

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2385

2007 SENATE HUMAN SERVICES

SB 2385

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2385

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-29-07

Recorder Job Number: 2149

Committee Clerk Signature

Mary R. Manson

Minutes:

Senator J. Lee, Chairman, opened the hearing on SB 2385 to provide an appropriation for a school district nursing services grant program.

Senator Fischer (District #46) introduced SB 2385 (Attachment #1) and offered amendments for the consideration of the committee (Attachment #2).

Representative Lois Delmore (District #43) testified in favor of SB 2385. She teaches in Grand Forks and has seen the wonderful work the school nurses do with very limited time and resource. She urged the favorable consideration of this bill.

Senator Dever asked Rep. Delmore about the program in place in Grand Forks and what the amendments do for them.

Rep. Delmore didn't know what the amendments would do but was hopeful it would encourage a grant that could get the programs out there for all of the students in all schools.

Senator J. Lee said the intent was that the schools currently having programs in place would not be first enhanced but rather this would be used to expand the programs in the schools without them.

Senator Mathern (District #11) testified in support of SB 2385. (Attachment #3)

Senator J. Lee talked about the largest demographic group served by Medicaid prescription drug purchases is from the ages of 5-24. She asked Senator Fischer if he wanted to share additional motivation other than health and safety issues.

Senator Fischer replied that he had a deep concern about the use of Ritalin and other controlled substances in schools.

Arnold Thomas (President, ND Health Care Association) addressed the proposed amendment. It's a permissive amendment. They understand the purpose of this bill is for school districts that currently are not offering this type of a program. Many of those school districts are located in geographical areas where manpower challenges are a major hurdle. The amendment provides authority for the school district or combination of districts to contract with services to satisfy the provisions of the bill.

Kathy Mack (President, ND School Nurse Organization) testified in support of SB 2385. (Attachment #4 includes a proposed amendment and school nurse case scenarios.)

Senator J. Lee asked if the organization's position when considering the amendment is that it is more important to use at least a portion of the money to enhance existing programs than it is to establish new ones.

Ms. Mack said their thinking is they want to start new ones and they want to enhance some existing ones that are just basic.

Senator Dever asked how many districts have a program now.

Ms. Mack didn't know the answer.

Senator Heckaman asked how many school requested to be part of the start up program.

Ms. Mack didn't know how many.

Senator J. Lee said some of the school nurse programs have been funded by Dakota Medical Foundations Grant. They are in both private and public schools. The challenge school

districts have faced in the past is that they want school nurses. They don't want a mandate that is not funded. Appropriation is an extremely important part of this.

Dr. Todd Twogood (President, ND American Academy of Pediatrics) Testified in support of SB 2385. (Attachment #5) He offered additional information that behavioral health in pediatrics has risen to about 40% of office visits. Within that, ADD and ADHD are an extreme high proportion of them.

Senator Heckaman shared her concerns about the overuse of Ritalin. However, there are times when it is necessary. She asked what the future looks like for parents with offered services other than medication.

Dr. Twogood said the issue there is that there's not going to be a change in this. If anything there is going to be an increased use and utilization of medication. (Meter 20:38)

Mary Ann Delisle (School Nurse) read the testimony of Mary Beth Traynor in favor of SB 2385. (Attachment #6)

Jane Prather (School Nurse) presented testimony from Grant Benjamin (Fargo Police Officer) (Attachment #7). She also provided a copy of a drug assessment plan for school nurses to follow (Attachment #8)

Kathryn Pederson (JPA in ND) testified in support of SB 2385. In ND 98.8% of all schools are small and rural. The majority of those schools do not have school nurses. The larger schools do. The needs are the same and the equity issues are definitely there. What they are proposing with this bill is the possibility of coordinating and sharing the services. (Meter 33:40)

Senator Heckaman asked how the schools that are not a part of JPA's would go about getting these services.

Ms. Pederson said that 96% of all K-12 enrollments right now are enrolled in a JPA model school. This would be a positive for them to join a JPA.

Senator J. Lee asked if they found the amendment attractive for JPA with the ability to contract with entities such as the public health units.

Ms. Pederson said, yes, anything to combine services and provide equity they are for it.

Senator Dever asked if it would make sense to consider funding it through the Department of Public Instruction.

Ms. Pederson said she didn't know how to answer that.

Valerie Fischer (Director of School Health, DPI) testified in favor of SB 2385 (Attachment #9).

Senator Heckaman asked how they provide services to the special education units.

