

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

1317

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10/3/03
Date

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1317

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1317

House Industry, Business and Labor Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
3		X	4354-end
4	X		89-3841
Committee Clerk Signature <i>Elizabeth R. Feier</i>			

Minutes: **CHAIR KEISER:** Opened hearing on HB 1317

REP. SEVERSON: Discussed intent of bill and Critical Incident Stress Debriefing (CISD).

REP. NOTTESTAD: Will it be hard to get volunteers for EMS teams without this bill? Rep. Severson said that the bill is for the retention of EMS personnel. Rep. Nottestad asked if recruitment would be hurt too and Rep. said yes, it does. Especially with the talk of small towns.

REP. JOHNSON: Do you know how many this may have impacted in 2002? Rep. Severson deferred to Derek Hanson.

DEREK HANSON (Past President of ND EMS Assoc.): Supports with written testimony.

REP. KLEIN: Who or where are the CISD teams? Hanson replied that the teams are available through the state Health Department and area made up of psychologists, peers, other EMS personnel. The team is pulled together through requests from the community and at no charge. The state has two teams, one in the east and one in the west. When asked if any other states have this in place, Hanson replied that they are researching the issue.

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House Industry, Business and Labor Committee

Bill/Resolution Number 1317

Hearing Date 1-28-03

REP. JOHNSON: Where in the bill are the two suggestions of seeing other groups? (Hanson mentioned in testimony that before eligible for benefits, the individual would have to utilize CISD and/or an employee program.) Hanson said that it is not in the bill, but would rather see it in the rules process with the Workers' Comp Bureau (WCB).

REP. JOHNSON: Is there screening for volunteers who may be more prone to the stress? Hanson said screening to that extent is expensive, but they do give the facts and give the volunteers the option of not joining. Rep. Johnson then asked who determines how long the process carries on. Hanson said this would also be a rules issue, but most likely it would be the counselor.

REP. NOTTESTAD: In regards to ambulance crews, is help provided by the hospitals? Hanson noted that paid staff may have employee assistance for counseling. Hanson reminded the committee that in rural areas, EMS teams are taking care of people they know, where in cities you may not be familiar with whomever you are helping.

DAVE KIMNITZ (ND AFL-CIO): Supports. Premiums are paid by someone and the Bureau should be able to manage. The employer is also impacted when employees try to come back.

CHRIS SKELDUM (1st Responder at Case): They use the CISD teams, but would also like coverage as a 1st Responder when you aren't at work.

BARRY MAYHER (Fraternal Order of Police): Noted that if he is shot at and hit, he is covered. However, if he is shot at and missed, he is not covered by the mental aspect of almost being killed.

LOIS HARTMAN (ND Firefighters Assoc.): In support

DAVE THIELE (WCB): Opposed with written testimony.

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House Industry, Business and Labor Committee
Bill/Resolution Number 1317
Hearing Date 1-28-03

REP. KLEIN: Do you know of any other states that have this system? Thiele said the jurisdictions are split. Not always limited to EMS systems.

REP. EKSTROM: On pg. 1, line 22, can the Bureau not establish a definition of critical incident? Thiele said they have a framework from the EMS Assoc. However, he said that is not the issue.

REP. NOTTESTAD: Are you opposing based on the cost? It can be done, yet you are still against it. Thiele noted their argument is not solely based on costs. He feels it can be an Equal Protection issue when others want the same coverage. There is no line.

REP. KEISER: Who pays? John Halvorson of the WCB answered saying it is a class system. If they are part of the fire team, the firefighter class pays. It could be the county paying or the firefighters. Volunteers are assessed differently. They roll through the county experience rate and are under the deductible.

DALE ANDERSON (Pres. of GNDA): Opposes with written testimony.

REP. KEISER received clarification on the "who pays" question from John Halvorson and then asked why the businesses care if the counties are paying. Anderson responded that they are behind the WCB.

REP. RUBY: In the situation where an employer has a 1st Responder, would that be assessed to the business? Anderson was not sure because that is a WCB issue. Rep. Ruby then asked if that was why Anderson is opposed to this. Would this effect the businesses experience rating? Anderson said that this should be done through the Bureau.

EVAN MANDIGO (WCB): Opposes with written testimony.

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House Industry, Business and Labor Committee
Bill/Resolution Number 1317
Hearing Date 1-28-03

REP. KASPER: Did the board come up with actuarial data as to the actual cost? Mandigo said they did not. They could not get passed the issue of where do you draw the line.

