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2001 HOUSE HUMAN SERVICES

HB 1376

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1376

House Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
Tape 2	X		4460 to end
Tape 3	X		0 to 50
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

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

Chairman Price: Open hearing on HB 1376.

Rep. Cleary: Presented Bill. HB 1376 may be one of the most important bills we consider this session. Under this bill the Public Health Agency could apply for a grant from the State Department of Health. Some of the tobacco money could be used for this project. Providing school nurses is long over due. This bill is a step in the right direction. Please give this bill a unanimous yes vote.

Vice Chairman Devlin: This was a \$10,000,000 price tag last session - has that changed?

Rep. Cleary: \$2,000,000 is put in the bill with matching funds.

Chairman Price: If School of Nursing was rolled out statewide, it would be a \$10,000,000 budget.

Rep. Porter: The \$2,000,000 that is coming out of the tobacco money - is it coming out of a lump sum of tobacco settlement or a particular part of it?

Rep. Cleary: The Health Care Trust Fund of the tobacco settlement.

Rep. Porter: Last session when we dealt with the trust fund, I was more in favor of putting less in the School Trust Fund and more into the Health Care Trust Fund so that projects like this could be looked at. The bill that has been put in by the department for the Community Grant Program with the 10% kind of covers the money you're spending already. Would you be opposed to taking this \$2,000,000 out of the schools share of the 45% that they're getting?

Rep. Cleary: I think it should come out of this part of it.

Rep. Porter: CDC came in during the interim and they talked about the cost of doing a statewide tobacco cessation program somewhere around \$15,000,000 a year. Shouldn't it come out of the school side rather than the health care side?

Rep. Cleary: It seems to me this is an issue that should be resolved in some way. We are the only state that doesn't have an organized program for school nurses. It is time for this bill. Tobacco funds are the appropriate place, because this is what it was designated for.

Vice Chairman Deylin: As I recall, the language of the settlement talked about restitution to the state for all the money they have spent on tobacco related incidents. We've spent a lot of money through the years and now we're getting restitution for that.

Rep. Cleary: That is true, we are getting money back for all we've spent.

Chairman Price: The language is that the Department of Health would grant the money to the Public Health Agency. Will there be a cap? I just want to know the rational.

Rep. Cleary: I will defer your question to people that can better answer that.

Rep. Gulleason: I think the concept of the tobacco settlement dollars, that portion that was directed toward the health fund, fit that need precisely. Another function, and the most important function, is that of being preventive educators.

Rep. Galvin: How long can the school portion source of money be depended upon from the tobacco funds?

Rep. Gulleason: I believe it is a 25 year window that the dollars will be sent out to the state as part of that settlement?

Rep. Weisz: You say a lot of our public health programs we are under funded, don't you see this as the particular rural county's inability to match the grants? Are we seeing a shift of dollars going to urban counties rather than rural counties?

Rep. Gulleason: That is a real concern and it doesn't say if these dollars could be leverage with other federal dollars.

Chairman Price: We have been cautioned that we are seeing some changes in the amount of funding and that it is not a steady cash flow. But trust me, we have some ideas for some of it.

Rep. Gulleason: You have before you in the next number of weeks a smorgasbord of ideas on this. I think this is a very good one, and I hope it will be considered in this committee.

Vice Chairman Devlin: Does the cost of the system - is there still a \$10,000,000 cost but it doesn't show up as paid dollars because the counties will need to increase property tax to meet their match?

Rep. Gulleason: That did have to do with the establishment of public health agencies. From the state's perspective it would not be \$10,000,000.

Max Lehr: Teacher, Grand Forks Schools. We need presence of nursing in our schools. With the additional number of students impacted by prescription drugs, and by the growing number of students impacted by severe health issues, we as public school educators are continually being impacted by information and assistance dealing with these kids.

Rep. Porter: I looked into changing the amounts. You wouldn't have problems taking this out of the School Trust Fund money?

Max Lehr: It is my understanding that this money would be taken prior to the allocation, which is the distribution to the schools and some to health. Both are different issues. It might be time for us to address that.

Rep. Porter: The bill we heard earlier - was there a shortage of nurses in North Dakota, especially in rural areas. How would we assure that the impact is where it is in rural and not in urban?

Max Lehr: I don't know what available dollars are in rural health agencies for the matching grant? I'm not familiar enough to know.

Chairman Price: Is school nursing important enough in your mind that it would come out of the 45% that is going to county school fund?

Max Lehr: I do believe that the school nursing issue is of enough importance, particularly as we weigh tobacco use. The health care needs that I talked about with issues we're dealing with the schools and classrooms growing number of disabled students. I think there is merit.

Chairman Price: There is already some language on how that money flows.

Bey Nielson: School Board Association. The point I would like to make is that is isn't so much that we need school nurses as in we need to get into the medical business, and we need to hire medical professionals. What schools need is the assistance of public health.

Rep. Weisz: Currently school districts have a good working relationship with the health unit - you would merely like to expand that relationship?

Bev Nielson: Yes, we really prefer to leave the issues of the provisions with the health professionals.

Rep. Dosch: You're concerned about more elements coming into the school setting. Are we bring in liability problems because of bringing in public health?

Bev Nielson: There is no more liability than having unqualified people performing.

Rep. Porter: What is stopping schools from cross training? Training staff to handle some of these medical issues.

Bev Nielson: Under staffing, money, and the desire of the individual to get training.

Rep. Weisz: Isn't there a liability in the fact that one school district has a nurse and another doesn't?

Bev Nielson: It always comes down to the resources.

Rep. Dosch: I do think it is a matter of discrimination. You're saying the rich schools will have health care and school districts that can't afford this won't.

