

**2013 SENATE HUMAN SERVICES**

**SB 2184**

# 2013 SENATE STANDING COMMITTEE MINUTES

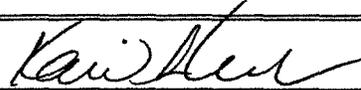
Senate Human Services Committee  
Red River Room, State Capitol

SB 2184  
1/22/13

Recording Job Number: 17515

Conference Committee

Committee Clerk Signature:



## Explanation or reason for introduction of bill/resolution:

Relating to chiropractors practicing in hospitals.

## Minutes:

You may make reference to "attached testimony."

**Chairman Lee** opens hearing on SB 2184.

**Dr. Carol J. Winkler**, president of the North Dakota Board of Chiropractic Examiners, testifies against SB 2184. See attached testimony #1.

**(0:05:17) Senator Anderson** asks if credentialing is part of the Practice Act and suggests removing 43-06-17.

**Dr. Winkler** states that credentialing is not part of the Practice Act and hasn't even thought about removing this language. Her point is that the credentialing process is working well and that most people understand that it's a necessary requirement. She doesn't really agree with removing the language and that won't solve what appears to be the sponsors problem.

**Chairman Lee** expresses that the Hospital Association and Medical Association should be present at the hearing to comment because there needs to be some background information. Chairman Lee understands what the problem is but wants to hear from members of each of these since they are invested in this.

**Chairman Lee** gives Dr. Winkler the opportunity to visit with her board about alternative language.

No further questions from the committee for Dr. Winkler.

**Bruce Murry**, on behalf of the North Dakota Chiropractor Association, opposes the bill for the same reason as Dr. Winkler just indicated and states that they would be happy to work with any of the boards on any amendments.

No questions from the committee for Mr. Murry.

**Edward Erickson** is a lawyer from the Attorney General's office assigned to work with the Board of Chiropractic Examiners. They are not taking a position either way on these issues; however he can answer any technical questions.

**(0:12:40) Chairman Lee** asks Mr. Erickson if he happens to know what the parameters are for a physician.

**Mr. Erickson** explains that there is nothing in the Practice Act or the Administrative Rule guarding physicians that addresses credentialing one way or the other. He does suspect that in the case of physicians, and also under current law with the chiropractors, that if a chiropractor or physician were to attempt to use false information to gain access to the hospital they would have a disciplinary issue. There is an absence of law on this topic.

**(0:13:19) Chairman Lee** asks if there is anything comparable for physicians to what is currently in statute about chiropractors being permitted to practice in hospitals.

**Mr. Erickson** - No, there is a complete silence in both the physician's practice act and the administrative rules adopted by the board of medical examiners.

**Chairman Lee** follows by asking if he would include discussing whether or not the language is even necessary anymore.

**Mr. Erickson** states that this is a policy issue that he thinks they will be discussing at the committee's direction. One concern that he has as a lawyer is that it will place the credentialing process in the middle of a disciplinary action.

**(0:15:00) Senator Anderson** refers to line 8 of the bill and expresses that if it's the intent to say that the patient can have the chiropractor right away then it needs to be left in, but if it's not the intent then that chiropractor needs to be credentialed before a patient asks for them.

**Chairman Lee** follows by bringing up the fact that the bill doesn't refer to a chiropractor licensed in North Dakota and wonders if a chiropractor licensed in another state and who is in North Dakota would be permitted.

**Mr. Erickson** - No, that person is not licensed to practice physically in North Dakota.

No further questions from the committee for Mr. Erickson.

**Megan Smithoon** (unsure of spelling because she did not sign in) representing BCBSND introduces Dr. Ken Fischer who wants to make a comment as a physician and not a licensed lobbyist.

**Dr. Fischer** proceeds to clarify that the bill is broader than the language might suggest. Basic hospital standards, such as the joint commission, require a credentialing process and he further explains that process.

**Senator Anderson** explains one of the goals of the health information network exchange in regards to credentials.

No further questions from the committee for Dr. Fischer.

**Senator Dever** asks if chiropractors are ever denied credentials due to their practice not being recognized in certain facilities.

