

2009 SENATE HUMAN SERVICES

SB 2096

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2096

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-14-09

Recorder Job Number: 6990

Committee Clerk Signature

*Mary K Mowson*

Minutes:

**Senator J. Lee** opened the hearing on SB2096 relating to medical care of intoxicated persons.

**Dr. Andrew McLean**, Medical Director of the One Center. Spoke in support of SB2096. See attachment #1.

**Senator Dever** I am curious as to what intoxication means; is it drugs, alcohol?

**Mr. McLean** it could be anything but in this bill refers to alcoholic beverages rules.

**Senator J. Lee** Can you provide an example of how this would work?

**Mr. McLean** Certainly, I found out we actually have a forum pertaining particularly to this rule. Essentially, law enforcement signs a form saying that they are requesting admission for this person and everyone is happy with that. It primarily implies that people in a non-treatment setting are being brought to the state hospital. It would not imply that someone from an emergency room comes to the state hospital because that requires someone from a care facility. This is primarily for law enforcement bringing someone in. We ask for the change because it is confusing for law enforcement. It is their impression that they can admit anyone and in one case an officer threatened to arrest the doctor if they did not admit the patient.

**Senator Lee** What would happen in a case where a person was threatened with arrest?

**Mr. McLean** Well, if they had the statute in front of them they could say I interpret this law to mean that you have the right to bring them here for treatment and I have the right to determine whether or not they should be admitted. This helps to clarify that.

**Senator J. Lee** so this continues to give you the right to determine if a person will receive care?

**Mr. McLean** Exactly. And this is actually consistent with the form that law enforcement already uses and that doesn't change at all. I would just like to add that the likelihood of someone being brought to a facility and not being admitted is extremely small.

**Senator Lee** What would happen if you didn't have any beds?

**Mr. McLean** For intoxicated people we believe that if we can manage them we can find a bed for them. The alternative would be calling the Jamestown hospital and asking for assistance.

We have also developed a relationship with the Jamestown hospital to exchange doctors.

**Senator Dever** We're not talking about someone who is getting a DUI but someone who needs clinical detox?

**Mr. McLean** Yes

**There was no opposition or neutral testimony.**

**Senator J. Lee closed the hearing on SB2096**

**Senator Dever** Moved a **Do Pass** recommendation.

**Senator Erbele** Seconded the motion.

The Clerk called the roll. **Yes: 5, No: 0, Absent: 1, Senator Marcellais.**

**Senator Heckaman will carry the bill.**

Date: 1-14-09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2096

Senate Human Services Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended

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 Richard Marcellais		
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Heckaman

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

**REPORT OF STANDING COMMITTEE**

**SB 2096: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2096 was placed on the  
Eleventh order on the calendar.

2009 HOUSE HUMAN SERVICES

SB 2096

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2096

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9541

Committee Clerk Signature



Minutes:

**Chairman Weisz called the hearing to order on SB 2096.**

**Alex Schweitzer read Dr. Andrew McLean's testimony. See Testimony #1.**

**Rep. Porter:** In existing where we give the authority on line 6, 7 and 8. Do you think that is clear enough that they can use other means of transportation to do their duty or do you think it should be expanded so they have the authority to take or to use emergency medical services to do that?

**Alex Schweitzer:** It does give them the authority to transport anyone intoxicated either to a jail or hospital. Doesn't say anything about emergency transfer. I don't know if it open up enough and that would be allowed or not.

**Rep. Porter:** On line 16 and 17, it talks about the recovery of the costs that city or county can recover the cost, but what about a hospital or the local ambulance service?

**Alex Schweitzer:** A hospital can collect obviously. We have a means to do that and they would be billed for service. I can't speak for any other entity. From standpoint of the hospital, we would bill.

**Rep. Porter:** It doesn't say that the state can, I've heard where they say, I'm not paying that bill, I never asked for your services send it to the police department.

**Alex Schweitzer:** I'm not sure how it works, but in terms of the state hospital, there is a statutory requirement in this bill that requires us to bill and collect any service we provide no matter what it is.

