

1999 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2285


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2285

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/25/99

Tape Number	Side A	Side B	Meter #
2	X		0-3557
Committee Clerk Signature 			

Minutes:

Senator Mutch called the meeting to order, roll call was taken, all were present.

Senator Mutch opened the hearing on SB 2285.

Senator Kilzer introduced SB 2285. Testimony enclosed.

Mark Haugen spoke in support of SB 2285. Testimony enclosed.

Senator Mutch: Is that the way the law is now?

Mark Haugen: There currently are no laws.

Senator Heitkamp: Is this bill going to help or hurt small communities?

Mark Haugen: It's not going to change anything.

Senator Heitkamp: So you have the support of the small response teams?

Mark Haugen: Yes.

Senator Mutch: Do you feel there is any problem personal wise?

Mark Haugen: This won't make recruitment any more difficult. People joining a rescue team want to be well qualified.

Senator Krebsbach: What is the reason for the inclusion of air ambulance?

Mark Haugen: I would like to see some quality in air ambulance service.

Senator Mutch: You wouldn't be qualified to do so would you?

Mark Haugen: I would like to defer that question. The only thing we could control is the qualifications of the medical providers of medical equipment.

Senator Krebsbach: How does this regulate out of state air ambulance providers.

Mr. Webber: Have ND authority unless transferring out of state.

Senator Krebsbach: Explain the 3 certification levels.

Mr. Webber: I can't answer that for you.

Senator Klein: Are we putting something in here that is unnecessary?

Mr. Webber: In some area I think maybe there is.

Senator Sand: What harm would happen if we didn't pass the bill?

Mark Haugen: 95% of rescue squads submit a license voluntarily. They want to have that connection with the health department.

Arl Thomas, President of the ND Health Care Association, spoke in support of SB 2285.

Recommended an amendment. Went through what amendment would be. Proposed to eliminate Air Ambulances.

Senator Krebsbach: Is there any problem with in your organization of making the licensing mandatory instead of voluntary?

Arl Thomas: Conceptually no.

Senator Heitkamp: Why would the hospitals be against making sure the other folks do their jobs right?

Arl Thomas: We're not.

Senator Krebsbach: Who would most be affected by that type of regulation?

Arl Thomas: I really don't know.

Pat Kramer spoke in opposition of SB 2285. Concern on section 1 page 1.

Senator Sand: Patient was at jeopardy because of regulations?

Pat Kramer: Yes

Senator Heitkamp: What would happen if we dropped the air ambulance issue?

Mark Haugen: It would not have a problem.

Senator Mutch closed the hearing on SB 2285.

Committee discussion took place on January 27, 1999.

Senator Thompson motioned for a do pass on the amendments that were offered by the ND Health Care Association. Senator Krebsbach seconded his motion. The motion carried with a 7-0-0 vote.

Senator Krebsbach motioned for a do not pass as amended recommendation on the bill. Senator Sand seconded her motion. The motion was unsuccessful with a 3-4-0 vote.

More discussion took place on February 2, 1999.

Senator Krebsbach motion for a do not pass as amended recommendation on SB 2285. Senator Klein seconded her motion. The motion carried with a 6-1-0 vote.

Senator Mutch will carry the bill.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: _____ Amendment to: SB 2285

Requested by Legislative Council Date of Request: 2-10-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

The licensure provision of this bill will result in the licensure of approximately 72 quick response units and 118 rescue services. The statute establishes the maximum license fee per service at \$25 per license per year. The annual license fees for 190 services at \$25 per license would be \$4,750.

The statute would require compliance by quick response units and rescue services for standards established by administrative rule which has not yet been developed. We believe, however, that the administrative rules establishing the standard would be set at a level at which most quick response units and rescue services are currently in compliance and that few additional expenditures would need to be made for additional equipment.

The amendment to this bill removes the air ambulance licensure provision of the bill. We are aware of only four air ambulance services in the state (although there may be others) and would estimate there would be little or no impact on the fiscal note.

