

**2021 SENATE HUMAN SERVICES**

**SB 2148**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Sakakawea Room, State Capitol

SB 2148 AM  
1/18/2021

A BILL for an Act to amend and reenact subsection 21 of section 65-01-02 of the North Dakota Century Code, relating to defining health care provider to include a physical therapist.

**Madam Chair Lee** opened the hearing on SB 2148 at 11:07 a.m. All members present; Senator Lee, Senator K. Roers, Senator O. Larsen, Senator Hogan, Senator Clemens, Senator Anderson.

## **Discussion Topics:**

- Workforce safety and insurance
- Fiscal impact to add Physical Therapist
- Physical Therapists and doctor licenses

**[11:07] Senator Burckhard, District 5.** Introduced SB 2148.

**[11:08] Jack McDonald, On Behalf of American Physical Therapy Association, North Dakota Chapter.** Introduced Chris Kraemer.

**[11:12] Chris Kraemer, Physical Therapists, Fargo, North Dakota.** Provided testimony #1055 in favor.

**[11:20] Jodi Bjornson, Workforce Safety & Insurance.** Provided oral testimony in favor.

**[11:21] Courtney Koeble, Executive Director, North Dakota Medical Association.** Provided neutral oral testimony.

## **Additional written testimony: (1)**

**Eldon Johnson (PT, MPT, CSMT, Cert. MDT), RehabAuthority Physical Therapy, Fargo, North Dakota.** Provided testimony #1047 in favor.

**Madam Chair Lee** closed the hearing on SB 2148 at 11:23 a.m.

*Justin Velez, Committee Clerk*

January 18, 2021

SEN. LEE AND MEMBERS OF THE SENATE HUMAN SERVICES COMMITTEE:

Good morning. My name is Chris Kraemer. I am a private practice owner and physical therapist practicing in Fargo, ND. I am the legislative chair for the American Physical Therapy Association - North Dakota. I am here today of behalf of this organization in support of SB 2148. This bill would add physical therapists to Workforce Safety and Insurance's list of health care providers.

This amendment would allow early access to PT which would:

1. **Significantly reduce health care costs**
2. **Improve Patient Outcomes**
3. **Improve Patient satisfaction**
4. **Reduce the dependence on costly/harmful treatment for patients contributing to the opioid epidemic.**

#### **Rising healthcare costs**

A study published in the Journal of Pain estimated the national cost of pain to be in the range of \$560-635 billion dollars. Common pain conditions such as arthritis, back pain, headache, and other musculoskeletal conditions result in \$61.2 billion in lower productivity for US workers. *Journal of the American Medical Association*. Back pain accounts for 10% of primary care physician visits and \$86 Billion in annual healthcare spending. *Spine, September 2009*. Access to physical therapy within 14 days of the onset of pain minimizes the average total cost of care by 50%.

#### **Improvement of Patient Outcomes:**

Physical therapy has been found to be effective for conditions including [meniscal tears and knee osteoarthritis](#), and [lumbar spinal stenosis](#). Physical therapists utilize non-invasive techniques such as:

**Exercise** - Studies have shown that people who exercise regularly experience less pain. PTs develop, administer, modify, and progress exercise prescriptions and programs to address poor conditioning, impaired strength, musculoskeletal imbalances, or deficiencies that may lead to pain. *Holth HS, Werpen HKB, Zwart J-A, Hagen K., BMC Musculoskelet Disord. 2008;9:159.*

**Manual therapy** – This involves hands-on manipulation of joints and soft tissue to modulate pain, reduce swelling and inflammation, and improve mobility. Research shows that manual therapy techniques are effective at reducing low back pain, discomfort associated with carpal tunnel syndrome, and other sources of pain.

**Stress management** - Interventions such as mindfulness, relaxation, visualization, and graded exposure to stress-producing events can help patients reduce pain and improve their functional capacities.

