Testimony
Study of Registration of Long-Term Care Professionals
Long-Term Care Committee
Tuesday, September 28, 2010 – 2:15 p.m.
North Dakota Department of Health

Good afternoon, Chairman Kriedt and members of the Long-Term Care Committee. My name is Darleen Bartz, Ph.D., and I am section chief of the Health Resources Section of the North Dakota Department of Health. I am here today to provide comments about the proposed bill draft incorporating the changes recommended by the Long-Term Care Professionals Workgroup.

At the July 14, 2010, meeting, the Long-Term Care Committee asked the Department of Health to convene a meeting of the Long-Term Care Professionals Workgroup to review the proposed bill draft, develop consensus among the workgroup members, and provide the committee with any recommended changes to the bill draft.

The workgroup met August 30, 2010, with the following members present:

- North Dakota Department of Health: Darleen Bartz, Ph.D., Health Resources Section chief; Bruce Pritschet, Health Facilities division director; Lucille Torpen; and Bridget Weidner
- North Dakota Board of Nursing: Constance Kalanek, Ph.D., executive director; Nelson (Buzz) Benson, president; Char Christianson; JoAnne Sund; and Pat Hill
- North Dakota Long Term Care Association: Shelly Peterson, executive director; and Rosanne Schmidt, chairman
- Skilled Nursing Facilities; Rita Rafferty, administrator, Larimore
- North Dakota Department of Human Services: Joan Ehrhardt, state ombudsman
- North Dakota Association of Community Providers (Developmental Disabilities): Barbara Murry, executive director

The workgroup reviewed each section and each change recommended by the Board of Nursing, discussed each recommendation, and voted on each recommendation separately. Consensus was reached on all but a couple of recommendations. After further discussion about the recommendations for which consensus had not been reached, the workgroup agreed to support the decision of the majority.

As a result of the workgroup meeting, some changes to the wording of the bill draft were identified. A summary of the more significant changes follows:

Section 1:
Definition of Home Health Aide changed to:

> Home health aide means an individual who is registered on the nurse aide registry and who renders personal related service under the supervision of a registered professional nurse.

Recommended removing the language:

> The department may compile data regarding the reason given for an employer terminating an individual on the nurse aide registry.

Provider workgroup members indicated that most of the facilities would not voluntarily provide the department with information about why they had terminated an individual. In addition, the workgroup felt that this currently is being addressed to the extent possible, as the Department of Health compiles a listing of individuals who have had a validation of abuse, neglect or misappropriation of resident property and posts this information on the department's website, as well as e-mails it to providers.

New Section 2:
SECTION 2 AMENDMENT. Subsection 9 of Section 43-12.1-02 of the North Dakota Century Code is amended and reenacted as follows:

9. "Unlicensed assistive person" means an assistant to the nurse, <u>other than an individual who is registered on the nurse aide registry under section 1 of this Act,</u> who regardless of title is authorized by the board to perform nursing interventions delegated and supervised by a nurse."

Old Section 2:
This section related to the use of the title "nurse." This section was deleted as we were advised by Jennifer Clark of Legislative Council that it was not needed.

Other Changes:
Other recommended changes that were agreed upon related to some minimal changes in wording.

Upon completion of the workgroup discussion, Jennifer Clark from Legislative Council met with the workgroup and reviewed the changes. At the end of the meeting, Buzz Benson, president of the North Dakota Board of Nursing, indicated that the North Dakota Board of Nursing workgroup members would take changes back to the rest of the board members. He indicated that if the board had any further concerns, they would let Department of Health and other workgroup members know within a couple of weeks of the August 30 meeting.

On September 3, 2010, the meeting minutes and the second draft of the bill were e-mailed to all workgroup members for comments. During conversation with Buzz Benson and Dr. Kalanek on September 27, 2010, they indicated that the Board of Nursing is in agreement with the proposed changes. No further substantive comments have been received from the North Dakota Board of Nursing or other workgroup members to indicate that there are further concerns or issues to be addressed.

This completes my testimony. I am happy to answer any questions you may have.