

**2023 HOUSE HUMAN SERVICES**

**HB 1411**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1411  
1/25/2023

Relating to public employees retirement system health benefits coverage of prosthetic devices; to provide for application; and to declare an emergency.
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Chairman Weisz called the meeting to order at 2:43 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Brandon Prichard, Karen M. Rohr, Jayme Davis present. Rep. Gretchen Dobervich virtually present. and Rep. Todd Porter not present.

### **Discussion Topics:**

- Prosthetic limbs
- Current insurance carriers
- Cost of prosthetic limbs
- Current insurance policy
- Costs of implementation

Speaker of the House Dennis Johnson introduced HB 1411 with supportive testimony (#16425).

Jason Hunter, North Dakota citizen, spoke in favor of bill.

Paul Edmund, prosthetist and North Dakota citizen, spoke in favor of bill.

Scott Miller, Executive Director for the Public Employee Retirement System, neutral testimony (#16481).

### **Additional written testimony:**

Amber Hunter, North Dakota citizen, supportive testimony (#15061)

Chairman Weisz closed the hearing on HB 1411 at 3:05 PM.

Vice Chairman Ruby moved a do pass on HB 1411 and referral to the Appropriations committee.

Seconded by Rep. Anderson.

Roll Call Vote:

<b>Representatives</b>	<b>Vote</b>
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	AB
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 13-0-1.

Carried by Rep. Frelich.

Chairman Weisz adjourned the meeting at 3:08 PM.

*Phillip Jacobs, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1411: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1411 was rereferred to the **Appropriations Committee**.

**2023 HOUSE APPROPRIATIONS**

**HB 1411**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1411  
2/2/2023

Relating to public employees' retirement system health benefits coverage of prosthetic devices
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**11:00 AM Chairman Vigesaa-** Called the meeting to order and the roll was taken:

**Members present;** Chairman Vigesaa, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative J. Stemen and Representative Swiontek.

**Members not Present:** Representative Kempenich,

**Discussion Topics:**

- Prosthetics in PERS
- Change to Employee Benefit Contract

**Representative Weisz-** Introduces HB 1411

**Rebecca Fricke, ND PERS- Chief Benefits Officer of ND PERS-** Answers committee questions

**Representative D. Johnson-** Offers his support for HB 1141

**Chairman Vigesaa** Closed the meeting for HB 1411 at 11:18 AM

*Risa Berube, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1411  
2/8/2023

Relating to public employees retirement system health benefits coverage of prosthetic devices
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**4:18 PM Chairman Vigesaa-** Called the meeting to order and the roll was taken:

**Members present;** Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative G. Stemen and Representative Swiontek.

**Members not Present:** Representative Strinden and Representative Monson

### Discussion Topics:

- Possible Amendment Language
- Money from the reserves

**Chairman Vigesaa-** Explains the purpose of the bill.

**Representative Kempenich** Move to amend by taking the benefits from the reserves of PERS

**Representative Pyle** Second the motion

### Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	A
Representative Mike Nathe	Y

Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	A
Representative Steve Swiontek	Y

**Motion Carries 21-0-2**

**Representative Kempenich-** Move for a Do Pass as Amended

**Representative Mitskog** Seconds the motion.

Roll Call Vote

<b>Representatives</b>	<b>Vote</b>
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	A
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	A
Representative Steve Swiontek	Y

**Motion Carries 21-0-2 Representative Kempenich will carry the bill.**

**Chairman Vigesaa** Closed the meeting for HB 1411 4:25 PM

*Risa Berube, Committee Clerk*



df  
2-9-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1411

Page 1, line 2, after "devices" insert "; to provide a statement of legislative intent"

Page 1, after line 11, insert:

**"SECTION 2. LEGISLATIVE INTENT.** It is the intent of the sixty-eighth legislative assembly that any increase in premiums under the public employees retirement system contract or plan for health benefits resulting from this Act be paid from the health insurance reserve fund."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1411: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1411 was placed on the Sixth order on the calendar.

