

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2025

2007 SENATE JUDICIARY

SB 2025

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2025

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 9, 2007

Recorder Job Number: 799

Committee Clerk Signature *Mona R. Selberg*

Minutes: Relating to provision of medication at a correctional facility relating to exemptions from the Nurse Practices Act.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of Bill:

Becky Keller, Fiscal Analyst for the Legislative Council (meter 0:36) Att. #1 – Introduced bill.

Terry Traynor – Asst. Director ND Assoc. of Co. (meter 2:50) Gave Testimony Att. #2

Sen. Nething, Chm. Wanted the Nurses Assoc. reaction to this bill – They were strongly oppose to taking the Nursing Assoc. so far off the Bill. Discussion of this (meter 4:45)

Sen. Nelson asked for a definition to “parenteral route”? I believe it is intravenously.

Pat Hienert – Deputy Sheriff, Burleigh Co. (meter 7:01) spoke in favor discussed current problem in the Co. Jail that this bill would improve.

Additional Testimony Submitted:

Glenn D. Ellingsberg, Chief Deputy – Att. #3

Testimony in Opposition of the Bill:

Testimony Neutral to the Bill:

John Val Emter (meter 15:04) sited his personal experience in the County Jail.

The committee requested the Board of Nurses opinion before taking action on the bill.

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2025**

Senate **Judiciary Committee**

Check here for Conference Committee

Hearing Date: January 17, 2007

Recorder Job Number: 1283

Committee Clerk Signature *Maria L. Solbey*

Minutes:

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Constance B. Klanek PhD., RN Executive Dir. ND Board of Nursing (meter :40) Gave testimony – Att. #1

Sen. Lyson discussed the Association of Counties Amendment.

Sen. Lyson made the motion to Do Pass SB 2025 and **Sen. Nelson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

Senator David Nething, Chairman closed the hearing.

FISCAL NOTE

Requested by Legislative Council

12/26/2006

Bill/Resolution No.: SB 2025

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

No Fiscal Impact

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No Fiscal Impact

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No Fiscal Impact

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No Fiscal Impact

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	01/02/2007

REPORT OF STANDING COMMITTEE (410)
January 17, 2007 2:47 p.m.

Module No: SR-11-0711
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2025: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the
Eleventh order on the calendar.

2007 HOUSE JUDICIARY

SB 2025

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2025

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 2/21/07

Recorder Job Number: 3534, 3544, 3548

Committee Clerk Signature

A. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2025.

Becky Keller, Fiscal Analyst for the Legislative Council staff: As staff member for the Interim budget committee on government services, I am to present SB 2025 relating to nurse licensure requirements for employees providing medication to inmates within a correctional facility. I'm neither for or against this bill. Section 1 of this bill creates a new section to NDCC chapter 12-44.1 relating to jails and regional correctional centers. The new section identifies the training requirements and verification procedures for correctional facility staff that are authorized to provide medication to inmates within a correctional facility. Section 2 of this bill amends section 43-12.1-04 relating to persons exempt from provisions of the chapter. This amendment provides an exemption from nurse licensure requirements for employees providing medication to inmates within a correctional facility. The fiscal note attached to this bill, was completed by DOCR and shows no fiscal impact to the department.

Chairman DeKrey: Thank you. Further testimony in support.

Dr. Connie Kalanek, ND Board of Nursing: (see attached testimony).

Rep. Onstad: The Senate bill only makes the exemption for the person supplying medication.

Dr. Connie Kalanek: Yes, it is for medication administration only.

Rep. Charging: For example, what do the nursing homes do, that created a tremendous cost, with a domino effect across the state, when this law went into effect that certain people couldn't dispense medicines. Is this the only exemption that would be allowed in the state.

Dr. Connie Kalanek: I'm not clear as to what you are speaking about. Currently, in the long term care facilities, medication administration or can be provided by medication assistants. The medication assistant II and they are on our registry at the Board of Nursing. They are required to be a CNA and after they become a CNA then they take the medication assistant II course which is a higher level than would be required for the Dept of Corrections and with that course, they are able to deliver medications in the long term care facilities. I'm not sure what you are speaking about, I'm not familiar with that issue.

Rep. Charging: You kind of answered it. My second question is, will this be the only exemption across the state for correctional officers.

Dr. Connie Kalanek: There are a number of exemptions in the Practice Act for a variety of things. The Dept of Human Services has an exemption for delivery of medication in various kinds of developmental disability homes. So there are other exemptions as well.

