

2011 SENATE TRANSPORTATION

SB 2143

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

SB 2143  
January 21, 2011  
13191 & 13203

Conference Committee

*Stange*

## Explanation or reason for introduction of bill/resolution:

## Minutes:

No attached testimony

**Senator G. Lee** opened the hearing on SB 2143 relating to use of medical advice by the director of the department of transportation.

**Senator J. Lee**, District 13, introduced the committee to the idea in SB 2143. She said that nurse practitioners would also be enabled to determine whether or not an individual is able to continue to have a driver's license. She said all this bill does is add advanced practice RNs to this section of the code. She added that there is another bill in the house (HB1103) that is more comprehensive that addresses this and many other issues. She stated that she would be comfortable if the committee holds this bill or even killing it and works with the House version. With that said, she encouraged the committee to consider the idea, when looking at the broader bill.

**Cal Rolfson**, North Dakota Nurses Practitioners Association (NDNPA) explained HB 1103. He said that it was a housekeeping bill for the Department of Transportation but in that bill is a definition of healthcare provider that includes not only the current law of physicians and optometrists but expands it to a broad array of primary care healthcare providers. His recommendation to the committee is to look at HB 1103 and transfer into this bill, through an amendment. He believes the better bill is the House Bill because it is a DOT housecleaning bill and more comprehensive and they support that bill as well.

**Senator Mathern** asked what the amendment would include in their description of other health practitioners.

**Mr. Rolfson** read off the list from HB 1103. "Licensed health care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, nurse practitioner, or physician assistant who is licensed, certified, or registered in accordance with laws and regulations in this or another state.

**Senator Nodland** asked why we were expanding this.

**Mr. Rolfson** said that currently only physicians and optometrists can do this but many people in rural areas don't see physicians; they are treated by physician's assistants and nurse practitioners.

**Senator Nodland** asked how this reporting worked.

**Mr. Rolfson** said that information is usually dispersed to the DOT after it has been requested from these health care providers by the DOT.

**Senator Sitte** had contacted a nurse practitioner in the House and asked her for a definition. She shared the definition with the committee of the four categories and also said that she would e-mail a copy to committee members.

**Mr. Rolfson** said that those were the four categories that have been in existence for some time.

**Senator Sitte** was concerned about these four categories being too broad.

**Mr. Rolfson** said currently when asked by the DOT for information concerning a driver's license, they can only ask physicians and optometrists.

**Senator Sitte** asked about amending the bill to just nurse practitioners and clinical nurse specialists, physician's assistants and possibly a few others that can be agreed upon but not have such a board list.

**Mr. Rolfson** said that by policy you would be excluding some health care professionals that the DOT may ask information of.

**Nancy Kopp**, North Dakota Optometrist Association testified in support of SB 2143 and in addition would like to offer a friendly amendment that would just clarify the non MDs and add verbiage that would clarify they be practicing within their own scope.

**Mr. Rolfson** said he would have no problem including this.

No opposing testimony.

**Senator Lee** closed the hearing on SB 2143.

**SB 2143, Job number 13203, 10:53 A.M. January 21, 2011**

**Senator Lee** opened continued discussion on SB 2143. They had some discussion on whether they should kill this bill and look at the house bill or amend SB 2143.

**Senator Mathern** will prepare amendment language.

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Transportation Committee**  
Lewis and Clark Room, State Capitol

SB 2143  
January 28, 2011  
13599

Conference Committee

*Stange*

**Explanation or reason for introduction of bill/resolution:**

**Minutes:**

*Vote*

**Senator Lee** opened discussion on SB 2143 relating to use of medical advice by the director of the department of transportation.

**Senator Mathern** introduced an amendment for consideration and explained the impact of these amendments.

Discussion followed on the process.

**Senator Mathern** moved to adopt amendment 11.0123.01001.

**Senator Oehlke** seconded.

Roll call vote 6-0-0. **Amendment adopted.**

**Senator Mathern** moved a **Do Pass as Amended.**

**Senator Sitte** seconded the motion.

Roll call vote 6-0-0. **Motion passed.**

**Senator Mathern** will carry the bill.

~~AAO~~ Do not  
~~Pass~~ Pass.