Page 1, line 2, after "devices" insert "; to provide a statement of legislative intent"

Page 1, after line 11, insert:

**"SECTION 2. LEGISLATIVE INTENT.** It is the intent of the sixty-eighth legislative assembly that any increase in premiums under the public employees retirement system contract or plan for health benefits resulting from this Act be paid from the health insurance reserve fund."

Renumber accordingly

**2023 SENATE HUMAN SERVICES**

**HB 1411**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

HB 1411  
3/1/2023

Relating to public employees retirement system health benefits coverage of prosthetic devices; to provide a statement of legislative intent; to provide for application; and to declare an emergency.
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2:01 PM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Hogan** are present. **Senator Weston** was absent.

**Discussion Topics:**

- Prosthetics
- Prosthetics size

2:02 PM **Representative Weisz** verbally introduced HB1411 in favor.

2:07 PM **Scott Miller, Executive Director, North Dakota Public Employees Retirement System** testified neutrally. #21360

2:16 PM **Mary Ann Sens, Coroner of Grand Forks County, Professor and Chair of Pathology, University of North Dakota School of Medicine and Health Sciences,** verbally testified in favor.

2:19 PM **Madam Chair Lee** closed the hearing and will reopen it on 3/7/2023.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

HB 1411  
3/7/2023

Relating to public employees retirement system health benefits coverage of prosthetic devices; to provide a statement of legislative intent; to provide for application; and to declare an emergency.
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2:21 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Hogan, Weston** were present.

**Discussion Topics:**

- Access to prosthetic devices
- Committee action

Hearing on March 1 was held open until today, March 7. Hearing on SB 1411 continued.

2:22 PM **Scott Miller, Executive Director, Public Employment Retirement System,** provided information. #22732

**Senator Lee** closed the hearing.

**Senator Lee** calls for discussion

**Senator Hogan** moves **DO PASS.**

**Senator Cleary** seconded the motion.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 6-0-0.

**Senator Weston** will carry HB 1411

2:39 PM **Madam Chair Lee** closed the meeting.

*Patricia Lahr, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1411, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1411 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**2023 SENATE APPROPRIATIONS**

**HB 1411**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations – Human Resources Division Rough Rider Room, State Capitol

HB 1411  
3/17/2023

A bill for an act relating to public employees retirement system health benefits coverage of prosthetic devices; to provide a statement of legislative intent; to provide for application; and to declare an emergency
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8:42 AM Chairman Dever called the meeting to order.  
Senators Dever, Davison, Burckhard, Mathern, and Kreun were present.

### **Discussion Topics:**

- Health insurance compensation
- Health insurance reserve fund
- Budget

8:45 AM Chairman Dever closed the meeting.

*Carol Thompson for Susan Huntington, Committee Clerk*



**TESTIMONY**

**HB 1411**

**My husband has been an amputee since May of 2010 due to a motorcycle accident, he was struck by a 94 year old driver. We have certainly gone through our battles, from the accident, to the long hospital stay, the decision to amputate and the long road to recovery and learning how to walk again. My husband works hard and long hours at times for the NDDOT, this amputation has never slowed him down, even on his bad days and being confined to a wheelchair he keeps pushing. Being an amputee and wearing a prosthetic comes with its shares of ups and downs, we never had issues getting approval for prosthetic devices for his leg the first 10 years, it wasn't until Sanford took over from BCBS that we discovered that according to the policy it's 1 limb a lifetime. If your not familiar with what it's like to live in the life of an amputee, do all amputees a favor and start researching the struggles they go through and you will understand how 1 limb a lifetime is unethical. Saying that once you're 18 you don't get anymore limbs is asinine, does one's body not change after they are 18? My husband has needed a new fitting for a prosthetic for at least 6 months. He has a sore on his limb from the poor fitting he has now due to change in shape and size of limb that he has to wear a special medical pad over it in order to prevent more damage, these pads are \$50 per box at our local medical store and we go through 3 per month just to get him buy and able to continue walking. Without prosthetic device I'm not sure my husband would be able to keep the job he has, his job doesn't allow wheelchairs in the middle of highways building roads. He is a government worker and worries daily how long he can keep going, due to not knowing how much longer he can continue wearing this prosthetic device because it no longer fits properly. We have 3 children 12, 8 and 5, they have watched him struggle and become depressed when wheelchair bound. They see him no differently with or without a leg, but Jason sees him self as less without his prosthetic, this gives him the freedom to**