**NO OPPOSITION.**

**Chairman Weisz closed the hearing.**



# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2096

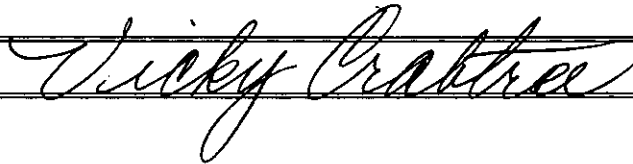
House Human Services Committee

Check here for Conference Committee

Hearing Date: February 25, 2009

Recorder Job Number: 9734

Committee Clerk Signature



Minutes:

**Chairman Weisz:** Let's take up 2096.

**Rep. Porter:** Passed out amendments. See Attached #1. Page 1, line 17 added language.

When I asked Mr. Schweitzer during his testimony if language was all inclusive to include the EMS provider the (dropped sentence) was a medical service provider which would include the state hospital and Mr. Dawson said that wouldn't hurt to clarify that particular area of the law so that not only does the county and city have the ability to recover, but it is more clear that the ambulance service can bill them if the police department says, I don't feel safe transporting this person to the hospital, that you transport them.

**Rep. Porter: Move the amendment.**

**Rep. Holman: Second**

**Rep. Kilichowski:** Right now the ambulance services would not be reimbursed?

**Rep. Porter:** It was one of those gray areas in the law that currently the ambulance service can bill for the services. This person being billed, didn't necessarily ask for their services and isn't of the capabilities to hear those services so the law enforcement agency calls for them and because of the way it is worded, technically, the ambulance service can bill the city, city

could bill the individual, but ambulance services would just a soon bill direct and to clarify that kind of a situation, that was the recommendation of council.

**Rep. Porter:** Would they be billing the city or the county (inaudible)?

**Rep. Porter:** I think that would vary across the state.

**Rep. Hofstad:** I don't expect a detox center would be a medical service provider also?

**Rep. Porter:** No, a detoxification center is a jail or state hospital and they are already covered under medical service provider or because they are city or county owned and operated.

**Rep. Hofstad:** Would there be an occasion where law enforcement would take them to a private center?

**Rep. Porter:** Yes and that is covered under the existing blanket medical services provider.

**Voice Vote: 11 yeas, 0 nays, 2 absent, Rep. Conrad and Uglem.**

**Rep. Hoffad: DO PASS as amended.**

**Rep. Potter: Second**

**Roll Call Vote: 11 yes, 0 no, 2 absent.**

**MOTION CARRIED DO PASS.**

**BILL CARRIER: Rep. Nathe.**

YR  
2/26/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2096

Page 1, line 17, overstrike "or" and insert immediately thereafter an underscored comma and  
after "county" insert ", ambulance service, or medical service provider"

Renumber accordingly

Date: 2-25-09  
Roll Call Vote #: /

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2096

House HUMAN SERVICES Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. PORTER Seconded By Rep. Holman

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ			REP. TOM CONKLIN		
VICE-CHAIR VONNIE PIETSCH			REP. KARI L CONRAD		
REP. CHUCK DAMSCHEN			REP. RICHARD HOLMAN		
REP. ROBERT FRANTSVOG			REP. ROBERT KILICHOWSKI		
REP. CURT HOFSTAD			REP. LOUISE POTTER		
REP. MICHAEL R. NATHE					
REP. TODD PORTER					
REP. GERRY UGLEM					

Total (Yes) 11 No 0

Absent 2 Reps. Conrad & Uglem

Bill Carrier \_\_\_\_\_

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

*Accept Amendments  
By Rep. PORTER*

Date: 2-25-09  
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2096

House HUMAN SERVICES Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Hofstad Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 11 No 0

Absent 2

Bill Carrier Rep. Nathe

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

*MOTION ON AMENDMENTS  
 DO PASS AS AMENDED.*

**REPORT OF STANDING COMMITTEE**

**SB 2096: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 17, overstrike "or" and insert immediately thereafter an underscored comma and after "county" insert ", ambulance service, or medical service provider"

Renumber accordingly

2009 TESTIMONY

SB 2096

#1

**Testimony**  
**Senate Bill 2096 – Department of Human Services**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chairman**  
**January 14, 2009**

*Same testimony given to Senate on 2-16-09*

Chairman Lee, members of the Senate Human Services Committee, I am Dr. Andrew McLean, the Medical Director of the One Center (North Dakota State Hospital and North Dakota Developmental Center) and Southeast Human Service Center. I am here today to provide you testimony in support of Senate Bill 2096.

The bill before you pertains to intoxicated persons. The changes in the bill are simply to clarify the language pertaining to hospitalization. In the first part of the original statute, it is apparent that a peace officer has the authority to take an individual to a hospital for the purpose of detoxification, and that the medical staff may hold that person for that purpose. We are requesting a change in the latter part of the statute which implies authority of law enforcement to "place" (i.e., admit) a person in a hospital, whereas they actually have the authority to bring them to the hospital for the purpose of evaluation and subsequent determination by clinical staff.

Thank you. I would be happy to answer any questions.