**Sleep hygiene** - Individuals with persistent pain often complain of sleep disturbances. Evidence has shown that sleep deprivation can increase sensitivity levels and contribute to increased stress and pain. PTs can help educate patients regarding appropriate sleep hygiene to help combat the vicious cycle of persistent pain. Finan PH, et al. Pain. 2013;14(12):1539-1552

**Pain neuroscience education** - Individuals who don't understand the mechanisms and contributors to their pain may be more likely to seek pharmacological treatment for that pain. Physical therapists can educate patients about modern pain science that highlights the processes involved in pain. The adage "know pain, know gain" can empower patients and provide hope and encouragement in their journey to overcome persistent pain.

### **Improvement of Patient Satisfaction:**

A [2014 study](#) suggests that patients who received physical therapy through direct access had a high level of satisfaction and better outcomes at discharge. This study also highlighted decreased costs with direct access group.

### **Reduction on the dependence on costly/harmful treatment for patients contributing to the perpetuation of the opioid epidemic:**

The U.S. Department of Health and Human Services (HHS) reports that patients with pain "face many systemic hurdles to appropriate care." Evidence suggests, "that wide variations in clinical practice, inadequate tailoring of pain therapies to individuals, and reliance on relatively ineffective and potentially high-risk treatments such as inappropriate prescribing of opioid analgesics...not only contribute to poor-quality care for people with pain, but also increase health care costs." That evidence, was the driving force behind recent recommendations by the U.S. Centers for Disease Control and Prevention (CDC) in its "Guideline for Prescribing Opioids for Chronic Pain." The CDC states that "Non-pharmacologic therapy and non-opioid pharmacologic therapy are preferred for chronic pain."

We respectfully request today, on behalf of the North Dakota Physical Therapy Association representing PT's across the state, to please give SB 2148 a DO PASS. Thank you for your time and consideration. I'd be happy to answer any questions you have.

Sincerely,

Chris Kraemer PT, MPT, OCS, cert. MDT, CSMT

Board Certified Orthopedic Clinical Specialist

(701) 371-5718

ckraemer@rehabauthority.com

My name is Eldon Johnson, and I have been a physical therapist in ND since 1995, which means that I am a "seasoned veteran," or "old," as I've been told! In the field of physical therapy, I have pretty much been there, done that, and seen it all. I currently am a partner and owner in RehabAuthority Physical Therapy, based out of Fargo, ND. Thank you for allowing me to provide my written testimony in support of physical therapists being added as "health care provider" in subsection 21 of section 65-01-02 of the ND Century Code.

This has been a long time coming, and I am thrilled that this amendment is being considered today. Physical therapists are some of the most highly educated, trained, and skillful practitioners in the medical community, and are musculoskeletal experts. We are excellent gatekeepers in the medical system for these patients. In instances when we must rely on referrals from other medical providers, patients are often referred to us far too late, or not at all. We need to make it easier for all North Dakotans to access physical therapy care, without putting unnecessary barriers in the way.

There are a number of important benefits that will result from designating physical therapists as health care providers in the ND Century Code. There are numerous recent scientific studies that show the significant benefit of early access to physical therapy for patients. Some of these benefits include improved patient functional outcomes, increased patient satisfaction, significantly decreased overall healthcare costs, decreased use and reliance on excessive imaging or laboratory tests, decreased use of often-unnecessary injections and surgeries, decreased lost work days, and decreased dependence on medications—especially opioids. I honestly cannot think of one negative ramification or circumstance of passing this bill.

I implore you to vote in support of Senate Bill 2148. Thank you very much.

Eldon Johnson, PT, MPT, CSMT, Cert MDT  
RehabAuthority Physical Therapy  
Fargo, ND

# 2021 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Sakakawea Room, State Capitol

SB 2148  
1/18/2021 PM

A BILL for an Act to amend and reenact subsection 21 of section 65-01-02 of the North Dakota Century Code, relating to defining health care provider to include a physical therapist.

**Madam Chair Lee** opened committee discussion on SB 2148 at 3:04 p.m. Members present: Senator Lee, Senator K. Roers, Senator Hogan, Senator Anderson, Senator Clemens. Senator O. Larsen absent.