Chairman DeKrey: Thank you. Further testimony in support.

Terry Traynor, ND Association of Counties: (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to SB 2025.

Rep. Boehning: I move a Do Pass.

Rep. Wolf: Second.

13 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Boehning

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2025

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 2/26/07

Recorder Job Number: 3866

Committee Clerk Signature



Minutes:

Chairman DeKrey: We have to bring SB 2025 back to committee. We need to put an emergency clause on the bill.

Rep. Meyer: I move that we reconsider our actions on SB 2025.

Rep. Dahl: Second.

Chairman DeKrey: Voice vote. Motion carried.

Rep. Griffin: I move that we amend the bill to add the emergency clause to SB 2025.

Rep. Delmore: Second.

Chairman DeKrey: Voice vote. Motion carried. We now have the bill before us as amended.

What are the committee's wishes.

Rep. Meyer: I move a Do Pass as amended.

Rep. Griffin: Second.

10 YES 0 NO 4 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Boehning

Date: 2/21/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2025

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Boehning Seconded By Rep. Wolf

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Boehning

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

REPORT OF STANDING COMMITTEE

SB 2025: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2025 was placed on the
Fourteenth order on the calendar.

Date: 2/26/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2025

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Meyer Seconded By Rep. Griffin

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning			Rep. Meyer	✓	
Rep. Charging	✓		Rep. Onstad		
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman					
Rep. Kretschmar					

Total (Yes) 10 No 0

Absent 4

Floor Assignment Rep. Boehning

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

REPORT OF STANDING COMMITTEE

SB 2025: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 4, after "Act" insert "; and to declare an emergency"

Page 3, after line 11, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2007 TESTIMONY

SB 2025



AH #1
1-17-07

NORTH DAKOTA BOARD OF NURSING

919 S 7th St., Suite 504, Bismarck, ND 58504-5881

Telephone: (701) 328-9777 Fax: (701) 328-9785

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Senate Judiciary Committee

Constance B. Kalanek PhD., RN
Executive Director
North Dakota Board of Nursing

Chairman Nething and members of the Committee, thank you for the opportunity to provide information regarding the SB 2025 related to provision of medication at correctional facilities. The Board currently licenses approximately: RNs 9000; LPN 3500; APRN 700; UAPs 2300; Medication Assistants 1400.

Section 1. Amendment. The Board has worked with the Government Services Committee, the NDDC and nursing organizations to consider solutions and develop proposals to address this issue. North Dakota law, which requires that only nurses be permitted to deliver medication to inmates, has been in effect for years. But issues of cost, the ability to attract nurses to these positions, and liability all complicate full compliance. The Board has worked with the ND Department of Correction to develop a course for correctional facility staff to complete and the ND Department of Corrections & Rehabilitation Medication Assistant Program I was approved by North Dakota Board of Nursing, September 2004. Currently, correctional staff who deliver medication are registered with the Board of Nursing on the Unlicensed Assistive Person and Medication Assistant Registry. With this exemption, the registry would no longer be a requirement.

The Board supports the exemption for the correctional staff to provide medication with the provision that the requirement to complete the course stays in place and the correctional facilities provides notification of staff that have completed the medication training to the North Dakota Board of Nursing.

Section 2. Amendment

Legislative Council suggested the proposed revisions to the exemption section in 43-12.1-04 primarily for the purpose of consistency in use of the legal language. There are no substantive changes to the act.

In conclusion these proposed revisions to the Nurse Practices Act include the following:

- **Exempts correctional facility from the provisions of the Nurse Practices Act.**

- **Requires training approved by the North Dakota Board of Nursing for Medication Administration.**
- **Correctional facility shall provide the Board of Nursing verification of medication training of the correctional staff.**
- **Rules may be promulgated by the ND Department of Corrections to address medication administration to inmates.**

Thank you for the opportunity to provide information on SB 2025. I am now open to questions.

AH #1

1-9-07

Mr. Chairman, members of the committee:

For the record, I am Becky Keller, Fiscal Analyst for the Legislative Council. I was staff member for the Budget Committee on Government Services during the 05-06 interim and am here to present Senate Bill 2025 relating to nurse licensure requirements for employees providing medication to inmates within a correctional facility. I am neither for nor against this bill.

Section 1 of this bill creates a new section to NDCC chapter 12-44.1 - jails and regional correctional centers. The new section identifies the training requirements and verification procedure for correctional facility staff who are authorized to provide medication to inmates of a correctional facility.

