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SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2359

2007 SENATE HUMAN SERVICES

SB 2359

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2359

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-05-07

Recorder Job Number: 2775, 2845

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Senator J. Lee opened the hearing on SB 2359 relating to maternity homes.

Senator Harvey Tallackson (District 16) introduced SB 2359 because of a problem that occurred last year in the maternity home in Warsaw, ND. There was a situation where a pregnant woman was in the process of getting a divorce and the maternity home couldn't take her because it was for unmarried mothers. This bill is to broaden the scope of people that can be served.

Senator J. Lee asked how St. Gianna's home is funded.

Sen. Tallackson thought it was voluntary.

Chris Dodson (ND Catholic Conference) said it makes sense because it allows them to serve based on need and not be restricted. He added that most of the funding for St. Gianna's is from private sources, but they also do receive funding through the alternatives to abortion program.

Senator J. Lee asked if there is any Medicaid funding. She wanted to know if there was a funding issue that would be an unintended consequence.

Mr. Dodson didn't know.

Senator J. Lee asked why it was introduced in the first place for unmarried mothers.

Mr. Dodson said the answer might be found by simply looking at the code and seeing when the initial statute was enacted.

Senator Heckaman asked if the sisters there do the monitoring of who is accepted.

Mr. Dodson said it is not run by a religious order. It's not an organization within the diocese. It's a catholic mission.

Senator Heckaman asked how many beds they have.

Mr. Dodson didn't know but said he could get the information.

Senator Heckaman asked who oversees this.

Senator Tallackson answered that there is a board of directors who donate their time.

There was no opposing testimony.

Julie Hoffman (Adoptions Administrator, DHS) said the department was neutral on SB 2359 and she was there to try to answer questions.

Senator J. Lee asked her to give some background and maybe some detail to answer previous questions.

Ms. Hoffman said it was her understanding that the original law was probably cast in the 30's so it is very old language they have struggled with for a number of years. St. Gianna's has been licensed for a couple of years and they have a governing board that directs the activities of the home. They have paid staff that live on site and provide the services to the mothers who are there, as well as, children if the mothers have already born children with them. It is completely privately funded. As far as she understands, there are no Medicaid funds that go directly to the home other than the alternative to abortion and those MA funds that the private individuals access for their healthcare. There are two licensed maternity homes in ND: Fargo and Warsaw. Neither of them provides health care on their premises. It's a residence that provides social services including case management, transportation to and from doctor

appointments, appointments with the health department, etc. Occasionally, they will provide child care to the children who are living there with the mother. They coordinate educational services for women who are seeking their high school diplomas or further education. They coordinate medical appointments and provide transportation to delivery.

Senator J. Lee asked if she knew how many people they serve.

Ms. Hoffman replied St. Gianna's is licensed for 19 beds.

Senator Heckaman asked how many beds Fargo is licensed for.

Ms. Hoffman said 15 beds.

Senator Warner asked if the home in Minot was still open.

Ms. Hoffman said it is open. However, they are not licensed under this section. There is a section in the law that says if they are a government entity they don't have to be licensed under this section. They are covered under the human service center licensure.

Senator J. Lee asked if she was aware of any concerns from any other facilities about opening this up. Does it create any problems?

Ms. Hoffman said not at all. This has been an area the department has struggled with for a number of years. Many of the women who seek this service have a variety of marital status', from never married or separated or divorced or living with someone.

(Meter 11:00) There was discussion on who was considered a mother and if there was a need to clarify the language. Ms. Hoffman said the department would assist with amendments.

The hearing on SB 2359 was closed.

Job #2845

Senator J. Lee reconvened the committee for discussion on changes to SB 2359 as prepared by Julie Hoffman, DHS. (Attachment #1)

Senator J. Lee asked about child placing agency in Section 11. He asked for confirmation that the two private homes do not place children.

Ms. Hoffman said they do not. They would refer a mother staying at a maternity home to a licensed child placement agency.