Ms. Fischer said the special ed units are excited about this also. Their structure within the JPA would lend itself to having access to nursing services to provide that technical assistance and support.

Mary Kay Herrmann (Director of the Health Department, Fargo) testified in support of SB 2385. (Attachment #10 includes an Outcome Survey.) She offered additional information that this testimony and the funding she is talking about doesn't provide for special ed. They have a separate contract with Fargo Public Schools to provide special ed services for that population.

Senator J. Lee asked what is going on with the private schools.

Ms. Herrmann said they go into a couple for limited school nursing and they help pay for some of it and some is funded through Dakota Medical Foundation. The Catholic schools in Fargo have their own contract with Dakota Medical Foundation.

Nancy Kopp (ND Optometric Association) testified in support of SB 2385. She provided a chart of referrals for the Fall 2005 to Spring 2006 School Year. (Attachment #11)

Nancy Sand (ND Education Association) testified in support of nursing services for children in schools. There are school employees who have been asked and in some cases assigned to perform duties they are not trained for. In some cases, it borders on diagnostic services. It

would be good for kids and staff to expand the availability of nurses to schools. She said it is important to look at liability issues.

Before the hearing opened Bev Nielson (School Board Association) had been in the room and asked Ms. Sand to say that the School Board Association also supports SB 2385.

Senator J. Lee asked what they do about liability when an untrained person is administering medication or doing some other procedures.

Senator Heckaman offered information that school she had been in had a medication form that needed to be signed by the doctor approving that it could be administered in school. Then it had to be documented every day the time it was administered and who administered it.

The school she is in now is a tribal school with a school nurse. A main issue is when the nurse is gone; the school has a policy that no one else can administer medication.

Ms Sand said that the responsibility for administering needs to be very clearly written down.

Caitlin McDonald (State Association of Non-Public Schools) testified in support of SB 2385 with amendments. (Attachment #12)

Senator J. Lee asked if there are other parallel programs that non-public schools are able to apply for state funds right now.

Ms. McDonald said the one she is aware of is for surplus property.

There was a short discussion that students from private schools can access programs in public schools if not offered by the private school.

Vivian Schafer (ND Children's Caucus) testified in favor of SB 2385. (Attachment #13)

Becky Bailey (Child and Adolescent Nurse Consultant, ND Dept. of Health's Division of Family Health) testified in a neutral position for SB 2385. (Attachment #14)

Senator J. Lee asked Ms. Bailey about whether this program should originate in the Dept. of Health or in DPI.

Ms. Bailey said they gathered a broad group of people to look into program development last fall. Many programs function through local public health units, which would be the majority. Many also partner with different areas. When there is a full time equivalent that person could look deeper into how this funding should be distributed. Also they need to look at the established programs so they can build on them and those that have new programs have an opportunity to do so depending on the needs of their community.

Kim Senn (Director, Division of Family Health State Health Dept.) provided clarification to Senator Dever's question about whether the funds should go the Dept. of Public Instruction or to the Health Department. That issue has been talked about a great deal. The DPI and Dept. of Health work very closely together on school health issues. Both departments have a school health program and together they share resources. Currently within the health department there is a structure for providing technical assistance and consultation to the school nurses statewide. That is why, in the bill, the money is coming into the state health department. They have a current structure and the current expertise within the health department.

There was no further neutral testimony. There was no opposing testimony.

The hearing on SB 2385 was closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2385

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-31-07

Recorder Job Number: 2362

Committee Clerk Signature

Mary R. Monson

Minutes:

Senator J. Lee, Chairman, opened SB 2385 for discussion and consideration of amendments.

They reviewed the Fischer amendment.

The amendment from Kathy Mack says enhancement can occur. Senator J. Lee said they need to discuss whether or not to allow enhancement to existing programs or if they were more interested in establishing new programs.

The amendment from Caitlin McDonald wanted to include non-public schools.

(Meter 3:00) There was discussion on including non-public schools. There was some agreement that they could make an argument that they want feedback from this system.

They talked about reporting back and the receiving agency being an interim committee.

Senator Dever made a point that it would be a different argument if it was funded through DPI than being funded through the health department, public health units. The proposal, overall, is not to put a full time nurse in every school, but planning to have a nursing program that would cover several schools. In Bismarck there would be several schools that would be denied services without this.

Senator Dever made a motion to amend SB 2385 to include non-public schools.

Motion seconded by Senator Erbele.