### Discussion Topics:

- Proposed amendment
- Bill action

**[3:05] Senator Hogan** moved to **ADOPT AMENDMENT 21.0430.01001**  
**Senator Clemens** seconded.

Voice vote, motion passed.

**[3:05] Senator Hogan** moved **DO PASS, AS AMENDED.**  
**Senator K. Roers** seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	Absent

The motion passed 5-0-1

**Senator Clemens** will carry SB 2148

**Additional written testimony:** N/A

**Madam Chair Lee** closed the committee discussion at 3:09 p.m.

*Justin Velez, Committee Clerk*

January 18, 2021

8/18

PROPOSED AMENDMENTS TO SENATE BILL NO. 2148

Page 1, line 7, remove "physical therapist."

Page 1, line 8, overstrike the first "or" and insert immediately thereafter "a physical therapist."

Page 1, line 8, after "nurse" insert an underscored comma

Page 1, line 8, after the second "or" insert "a"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2148: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "physical therapist."

Page 1, line 8, overstrike the first "or" and insert immediately thereafter "a physical therapist."

Page 1, line 8, after "nurse" insert an underscored comma

Page 1, line 8, after the second "or" insert "a"

Renumber accordingly



**2021 HOUSE HUMAN SERVICES**

**SB 2148**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

SB 2148  
3/16/2021

Relating to defining health care provider to include a physical therapist
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**Chairman Weisz** opened the committee hearing at 9:03 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	A
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

### Discussion Topics:

- Workforce Safety Insurance
- Patient satisfaction
- Opioid dependence

**Sen. Randy Burckhard, District 5 (9:03)** introduced the bill and submitted testimony #9488.

**Christopher Kraemer, Legislative Chair American Physical Therapy Association of North Dakota (9:05)** testified in favor and submitted testimony #9081.

**Harvey Hanel, Medical Services & Pharmacy Director North Dakota Workforce Safety & Insurance (9:16)** testified in favor.

**Rep. Greg Westlind (9:21)** moved **Do Pass**

**Rep. Matthew Ruby (9:22)** second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	N
Representative Mike Beltz	Y
Representative Chuck Damschen	Y

Representative Bill Devlin	Y
Representative Gretchen Dobervich	A
Representative Clayton Fegley	Y
Representative Dwight Kiefert	N
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	Y
Representative Bill Tveit	N
Representative Greg Westlind	Y

**Motion Carried Do Pass 10-3-1**

**Bill Carrier:** Rep. Matthew Ruby

**Chairman Weisz** adjourned at 9:24 a.m.

*Tamara Krause, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2148**, as engrossed: **Human Services Committee (Rep. Weisz, Chairman)**  
recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2148 was placed on the Fourteenth order on the calendar.

March 16, 2021

**Representative Weisz and members of the House Human Services Committee:**

My name is Sen. Randy Burckhard. I represent District 5 – Minot. I have sponsored many bills for the North Dakota chapter of the American Physical Therapy Association during past sessions and am pleased to sponsor SB 2148.

This bill adds physical therapists to Workforce Safety and Insurance's list of health care providers. My understanding is that WSI has no objections to this, nor have there been any objections from other health care providers.

You will be hearing from a physical therapist practicing in Fargo who will give you more information about why this legislation is needed.

I ask for your favorable consideration of SB 2148. Thank you for your time.

3/16/2021 9am Pioneer Room

March 14, 2021

REPRESENTATIVE ROBIN WEISZ AND MEMBERS OF THE HOUSE HUMAN SERVICES COMMITTEE:

Good morning. My name is Chris Kraemer. I am a private practice owner and physical therapist practicing in Fargo, ND. I am the legislative chair for the American Physical Therapy Association - North Dakota. I am here today of behalf of this organization in support of SB 2148. This bill would add physical therapists to Workforce Safety and Insurance's list of health care providers.

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