(Meter 3:30) Ms. Hoffman addressed the issue brought up by Senator Dever earlier about clarification that a maternity home was eligible to take a pregnant woman who didn't already have a child.

Senator Erbele referred again to Section 11 and asked about better wording instead of "disposed of child".

(Meter 6:20) Discussion followed on terminology for placing a child for adoption in section 11.

Senator Warner asked Ms. Hoffman to speak to issues of married couples placing their child for adoption.

Ms. Hoffman gave examples (Meter 9:55).

Senator Warner asked if the husband is not the biological father is there a court process for him to go through to disclaim that child – get out from any obligations.

Ms. Hoffman said there is.

(Meter 12:00) Discussion followed on placing a child for adoption, parental rights, and minor mothers. A parent or guardian has to place a child. These facilities are not foster care facilities.

Senator J. Lee said the only change needed other than what Ms. Hoffman brought was a change about "disposing of that child".

Discussion on SB 2359 was closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2359

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-06-07

Recorder Job Number: 2919

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Senator J. Lee brought the committee back to order for discussion on SB 2359 and to consider amendments that were consolidated by the DHS. (Attachment #2)

Senator Erbele moved to accept the amendments on SB 2359.

Motion was seconded by Senator Dever.

Roll call vote 6-0-0. Motion carried.

Senator Erbele moved a Do Pass as amended on SB 2359.

Motion was seconded by Senator Dever.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Erbele.

Date: 2-6-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2359

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken amendments (final version)

Motion Made By Sen. Erbele Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 2-6-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2359

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 70868.0101 Title .0200

Action Taken DP as amended.

Motion Made By Sen. Erbele Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Erbele.

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

REPORT OF STANDING COMMITTEE

SB 2359: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 1, after the fourth comma insert "50-19-04,"

Page 1, line 2, remove "50-19-08, 50-19-09,"

Page 1, line 3, after "homes" insert "; and to repeal sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at maternity homes"

Page 1, line 10, overstrike "hospital," and overstrike the second comma

Page 1, line 12, remove "married or" and overstrike "unmarried" and insert immediately thereafter "pregnant or recently delivered"

Page 1, line 14, overstrike the first comma and insert immediately thereafter "or", overstrike ", or treatment", overstrike ", or delivery,", and overstrike "sixty" and insert immediately thereafter "one hundred twenty"

Page 1, line 15, overstrike "hospital," and overstrike the second comma

Page 1, line 21, overstrike "annually" and after "license" insert "at least once every two years"

Page 2, line 11, overstrike "born therein and the health, morality,"

Page 2, line 12, overstrike "well-being" and overstrike "treated therein" and insert immediately thereafter "who receive services"

Page 2, after line 19, insert:

"SECTION 5. AMENDMENT. Section 50-19-04 of the North Dakota Century Code is amended and reenacted as follows:

50-19-04. Inspection and report by state department of health and state fire marshal. The department shall give notice to the state department of health and state fire marshal of all applications each application for a license to operate a maternity home ~~for unmarried mothers~~. Upon receipt of ~~such~~ the notice, the state department of health and the fire marshal shall inspect the facilities and premises of the applicant to determine ~~sanitary conditions and the adequacy of medical and and the fire marshal nursing services~~ compliance with health and fire safety standards and shall report ~~its~~ their findings to the department."

Page 2, line 31, overstrike "persons cared for" and insert immediately thereafter "any individual who receives services"

Page 3, line 10, overstrike "the patients therein" and insert immediately thereafter "any individual who receives services from the maternity home"

Page 3, remove lines 11 through 21

Page 3, line 25, after "health" insert ", the state fire marshal,"

Page 4, line 3, overstrike "**dispose of Infants**" and insert immediately thereafter "place a child for adoption"

Page 4, line 5, overstrike "dispose of any" and insert immediately thereafter "place a"

Page 4, line 6, overstrike "dispose of" and insert immediately thereafter "place" and after "children" insert "for adoption"

Page 4, line 31, overstrike ", the physician, or other responsible person in"

Page 5, line 1, overstrike "attendance at birth" and after the second comma insert "the state fire marshal and the fire marshal's designees."

