dakota are attended to in a prompt, efficient manner. It is not uncommon for our LICSW's who work in more rural areas of the state to be in situations where they are the only ones available to help a patient receive the appropriate services needed. By amending the bill to include LICSW's, there would be approximately 260 additional qualified mental health professionals who would be able to act in a prompt, efficient manner to authorize continuing treatment.

Again, we support HB1110 with the inclusion of Licensed Independent Clinical Social Workers, and we thank you for considering our request.

#4

**Testimony
House Bill 1110
House Human Services Committee
Representative Robin Weisz, Chairman
January 10, 2011**

Chairman Weisz and members of the Committee: my name is Carlotta McCleary. I am the Executive Director of ND Federation of Families for Children's Mental Health (NDFFCMH). NDFFCMH is a parent run advocacy organization that focuses on the needs of children and youth with emotional, behavioral and mental disorders and their families, from birth through transition to adulthood.

NDFFCMH supports the addition of licensed addiction counselor as an individual who can execute a certificate to accompany the petition for an order authorizing continuing treatment. However, NDFFCMH would like to ensure the licensed addiction counselor is limited to executing a certificate for an order authorizing continued treatment in areas of their expertise.

Thank you for your time.

Carlotta McCleary, Executive Director
ND Federation of Families for Children's Mental Health
PO Box 3061
Bismarck, ND 58502

Phone/fax: (701) 222-3310
Email: carlottamccleary@bis.midco.net

#5

**TESTIMONY – PROTECTION AND ADVOCACY PROJECT
HOUSE BILL 1110
HOUSE HUMAN SERVICES COMMITTEE
January 10, 2011**

Chairman Weisz and Members of the Committee, my name is Corinne Hofmann. I am Director of Policy and Operations for the Protection and Advocacy Project [P&A]. P&A serves individuals who have disabilities.

P&A cannot support passage of House Bill 1110 in its current form. It creates ambiguity and inconsistency with other sections of the mental health commitment statute and potentially weakens a respondent's right to review by a qualified, expert professional before additional involuntary treatment is imposed.

N.D.C.C. §§ 25-03.1-02(6), which defines an expert examiner, reads as follows:

"Expert examiner" means a licensed physician, psychiatrist, psychologist trained in a clinical program, or licensed addiction counselor appointed by the court to examine the respondent and to provide an evaluation of whether the respondent is a person requiring treatment.

The following language was removed from this section during the last legislative session:

...An evaluation of a respondent's physical condition may be made only by a licensed physician or psychiatrist, an evaluation of a respondent's mental status may be made only by a psychiatrist or psychologist trained in a clinical program, and an evaluation of whether the respondent is chemically dependent may be made only by a licensed physician, licensed addiction counselor, or licensed psychologist trained in a clinical program.

It was argued this language related to the *process* of involuntary commitment and that it was better located in the section dealing with the involuntary treatment process. This language became a new subsection to N.D.C.C. 25-03.1-11, which relates to examinations conducted subsequent to a petition for involuntary treatment.

As drafted, this bill is inconsistent with the scope of authority outlined for licensed addiction counselors during the involuntary treatment process. In that process, a licensed addiction counselor's authority is limited to evaluating whether the person is chemically dependent and requires treatment. If adopted, this bill would allow a licensed addiction counselor to execute a certificate on any petition for a continuing treatment order, including those for people who are not chemically dependent.

A petition for an order for continuing treatment, which can result in involuntary treatment for up to a year, should command an equal or greater level of care and expertise as an original order for involuntary treatment, which is for a maximum of ninety days.

If licensed addiction counselors are allowed to execute the certificate that must accompany a petition for an order for continuing treatment, it should be limited to petitions involving treatment for chemical dependency.

We respectfully ask the committee for a "do not pass" recommendation on HB 1110.

#6

House Human Services Committee

January 10, 2011

Senator Tim Mathern

Chairman Weisz and Members of the House Human Service Committee

My name is Senator Tim Mathern. I am a Fargo resident here to add my support to HB 1110. Passage of this bill will permit licensed addiction counselors to make recommendations regarding continuing treatment orders.

I served on the Judicial Process Committee this past interim and became convinced that our workforce in mental health and addiction treatment is too small. Dramatically increasing salaries to attract more out of state professionals or to attract more in state persons into training is a long term challenge. While we work on those issues some immediate small steps can be of help.

This bill is one of those small steps, it permits those professional we already have in place to assist court personnel making decisions about treatment orders.

Thank you for the attention you will be giving to the presenters coming before you. I ask for a Do Pass recommendation.

Thank you for your consideration.

#1

**Engrossed House Bill 1110 – Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman
March 8, 2011**

Senator Lee, members of the Senate Human Services Committee, I am Alex C. Schweitzer, Superintendent of the North Dakota State Hospital and North Dakota Developmental Center (One Center) of the Department of Human Services. I am here today to testify in support of Engrossed House Bill 1110.

Engrossed House Bill 1110 was introduced by the House Human Services Committee at the request of the Department of Human Services.

Currently, NDCC – 25-03.1-23, Petition for Continuing Treatment Orders, only allows a physician, psychiatrist or psychologist to certify a report to the district court requesting a continuing treatment order for a patient in treatment. The Department of Human Services supports a change in this section of the code to allow licensed addiction counselors to be added to the list of professionals that can certify a report for the court. This appears to be an oversight in the code as addiction counselors are recognized as expert examiners in other sections of the mental health commitment law.

Several reasons exist to modify the code:

- This fix in the code fully recognizes licensed addiction counselors as expert examiners.

- Licensed addiction counselors deal with most addiction cases and have the expertise to prepare reports for continuing treatment of addiction patients.
- The increased use of licensed addiction counselors as expert examiners is an additional resource for statewide services.

The House amended the bill to require that a licensed addiction counselor certifying a petition for continued treatment under this section of the code must do so within the scope of their professional practice. The Department supported this amendment to Engrossed House Bill 1110.

I should note for the record that Engrossed House Bill 1110 is the same bill as Senate Bill 2039, as introduced by the interim Judicial Process Committee. Senate Bill 2039 as originally filed did not contain the amendment regarding the scope of professional practice. The House Judiciary Committee heard Senate Bill 2039 last week, added the amendment regarding the scope of professional practice and an emergency clause.

Thank you. I would be happy to answer any questions.