**walk, and play in the backyard with his kids and be the dad he wants to be. I am begging you to please look at your loved ones, or picture yourself losing a limb and being told you don't get anymore coverage, your stuck in a wheelchair unless you have a benefit asking people for financial help to purchase a limb. Please take the time to put yourself in all amputees shoes. Especially those covered under Sanford NDPERS. Jason is not the only patient who is an amputee under this coverage struggling with the same issues. There are a lot more, a lot that don't even know I've been fighting for this change since 2021. I pray to see change for everyone. They deserve the same comfort that we are blessed to have everyday having our limbs.**

Thank you for taking the time to hear my testimony.



# North Dakota House of Representatives

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## Representative Dennis Johnson

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## Speaker of the House

### HB 1411

January 25, 2023

### Human Services Committee

Over twenty years ago, Jason Hunter had a motorcycle accident and lost his leg from just above the knee down. He was —and still is — employed by the NDDOT. Because of that, he had the luxury of NDPERS medical insurance, which covered medical expenses as well as ongoing expenses related to Jason's need for adjustments and new attachment fittings occasionally over the past twenty plus years.

Things went smoothly from an insurance standpoint for most of those years — especially when coverage was handled by the Blues (BC/BS of ND).

A short while back, a new carrier "got the bid" and they helped the Hunter's out initially, but after Jason had to have more than one attachment point replaced (because they do wear out), they decided to read the small print of the policy with a new interpretation: " If you are over the age of 19, you get only one new prosthetic per lifetime." That basic wording is in there, but the previous carrier — BC/BS did not consider the attachment point as the prosthetic device — only the leg itself fell into that category, attachment points have wear and tear, depending on the individual, and need replacing or adjusting occasionally — anyone can understand that.

Sanford, our new and current carrier said "no, it is all one thing and all inclusive."

Sanford did make one exception in the spring of 2021 because a legislator was informing the PERS board of what was happening and they said, ok, but only one more time.

In ND, we may not have the highest wages for state employees, but we always brag about our benefit package.....how great our retirement plans are and how wonderful our PERS Medical insurance is. We say that we hold our people in high esteem and rave about how we treat our people that work for us in ND.

But, some folks are forced to hold public fund raisers to pay for a new attachment point for their prosthetic limb because the current attachment point is wearing out.

The current insurance carrier says it will be too expensive because there are so many prosthetic devices out there. Well, here's a flash, we are not talking about every prosthetic device out there — this bill applies only to prosthetic limbs. Not teeth, eyes, hearing aids, or other devices. Limbs only.

NDPERS has been aware of this proposed legislation for over a year now, as it was initially prepared by Legislative Council many months ago and presented to NDPERS executive director with notice of the intended legislation coming to you this session if the PERS board did not address changes sooner. They may say they need to study this issue, but believe me, they have had their chance to do all the studying they need from an actuarial standpoint.

In the end, all we need to do is stand behind our word and treat our North Dakota employees who work for all of us as good as we say we do.

## **TESTIMONY OF SCOTT MILLER**

### **House Bill 1411 – Prosthetic Device Coverage**

Good Afternoon, my name is Scott Miller. I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I am here to testify in a neutral position regarding House Bill 1411.

HB 1411 would expand the PERS health plan coverage regarding prosthetic appliances and limbs, to include repair or replacement if medically appropriate. This change would align the PERS health plan with other fully-insured and self-insured plans. Since it expands coverage, we anticipate it will result in an increase in total claims. Our consultant estimates it will increase total claims costs by between 0.3% and 0.4%, which will be reflected in increased premiums.

## **TESTIMONY OF SCOTT MILLER**

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HB 1411 would expand the PERS health plan coverage regarding prosthetic appliances and limbs, to include repair or replacement if medically appropriate. This change would align the PERS health plan with other fully-insured and self-insured plans. Since it expands coverage, we anticipate it will result in an increase in total claims. Our consultant estimates it will increase total claims costs by between 0.3% and 0.4%, which will be reflected in increased premiums. The House amended the bill to require that any increase in premium be paid out of our health insurance reserve fund, which currently has a balance of approximately \$52.3 million.

