

Testimony Title 96

North Dakota Board of Clinical Laboratory Practice
Legislative Management's Administrative Rules Committee

March 13, 2013; 4:20 p.m.

Good afternoon chairman and members of the Administrative Rules Committee. My name is Bruce Pritschet and I am an ex-officio member of the ND Board of Clinical Laboratory Practice and I am testifying on behalf of the Board of Clinical Laboratory Practice. The pages I will be addressing in your manual would be 224 through 228. **Chapter 96-02-10-01 Exempt Tests and Methods**

Following the guidelines provided by the committee I will address each item separately.

1. The rules did not result from statutory changes made by the Legislative Assembly.
2. The rules are not related to any federal statute or regulation.
3. The Board followed the rulemaking procedure as established in the Legislative Council's Administrative Rules Drafting Manual. One public hearing was held on December 4, 2012. Notice for the public hearing was posted in all ND newspapers through the ND Newspaper Association.
4. No written or oral comments were received regarding these rules.
5. The approximate cost of giving public notice and holding the hearing was \$1700.00.
6. The Board accepts requests from the public (usually from clinical labs) for additional lab tests they wish to have added to the list of those tests that can be performed by a person without a clinical lab board license. Each year by July 1st requests are received and reviewed by a subcommittee of the board. The subcommittee makes recommendations to the board to either add the test to the list or not to add the test to the list. The board considers the reasons and recommendations for all tests or test methods submitted. There is a set of criteria that must be met for the test or method to be considered.

As technology improves, lab testing kits, methods, and devices are manufactured with improvements as well. The improvements make the process simpler, more accurate and sensitive, and more foolproof for those conducting the tests creating a need for the board to continually update the list of simple tests for the good of the public.

Periodically the Board goes through the rule making process to add these simple tests to the list. On page 228 you will see the clinical lab tests or methods under 96-02-10-01 under (#9) underlined that we are planning to add this year.

7. A regulatory analysis was not required by NDCC Section 28-32-08.
8. A regulatory analysis or economic impact statement of impact on small entities was not required by NDCC Section 28-32-08.1.
9. These rules do not have a fiscal effect on state revenues and expenditures, including any effect on funds controlled by your agency.
10. A constitutional takings assessment was not prepared as required by NDCC Section 28-32-09.
11. These rules were not adopted as emergency rules under NDCC Section 28-32-03.

This concludes my testimony and I would be glad to answer any questions.