Section 2 of this bill amends Section 43-12.1-04 - persons exempt from provisions of chapter. The amendment provides an exemption from nurse licensure requirements for employees providing medication to inmates within a correctional facility.

2029
\$360,525 GS
in Gov budget

AH #2

1-9-07

**Testimony To The
SENATE JUDICIARY COMMITTEE
Prepared January 9, 2007 by the
North Dakota Association of Counties
Terry Traynor – Assistant Director**

REGARDING SENATE BILL 2025

Thank you Chairman Nething and members of the Committee for the opportunity to address Senate Bill 2025, regarding the dispensing of medications to jail inmates.

During the past interim, a meeting of administrators from nine Class 1 jails was held to discuss a variety of common issues, however this issue, generated the greatest consensus.

Changes to the Nurse Practices Act several sessions ago, were interpreted by the Attorney General to include medication administration within county jails. While much effort has gone into responding to this interpretation of current law, jail administrators maintain that it is extremely difficult and costly to meet the requirements of the Nurse Practices Act in a jail setting. Also, liability concerns for nurses working in jails have made staffing much more difficult.

Senate Bill 2025 is a very positive, but not perfect, solution from the county perspective. While it establishes a clear training requirement and places that requirement with the agency that provides oversight for all other jail rules, it still requires Nursing Board approval of DOCR training. Certainly input, recommendations, and review by the Nursing Board should be involved, but counties believe that DOCR should actually establish the standards – as they do for all other jail standards and guidelines.

We believe that with this change, the bill will still provide an effective balance between inmate protection and cost-effective jail administration.

As was pointed out to the Interim Committee, child care facilities, adult foster care, and facilities for the developmentally disabled are exempted from the Nurse Practices Act. Exempting jail facilities appears appropriate.

Our Association stands ready to assist in drafting amendments to accomplish the requested changes and urges a Do Pass recommendation for SB2025. Thank you.

Att # 3

Submitted Testimony

Senate Judiciary Committee

Senator Dave Nething, Chairman

January 9, 2007

SB2025 A Bill relating to medication delivery at correctional facilities.

Chairman Nething and Committee Members, I am Glenn Ellingsberg and the current Jail Administrator for the Cass County Jail.

I would like to thank you for taking my testimony this morning which is in favor of the intent of this bill but not necessarily in the current language. Since this issue surfaced after the last legislative session, there has been much discussion on the need to change current statute requiring correctional staff to comply with the Nurse Practices Act.

In reviewing the current bill, I would ask the Judiciary Committee to reconsider the need for **Section 1** as that could easily be administered through the Department of Corrections and Rehabilitation statutory authority to enact Facility Rules. I would also ask that in doing so, you delete reference to **section 1** on **Page 2, line 22**. None of us know what may occur over the years and to have this so firmly set in statute may prevent the ability to adjust to changing conditions or times. The Department of Corrections and Rehabilitation already have a number of rules concerning the delivery of health care within correctional facilities. Why should this one issue be stripped from that process.

The Nurse Practices Act already exempts staff working within centers for developmentally disabled, group homes, adult foster care facilities and human service centers. Staff working within a jail or correctional facility should have similar exempt status. I have worked or been associated with a jail facility for over 33 years and I cannot remember a time when an inmate was harmed or injured by the medical delivery system within our jail.

I urge you to reject section one and provide a clear exemption for medication delivery by correctional staff.

Thank you.

Glenn D. Ellingsberg
Chief Deputy



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House Judiciary Committee

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Executive Director
North Dakota Board of Nursing**

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- **Correctional facility shall provide the Board of Nursing verification of medication training of the correctional staff.**
- **Rules may be promulgated by the ND Department of Corrections to address medication administration to inmates.**

Thank you for the opportunity to provide information on SB 2025. I am now open to questions.

**Testimony To The
HOUSE JUDICIARY COMMITTEE
Prepared February 21, 2007 by the
North Dakota Association of Counties
Terry Traynor – Assistant Director**

REGARDING SENATE BILL 2025

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During the past interim, a meeting of administrators from nine Class 1 jails was held to discuss a variety of common issues, however this issue, generated the greatest consensus.

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Senate Bill 2025 is a very positive solution from the county perspective. It establishes a clear training requirement and places that requirement with the agency that provides oversight for all other jail rules – DOCR.

As was pointed out to the Interim Committee, child care facilities, adult foster care, and facilities for the developmentally disabled are exempted from the Nurse Practices Act. Exempting jail facilities appears appropriate.

Our Association urges a Do Pass recommendation for SB2025. Thank you.