Page 5, line 3, overstrike "maternity patients" and insert immediately thereafter "mothers" and overstrike "cared for" and insert immediately thereafter "who receive services"

Page 5, after line 4, insert:

"SECTION 14. REPEAL. Sections 50-19-08 and 50-19-09 of the North Dakota Century Code are repealed."

Renumber accordingly

2007 HOUSE HUMAN SERVICES

SB 2359

2007 HOUSE STANDING COMMITTEE MINUTES

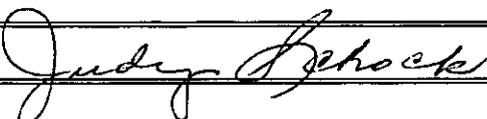
Bill/Resolution No. SB 2359

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 4018 & 4019

Committee Clerk Signature	
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Minutes:

Chairman Price: We will open the hearing on SB 2359.

Senator Harvey Tallackson, District 16 Grafton: See attached testimony.

Julie Hoffman, Administrator of Adoption Services for the ND Department of Human

Services: See attached testimony.

Representative Potter: We have extended the time period from 2 months to 4 months after delivery. What do you mean by until needs met, and is this before and after the birth?

Ms Hoffman: the original statute received more than one unmarried woman during the period of 6 months for shelter care or treatment. That has been interpreted in some cases to mean the resident can only reside in a maternity facility for 6 months. They felt that was limiting and in certain situations depending on the needs of the resident they may need further time. It would be an agreed time among the resident and the facility. They can be there before and after the birth. They can also come to the facility after the birth if they feel the need for services. I interpret it to be 120 days after the birth. Currently we have only two licensed facilities in the state. Each facility can keep from 10-19. We usually have only about 5-6 mother's at any given time.

Christopher Dodsens, with the ND Catholic Conference : We would just like to be on record saying we support this bill.

Chairman Price: Anyone else in favor? Anyone who is opposed? If not we will close the hearing on SB 2359

Chairman Price: Committee, are you ready to take action on SB 2359?

Representative Potter I move a do pass, seconded by **Representative Conrad.** If no discussion the clerk will call the role. The vote is 12 yeas, 0 nays, and 0 absent.

Representative Damschen will carry the bill to the floor.

Date: 7/27
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SB 2359 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Rep. Potter Seconded By Rep. Conrad

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Kari L Conrad	✓	
Vonnie Pietsch - Vice Chairman	✓		Lee Kaldor	✓	
Chuck Damschen	✓		Louise Potter	✓	
Patrick R. Hatlestad	✓		Jasper Schneider	✓	
Curt Hofstad	✓				
Todd Porter	✓				
Gerry Uglem	✓				
Robin Weisz	✓				

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Damschen

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

REPORT OF STANDING COMMITTEE (410)
February 27, 2007 4:00 p.m.

Module No: HR-37-4057
Carrier: Damschen
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2359, as engrossed: Human Services Committee (Rep. Price, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2359 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2359

Testimony
SB 2359 – Department of Human Services
Senate Human Services Committee
February 5, 2007

Chairman Lee and members of the Senate Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the ND Department of Human Services. Thank you for the opportunity to collaborate in providing amendments to SB 2359. The following will explain the changes offered by the Department. I have discussed these changes with the Chairman and Director of St. Gianna's, the Director of the Perry Center, the Department of Health and the State Fire Marshall. These changes will allow the statute to more accurately reflect the current business practice of the facilities.

Firstly, we have removed any references to the Maternity Homes providing medical treatment, nursing service or delivery/birthing services. Many years ago, Maternity Homes did have physicians and nurses on staff and deliver babies. Currently, the Maternity Homes facilitate their residents obtaining their health care services through local physicians, clinics and hospitals. They do not wish to provide medical services or be considered a provider of medical services.