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	9,500	-0-	9,500	-0-	9,500	-0-
Expenditures:	< 5,000	-0-	< 5,000	-0-	< 5,000	-0-

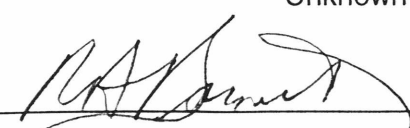
- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1997-99 biennium: -0-
- For the 1999-2001 biennium: < \$5,000
- For the 2001-03 biennium: < \$5,000

- County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
Unknown			Unknown			Unknown		

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Robert A. Barnett

Department State Department of Health

Phone Number 328-2392

Date Prepared: 2-11-99

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2285 Amendment to: _____

Requested by Legislative Council Date of Request: 1-19-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

The licensure provision of this bill will result in the licensure of approximately 72 quick response units and 118 rescue services. The statute establishes the maximum license fee per service at \$25 per license per year. The annual license fees for 190 services at \$25 per license would be \$4,750.

The statute would require compliance by quick response units and rescue services for standards established by administrative rule which has not yet been developed. We believe, however, that the administrative rules establishing the standard would be set at a level at which most quick response units and rescue services are currently in compliance and that few additional expenditures would need to be made for additional equipment.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	9,500	-0-	9,500	-0-	9,500	-0-
Expenditures:	< 5,000	-0-	< 5,000	-0-	< 5,000	-0-

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: -0-
- b. For the 1999-2001 biennium: < \$5,000
- c. For the 2001-03 biennium: < \$5,000

4. **County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
Unknown			Unknown			Unknown		

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Robert A. Barnett

Department State Department of Health

Phone Number 328-2392

Date Prepared: 1-22-99

Offered by the North Dakota Healthcare Association
January 25, 1999

PROPOSED AMENDMENTS TO SENATE BILL NO. 2285

Page 2, line 4, remove "air ambulance"

Page 2, line 5, remove "services."

Page 2, line 6, remove "or aircraft"

Renumber accordingly

Date: 1/27/99
Roll Call Vote #: 285

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken TO AMEND By ND HEALTH CARE ASSOCIATION

Motion Made By THOMPSON Seconded By KREBSBACH

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 1/27/99
 Roll Call Vote #: 2885

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS AS AMENDED

Motion Made By KREBSBACH Seconded By SAND

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein		X			
Senator Krebsbach	X				
Senator Heitkamp		X			
Senator Mathern		X			
Senator Thompson		X			

Total (Yes) 3 No 4

Absent 0

Floor Assignment _____

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

Date: 2/2/98
 Roll Call Vote #: 288

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS AS AMENDED

Motion Made By KREBSBACH Seconded By KLEIN

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern	X				
Senator Thompson	X	X			

Total (Yes) 6 No 1

Absent 0

Floor Assignment MUTCH

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

REPORT OF STANDING COMMITTEE

SB 2285: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar.

Page 2, line 4, remove "air ambulance"

Page 2, line 5, remove "services."

Page 2, line 6, remove "or aircraft"

Renumber accordingly

1999 TESTIMONY

SB 2285



North Dakota EMS Association



TESTIMONY IN SUPPORT OF SB 2285

Monday, January 25, 1999

By: Derek Hanson, President
ND EMS Association

The North Dakota EMS Association represents more than eight thousand EMS providers in the state. As you know, it becomes necessary to make changes with current Century Code from time to time as the industry changes.

SB 2285 is mostly made up of house keeping changes that stemmed from a meeting held about a year ago. The research is referred to as the "EMS Five Year Plan". The changes presented in this bill were a direct result of recommendations this committee made. Who was represented on this committee you ask? EMS, Fire Services, Law Enforcement, Hospitals, Physicians, Nurses, Air Ambulance Industry, State Radio, Ground Ambulance services, Quick Response Units, and Rescue Squads. Copies of this study can be supplied to anyone who requests it.

Section 1 of the bill takes the word ambulance out and replaces it with Emergency Medical language instead. This would now imply that all medical response agencies would need to be licensed by the Division of Emergency Health Services. Currently, the only EMS agency that must license are the ground ambulance services. So now Quick Response Units, Air Ambulances and Rescue Squads would also submit application for licensure. Clearly most of these services would already meet the minimum licensure standards as discussed. The intention here is not to close rural EMS systems that already exist, but rather to require consistency and standardization. We all deserve good quality care whether it be provided by an ambulance, in an airplane or by a rescue crew. I can assure you that quality care does not always exist with the present system. Amendment 2 just refers to the definition of such services that I just discussed. This amendment goes hand in hand with section 1 amendments.

