

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1296

2001 HOUSE HUMAN SERVICES

HB 1296

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1296

House Human Services Committee

Conference Committee

Hearing Date January 22, 2001

Tape Number	Side A	Side B	Meter #
Tape 1		X	400 to 1072
Tape 1		X	2900 to 3080
Committee Clerk Signature <i>Connie Castro</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: Opened hearing on HB 1296

Rep. Hawken: HB 1296 has been brought to my attention by my constituent, Merit Care. What I've learned with this bill is that there is a big difference in the legal language between obtains and collect. I would ask that you ask any technical questions from Mr. Thomas.

Arnold Thomas: President of the ND Healthcare Association. HB 1296 would continue to place patient record maintenance responsibility upon the entity responsible for ordering and collecting the specimens/tissues used in testing for HIV. (See written testimony.)

Chairman Price: Let's say the patient was a patient of Merit Care, but it is an independent clinician, is there any difference then?

Arnold Thomas: Where the medical records would be maintained at the location where the tests are drawn. The lab would retain the records. But what we're talking about is if someone mails a sample, they perform the tests then the results of that test and the necessary information with respect to the test would be turned back to that clinician and it would be entered into the medical record wherever that clinician happens to reside.

Chairman Price: Are there other institutions that are interested in this?

Arnold Thomas: I do not know who else is a reference lab. I do know that there are a number of reference labs in the State of North Dakota, and that some of them are hospitals.

David Peske: North Dakota Medical Association. Just to briefly let you know that we don't have any objection to this language. The content makes perfect sense.

Larry Shirely: Division of Disease Control of the North Dakota Health Department. We will take a neutral position as well, and concur that this is really an internal policy.

Chairman Price: Close the hearing on HB 1296.

COMMITTEE WORK:

Chairman Price: 1296.

Vice Chairman Devlin: I will move a DO PASS.

Rep. Porter: Second.

Chairman Price: Discussion? Clerk will call the roll on a **DO PASS**.

11 YES 0 NO 3 ABSENT CARRIED BY REP. TIEMAN

Date: 1-22
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1296

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Devlin Seconded By Rep. Porter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf		
Rep. Mark Dosch			Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein					
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 11 No _____

Absent 3

Floor Assignment Rep. Tieman

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

REPORT OF STANDING COMMITTEE (410)
January 22, 2001 12:27 p.m.

Module No: HR-10-1372
Carrier: Tieman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1296: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1296 was placed on the
Eleventh order on the calendar.

2001 SENATE HUMAN SERVICES

HB 1296

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1296

Senate Human Services Committee

Conference Committee

Hearing Date March 7, 2001

Tape Number	Side A	Side B	Meter #
1		X	15
March 12, 2001 3	X		5.6
Committee Clerk Signature			

Minutes:

REPRESENTATIVE KATHY HAWKEN, Sponsor, introduced bill. Who is responsible for keeping records for immunodeficiency virus (HIV) record. Two places keep them now - not necessary - one place needs to do this. Maybe the hospitals.

SENATOR POLOVITZ: Would you reinterpret 'collects'? REP HAWKEN: It is the term that identifies which entity keeps the record.

ARNOLD THOMAS, ND Healthcare Assoc., supports bill. (Written testimony) SENATOR FISCHER: Who keeps record is independent sample drawn by insurance. MR. THOMAS: It would be kept by the insurance company. SENATOR MATHERN: Isn't this quite specific in this certain bill? MR. THOMAS deferred to another speaker. SENATOR KILZER: This is specific HIV; are there other tests that are taken and recorded as such? LARRY SHIRELEY, Dept of Health, explained the uniqueness of HIV testing. It needs consent. This bill doesn't change anything. Blood will be taken back to lab and then records would be there with the

company. SENATOR MATHERN: Isn't there a better word to use than collects? MR.

SHIRELEY: That word is not going to affect it. If a specimen is sent out to another lab, that lab is not required to maintain records. Neither would impact informed consent. SENATOR

KILZER: The Health Dept oversees all labs? MR. SHIRELEY: Many of these requirements are Federal requirements and there are also state requirements.

Discussion on better word than collect continued. Health department will determine collect to be the best word.

No further testimony

The hearing was closed on HB 1296.

March 12, 2001, Tape 3, Side A, Meter 5.6

Discussion on 1296 was opened. SENATOR FISCHER moved a DO PASS. SENATOR ERBELE seconded the motion. Roll call vote carried 5-0-1. SENATOR FISCHER will carry the bill.

Date: 3/12/01

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1296

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen Fischer Seconded By Sen Erbele

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Fischer

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

REPORT OF STANDING COMMITTEE (410)
March 16, 2001 3:24 p.m.

Module No: SR-46-5951
Carrier: Fischer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1296: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1296 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HB 1296



North Dakota Healthcare Association

Vision

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

Mission

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

2001 Session

HB 1296

Madame Chairman, members of the Human Service Committee, my name is Arnold Thomas. I am President of the ND Healthcare Association, here in support of HB 1296.

Under current law, a laboratory performing an HIV test has certain record keeping responsibilities. The lab is required to have a record of authorization unless provided otherwise by law; maintain a record of the consent form and maintain a record of the test results obtained.

For record keeping purposes, the code does not make a distinction with respect to whether the lab draws and tests the samples, or only tests specimen/samples received from an authorized clinician.

HB 1296 would continue to place patient record maintenance responsibility upon the entity responsible for ordering and collecting the specimens/tissues used in testing for HIV. If an entity does not collect the specimen/ tissues used for HIV testing, HB 1296 would exempt the entity from current consent and test result record keeping responsibilities.

We ask for a "Do Pass" on HB 1296.