Changes requested:

1. Add language relating to community health representatives:
  - a. Definition,
  - b. Certification;
2. Amend list of members of the community health worker task force;
3. Incorporate sections of 1029 which would allow implementation;
4. Amend appropriation.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**Section 1.** A new chapter to title 43 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

As used in this chapter:

1. “Community health representative” means an individual certified through the Indian Health Service to provide community-based and medically guided health care, which may include traditional Native concepts.
2. “Community health worker” means an individual certified under this chapter to provide preventative health services to a community.
3. “Department” means the department of health and human services.

**Title.**

An individual may not use the title of either “community health representative” or “community health worker” unless that person is certified as such in accordance with this chapter.

**Scope of Practice – Community Health Worker.**

A community health worker provides preventative health services to prevent disease, disability, or other health condition or their progression for an individual with a chronic condition or at risk for a chronic condition who is unable to self-



manage the chronic condition or for an individual with a documented barrier that affects the individual's health. This section does not authorize a community health representative or community health worker to practice within the scope of practice of another regulated profession, such as nursing, medicine, dentistry, pharmacy, or psychology.

**Certification.**

1. The department shall establish a method of reviewing Indian Health Service certification for an applicant seeking certification as a community health representative.
2. The department shall establish certification standards for an applicant seeking certification as a community health worker.
3. In implementing this section, the department may:
  - a. Adopt rules;
  - b. Charge a fee for certification or recertification;
  - c. Contract with a third party; and
  - d. Require an applicant to meet education and experience requirements.

**SECTION 2. COMMUNITY HEALTH WORKER TASK FORCE – REPORT TO LEGISLATIVE MANAGEMENT.**

1. During the 2023-24 interim, the department of health and human services shall establish and provide staffing and administrative services to a community health worker task force.
2. The community health worker task force shall consist of:
  - a. One member representing the Medical Services division of the department, appointed by \_\_\_\_\_;
  - b. One member representing the Public Health Division of the department, appointed by \_\_\_\_\_;
  - c. One member representing local public health units, appointed by \_\_\_\_\_;
  - d. One member representing community health workers, appointed by \_\_\_\_\_;

- e. One member representing community health representatives, appointed by \_\_\_\_\_;
  - f. One member representing hospitals in this state, appointed by a statewide association representing hospitals;
  - g. One member representing federally qualified health care centers, appointed by a statewide association representing federally qualified health care centers;
  - h. One member representing emergency medical services, appointed by a statewide association representing emergency medical services.
3. During the 2023-24 interim, the community health worker task force, in collaboration with the department of health and human services, shall:
- a. Develop a data-driven poan for community health worker scope of work, education and training, certification and regulation, medical assistance, reimbursement, and a North Dakota community health worker collaborative;
  - b. Develop a plan for a North Dakota community health worker collaborative;
  - c. Provide to the department of health and human services a proposal for a Medicaid state plan amendment or waiver to include community health workers and community health representatives;
  - d. Provide the department of health and human services proposed administrative rules for the community health worker scope of work, education and training, certification and regulation, medical assistance reimbursement, and a North Dakota community health worker collaborative; and
  - e. Collaborate with existing clinical, public health, home, and community-based service systems.

**SECTION 3. DEPARTMENT OF HEALTH AND HUMAN SERVICES –  
COMMUNITY HEALTH WORKERS – MEDICAID STATE PLAN**

**AMENDMENT.** During the 2023-25 biennium, the department of health and human services shall seek a Medicaid state plan amendment to authorize the reimbursement of

certified community health workers and community health representatives. Upon amendment of the Medicaid state plan, the executive director of the department of health and human services shall certify this fact to the legislative council.

**SECTION #. APPROPRIATION – DEPARTMENT OF HEALTH AND HUMAN SERVICES – COMMUNITY HEALTH WORKER TASK FORCE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of contracting with a third party to assist the community health worker task force with data collection, meeting facilitation, and report development for the biennium beginning July 1, 2023, and ending June 30, 2025.