

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

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Deanna Bell  
Operator's Signature

12/03  
Date

2003 HOUSE HUMAN SERVICES

HB 1201

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*Dorinda Hall*  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1201

House Human Services Committee

Conference Committee

Hearing Date January 13, 2003

Tape Number	Side A	Side B	Meter #
1		x	11.7-54.6
2	x		0.0-17.9
2	x		34.3-36.0
Committee Clerk Signature <i>Sharon Kenjau</i>			

Minutes:

Rep. Bill Devlin appeared in support of the bill as the prime sponsor with written testimony stating this bill will allow our disabled, our old and our young to be employed in a nursing home.

Sen. Klein appeared as a sponsor and in support of the bill.

Rep. Weisz appeared as a sponsor and in support of this bill also stating this protects the care in the nursing homes and will keep those working there now employed.

Shelly Peterson, President of the ND Long Term Care Assoc. appeared in support with written testimony. She also handed out written testimony from Audrey Aurit.

Jack MacDonald appeared on behalf of the Arc of North Dakota in support of the bill with written testimony stating the Arc strongly supports this bill as a means of making more work opportunities available for developmentally disabled individuals. This bill fully protects the public interest by requiring this work to be done under the direct supervision of licensed nurses.

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*Donna Hall*  
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House Human Services Committee  
Bill/Resolution Number HB 1201  
Hearing Date January 13, 2003

Tim Huseth, Executive Director of HAV-IT Services in Harvey, ND appeared in support with written testimony.

Charles Strutz, an employee of Oakes Manor Good Samaritan Center, appeared in support of the bill and to tell his story of work and duties.

Jerome Swanson, Administrator of Oakes Manor Good Samaritan Center, appeared in support of and to state that they had Chuck take the test, spent a minimum of 75 hrs training him, \$110.00 for him to take the test and the end result is that he is doing just what he did before.

Rocky Zastoupil, Administrator at Elm Crest Manor in New Salem, ND appeared in support of the bill noting a very small amount of time is actually spent learning feeding assistants positions and bed making during the 75 hours of training that we are talking about.

Jon Larson, Executive Director of Enable, Inc. in Bismarck and Mandan, appeared in support of the bill with written testimony.

Grant Wilz, Director of Nursing at the Baptist Home in Bismarck appeared in support explaining the personnel that they would lose because they didn't want to take the test or couldn't. He would also be in favor of exempting some persons from the Nurse Practices Act.

Discussion: Would this save money to the State? Yes. Non certified Assistants are paid \$1.50 less than the certified assistants. Also, the certified assistants are being paid more money, still less than those that are doing direct care but we are paying them more money because of the need for them to be certified. Why the Nurses group had a problem with taking these two groups in the Nurse Practices Act? Exempting someone from the Nurse Practices Act, your wondering how do you hold this person accountable for an action that could be a nursing service. How

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many, RN's, CNA's, or LPN's need to be on per shift legally. Different sized places have different requirements. . Facilities must have posted, how many people are working.

Darleen Bartz, Section Chief of the Health Resources Section of the ND Dept. of Health, appeared neutral with written testimony.

Sharon Moos, Executive Director of ND Nurses Assoc., appeared neutral with written testimony and stated she would supports amendments.

Dr. Constance Kalanek, Executive Director of the ND Board of Nursing, appeared neutral on the bill with written testimony and offered an amendment. Also stated that if the bill was not amended, they would oppose the bill.

Discussion: Conflicts with Medicare, misunderstanding of delegated functions and delegated interventions, if fraud of Medicare funds would be taking place if this such bill were passed and where the cost is going to go with bed making and feeding assistant.

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Darleen Bartz  
Operator's Signature

10/2/03  
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1201

House Human Services Committee

Conference Committee

Hearing Date January 20, 2003

Tape Number	Side A	Side B	Meter #
2		x	1.7 - 20.
Committee Clerk Signature <i>Sharon Renshaw</i>			

Rep. Devlin asked Shelly Peterson of the ND Long Term Care Association to explain the proposed amendments.

Shelly Peterson stated that the language handed out is acceptable to the Health Dept. and to the Board of Nursing and also believes that it will be acceptable to the Nurses Assoc.. The critical players in this bill were the Health Dept. which were the ones that were citing us. The issue on the original bill that the Health Dept. didn't like was the issue of delegated nursing intervention. Because anytime its a delegated nursing task, it falls under the issue of having to be certified and 75 hours of training. This stays away from the whole issue of delegated nursing intervention and it simply states that an individual working in the Medicare climate organization, which could include a hospital or nursing home, we need to received clarification that hospitals wouldn't have an issue or problem with this. So it was the advice of the Board of Nursing and the Health Dept. that we could use Medicare funded organizations. That way it will cover all of us. We could specifically say who is not a licensed nurse and who is in the performance of non hands on task.

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And in making a bed, we don't have any contact with the residents, in feeding residents, we had a question on that, but it was determined by the Health Dept. that even though we might take a spoon to a residents mouth, it was considered not a hands on. So we believe that this will solve the problem and we should be able to have persons with disabilities, older women and younger people to primarily do bed making of an unoccupied bed and feeding residents.

Concerns of the committee with direct care and indirect care and hands on care. Also if there was supervision over the feeders and if a nurse had to be in the room during feeding. Were nursing homes different in that aspect. Clarification on the Board of Nursing licensing and regulating and the Nurses Association doesn't license or regulate.

Sharon Moos, Director of the ND Nurses Association appeared to state that the nurses association testified on this bill and were supportive of the intent of the bill but had some concerns about the language because of the way licensure works for registered nurses. We were afraid that the delegation in the practices act would actually be forced sweeping and allow licensed nurses not being able to practice or to delegate. We are comfortable with the Health Dept. and the Board of Nursing is responsibility it is for the practices act to make those decisions. Also stated for the committee that their are about 7,000 licensed registered nurses who actually live in ND, We also have about 700 members in organization which represent about 10% of the registered nurses in the state.

Rep. Kreidt moved to adopt the amendment, second by Rep. Uglem. 12 - 1 - 0

Rep. Porter moved an amendment that at the end of work task, to specifically state, including feeding assistants. Second by Rep. Weisz. 13 - 0 - 0

Rep. Kreidt moved a DP as Amended, second by Rep. Potter. 13 - 0 - 0, Rep. Kreidt to carry.

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