**Dr. Winkler** steps back up to answer and comments on Senator Anderson's reference to the language in the bill. She expresses that they are willing to negotiate the language and collaborate to make it contemporary.

**Chairman Lee** states that the committee will not be acting on this bill right away and asks for all the parties involved to try and work together on alternative language so that a common goal is ultimately reached.

No further questions from the committee and no further testimony.

**Chairman Lee** closes hearing on SB 2184.

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee  
Red River Room, State Capitol

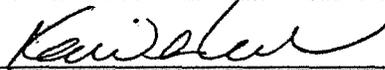
SB 2184

1/23/13

Recording Job Number: 17859

Conference Committee

Committee Clerk Signature:



## Explanation or reason for introduction of bill/resolution:

Relating to chiropractors practicing in hospitals.

## Minutes:

You may make reference to "attached testimony."

**Bruce Murray**, North Dakota Chiropractic Association, states that they have language that they have agreed upon and is going to run it by the Medical Association. This language puts chiropractors on the same footing as other healthcare professionals and will work on getting the new language to the committee tomorrow.

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee  
Red River Room, State Capitol

SB 2184  
1/29/13

Recording Job Number: 17938

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to chiropractors practicing in hospitals.

## Minutes:

You may make reference to "attached testimony."

Committee discussion on SB 2184:

**Bruce Murry**, North Dakota Chiropractic Association, presents the amendment to the committee (see attachment #2).

No questions on the amendment from the committee.

**Senator Anderson** moves to adopt the amendment.

**Senator Larsen** seconds.

**John Vastag** from HPC/Sanford steps up to comment on the language and offers his support for the amendment.

No further questions or committee discussion.

Roll call vote: 5-0-0, motion passes to adopt amendment.

**Senator Anderson** moves Do Pass as Amended.

**Senator Larsen** seconds.

Roll call vote: 5-0-0, Do Pass as Amended.

**Senator Larsen** is the carrier.

13.0627.01001  
Title.02000

Adopted by the Human Services Committee

January 29, 2013

VR  
1/30/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2184

Page 1, line 8, after "practice" insert "under the same standards as other health practitioners"

Page 1, line 9, remove "Under this"

Page 1, remove lines 10 and 11

Renumber accordingly

Date: 1/29/13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2184

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0627.01001

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Sen. Anderson Seconded By Sen. Larsen

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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



**REPORT OF STANDING COMMITTEE**

**SB 2184: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Sixth order on the calendar.

Page 1, line 8, after "practice" insert "under the same standards as other health practitioners"

Page 1, line 9, remove "Under this"

Page 1, remove lines 10 and 11

Renumber accordingly

**2013 HOUSE INDUSTRY, BUSINESS, AND LABOR**

**SB 2184**

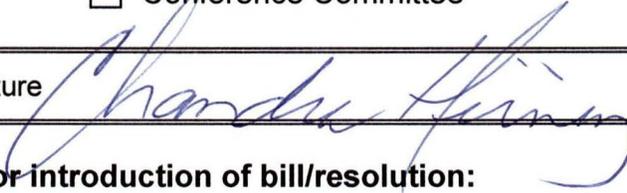
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee  
Peace Garden Room, State Capitol

SB 2184  
March 6, 2013  
Job 19531

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 43-06-17 of the North Dakota Century Code, relating to chiropractors practicing in hospitals.

## Minutes:

Attachments 1, 2

Hearing opened.

**Doctor Carol Winker, immediate past president of the North Dakota Board of Chiropractic Examiners:** Refer to written testimony, attachment 1.

2:02 **Representative N. Johnson:** So it is saying that if a chiropractor chooses to come in to hospital, it needs to be requested by the patient or the guardian, and they have to have privileges at the hospital?

2:14 **Dr. Winkler:** They have to credential. This bill is a bit of a compromise. Originally in the Senate, it requested that the credentialing come under our practice act. The law already provides for the request. It is that we have to be in the same standard as anyone else practicing in that setting.

## Support:

**Bruce Murry, appearing on behalf of the Chiropractic Association:** Speaking in support and to mirror the comments of the chiropractic board.

**Distribution of written testimony** from Jerry E. Jurena, president of the North Dakota Hospital Association, Attachment 2.

