

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1462

2001 HOUSE HUMAN SERVICES

HB 1462

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1462

House Human Services Committee

Conference Committee

Hearing Date January 30, 2001

Tape Number	Side A	Side B	Meter #
Tape 1		X	150 to 4970
Tape 3	X		475 to 550
Committee Clerk Signature <i>Cornne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Doseh, 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 1462.

Rep. Nancy Johnson: Presented Bill. Rather than protecting abused victims, this mandatory reporting has, at times, caused victims not to seek medical help. I urge a DC PASS and make victims lives less difficult.

Rep. Svedjan: Cosponsor of Bill. I am here today to express my support of HB 1462. There are definitely problems with reporting of domestic violence. HB 1462 defines first steps for reporting this crime. Mental health professionals would no longer be mandated as reporters of violence, they would need to report life threatening injuries only. When professionals report a crime, they will have referrals so the victim is safe.

Rep. Porter: What is the infraction for those who do not follow through with the reporting process?

Rep. Syedjan: The fine is fairly small.

Rep. Porter: I noticed that it specifically states Sheriff and States Attorney - is this an oversight? This does not include local law enforcement.

Rep. Syedjan: This is something that will need to be pursued. If that was an oversight, it was an inadvertent oversight.

Connie Hildebrand: Legislative Chairman of the North Dakota Chapter of the National Association of Social Workers. (See support of HB 1462 in written testimony.) Current law is not working, therefore, we are in favor of the passage of HB 1462.

Gayla Dengson: Manger of Social Work Department, Altru Health Systems. (See written testimony.) Health care settings should be safe havens, not places where women have to consider the consequences. I ask for a DO PASS on HB 1462.

Mr. Wetzel: Presented letter of support from Dr. Gordon Leingang.

Arnold Thomas: President, North Dakota Health Care Association. This bill would allow us to sit down and positively work to develop ways to deal with domestic violence. What you're hearing is that the professionals want some help.

Bonnie Polachek: Spoke on behalf of the North Dakota Council on Abused Women's Services in support of HB 1462. After 25 years, it's time to look at this bill again. This bill clarifies our existing law and provides an important safety net for victims by encouraging referrals to advocacy and treatment program.

Diane Zainhofsky: Executive Director of Abused Adult Resource Center. (See written testimony.) I can't stress enough the importance of passing HB 1462 and keeping victims trust in the few people she can reach out to for help.

David Peske: North Dakota Medical Association. (Neutral) Physicians are having to struggle in confidentiality issues. We certainly support the improvements to the law, we just aren't sure about the wordage of this bill. We will certainly work with the supporters of this bill.

Bonnie Larson Staiger: Lobbyist, Executive Director of the N.D. Psychological Association. (See written testimony.) I am neutral because there are some ambiguities that need to be addressed and we are willing to work with the initiators of the bill to correct this.

John Olson: Representing North Dakota Attorney's Association. I am asking the committee to hear prosecutors point of view before passing this bill. Maybe there is a better way. We want to make the law better, make it work. We are here to help.

Chairman Price: Close hearing on HB 1462..

#### **COMMITTEE WORK:**

CHAIRMAN PRICE: On HB 1464, my local State's Attorney was in briefly at this hearing and said we need to check at the federal law concerning the privacy issues on this in addition to some of the things that Mr. Olson questioned as far as some of the language. I am going to ask a subcommittee to take a look at this bill. If no objections from these people it will be Rep. Porter, Rep. Klein, and Rep. Cleary.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1462 A

House Human Services Committee

Conference Committee

Hearing Date February 12, 2001

Tape Number	Side A	Side B	Meter #
Tape 2	X		415 to 1420
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: Let's go to HB 1464.

REP. PORTER: (Thanked Rep. Cleary and Rep. Klein for serving on the subcommittee with me. Explained amendments.) I would move the amendments.

REP. CLEARY: Second.

CHAIRMAN PRICE: Discussion on the amendments?

REP. WEILER: My notes I jotted down during testimony is that one of the persons stated that this bill is going down a dangerous path, and it forces a doctor or a health care professional to report domestic violence to authorities. Do these amendments take care of that? Are they not forcing the doctor or health care professional to do that?

REP. PORTER: They are in essence continuing an existing practice of requiring that the crime be reported, but what they are also doing is allowing the practitioner to opt out of reporting if

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they feel that it is in the best interest of the injured person considering their safety. If the victim and the assailant are both standing in the emergency room, and the physician knows that by calling the police that the victim could possibly be assaulted again right there in the emergency room or right after discharge.

REP. NIEMEIER: I'm wondering about the 18 years of age and older? Why is that wording in there.

REP. PORTER: Currently in North Dakota law anyone under 18 cannot refuse the services, and cannot refuse the physician or practitioners wishes in regards to what is in their best interest. They are not allowed to make that decision.

CHAIRMAN PRICE: All those in favor of the amendments signify by saying Aye (14 Yes, 0 No). We have an amended bill.

REP. CLEARY: Do Pass as amended.