There was discussion on if non public schools are part of the JPA's. They also talked about grant applications. They didn't feel there was a constitutional issue. Constitutional issues seem to be limited to educational services and this is not.

Roll call vote 6-0-0. Amendment accepted.

Senator Warner moved to accept the Fischer amendment.

Motion seconded by Senator Heckaman.

Roll call vote 6-0-0. Amendment accepted.

Next there was discussion on funding existing programs or limiting it to new programs.

There was some indication that they should not exclude existing programs but allow for flexibility. They also talked about a reporting requirement by the health department to the interim budget committee on health care.

Senator Heckaman moved to accept the Kathy Mack amendments about the existing services and a reporting requirement.

Motion was seconded by Senator Warner.

Roll call vote 6-0-0.

(Meter 20:10) Discussion took place on funding and lowering it to see how a lesser amount is used. Then it could be evaluated next session at a better level to see what the need is.

Senator Erbele moved to amend the appropriation to \$1 million.

Motion was seconded by Senator Pomeroy.

Roll call vote 6-0-0. Amendment accepted.

Senator Heckaman moved a Do Pass on SB 2385 as amended and rerefer to Appropriations.

Motion was seconded by Senator Pomeroy.

Roll call vote 6-0-0. Carrier is Senator Heckaman.

Date: 1-31-07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2385

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Nonpublic amendment

Motion Made By Sen. Dever Seconded By Sen. Erbele

| Senators | Yes | No | Senators | Yes | No |
|---------------------------------|-----|----|------------------------|-----|----|
| Senator Judy Lee, Chairman | ✓ | | Senator Joan Heckaman | ✓ | |
| Senator Robert Erbele, V. Chair | ✓ | | Senator Jim Pomeroy | ✓ | |
| Senator Dick Dever | ✓ | | Senator John M. Warner | ✓ | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

70281.0201
Title.

Prepared by the Legislative Council staff for
Senator Fischer

January 26, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2385

Page 1, line 21, replace "school district" with "recipient"

Page 1, line 22, replace "school district" with "recipient"

Page 1, after line 23, insert:

- "3. A recipient may use a grant awarded under this section to directly employ one or more individuals for the purpose of providing school district nursing services or a recipient may contract for the provision of school district nursing services with public or private entities, including hospitals, clinics, health care cooperatives, and public health units."

Page 2, line 1, replace "3." with "4." and replace "school district" with "recipient"

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

Page 2, after line 5, insert:

- "6. For purposes of this Act, a recipient may be a single school district, a group of school districts, or an educational association governed by a joint powers agreement."

Renumber accordingly

Date: 1-31-07
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2385

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Fischer Amendment.

Motion Made By Sen. Warner Seconded By Sen. Heckaman

| Senators | Yes | No | Senators | Yes | No |
|---------------------------------|-----|----|------------------------|-----|----|
| Senator Judy Lee, Chairman | ✓ | | Senator Joan Heckaman | ✓ | |
| Senator Robert Erbele, V. Chair | ✓ | | Senator Jim Pomeroy | ✓ | |
| Senator Dick Dever | ✓ | | Senator John M. Warner | ✓ | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 1-31-07

Roll Call Vote #: 4

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2385

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken reduce to \$1 m

Motion Made By Sen. D. Seconded By Sen. Po.

| Senators | Yes | No | Senators | Yes | No |
|---------------------------------|-----|----|------------------------|-----|----|
| Senator Judy Lee, Chairman | ✓ | | Senator Joan Heckaman | ✓ | |
| Senator Robert Erbele, V. Chair | ✓ | | Senator Jim Pomeroy | ✓ | |
| Senator Dick Dever | ✓ | | Senator John M. Warner | ✓ | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 1-31-07

Roll Call Vote #: 5

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2385

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP Amended / rerefer to Approp.

Motion Made By Sen. Heckaman Seconded By Sen. Pomeroy

| Senators | Yes | No | Senators | Yes | No |
|---------------------------------|-----|----|------------------------|-----|----|
| Senator Judy Lee, Chairman | ✓ | | Senator Joan Heckaman | ✓ | |
| Senator Robert Erbele, V. Chair | ✓ | | Senator Jim Pomeroy | ✓ | |
| Senator Dick Dever | ✓ | | Senator John M. Warner | ✓ | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Heckaman

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

REPORT OF STANDING COMMITTEE

SB 2385: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Sixth order on the calendar.