## Opposition:

## Neutral:

Hearing closed.

House Industry, Business and Labor Committee

SB 2184

March 6, 2013

Page 2

**Motion** for a **do pass** made by Representative Boschee and **seconded** by Representative Beadle.

4:04 **Chairman Keiser:** Spoke of the importance of credentialing of those practicing.

**Roll call vote on motion for a Do Pass recommendation. Motion carries.**

**Yes = 15**

**No = 0**

**Absent = 0**

**Carrier:** Representative N. Johnson

Date: 3-6-13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2184**

**House Industry, Business, and Labor Committee**

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider  Consent Calendar

Motion Made By Boschee Seconded By Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman George Keiser	✓		Rep. Bill Amerman	✓	
Vice Chairman Gary Sukut	✓		Rep. Joshua Boschee	✓	
Rep. Thomas Beadle	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker	✓		Rep. Marvin Nelson	✓	
Rep. Robert Frantsvog	✓				
Rep. Nancy Johnson	✓				
Rep. Jim Kasper	✓				
Rep. Curtiss Kreun	✓				
Rep. Scott Louser	✓				
Rep. Dan Ruby	✓				
Rep. Don Vigesaa	✓				

Total Yes 15 No 0

Absent -

Floor Assignment N. Johnson

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

**REPORT OF STANDING COMMITTEE**

**SB 2184, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2184 was placed on the Fourteenth order on the calendar.**

**2013 TESTIMONY**

**SB 2184**

Testimony on SB 2184  
Dr. Carol J. Winkler  
North Dakota Board of Chiropractic Examiners  
January 22, 2013

Good Morning Madam Chairman and members of the Senate Human Services Committee.

My name is Dr. Carol J. Winkler and I am president of the North Dakota Board of Chiropractic Examiners. I practice full time here in Bismarck.

I am here today to testify against SB 2184. This bill requires, in law, a chiropractor to credential and meet privilege requirements to practice in a hospital setting in our state.

It seems counterintuitive that I would be opposed to this bill since the nature of our board is public protection. I am not opposed to credentialing; in fact it is a necessary form of checks and balances much like licensure. I am credentialed with Sanford's hospital in Bismarck. I am also credentialed with various other entities such as Blue Cross Blue Shield, Medicare, Medica and the like.

I am opposed to the credentialing process for hospital privileges becoming a part of the Board of Chiropractic Examiners statute for enforcement by the Board through a disciplinary action. This bill has come about because of a case that we had before our board last spring. One of our licensees was caring for a pregnant mother, and the mother invited the doctor to the hospital after the birth to evaluate the baby. The doctor complied without giving thought to the credentialing process that was required by the hospital. This was a fairly new practitioner who did not do her homework when it came proper procedure. Our board has dealt with this case and strictly instructed this doctor in the error of her ways. She was disciplined on a related topic, was compliant, apologetic and eager to correct her mistake. No one was harmed in this incident. The hospital was understandably upset.

This is the first and only case of this sort that our board has ever had before it. Yet, there are a number of chiropractors practicing in hospital settings throughout the state. The processes already in place to safeguard the hospital and our citizens are working well.

It is my understanding that there is no comparable provision requiring credentialing as a part of the physicians practice act. Credentialing is, and should be, a legal agreement between the credentialing entity and the provider. It should not be up to the Board of Chiropractic Examiners, who regulates the practice of chiropractic, to regulate the credentialing process for the hospitals throughout the state. Nor, in my opinion, should we make a law based on one disciplinary incident that was swiftly dealt with in which no citizen was harmed, or even upset.

I would suggest instead that the North Dakota Hospital Association and the North Dakota Chiropractic Association get together and dialog about this topic. I know that the American Chiropractic Association has material available to assist chiropractors with credentialing. Some of this information was used in creating the Med Center One chiropractic credentialing process that I was a part of years ago. Education would likely go a long way in preventing something like this from happening again.

My point is simply that the credentialing requirements for hospitals do not belong in the chiropractic statute. Credentialing is a necessary, contemporary method to assure various entities that the providers they are hiring are competent and unencumbered with problematic background issues. It is an agreement between the provider and the entity. The physician's statute does not have this requirement as a part of their statute and it should not be a part of the chiropractic statute.