Amendments 3 and 4 are house keeping language to go along with the prior proposed amendments thus far. Keep in mind that practically all services that currently exist and call themselves a rescue squad or air ambulance would meet the minimum standards for licensure. A few providers would need to look at the services they offer and make a few adjustments. In section 5 and 6 the language of Prehospital is stricken and replaced with the modern version which is referred to as Emergency Medical Services (EMS).

Then sections 7 and 8 refer to the language of licensure rather than certified. Presently we are certified through the Division of Emergency Health Services and then registered with the Board of Medical Examiners (BOME) Office to practice under a physician. We would like to remain with these two agencies but simply change the language of Registered to Licensed with the BOME.

When you look at the definitions of licensure versus certification I have provided for you, EMS providers should be using the language of licensure. We are aware of several other bills in this session that ask for the same type of change as we are asking for here. Licensure DOES NOT refer to a more professional or degree status as clearly pointed out in the index I have provided you from the NDCC. In there you will see that Auctioneers, Cosmetologists and even frog hunters are licensed in this state.

Should you have any further questions don't hesitate to contact me anytime. I would like to thank you for your time and consideration.

CERTIFICATION VS LICENSURE

Certification - A process in which an individual, an institution, or an educational program is evaluated and recognized as meeting certain predetermined standards. Certification is to assure that the standards met are those necessary for safe and ethical practice of the profession or service.

Peter Pons, MD, FACEP, Debra Cason, RN, MS, EMT-P, *Paramedic Field Care: A Complaint-Based Approach* (The American College of Emergency Physicians, 1997), p. 17.

Licensure - The process by which permission is granted by a competent authority (usually a government agency) to an individual to engage in a specific profession or occupation that would otherwise be illegal.

Peter Pons, MD, FACEP, Debra Cason, RN, MS, EMT-P, *Paramedic Field Care: A Complaint-Based Approach* (The American College of Emergency Physicians, 1997), p. 17.

Certification - The formal assertion in writing of some fact. The act of certifying or state of being certified. Formal designation by NLRB that a labor organization represents a majority of employees in a particular bargaining unit.

Black's Law Dictionary, Sixth Edition, p. 227

License - A permit, granted by an appropriate governmental body, generally for a consideration, to a person, firm or corporation to pursue some occupation or to carry on some business subject to regulation under the police power. A license is not a contract between the state and the licensee, but is a mere personal permit. *Rosenblatt v. California State Board of Pharmacy*, 68 Cal.App.2d 69, 158 P.2d 199, 203. Neither is it property or a property right. *American States Water Service Co. of California v. Johnson*, 31 Cal.App.2d 606, 88 P.2d 770, 774.

Black's Law Dictionary, Sixth Edition, p. 920

SAMPLE

NORTH DAKOTA CENTURY CODE

Replacement Volume 9A

CHAPTER 43-38

ELECTROLOGISTS AND ELECTRONIC HAIR REMOVAL
TECHNICIANS

Section

43-38-01. Definitions.

43-38-02. Electrologist and electronic hair
removal technician licensure
— Duties of state health coun-
cil.

Section

43-38-03. Rulemaking authority of state
health council.

43-38-04. Penalty.

43-38-01. Definitions. In this chapter unless the context or subject matter otherwise requires:

1. "Electrologist" means a qualified and licensed person proficient in the removal of hair by means of the electric needle.
2. "Electrolysis" means the removal of superfluous hair by use of the electric needle or electronic process.
3. "Electronic hair removal technician" means a qualified and licensed person proficient in the removal of hair by means of an electronic process other than the electric needle.
4. "State health council" means the state health council as defined in chapter 23-01.

Source: S.L. 1979, ch. 476, § 1.

43-38-02. Electrologist and electronic hair removal technician licensure — Duties of state health council. The state health council shall issue an electrologist's or electronic hair removal technician's license. The annual license must be determined annually by the council but may not exceed fifty dollars for new licenses and not exceed twenty-five dollars for relicensure.

Source: S.L. 1979, ch. 476, § 2.