REP. NOTTESTAD: Since these assessments would go to the counties, did you get input from the ND Assoc. of Counties? Mandigo could not answer that, but his assumption is they sought input from the EMS community and others who would be affected.

CHAIR KEISER: Closed hearing on HB 1317

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1317

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/29/03

Tape Number	Side A	Side B	Meter #
2		x	45.0-end
3	x		0.00-7.6
Committee Clerk Signature <i>Judith Hamner</i>			

Minutes: **Chairman Kelsner** called for committee work on HB 1317.

Rep. Froseth: I've struggled with this bill, it's so subjective, we've looked at this time after time. What is mental/mental stress?

Rep. Nottestad moved a Do Pass. **Rep. Zaiser** seconded the motion.

Rep. Klein: I've struggled with this too. It's going to be very hard to decide what is "mental". It's an ongoing struggle, I don't think I can support it.

Rep. Ekstrom: WCB/WSI has to establish the narrow definition of a critical incident. The Bureau has been given enough latitude to decide what's covered. It will be up to the community that is being covered to argue the cases. I'm going to support it.

Rep. Zaiser: In my estimation, this is pretty well done.

Rep. Severson: It's a good compromise from two years ago. It gives WCB latitude to make good decisions. Cities and counties are already paying Workers Comp premiums. They ought to be able to pay the bill. I've always questioned whether it should be called "mental/mental, though.

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House Industry, Business and Labor Committee
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Hearing Date 1/29/03

Really it's a traumatic incident that created the situation with an individual who is emotionally unable able to handle it. I believe that this is something that we need in rural North Dakota especially with EMS situations.

Chairman Keiser: My problem with this is that it doesn't have the best track history in terms of claims, predictability, cost to the fund and other subjective things. I'd prefer another direction for large urban areas. Both hospitals have employee assistance programs. Emergency personnel have traumas, they are sent to those facilities. That isn't so readily available in rural areas. How do we get these services to the rural areas? Some counties are running with \$100,000 deductibles. One exposure will wipe them out, they haven't a way to fund that, except under emergency funds. I think we should have dealt with assuring that these people have an opportunity for counseling without creating a condition in Workers Comp.

Rep. Ekstrom: This occurs for workers who are doing their natural course of business. Under sure and certain relief provision of Workers Comp, the one thing we want most is for them to get back to work.

Rep. Severson: There's a maximum of seven counseling sessions At \$500 a piece, that's only \$3500 per person, that's the intention. They are already covered for medical injuries.

The results of the initial roll call vote were **6-8-0**. The motion failed.

Rep. Klein moved a **Do Not Pass**.

Rep. Froseth seconded the motion. The results of the second roll call vote were **9-5-0**.

Rep. Froseth will carry this bill on the floor.

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FISCAL NOTE
 Requested by Legislative Council
 01/14/2003

Bill/Resolution No.: HB 1317

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

NORTH DAKOTA WORKERS COMPENSATION
 2003 LEGISLATION
 SUMMARY OF ACTUARIAL INFORMATION

BILL DESCRIPTION: Mental-Mental Coverage

BILL NO: HB 1317

SUMMARY OF ACTUARIAL INFORMATION: North Dakota Workers Compensation, together with its actuary, Glenn Evans of Pacific Actuarial Consultants, has reviewed the legislation proposed in this bill in conformance with Section 54-03-25 of the North Dakota Century Code.

The proposed bill expands coverage for emergency service providers to include mental injuries arising from mental stimuli, which occur during the course of employment. The proposed bill would limit benefits to medical benefits only and requires NDWC to adopt criteria defining the incidents in which benefits would be paid.

FISCAL IMPACT: We do not anticipate that this revision will materially increase rates for the state as a whole since premiums associated with the classifications affected by the expanded coverage comprise only about 8% of the statewide total. However, rates for the specific classes may increase over time due to the changes implemented under the proposed legislation. We did not attempt to derive an estimate of the likely impact of the proposed change on rate and reserve levels for those classes because we do not have access to an appropriate base of historical experience to use in deriving the estimates.

DATE: January 22, 2003

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

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B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	John Halvorson	Agency:	NDWC
Phone Number:	328-3760	Date Prepared:	01/23/2003

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Demetrius Halvorson
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