Secondly, we have added reference to the state fire marshals office (or their designee) in Section 5, consistent with our practice to have each Maternity Home undergo a fire safety inspection during each licensure period.

Lastly, we have allowed for a possible two-year license, consistent with our statutory licensure periods for child placing agencies.

I would be happy to answer any questions you might have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2359

Page 1, line 1, after "50-19-03.1" insert ", 50-19-04"

Page 1, line 2, remove ", 50-19-08, 50-19-09"

Page 1, line 3, after "homes" insert "; and to repeal sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at maternity homes"

Page 1, line 10, overstrike "hospital," and overstrike the second comma

Page 1, line 12, remove "married or", overstrike "unmarried", and insert immediately thereafter "pregnant or recently delivered"

Page 1, line 14, overstrike the first comma and insert immediately thereafter "or", overstrike ", or treatment", overstrike ", or delivery", and overstrike "sixty" and insert immediately thereafter "one hundred twenty"

Page 1, line 15, overstrike "hospital," and overstrike the second comma

Page 1, line 21, overstrike "annually" and after "license" insert "at least once every two years"

Page 2, line 11, overstrike "born therein and the health, morality,"

Page 2, line 12, overstrike "well-being", overstrike "treated therein" and insert immediately thereafter "who receive services"

Page 2, after line 19, insert:

"SECTION 5. AMENDMENT. Section 50-19-04 of the North Dakota Century Code is amended and reenacted as follows:

50-19-04. Inspection and report by state department of health and state fire marshal. The department shall give notice to the state department of health and state fire marshal of all applications for license to operate a maternity home ~~for unmarried mothers~~. Upon receipt of ~~such the~~ notice, the state department of health and the state fire marshal, or their designees, shall inspect the facilities and premises of the applicant to determine ~~sanitary conditions and the adequacy of medical and nursing services compliance with health and fire safety standards~~ and shall report its ~~their~~ findings to the department."

Page 2, line 31, overstrike "cared for" and insert immediately thereafter "who receive services"

Page 3, line 10, overstrike "patients therein" and insert immediately thereafter "persons who receive services from the maternity home"

Page 3, remove lines 11 through 21

Page 3, line 25, after "health" insert ", the state fire marshal,"

Page 4, line 31, overstrike ", the physician, or other responsible person in"

Page 5, line 1, overstrike "attendance at birth" and after the second comma insert "the state fire marshal and the state fire marshal's designees,"

Page 5, line 3, overstrike "maternity patients" and insert immediately thereafter "mothers", and overstrike "cared for" and insert immediately thereafter "who receive services"

Page 5, after line 4 insert:

"SECTION 14. REPEAL. Sections 50-19-08 and 50-19-09 of the North Dakota Century Code are repealed."

Renumber accordingly

PROPOSED AMENDMENTS TO SB 2359
FINAL VERSION

Page 1, line 1, after "50-19-03.1" insert "50-19-04"

Page 1, line 2, remove ", 50-19-08, 50-19-09"

Page 1, line 3, after "homes" insert "; and to repeal sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at maternity homes"

Page 1, line 10, overstrike "hospital," and overstrike the second comma

Page 1, line 12, remove "married or", overstrike "unmarried", and insert immediately thereafter "pregnant or recently delivered"

Page 1, line 14, overstrike the first comma and insert immediately thereafter "or", overstrike ", or treatment", overstrike ", or delivery,", and overstrike "sixty" and insert immediately thereafter "one hundred twenty"

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Page 2, line 31, overstrike "cared for" and insert immediately thereafter "who receive services"

Page 3, line 10, overstrike "patients therein" and insert immediately thereafter "persons who receive services from the maternity home"

Page 3, remove lines 11 through 21

Page 3, line 25, after "health" insert ", the state fire marshal,"

Page 4, line 3, overstrike "dispose of infants" and insert immediately thereafter "place a child for adoption"

Page 4, line 5, overstrike "dispose of any" and insert immediately thereafter "place a"

Page 4, line 6, overstrike "dispose of children for adoption" and insert immediately thereafter "place children for adoption"

Page 4, line 31, overstrike ", the physician, or other responsible person in"

Page 5, line 1, overstrike "attendance at birth" and after the second comma insert "the state fire marshal and the state fire marshal's designees,"

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Page 5, after line 4 insert:

"SECTION 14. REPEAL. Sections 50-19-08 and 50-19-09 of the North Dakota Century Code are repealed."