NORTH DAKOTA CENTURY CODE

Replacement Volume 14 1997 General Index

- LICENSES.**
Abstracters, §§43-01-09 to 43-01-17.
Accountants, §§43-02.2-04 to 43-02.2-11.
Addiction counselors, §§43-45-05.1 to 43-45-07.
Addiction hospitals, §§23-17.1-01 to 23-17.1-07.
Aircraft dealers, §§2-08-01 to 2-08-11.
Alcoholic beverages.
See ALCOHOLIC BEVERAGES.
Ambulance services, §§23-27-01 to 23-27-05.
Amusement concessions, §53-04.1-03.
Amusement games and devices, §§53-04-01 to 53-04-08.
Anhydrous ammonia facilities, §§19-20.2-02 to 19-20.2-04.
Revocation or suspension, §19-20.2-07.
Architects, §§43-03-09 to 43-03-20.
Athletic trainers, §§43-39-04 to 43-39-11.
Attorneys at law.
Annual license to practice law and serve on certain courts, §§27-11-22, 27-11-24.
Auctioneers and clerks of auction sales, §§51-05.1-01 to 51-05.1-07.
Audiologists, §§43-37-03, 43-37-04, 43-37-09, 43-37-13.
Bail bondsmen, §§26.1-26.6-02 to 26.1-26.6-05.
Bait wholesalers and retailers, §20.1-06-14.
Banks.
Agents for deposits, §§6-10-01 to 6-10-08.
Barbers, §§43-04-30 to 43-04-42.
Apprentice barbers, §§43-04-22, 43-04-23.
Basic care facilities, §§23-09.3-04 to 23-09.3-07.
Bathrooms.
Cleaning, pumping and servicing privies, chemical toilets, etc., §§23-19-01 to 23-19-10.
Bed and breakfast facilities, §§23-09.1-02.2 to 23-09.1-05.
Beckkeepers, §§4-12.2-04 to 4-12.2-06.
Beverage sales, §§19-08-04, 19-08-05.
Blind persons.
Vending machine operators, §50-06.1-13.
Boats.
Hired watercraft, §20.1-13-04.
Buying or shipping green furs, §§20.1-03-22, 20.1-03-23.
- LICENSES —Cont'd**
Campgrounds, §§23-10-03 to 23-10-06, 23-10-12.
Captive wildlife license, §36-01-08.1.
Cemetery organizations.
Perpetual care cemetery, §§23-21.1-02.1, 23-21.1-02.2.
Certified public accountants, §§43-02.2-04 to 43-02.2-11.
Cesspool pumping, etc., §§23-19-01 to 23-19-10.
Charitable solicitations, §§50-22-02, 50-22-03.
Name registration, §50-22-02.2.
Checks.
Sale of checks, §§51-17-04 to 51-17-10, 51-17-15, 51-17-16.
Child-placing agencies, §§50-12-02 to 50-12-04, 50-12-10 to 50-12-13.
Child support.
Suspension of motor vehicle operator's license, §14-08.1-07.
Suspension of occupational, professional or recreational licenses, §14-08.1-06.
Chiropractic hospitals, §§23-17-01 to 23-17-11.
Chiropractors, §§43-06-08 to 43-06-15.
Clinical laboratory personnel, §§43-48-02, 43-48-06 to 43-48-15.
Collection agencies, §§13-05-01 to 13-05-10.
Commercial drivers' licenses, §§39-06.2-01 to 39-06.2-17.
See COMMERCIAL DRIVERS' LICENSES.
Commercial driver training, §§39-25-01 to 39-25-08.
Concealed weapons, §§62.1-04-03 to 62.1-04-05.
Reciprocity, §62.1-04-03.1.
Contractors, §§43-07-02 to 43-07-19.
Conviction of crime not bar to state licensure, §12.1-33-02.1.
Abstracters, §43-01-10.1.
Barbers, §43-04-31.1.
Chiropractors, §43-06-09.1.
Dentists, §43-28-11.1.
Electricians, §43-09-09.1.
Funeral service practitioners, §43-10-11.1.
Hearing aid dealers, §43-33-02.1.
Massage therapists, §43-25-07.
Nursing home administrators, §43-34-03.1.
Pharmacists, §43-15-18.1.
Podiatrists, §43-05-11.1.
Soil classifiers, §43-36-10.1.
Water well contractors and pump installers, §43-35-11.1.