I respectfully request a do not pass on SB2184.

Thank you very much for your time and attention on this matter.

Attachment #2  
Bruce Murry

A Proposal to Amend S.B. 2184, Relating to Chiropractors Practicing in Hospitals  
by the State Board of Chiropractic Examiners  
January 28, 2013

The bill as introduced establishes the formal credentialing process as the means by which a hospital may allow a chiropractor to practice in that hospital. By adopting this single means for approval to practice, the bill as introduced appears to prevent a hospital from allowing a chiropractor to practice by any other, less formal, processes. Many hospitals in smaller communities presently allow chiropractors to practice without a formal credentialing process.

The Board proposes that the bill be amended to state:

**43-06-17. Right of chiropractor to practice in public and private hospitals and institutions.**

A licensed chiropractor may practice under the same standards as other health practitioners in any public or private hospital or other institution in this state, when requested so to do by any patient or the guardian of any patient.

The Board suggests this revised language so that existing informal practices in smaller hospitals may continue, but those hospitals which prefer a formal credentialing process may use that process as well.

Under this new language, a chiropractor found to have practiced in a hospital contrary to that hospital's standards will be subject to the Board's existing regulatory authority found at N.D.C.C. § 43-06-15(1)(e) and N.D.A.C. § 17-03-01-01(11). A chiropractor who is found to be practicing in a hospital in violation of that hospital's standards may have his or her license revoked, suspended, or placed on probation, and the chiropractor may be required to refund amounts paid for services or required to pay a civil penalty.

The amendments are as follows, in proper format:

PROPOSED AMENDMENTS TO SENATE BILL NO. 2184

Page 1, line 8, after "practice" insert "under the same standards as other health practitioners"

Page 1, line 9, remove "Under this"

Page 1, remove lines 10 and 11

Re-number accordingly

① 3-6-2013  
SB 2184

Good Afternoon Mr. Chairman and members of the committee.

My name is Dr. Carol Winkler, and I am immediate past president of the North Dakota Board of Chiropractic Examiners. I practice full time here in Bismarck.

I am here today to testify in favor of SB2184. This bill is an addition to part of our practice act 43-06-17. Chiropractors have long been allowed under this section of the Century Code to practice in a hospital setting. This bill requires that a chiropractor must meet the same standards of practice as other health care professionals in our state practicing in the same setting.

This bill came about because of a case that we had before our board last spring. One of our licensees was caring for a pregnant mother, and the mother invited the doctor to the hospital after the birth to evaluate the baby. The doctor complied without giving thought to any credentialing process that may be required by the hospital. Our board dealt with this case swiftly, and instructed the doctor in the error of her ways. She was disciplined on a related topic, was compliant, apologetic and eager to correct her mistake. No one was harmed in this incident. The hospital was understandably upset.

The hospital group desires to protect their liability, and our board certainly understands and agrees with this position. Anyone practicing in a hospital setting must comply with the mechanism the hospital has in place to assure that providers are competent, and unencumbered with problematic background issues.

Our board and John Vastag of Health Policy Consortium created the language of this bill. Mr. Vastag represents the hospital involved.

I respectfully request a do pass on SB 2184.

Thank you for your time and attention in this matter. I am happy to entertain any questions.



North Dakota Hospital Association

2 3-6-2013  
SB 2184

**Vision**

*The North Dakota Hospital Association will take an active leadership role in major Healthcare issues.*

**Mission**

*The North Dakota Hospital Association exists to advance the health status of persons served by the membership.*

**Testimony: SB 2184  
Chiropractors Practicing in Hospitals  
House Industry, Business and Labor Committee  
March 6, 2013**

Chairman Keiser and Members of the House IB&L Committee: I am Jerry Jurena, President of the North Dakota Hospital Association. I am here today to speak on SB 2184; Chiropractors practicing in Hospitals.

I agree with the current language in SB 2184. I believe any practitioner practicing in a hospital should be credentialed and have requested privileges in accordance with that hospital's By-Laws prior to providing services of any kind.

I ask that you support SB 2184.

Respectfully Submitted,

Jerry E. Jurena, President  
North Dakota Hospital Association