REP. METCALF: Second

CHAIRMAN PRICE: Any further discussion? Clerk will take the roll on a **DO PASS as amended.**

**14 YES 0 NO 0 ABSENT CARRIED BY REP. PORTER**

PROPOSED AMENDMENTS TO HB 1462

Page 1, line 7, after "physician" insert "physicians assistant" overstrike "other medical" overstrike "health professional" and insert immediately thereafter "any individual licensed under chapter 43-12.1"

Page 1, line 8 remove "provides" and overstrike "care or" overstrike "professional services" and insert immediately thereafter "diagnosis or treatment"

Page 1, line 9, overstrike "inflicted" and insert immediately thereafter "  
a. inflicted"

Page 1, line 10, after "pistol" insert "shall as soon as practicable report the wound injury, or trauma to a law enforcement agency in the county in which the care was rendered"

Page 1, line 11, after "or" insert  
"b. Which the individual"  
and remove the overstrike over "has reasonable cause to suspect was inflicted in violation of any"

Page 1, line 12, remove the overstrike over "criminal law of this state" and remove "suffering serious bodily injury as defined in section"

Page 1, line 13, remove "12.1-01-04"

Page 1, line 14, overstrike "the sheriff or state's attorney of" and insert immediately thereafter "a law enforcement agency in" and after the period insert  
"2."

Page 1, line 15, after "report" insert "under subsection one" and overstrike ", if known," and remove "the"

Page 1, line 16, remove "individual's" and overstrike "whereabouts"

Page 1, after the period, insert "Unless the injured person is being treated for injuries inflicted by means of a knife, gun, or pistol or for serious bodily injury as defined by chapter 12.1-01-04, a physician, physicians assistant, or an individual licensed under chapter 43-12.1 is not required to report under this subsection if the injured person is eighteen years of age or older, is a victim of domestic violence as defined in chapter 14-07.1-01 and the physician, physicians assistant, or any individual licensed under chapter 43-12.1 determines that not reporting the injury is in the best interests of the injured person after considering the person's safety and autonomy."

Page 1, line 18, overstrike "2" and insert immediately thereafter "3" after the second comma insert "or a report of physical injury resulting from a sexual offense as defined in chapter 12.1-20,"



Page 1, line 19, replace "sheriff or states attorney" with "law enforcement agency"

Page 1, line 20, replace "a referral to" with "with information regarding"

Page 1, line 21, after "program" insert "by the physician physicians assistant, or any individual licensed under chapter 43-12.1 unless it is known that such information has previously been provided to the injured individual"

Page 1, line 22, replace "3" with "4"

Page 2, line 3, replace "4" with "5"

Page 2, line 5, replace "5" with "6" and after "making" insert "or not making"

Renumber accordingly

VR  
2/13/01  
1 of 2

HOUSE AMENDMENTS TO HB 1462

HOUSE HS

2-13-01

Page 1, line 7, after "physician" insert "physician assistant", overstrike "other medical", overstrike "health professional", and after the overstruck comma insert "any individual licensed under chapter 43-12.1"

Page 1, line 8, remove "provides", overstrike "care or", and overstrike "professional services" and insert immediately thereafter "diagnosis or treatment"

Page 1, line 9, overstrike "inflicted" and insert immediately thereafter ":

a. Inflicted"

Page 1, line 10, overstrike the third comma and insert immediately thereafter "shall as soon as practicable report the wound, injury, or trauma to a law enforcement agency in the county in which the care was rendered,"

Page 1, line 11, after "he" insert:

"b. Which the individual" and remove the overstrike over "~~has reasonable cause to suspect was inflicted in violation of any~~"

Page 1, line 12, remove the overstrike over "~~criminal law of this state~~" and remove "suffering serious bodily injury as defined in section"

Page 1, line 13, remove "12.1-01-04"

Page 1, line 14, overstrike "the sheriff or state's attorney of" and insert immediately thereafter "a law enforcement agency in" and after the period insert:

"2."

Page 1, line 15, after "report" insert "under subsection 1", remove "individual", overstrike ", if known,", and remove "the"

Page 1, line 16, remove "individual's" and overstrike "whereabouts," and insert immediately thereafter "individual"

Page 1, line 17, after the period insert "Unless the injured person is being treated for injuries inflicted by means of a knife, gun, or pistol or for serious bodily injury as defined by section 12.1-01-04, a physician, physician assistant, or an individual licensed under chapter 43-12.1 is not required to report under this subsection if the injured person is eighteen years of age or older, the injured person is a victim of domestic violence as defined in section 14-07.1-01, and the physician, physician assistant, or any individual licensed under chapter 43-12.1 determines that not reporting the injury is in the best interests of the injured person after considering the person's safety and autonomy."

Page 1, line 18, overstrike "2." and insert immediately thereafter "3." and after the second underscored comma insert "or a report of physical injury resulting from a sexual offense as defined in chapter 12.1-20"

Page 1, line 19, replace "sheriff or state's attorney" with "law enforcement agency"

Page 1, line 20, replace "a referral to" with "with information regarding"

Page 1, line 21, after "program" insert "by the physician, physician assistant, or any individual licensed under chapter 43-12.1, unless it is known that the information has previously been provided to the injured individual"

Page 1, line 22, replace "3" with "4"

HOUSE AMENDMENTS TO HB 1462

HOUSE HS

2-13-01

Page 2, line 3, replace "4" with "5"

Page 2, line 5, replace "5" with "6" and after "making" insert "or not making"

Page 2, line 6, replace "the" with "or not making a"

Renumber accordingly

Date: 2-12-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1462

House Human Services Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken Moved Amendments

Motion Made By Rep. Porter Seconded By Rep. Cleary

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) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