Cosmetologists, §§43-11-21 to 43-11-34.
Salons, §43-11-17.
Schools of cosmetology, §§43-11-16, 43-11-17.
Counselors, §§43-47-04 to 43-47-08.
Crematoriums, §43-10-25.
Dairy farmers, §§4-18.1-08, 4-18.1-09.
Darkhouses for spearfishing, §20.1-06-08.
Dental hygienists, §§43-20-02 to 43-20-08.
Dentists, §§43-28-10 to 43-28-16.
Disciplinary actions, §§43-28-17 to 43-28-22.
Duplicate license, §43-28-24.
Developmentally disabled person treatment or care centers, §§25-16-02 to 25-16-09.
Dietitians, §§43-44-06 to 43-44-15.
Drivers' licenses.
Commercial drivers' licenses, §§39-06.2-01 to 39-06.2-17.
See COMMERCIAL DRIVERS' LICENSES.
General provisions, §§39-06-01 to 39-06-50.
See DRIVERS' LICENSES.
- LICENSES —Cont'd**
Driver training.
Commercial driver training, §§39-25-01 to 39-25-08.
Drug distributors, §§43-15.1-04 to 43-15.1-08.
Early childhood services.
See EARLY CHILDHOOD SERVICES.
Electricians, §§43-09-09 to 43-09-16.
Reciprocity, §43-09-25.
Electrologists and electronic hair removal technicians, §§43-38-01 to 43-38-04.
Embalmers, §§43-10-10 to 43-10-20.
Employment agencies, §§34-13-01 to 34-13-16.
Environmental health practitioners, §§43-42-04, 43-43-05 to 43-43-07.
Falconry, §20.1-14-01 to 20.1-14-03.
Feed manufacturers, §19-13.1-03.
Fish hatcheries, §20.1-06-12.
Fishhouses, §20.1-06-07.
Fee for license, §20.1-03-12.
Fishing licenses, §§20.1-03-01 to 20.1-03-34.
See HUNTING AND FISHING LICENSES.
Fish sales, §20.1-06-10.
Foster family care homes.
See FOSTER FAMILY CARE HOMES.
Fraternal benefit societies.
Agents, §26.1-15.1-33.
Renewal, §26.1-15.1-27.
Suspension, revocation or refusal, §26.1-15.1-31.
Frog hunting, shipping, buying, etc., §§20.1-03-04.1, 20.1-06-17.
Criminal offenses, §20.1-06-01.
Fees, §20.1-03-12.
Funeral directors, §§43-10-10 to 43-10-20.
Funeral homes, §§43-10-21 to 43-10-24.
Games of chance, §53-06.1-03.
Nonprofit organizations.
Distributors and manufacturers, §53-06.1-14.
Suspension or revocation, §§53-06.1-11.1, 53-06.1-16.
Gasoline tax.
Dealers, §§57-43.1-13 to 57-43.1-15.
Revocation of license, §57-43.1-21.
Conditions precedent to reinstatement, §57-43.1-22.
Importers for use, §§57-43.1-36 to 57-43.1-40.
Grain and seed warehouses.
See GRAIN AND SEED WAREHOUSES.
Green fur buying or shipping, §§20.1-03-22, 20.1-03-23.
Guides, §20.1-02-05.
Handguns.
Dealer federal license submission to law enforcement officials, §§62.1-03-03, 62.1-03-04, 62.1-03-06.
Falsely obtaining a license, §§62.1-03-04, 62.1-03-06.
Health maintenance organization producers, §26.1-18.1-16.
Hearing aid dealers, §§43-33-02, 43-33-02.1, 43-33-06 to 43-33-11.
Home health agencies, §§23-17.3-01 to 23-17.3-09.
Department of human services, §50-24.3-03.
Horse racing, §53-06.2-08.
Hospice programs, §§23-17.4-01 to 23-17.4-10.
Hospitals, §§23-16-01 to 23-16-14.
Addiction hospitals, §§23-17.1-01 to 23-17.1-07.
Chiropractic hospitals, §§23-17-01 to 23-17-11.
Hunting licenses, §§20.1-03-01 to 20.1-03-34.
See HUNTING AND FISHING LICENSES.
Insurance.
Agents, brokers, etc., §§26.1-26-01 to 26.1-26-50.
See INSURANCE AGENTS, BROKERS, ETC.
Managing general agents, §26.1-26.3-02.