Page 1, line 1, after "district" insert "or nonpublic school"

Page 1, line 5, replace "\$3,000,000" with "\$1,000,000"

Page 1, line 7, after "district" insert "or nonpublic school"

Page 1, line 9, replace "section" with "Act" and after "district" insert "or nonpublic school"

Page 1, line 21, replace "section" with "Act" and replace "school district" with "recipient"

Page 1, line 22, replace "school district" with "recipient"

Page 1, after line 23, insert:

- "3. A recipient may use a grant awarded under this Act to directly employ one or more individuals for the purpose of providing school district nursing services or a recipient may contract for the provision of school district nursing services with public or private entities.
4. Grants under this Act may not supplant existing school nursing services offered during the 2006-07 school year but may be used to enhance existing school nursing services.
5. For the purposes of this Act, a recipient may be a single school district, a group of school districts, a nonpublic school, or an educational association governed by a joint powers agreement."

Page 2, remove lines 1 and 2

Page 2, line 3, replace "4." with "6."

Page 2, line 4, replace "section 1" with "this Act"

Page 2, after line 5, insert:

- "7. The state department of health shall report to the legislative council during the 2007-08 interim regarding grants provided under this Act."

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2385

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2385

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-12-07

Recorder Job Number: 3416

Committee Clerk Signature

Alice Delzer

Minutes:

Chairman Holmberg opened the hearing on SB 2385 on February 12, 2007 regarding Nursing Services Grant Program.

Senator Fischer, District 46, Fargo introduced the bill and gave oral testimony in support of SB 2385.

Chairman Holmberg asked questions regarding the source of funding. He was informed it would come from the Department of Health Trust Fund.

Linda Wright, Member of Executive Committee of the North Dakota School Nurse

Organization and on the Board of the National Association of School Nurses presented written testimony (1) and oral testimony in support of SB 2385.

Senator Bowman asked if there was enough nurses for every school district, and in the case of his district, the school is right next to hospital could the program be flexible enough to have the County Health Nurse do the job. He also asked who makes the decision as to what school gets a school nurse. Further in testimony he asked about the larger schools, like Fargo, West Fargo and Minot. He was informed that Fargo uses the Dakota Medical Foundation for their support, and Bismarck and Minot use Title 5 grants.

Senator Christmann expressed concern regarding the size of the schools and if they are smaller do they get a health nurse.

Page 2

Senate Appropriations Committee

Bill/Resolution No. 2385

Hearing Date: 02-12-07

Kim Senn, Director of the Division of Family Health for North Dakota Department of

Health presented written testimony (2) and gave testimony regarding the fiscal impact of SB

2385 on the Department of Health. She gave testimony in support of bill.

Senator Kilzer had questions regarding if we have public health nurses covering every square mile of North Dakota, and if not why not.

Nancy Sand, NDEA gave oral testimony in support of SB 2385.

The hearing was closed on SB 2385.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2385

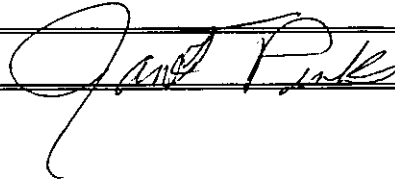
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-13-07

Recorder Job Number: unknown

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2385.

Senator Fischer moved a do pass on SB 2385, Senator Seymour seconded. Discussion followed. A roll call vote was taken resulting in 8 yes, 6 no, 0 absent. Senator Heckaman will carry the bill.

Chairman Holmberg closed the hearing on SB 2385.

Date: 2/13
Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 2385

Action Taken DP

Motion Made By Fischer Seconded By Seymour

| Senators | Yes | No | Senators | Yes | No |
|--------------------------------|-----|----|---------------------------|-----|----|
| Senator Ray Holmberg, Chrm | | ✓ | Senator Aaron Krauter | ✓ | |
| Senator Bill Bowman, V Chrm | | ✓ | Senator Elroy N. Lindaas | ✓ | |
| Senator Tony Grindberg, V Chrm | | ✓ | Senator Tim Mathern | ✓ | |
| Senator Randel Christmann | | ✓ | Senator Larry J. Robinson | ✓ | |
| Senator Tom Fischer | ✓ | | Senator Tom Seymour | ✓ | |
| Senator Ralph L. Kilzer | | ✓ | Senator Harvey Tallackson | ✓ | |
| Senator Karen K. Krebsbach | ✓ | | | | |
| Senator Rich Wardner | | ✓ | | | |
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Total (Yes) 8 No 6

Absent _____

Floor Assignment Hum Serv

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2007 8:10 a.m.