PROPOSED AMENDMENTS TO SB 2143

Page 1, line 7, replace "advanced practice registered nurse," with "doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant who is licensed, certified, or registered in accordance with laws and regulations in this or another state,"

Page 1, line 15, replace "advanced practice registered nurse," with "doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant who is licensed, certified, or registered in accordance with laws and regulations in this or another state,"

Page 1, line 19, replace "advanced practice registered nurse," with "doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant who is licensed, certified, or registered in accordance with laws and regulations in this or another state,"



January 27, 2011

*Passed*  
*6-0-0*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2143

Page 1, line 6, after "director" insert "- Definition"

Page 1, line 7, overstrike "any physician"

Page 1, line 7, remove the underscored comma

Page 1, line 8, remove "advanced practice registered nurse."

Page 1, line 8, overstrike "or optometrist authorized to practice in this state" and insert immediately thereafter "a licensed medical care provider"

Page 1, line 15, overstrike "personal physician"

Page 1, line 15, remove ". advanced practice registered nurse."

Page 1, line 15, overstrike "or optometrist" and insert immediately thereafter "licensed medical care provider"

Page 1, line 19, overstrike "physician"

Page 1, line 19, remove ". advanced practice registered nurse."

Page 1, line 19, overstrike "or optometrist" and immediately thereafter insert "licensed medical care provider"

Page 2, after line 7, insert:

"6. As used in this section, "licensed medical care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant, who is licensed, certified, or registered in accordance with laws and regulations in this or another state."

Re-number accordingly

Date: 1-28-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2143

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 11.0123.01001

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Senator Mathern Seconded By Senator Oehlke

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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



Date: 1-28-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2143

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 11, 0123, 01001

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Mathern Seconded By Senator Sitte

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Mathern

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

**REPORT OF STANDING COMMITTEE**

**SB 2143: Transportation Committee (Sen. G. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.**

Page 1, line 6, after "director" insert "- Definition"

Page 1, line 7, overstrike "any physician"

Page 1, line 7, remove the underscored comma

Page 1, line 8, remove "advanced practice registered nurse."

Page 1, line 8, overstrike "or optometrist authorized to practice in this state" and insert immediately thereafter "a licensed medical care provider"

Page 1, line 15, overstrike "personal physician"

Page 1, line 15, remove ", advanced practice registered nurse."

Page 1, line 15, overstrike "or optometrist" and insert immediately thereafter "licensed medical care provider"

Page 1, line 19, overstrike "physician"

Page 1, line 19, remove ", advanced practice registered nurse."

Page 1, line 19, overstrike "or optometrist" and immediately thereafter insert "licensed medical care provider"

Page 2, after line 7, insert:

"6. As used in this section, "licensed medical care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant, who is licensed, certified, or registered in accordance with laws and regulations in this or another state."

Renumber accordingly

2011 HOUSE TRANSPORTATION

SB 2143

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee  
Fort Totten Room, State Capitol

SB 2143  
03/04/2011  
Job # 14951

Conference Committee

Committee Clerk Signature *Jeanette Cook*

## Explanation or reason for introduction of bill/resolution:

SB 2143 is a bill relating to the use of medical advice by the director of the Department of Transportation.

## Minutes:

Attachment 1-3

**Senator Judy Lee, District 13 from West Fargo**, introduced SB 2143. She stated that the bill looks to expand the number of medical professionals that can provide disabled hang tags in cars, for example.

**Glenn Jackson**, Director of the Drivers License Division for the North Dakota Department of Transportation, spoke to support SB 2143. He provided written testimony and a copy of an amendment. See attachments #1-2.

**Chairman Ruby:** Your amendment was for which bill?

**Glenn Jackson:** It is the amendment for 1103. It will bring 1103 and 2143 together, so we are saying the same thing.

**Vice Chairman Weiler:** Is a psychiatrist included in a "doctor of medicine"? Psychologist is listed here, but not psychiatrist.

Someone answered, "Yes". (not testifying)

**Vice Chairman Weiler:** Why would a physical therapist not be listed as well?

**Glenn Jackson:** The advice these individuals give is more specific than just giving a handicapped sticker. We get many situations that are reported to us by law enforcement, by family members, or by others that someone has a problem, and we have to suspend their license. Then we have to get medical advice from someone to see what they are capable of. It was decided that a physical therapist is doing work on behalf of a physician in order to heal a physical issue, but not necessarily determining a physical limitation. So, we decided not to include them.

**Kris Todd-Reisnour, Secretary of the Nurse Practitioner Association**, spoke to support SB 2143 and provided written testimony. See attachment #3.

**Representative Owens:** Could you explain what an Advanced Practice Registered Nurse is, and are there different levels of nurses that can prescribe?