LICENSES —Cont'd**Insurance —Cont'd**

Mutual insurance companies, §26.1-12-08.
 Foreign companies, §26.1-12-27.
 Premium finance companies, §§26.1-20.1-02 to 26.1-20.1-04.
 Rate advisory organizations, §§26.1-25-10.1, 26.1-25-18.
 Reinsurance intermediaries, §26.1-31.1-02.
 Variable life contracts, §26.1-33-14.
 Vending machines, §§26.1-28-03, 26.1-28-04.
 Viatical settlement providers, §§26.1-33.1-02, 26.1-33.1-03.
Insurance premium finance companies, §§26.1-20.1-02 to 26.1-20.1-04.
Laboratory personnel, §§43-48-02, 43-48-06 to 43-48-15.
Law enforcement officers, §§12-63-01 to 12-63-14.
Lie detectors.
 Polygraph examiners, §§43-31-03 to 43-31-17.
Life insurance.
 Variable life contracts, §26.1-33-14.
Livestock auction markets, §§36-05-03 to 36-05-06, 36-05-13, 36-05-13.1.
 Satellite video livestock auction markets, §§36-05.1-03, 36-05.1-04.
Livestock dealers, §§36-04-01 to 36-04-21.
Livestock feedlots, §36-01-29.
Marriage licenses, §§14-03-10, 14-03-11, 14-03-17 to 14-03-22.
Massage therapists, §§43-25-03, 43-25-07 to 43-25-12.
 Reciprocity, §43-25-18.
Maternity homes for unmarried mothers, §§50-19-02 to 50-19-05.
 Revocation of license, §§50-19-12, 50-19-13.
Mental health facilities.
 Residential treatment centers for children, §§25-03.2-01 to 25-03.2-10.
Microbrew pubs, §5-01-14.
Milk product buyers and sellers, §§4-18.1-08, 4-18.1-09, 4-30-02 to 4-30-08.
Minnow wholesalers and retailers, §20.1-06-14.
Mobile home dealers, §§39-18-01 to 39-18-08.
Mobile home parks, §§23-10-03 to 23-10-06, 23-10-12.
Money brokers, §§13-04.1-01 to 13-04.1-13.
Motorcycle dealers, §§39-22.3-01 to 39-22.3-12.
Motor vehicle dealers, §§39-22-02 to 39-22-13.
Mutual insurance companies, §26.1-12-08.
 Foreign companies, §26.1-12-27.
Nurses, §§43-12.1-03, 43-12.1-09 to 43-12.1-11.
Nursing home administrators, §§43-34-03 to 43-34-05, 43-34-10 to 43-34-13.
Nutritionists, §§43-44-06 to 43-44-15.
Occupational therapists, §§43-40-02, 43-40-07 to 43-40-16.
Optometrists, §§43-13-15 to 43-13-26.1.
 Unlicensed practice of optometry, §43-13-28.
Outfitters, §20.1-02-05.
Peace officers, §§12-63-01 to 12-63-14.
Pharmacists, §§43-15-14 to 43-15-30.
Physical therapists, §§43-26-06 to 43-26-11.
 Practicing without registration, §43-26-13.
Physicians and surgeons, §§43-17-17 to 43-17-34.
Plumbers, §§43-18-11 to 43-18-17.1, 43-18-18 to 43-18-20, 43-18-23.
Podiatrists, §§43-05-09 to 43-05-15.
Police officers, §§12-63-01 to 12-63-14.
Polygraph examiners, §§43-31-03 to 43-31-17.