Module No: SR-31-3170
Carrier: Heckaman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2385, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SB 2385 was placed on the Eleventh order on the calendar.

2007 HOUSE EDUCATION

SB 2385

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2385

House Education Committee

Check here for Conference Committee

Hearing Date: **28 February 2007**

Recorder Job Number: **4093**

Committee Clerk Signature



Minutes:

Chairman Kelsch opened the hearing of SB 2385.

Senator Tom Fisher, District 46, introduced the bill. (Testimony Attached.) He also distributed a proposed amendment which is also attached.

Senator Tim Mathern, District 11, one of the cosponsors, did not appear before the committee, but submitted written testimony. That testimony is attached.

Phyllis Hanson, part-time school nurse, Mandan, testified in favor of the bill. I have enjoyed being a part of the educational team. I have learned about how education is done and how they address children to be healthy. I have become aware of the IEP process and have been asked to serve as a health consultant on some IEP meetings. I have become aware of some regulations that the schools are under to provide health services for any child with any health care needs; for example, asthma, diabetes, seizures, etc. It is my understanding that there may be some legal taken against the school for not providing adequate health care for some of these students. Passing SB 238 would enhance the abilities of the school districts to help meet these health needs. The first testimonial I handed out is from **Linda Wright, our representative to the National Association of School Nurses.**

She read the testimony (**attached**).

Vice Chairman Meier: Currently you are employed part time as a nurse for Mandan schools. How many schools do you serve?

Hanson: I serve five schools: high school, junior high, special needs pre school, and two elementary schools. We also have another part time nurse that handles two other elementary schools. The schools do like to know when they have access to me. I schedule two to three hours per week. My schedule does change if I get called for an IEP at another school. It is process of flexing and not being everywhere that I need to be. I do work closely with the principals and the special ed teachers. I try to make it to the IEPs that have a strong need for medical.

Vice Chairman Meier: What are some of the needs you address? In the past year? Are you involved with working with the teachers in administering some of the medications?

Hanson: All the asthmatics and we have been working on allowing the students to carry inhalers and the EPI pen, diabetics—many of them give themselves insulin during the day. My RN license is that I cannot delegate a medical process to school staff but I can assist and make sure they do it correctly. The parents must do the delegating to the school staff and I try to make sure that they do the correct things.

Representative Herbel: We had a nurse in Grafton and it was wonderful. She took care of a lot of the kids' problems. When I look at the budget here, how do you propose to make \$1 million work?

Hanson: This is just one step in the right direction. We did originally request more money. We are not going to be able to provide adequate nurses' services to all the schools in ND.

Representative Herbel: How many nurses do we presently have in the schools?

Hanson: Off-hand I don't know. I can get you that information.

Mary Beth Traynor (via audio conference): We have about 30 FTE across the state.

Representative Hunsakor: In the smaller schools are nurses shared? Do they travel? Do they stay in one school? Obviously many of the smaller schools do not have a nurse.

Hanson: I do think there is some sharing. Sometimes it's just a public health that makes a stop or is available but does not come regularly. It varies across the state. I do think there are many schools that do not have access to nurses.

Representative Mueller: My wife did what you do but she worked for the county. What is the way the county and public schools interface? How does that all work?

Hanson: I am employed by Custer Health. I do know they use some grant money, we do get some money from the Mandan School District—it is minimal. In one of elementary schools in Mandan the PTO has been committed to school nursing and they raised enough money for a school nurse to be at their school for four hours per week.

Representative Haas: So you are employed by the public health unit; does Mandan have any nurses on their payroll. The model you are thinking about in this bill, is it planned for the entire budget to be funneled through the district health units across the state?

Hanson: They do give us the money. They do have a nurse at the high school who is a medical health careers teacher. She is an instructor. The budget was to be determined—there are a variety of models. It was meant to provide at least some services to schools that have none and maybe enhance services to some that need it.

Mary Beth Traynor, school nurse in Fargo, testified via audio conference, in favor of the bill. (Testimony Attached.) She also told the Committee about how nurses were funded in Fargo: We have a \$5 million grant from Dakota Medical Foundation to Grand Forks, Fargo Public Schools and Fargo Catholic Schools. It is based on need. In Fargo, 16% of the funding is Dakota Medical Foundation, roughly 38% is from the public schools, and 45% from the county health department and the nurses are employed by Fargo Public Health. In Grand