**Kris Todd-Reisnour:** There are four categories of Advanced Practice Registered Nurses in North Dakota: nurse practitioners, certified nurse midwives, clinical nurse specialists, and certified registered nurse anesthetists (CNRA). The CNRA's don't usually prescribe, but the other three have the capability if their license allows that.

**Representative Owens:** Would this definition include those three then?

**Kris Todd-Reisnour:** It would include all four, there are a couple of CNRA's in the state that hold dual licensure.

**Karen McDonald** is a registered nurse and family nurse practitioner lobbying on behalf of the North Dakota Nurses Association. She stated that nurse practitioners have been able to do Department of Transportation physicals both with federal mandates and state capabilities since the early nineties. This bill enhances those capacities. If a driver comes in that should not be driving, the nurse practitioners need to be able to call in and report it. She urges support for SB 2143.

**Nancy Kopp**, North Dakota Optometric Association, spoke in support of SB 2143. She informed the committee that the Department of Transportation has a medical advisory committee that meets at least annually, and various providers participate in those meetings. Optometrists are included in that advisory committee.

There was no further support for SB 2143.  
There was no further testimony for SB 2143.  
The hearing was closed on SB 2143.

**Representative R. Kelsch moved a DO PASS on SB 2143.**  
**Representative Delmore seconded the motion.**

**A roll call vote was taken. Aye 14 Nay 0 Absent 0**  
**The motion carried.**  
**Representative R. Kelsch will carry SB 2143.**

Date: 3/4/11

Roll Call Vote #: \_\_\_\_\_

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2143

House TRANSPORTATION Committee

Check here for Conference Committee

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

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By RAKelsch Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	X				
Representative Weisz	X				

Total (Yes) 14 No 0

Absent φ

Floor Assignment R-A Kelsch

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

**REPORT OF STANDING COMMITTEE**

**SB 2143, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2143 was placed on the Fourteenth order on the calendar.**

2011 TESTIMONY

SB 2143



**HOUSE TRANSPORTATION COMMITTEE  
March 4, 2011, 10:00 AM ; Fort Totten Room**

**North Dakota Department of Transportation  
Glenn Jackson, Director, Drivers License Division**

**SB 2143**

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Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Drivers License Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

Senate Bill 2143 targets the specific change the department requested in the medical advice portion of House Bill 1103. Specifically, House Bill 1103 as engrossed, includes in the definition of a licensed health care provider a "nurse practitioner." After discussion with health care providers during Senate Bill 2143 testimony, it was decided that the more specific "advanced practice registered nurse" would be more inclusive of the specific types of practitioners who should be allowed to provide this advice. Additionally, Senate Bill 2143 included some minor modifications to verbiage in NDCC 39-06-07.2. All of these changes are satisfactory for the department.

The department intends to include an amendment during senate testimony on House Bill 1103 to modify the verbiage to reflect the changes before you in Senate Bill 2143. The one item we will not change is the definition title of "licensed health care provider."

Thank you Mr. Chairman, I would be happy to answer any questions.

#2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1103

Page 1, line 15, replace "nurse practitioner" with "advanced practice registered nurse"

Page 4, line 9, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 12, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 16, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 18, overstrike "pursuant to" and insert immediately thereafter "under",  
overstrike "shall" and immediately thereafter insert "does not" and overstrike "no"  
and immediately thereafter insert "any"

Page 4, line 20, overstrike "pursuant"

Page 4, line 21, overstrike "to" and immediately thereafter insert "under"

Page 4, line 27, overstrike "pursuant to" and insert immediately thereafter "under"

Renumber accordingly

**ND  
NPA**

North Dakota  
Nurse Practitioner Association

#3

Chairman Ruby and members of Transportation Committee

My name is Kris Todd-Reisnour. I am a Nurse Practitioner and here to testify in favor of Senate Bill 2143.

I am Secretary of the North Dakota Nurse Practitioner Association. Our association is in favor of the language change in this bill.

When a person is no longer able to drive safely due to seizure activity, previous stroke, dementia, vision changes or other serious health issues they pose a risk to those around them. There have been reported instances where patients in communities without physicians had to travel to other communities for an evaluation to be done. This may take more than one appointment as the physician may not be familiar with the patient.

The language change will allow nurse practitioners to make the evaluation, sign the appropriate documentation and increase public safety.

Thank you for listening and I encourage you to vote in favor of the change in Senate Bill 2143.

Kris Todd-Reisnour

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471-3813