LICENSES —Cont'd

Prepaid legal services sales representatives, §26.1-19-10.
Private investigators, §§43-30-05 to 43-30-16.
Professional soil classifiers, §§43-36-10 to 43-36-19.
Psychologists, §§43-32-12 to 43-32-26.
 Disciplinary actions, §§43-32-27 to 43-32-29.
Real estate appraisers, §§43-23.3-04 to 43-23.3-12.
Real estate brokers and salespersons, §§43-23-05 to 43-23-12, 43-23-13.1.
Reflexologists, §§43-49-06 to 43-49-09.
 Disciplinary actions, §§43-49-12, 43-49-13.
Reinsurance intermediaries, §26.1-31.1-02.
Rendering plants, §§36-07-01 to 36-07-14.
Residential care for autistic children, §§23-09.4-02, 23-09.4-03.
Residential treatment centers for mentally ill children, §§25-03.2-01 to 25-03.2-10.
Respiratory care practitioners, §§43-42-03 to 43-42-06.
Restrooms.
 Cleaning, pumping and servicing privies, chemical toilets, etc., §§23-19-01 to 23-19-10.
Roving grain or hay buyers, §60-03-02.
Salvaged food distributors, §23-09-24.
Security guards, §§43-30-05 to 43-30-16.
Septic tank pumping, etc., §§23-19-01 to 23-19-10.
Sewer and water installers, §§43-18.2-01 to 43-18.2-12.
Social security number required for professional or occupational license, §43-50-02.
 Inclusion in automated database, §43-50-03.
 Not public record, §43-50-04.
 Occupational or professional certificate, permit or license defined, §43-50-01.
Social workers, §§13-41-03 to 43-41-07, 43-41-10 to 43-41-12.
Soil classifiers, §§43-36-10 to 43-36-19.
 Disciplinary actions, §§43-36-21, 43-36-22.
Special fuels tax.
 Importers for use, §§57-43.2-29 to 57-43.2-32.
 Liquefied petroleum gas dealers, §57-43.2-25.
 Wholesalers and dealers, §§57-43.2-05 to 57-43.2-09.
Speech-language pathologists, §§43-37-03, 43-37-04, 43-37-09, 43-37-13.
Taxidermists, §§20.1-03-14 to 20.1-03-17.
 Fees, §20.1-03-12.
Tobacco tax, §§57-36-01 to 57-36-33.
 See TOBACCO TAX.
Toilets.
 Cleaning, pumping and servicing privies, chemical toilets, etc., §§23-19-01 to 23-19-10.
Trailer dealers, §§39-22.1-01 to 39-22.1-04.
Trailer parks, §§23-10-03 to 23-10-06, 23-10-12.
Trainers.
 Athletic trainers, §§43-39-04 to 43-39-11.
Transient merchants, §§51-04-01 to 51-04-10.
Ultralight vehicle dealers, §§2-08-01 to 2-08-11.
Undertakers, §§43-10-10 to 43-10-20.
Vending machines.
 Operators.
 Blind persons, §50-06.1-13.
 Sale of prepackaged food from, §19-02.1-24.
Veterinarians, §§43-29-06 to 43-29-11.
 Disciplinary actions, §§43-29-14 to 43-29-16.

LICENSES —Cont'd

Viatical settlement providers, §§26.1-33.1-02, 26.1-33.1-03.
Water.
 Appropriation of water generally, §§61-04-01 to 61-04-32.
 See APPROPRIATION OF WATER.
 Waste discharge permits, §§61-28-04, 61-28-06.1.
Water conditioning contractors and installers, §§43-18.1-01 to 43-18.1-09.
Water well contractors and pump installers, §§43-35-11 to 43-35-17, 43-35-20 to 43-35-22.
Weather modification activities, §§61-04.1-11 to 61-04.1-15, 61-04.1-41.
Wetland drainage permits, §61-32-03.
Wholesale drug distributors, §§43-15.1-04 to 43-15.1-08.
Wholesale potato dealers, §§4-11-02 to 4-11-14.
LIE DETECTORS.
Examiners, §§43-31-01 to 43-31-17.



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January 25, 1999

TO: Members of the Senate Industry, Business and Labor Committee

FROM: Sharon Moos, Executive Administrator
North Dakota Nurses Association

RE: SB 2285 (relating to licensing of emergency medical services)

The North Dakota Nurses Association is maintaining a neutral position on SB 2285.

While maintaining a neutral position, the North Dakota Nurses Association offers the following comments on the amendments to Sections 23-27-04.3 and 23-27-04.4 adding the word licensure or licensed in reference to emergency medical services personnel (23-27-04.3) and emergency medical technicians intermediate and paramedic (23-27-04.4).

In health care, licensure of providers represents an implied contract between the providers and society to self regulate in the best interest of society.

Licensed health care providers in North Dakota including, but not limited to the following groups, physicians, nurses, physical therapists, occupational therapists, respiratory therapists and pharmacists, self regulate their practice of health care in the best interest of North Dakota citizens. They accomplish self regulation through the establishment of a specialty board which oversees regulation of both practice and discipline for that group of providers.

Establishing licensure for individuals who work in health care and deal with human lives in emergency situations and attempting to regulate their practice through the State Health Council, which has a majority of non-health care provider members, is not in the best interests of either the citizens of North Dakota or the health care providers.