Bev Nielson: I'm not saying it is a perfect way with this bill.

Rep. Weisz: Opens up real liability issues. From a parent's perspective, "why doesn't my child have the same level of care as other schools?"

Bev Nielson: In past years our preference that public health nursing in the regions are sufficiently funded so they are able to work with the schools medical needs.

Heather Wolberg: Third Grader. The nurses take care of us and help us to stay in school.

Nancy Brown: School Secretary, Wilmor Elementary School. Discussed health situations in the school and didn't have medical staff to take care of some of these problems. She stated she wasn't equipped or trained to handle some of these incidents.

Dannette Stotz: Parent. We need to remove liability from the secretary and have nurses available.

Marcia Streeker: Public Health Nurse. (See written testimony.) Health care issues present one of the greatest challenges facing our society today. The school nurse can assist students to attain a higher level of wellness.

Bill Demry: Jannette Myre Principal. Each school has separate needs. Schools don't want to get into the health business, but want to form a partnership with health units to provide services in our schools. The President said "We shall leave no child behind". We cannot educate our children if they are not healthy.

Rep. Porter: Some of the concerns we keep hearing are the medication administration. North Dakota and the whole nation are in a work force shortage. Has your school given any thought in cross training your staff in the medication administration part of it?

Bill Demry: That certainly would be a possibility.

Rep. Porter: Even basic first aid class - doesn't require a lot of hours of training. Is there coverage under the existing Good Samaritan Law to limit liability?

Bill Demry: We are hoping so.

Kim Senn: Nurse Consultant, North Dakota Department of Health. (See written testimony.) The National Association of School Nurses recommends one nurse for every 750 students. North Dakota does not have an organized school nursing program. I very much hope you will support HB 1376.

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House Human Services Committee

Bill/Resolution Number HB 1376

Hearing Date January 31, 2001

Mary Kay Hermann: Fargo Cass Public Health. (See written testimony.) Fargo Cass Public

Health supports a state grant program to fund school nurses.

Vice Chairman Devlin: Close hearing on HB 1376.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1376 A

House Human Services Committee

Conference Committee

Hearing Date February 7, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		3300 to end
Tape 1		X	0 to 1220
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

COMMITTEE WORK:

CHAIRMAN PRICE: Let's take a look at 1376.

REP. CLEARY: (Explained amendments.)

CHAIRMAN PRICE: The proposal that Rep. Cleary has is that out of the 45% that is currently allocated to the common school trust fund - prior to that being distributed, that \$2,000,000 would be taken off of the top to go to the school nursing grant fund. The remainder of the 45% would go into the common school trust fund and be distributed as required by law.

REP. DOSCH: What dollar amount does that represent?

CHAIRMAN PRICE: The 45% for the current biennium is right around \$26,000,000.

REP. PORTER: Rep. Cleary, that would cover it for this biennium. What is going to happen in two years from now?

REP. CLEARY: Perhaps in two years from now the districts and public health agencies would be able to do that on their own, or in two years we could maybe think about it again. It is not a mandate that they have to have a school nurse, but we are encouraging them to do that. I think it is a very important issue.

REP. PORTER: The other question that I had that came up during the discussion on the bill, was that there really wasn't anything set up to make sure that the granting program had a priority on those schools that didn't have any school nurses. The way it looked, the money would be going to the well funded and well organized public health units and the units that really had the need, and the school districts that really had the need would be left out of this to \$2,000,000.

REP. CLEARY: That was a question during the hearing, and that truly might happen but I would see that the bigger school districts are the ones that have the most need for a school nurse.

REP. PORTER: One of the things we talked about was educating and cross training the existing staff in areas of medication administration to the program that is already established through the Board of Nursing, Certified Nursing Assistance to the program that is already established through the board. The real impact to the rural communities will not be answered by having a \$2,000,000 matching grant fund available unless we give direction and put the money where the need is going to be two years from now. What isn't going to change is that we're still going to have a nursing shortage in North Dakota, we're still going to have a work force shortage two years from now. If we don't start looking at utilizing the resources that are now available, in two years there won't be any change in what we're doing right now. This \$2,000,000 will have been spent mainly in the larger communities, and the rural communities and other schools won't have access to nursing, and they still won't have anybody trained to administer medication which seems to be the biggest concern of what came into us.

REP. CLEARY: I think that is a creditable idea, training existing staff, but I don't know where they are going to get the time to do this. It is a time consuming effort. In the rural areas perhaps there are some older nurses who could spend a half a day as a school nurse and do a very good job. Maybe you have some suggestions on what we could do to the bill to give those rural schools a better chance or the public health units a chance to get their grants accepted.

REP. WEISZ: I would agree with Rep. Cleary's idea of \$2,000,000 from the school trust fund, but that is as far as my agreement goes. I think there is an issue of health care within our schools, but as the School Board Association testified, they don't want to get into the business of hiring school nurses or taking care of health care. They want to work with the public health units to develop whatever protocol or to address whatever needs they have. They are going to vary depending upon the school. In some cases I'm sure the need will be there to have a nurse. In some cases it may be a simple matter of training one or two staff in medical administration or basic first aid.

REP. GALVIN: My concern is taking the money out of the tobacco fund which is not a recurring source of money.

REP. SANDVIG: I wish the money was going to be used specifically for tobacco prevention purposes, but if it is going to go to the public health and to go to the school nurses through the agencies, I have a little bit of concern there because some of the things that they teach I'm not in favor of. I don't know if they are going to get into the birth control issues and things and I'm not in favor of that.

REP. PORTER: When we had the presentation on this bill, one of the factors that was missing was the Health Department telling us how they would propose implementing such a program, and making sure that the resources were utilized to the needs of the public health units. We had a

