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Deanna Holcomb
Operator's Signature

10/3/03
Date

2003 HOUSE HUMAN SERVICES

HB 1376

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1376

House Human Services Committee

Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
1		x	6.8 - 56.2

Committee Clerk Signature *Sharon Renjau*

Minutes:

Rep. Wrangham appeared as prime sponsor with written testimony.

Dr. Brian E. Briggs appeared in support with written testimony

Rep. Weisz: looking at the language at this bill, assuming you have a therapy that's not necessarily successful but its not causing physical harm, but if that would prevent a patient from using established therapy, would that still fall under this language or is harm being done to the patient? I'm interested as to how you interpret that language "absent demonstrable physical harm to a patient", Assuming you have a therapy that's not necessarily affective, but its not harming the patient, but if it prevents him from other care, is that causing harm to the patient under the definition in this bill, how would you interpret that as a doctor?

Answer: I don't think that any doctor can operate in a situation where he is causing harm to people and expect to be protected by any law.

Richard Hammond appeared in support with written testimony.

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House Human Services Committee
Bill/Resolution Number HB 1376
Hearing Date February 10, 2003

Rep. Ruby appeared and acknowledged his support on this bill referencing the bill last session in regard to layatril and removal of treatment for cancer. Feels this bill is somewhat of a companion of that and thinks it cleans up and clarifies the use of treatments that are considered somewhat alternative.

Ruth Schell appeared in support with written testimony.

Rep. Price asked that if she was already receiving the treatments from Dr. Briggs and there hasn't been a problem, do you feel the bill is necessary? Answer: I do not want to see something come along later on that would stop us from having these treatments.

Clayann Almquist appeared in support with written testimony.

Constance Briggs, appeared in support with written testimony.

Rolf Sletten, Director of the State Board of Medical Examiners appeared in opposition with written testimony.

Rep. Price, mentioned that the opponents stated there were 9 states that have language as far as alternative therapies and asked Mr. Sletten if he was aware of them. Answer: No

Rep. Niemeier asked if Dr. Briggs had a current valid license to practice in ND? Answer: Yes

Rep. Potter asked that if chelation therapy is being done, is that supposed to be against the rules or is Dr. Briggs getting in trouble with here.

Answer: We can't tell, what is it they want to do that they can't do under the current law now?

Rep. Weisz: What does the Board do, do they do an individual assessment for any practice or therapy that might come before you? Answer: yes

David Peske of the ND Medical Assoc. appeared in opposition stating they feel acupuncture, vitamins, etc. are being incorporated into many practices today.

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House Human Services Committee
Bill/Resolution Number HB 1376
Hearing Date February 10, 2003

Rep. Porter: mentioned the alternative therapy that's being incorporated into practices today are researched based and typically been looked at from large research case facilities prior to moving out into the mainstream general practice. The way I read this bill, that would take that research base alternative medicine particularly away from the research facilities and someone could just start doing what they wanted to. Answer: Feels that's an accurate interpretation.

John Olson, serves as the Special Assistant for the Attorney General to the ND Board of Medical Examiners appeared in opposition stating the language that appears before in the bill, although we believe is not needed would also cause confusion and a lot of interpretations I perfect in the Court. I know what it says, it seems to say that unless there is actual harm, injury or death to a patient caused by the alternative care, we cannot bring a prosecution when we are not for sure about Rep. Weisz' question "what would happen if that therapy didn't cause harm" however the lack of the other perhaps conventional treatment was necessary and the fact that the patient didn't get it and resolved in the injury or death to that patient. That's a real troublesome question and I can't tell you which way the court would go on that, but I can tell you this, that we expect physicians, regardless of how expert they are in a particular specialty, when a patient comes to them, and wants the services of that physician and the physician cannot help them or perhaps only has one remedy available for that patient, we expect that physician to give that patient a range of options. That's part of general excepted medical practice.

Closed the hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1376

House Human Services Committee

Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
1	x		23.7 - 30.9
Committee Clerk Signature <i>Sharon Kenyon</i>			

Minutes: Committee Work

Rep. Wieland stated he doesn't see any reason for this bill and doesn't see any problem here or that no action was brought against Dr. Briggs. He was the only one who testified and we aren't protecting regular doctors, doesn't see why we should be doing any singular protection and made a motion for DO NOT PASS, second by Rep. Potter.

Rep. Potter noted that people have gotten very good care from doctors like these and would like to go on record as saying that I do think that they do have a point that aren't listened to and are ostracized.

Rep. Price asked if she was aware of any of the two physicians being prohibited from practicing by the Board of Medical Examiners?

Answer: I know that the Board of Medical Examiners has made life very difficult for them.

Rep. Uglem commented that he feels we have an awful lot to learn and its probably true, this medical field puts everybody at arms length if there's something different and feels there are a lot

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House Human Services Committee
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Hearing Date February 11, 2003

of good things out there but there is no way we can support this bill with absent demonstrable physical harm.

VOTE: 11 - 0 - 2

Rep. Wieland will carry the bill

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Date: 2.11.03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB ~~1425~~ 1376

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Rep Wieland Seconded By Rep Porter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	A		Rep. Carol Niemeier	A	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter		
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep Wieland

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

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Dorinda Hallworth Date 10/3/03
Operator's Signature

REPORT OF STANDING COMMITTEE (410)
February 11, 2003 11:25 a.m.

Module No: HR-26-2249
Carrier: Wieland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1376: Human Services Committee (Rep. Price, Chairman) recommends DO NOT
PASS (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1376 was placed on
the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-26-2249

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