TESTIMONY for SB 2285

Prepared by Senator Ralph Kilzer

January 25, 1999

Mr. Chairman this testimony relates to SB 2285. Mr. Chairman and fellow senators, for the record my name is Ralph Kilzer, Senator from District 47 which is the northwest area of Bismarck. I have submitted this bill at the request of the Emergency Medical Services Association of North Dakota.

By my count the state of North Dakota licenses about 164 services and groups of individuals to perform a certain service which would, in the absence of the license, be a crime such as driving a vehicle without a license. These licenses range from abstractors and accountants to undertakers and veterinarians. Services include anything from ambulance services to long-term care licensing. Ironically, surface ambulances are presently licensed by the State Health Council, but air ambulances, quick response units, and rescue squads such as vehicle extraction and water rescue units are not licensed. SB 2285 would bring these units under the State Health Council. The fee for license of these combined EMS would be maximized at \$25 per year.

The first six sections of the bill address the regulation of emergency medical services by the State Health Council. Section 7 and 8 add licensure in addition to training, testing, certification, and quality review requirements for the personnel involved by the State Health Council. The last section states that within the hospital setting, licensed EMT's in a non-emergency setting are under the supervision of the Patient Services Management which is the modern name of the Department of Nursing. I urge your support of SB 2285. If there are any questions I would be glad to attempt to answer them for you. Thank you.

Senator Ralph Kilzer

TESTIMONY IN SUPPORT OF SB 2285

**Mark Haugen, Past President
North Dakota EMS Association**

INDUSTRY, BUSINESS AND LABOR COMMITTEE

**Senator Duane Mutch, Chairman
Roosevelt Park Room
January 25, 1999**

Senate Bill 2285 comes in front of you today after many months of research and study which included a number of organizations and interested parties involved in North Dakota's EMS system. This ad hoc committee, made up of individuals representing, hospitals, rescue squads, quick response units, emergency nursing, medical directors, ground ambulance services, and air ambulance services developed a comprehensive five year plan that focuses on improving our EMS system. Some of the goal and objectives outlined in the five year plan are the changes we have proposed in Senate Bill 2285.

In section one we are also adding the words "may not treat with this state" except as provide by rule. This change addresses where Minnesota, South Dakota and Montana ambulance services are crossing the state line to treat North Dakota citizens.

In section one of this bill we are striking the word "surface ambulance" and replacing it with the words "emergency medical". This change will allow the Health Council to license rescue squads, quick response units and air ambulance services. Currently, there is only a voluntary licensing process for rescue squads and quick response units and air ambulance services function without any regulation from the State Health Council.

In section two we are defining a quick response unit, rescue squad and air ambulance and once again, removing the words "surface ambulance" and replacing it with the words "emergency medical".

A quick response unit is a team that responses by vehicle to an emergency to stabilize and treat the patient however, they cannot transport the patient. Transporting the patient is left to the ambulance service that has responded from a nearby community. For our rural EMS System to survive and maintain a minimal response time, we need strong quick response units in those communities that cannot maintain an ambulance service.

A rescue squad provides specialized water, high angle and extrication rescue. Rescue squads are usually separate units within the fire departments that provide a valuable service at scene that require specialized rescue training.

In sections five and six we are removing the word “prehospital” as a house keeping measure to create consistent terminology in Chapter 23-27 of the NDCC.

North Dakota’s EMS system is like a chain link with a separate link for each component of the system. The lay person is a link, the dispatch center is a link, the quick response unit is a link, the rescue squad is a link, the ground and air ambulance service is a link and the hospital emergency department is a link. Each link must be as strong as the next for the patient to have the best chance for survival. The citizens of North Dakota deserve to have a strong regulated EMS system that will be there for them when in need of emergency care.

In sections seven and eight we are adding the word “licensing” to the functions of the Health Council. Our reason for this change is that we feel the State Health Council is already a licensing emergency medical service providers.

When you compare the definitions certification and licensure, it is our opinion that licensure better describes the regulatory activities of the State Health Council. I have attach a couple different definitions of certification and licensure for your review.

The move to licensure of emergency medical service personnel does not change or expand our scope of practice or changes any regulatory activity that occurs with the State Health Department or State Health Council.

I will happy to answer any questions you may have.

SB2285

North Dakota

EMS Plan

1997-2001

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