Renumber accordingly

Members of the Human Services Committee
SB 2359
By Senator Harvey Tallackson

Senate Bill 2359 is about the operation of a maternity home. Presently there is a maternity home operating in my district at Warsaw, ND. It is located in buildings that used to house catholic nuns.

The home is called "Blessed Gianna Home" and is operated by a volunteer board of directors.

They have a modest but satisfactory staff.

This home takes in mothers and their child after the birth, not in the maternity home but in other medical facilities.

This is a real service to young mothers in the community or area.

Last year a problem arose when a married woman, who was in the process of divorce attempted to enter the maternity home. State law said only single mothers could be admitted to the home. These amendments take care of that.

Section 2: Requires a license every two years provided by the state.

Section 5: Provides for an inspection by the Health Department and the Fire Marshal.

Section 6: Provides for contents of the license.

Section 7: Requires reports to the Human Service Department.

Section 8: Provides for inspection of the home.

Section 10: Prohibits advertising to place a child up for adoption.

Section 11: Provides for revocation of a license for the maternity home under certain conditions.

Section 12: Provides for a hearing if license is revoked.

Section 13: Provides for cooperation between the Health Department and the Fire Marshal to provide a service for improving and safeguarding the health and well being of the mother and child.

Section 14: Provides for repeal of Section 50-19-08 and 50-19-09 of the Century Code.

Thank you and please vote GREEN.

Testimony
SB 2359 – Department of Human Services
House Human Services Committee
February 27, 2007

Chairman Price and members of the House Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the ND Department of Human Services. Thank you for the opportunity to provide testimony for SB 2359. The Department supports a do pass on SB 2359.

SB 2359 was introduced originally at the request of St. Gianna's Maternity Home in Warsaw, ND. Initially the bill proposed changes to language throughout the statute that referred to 'unmarried' mothers. Removing references to 'unmarried' mothers would more accurately reflect the population requesting services at maternity facilities today. These pregnant women may be separated from their husbands, or in difficult marital situations that may involve domestic violence or substance abuse.

At the Senate hearing, the Department provided information to the committee and was asked to draft suggested changes for the bill. The following will explain the changes offered by the Department. These changes have been reviewed with the Chairman and Director of St. Gianna's, the Director of the Perry Center, the Department of Health and the State Fire Marshal. The current version of the bill will allow NDCC 50-19 to more accurately reflect the current business practice of the facilities.

We have removed any references to Maternity Homes providing medical treatment, nursing service or delivery/birthing services. Many years ago, Maternity Homes did have physicians and nurses on staff to deliver babies. Currently, Maternity Homes facilitate residents obtaining health

care services through local physicians, clinics and hospitals. They do not wish to provide medical services or be considered a provider of medical services.

We have extended the time period that a recently delivered mother can seek services at a Maternity Home from two to four months after delivery. This section also allows any resident to reside at the facility for the period of time necessary to meet her needs, as determined by the facility and the mother.

We have added reference to the State Fire Marshal's office (or their designee) in Section 5, consistent with our practice to have each Maternity Home undergo a fire safety inspection during each licensure period.

We have allowed for a possible two-year license (section 2), consistent with our statutory licensure periods for child placing agencies.

The Senate Human Services Committee recommended changes to specific language relating to placing children for adoption in section 10, which are incorporated into the engrossed bill before you.

Initially the Department was neutral in its position on this bill, however, with recommended changes incorporated into the current bill, the Department supports a do pass on SB 2359. I would be happy to answer any questions you might have.