

2011 SENATE JUDICIARY

SB 2176

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2176
1/19/11
Job #13118

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to individuals required to report child abuse and neglect.

Minutes:

There is attached testimony

Senator Nething – Chairman

Senator G. Lee – Introduces the bill – See written testimony

Representative R. Holman – Comments on his support for the bill.

Sue Matteson – Representing the ND Dental Hygienists' Association – See written testimony.

Senator Olafson – Commends hygienists for wanting to be included on the list. He asks if there was a specific incident that prompted hygienists for wanting to be on the list.

Matteson – Replies, no specific incident but by taking the PANDA course they are seeing more of what they should be looking for. She has seen some cases but it has been reported through the dentist.

Senator Sitte – Asks if neglect isn't a shady area and asks Matteson to explain neglect. She asks if a parent only takes their child to the dentist once a year would they be charged.

Matteson – Explains neglect that they would see.

Senator Nething – Remarkd the way he sees it they have authority now that is optional. With this you shall.

Senator Sorvaag – Asks if they didn't bring a child in because they couldn't afford it would that be considered neglect.

Matteson - Responds, no. She describes other options such as Safety Nets.

Senator Sorvaag – Questions the training hygienists have on this problem.

Senate Judiciary Committee

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Opposed – 0

Close the hearing on 2176

Senator Lyson motions for a do pass

Senator Nelson seconds

Roll call vote – 5 yes, 1 no

Senator Olafson will carry

Date: 1/29/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2176

Senate Judiciary 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 Senator Lyson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte		X			
Ronald Sorvaag	X				

Total (Yes) 5 No 1

Absent _____

Floor Assignment Senator Olafson

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

REPORT OF STANDING COMMITTEE

SB 2176: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the
Eleventh order on the calendar.

2011 HOUSE JUDICIARY

SB 2176

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2176
March 8, 2011
15069

Conference Committee

Committee Clerk Signature

W Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2176.

Sen. Gary Lee: Sponsor, support. The bill relates to a chapter in Code that deals with health and welfare of children. Specifically those pieces that reference the reporting of neglect or abuse. The section being amended includes a list of those who have knowledge of, or reasonable cause to, suspect that a child is abused or neglected. The name groups or individuals that are required or permitted to report such findings to Human Services. The dental hygienists are requesting to be included with those who are required or permitted to report the abuse. These licensed professionals work under the supervision of a dentist, but the oversight is often indirect; requiring the dental hygienist to work independently and alone with the patient. This independent, hands-on medical care, places the hygienist in a position to encounter circumstances where child abuse may be suspected or recognized. Therefore, the dental hygienist should be included with those permitted and required to report abuse and neglect in children. I hope you agree and give favorable consideration to SB 2176.

Rep. Delmore: Do you know how many of these cases are reported in a typical year with all of the people that are able to do so.

Sen. Lee: I don't have that data specifically. I think, thankfully, the number is fairly small in terms of dentists or hygienists, but I am told that injuries to the head, neck and mouth occur in about 65% of abuse cases. Anecdotally, I have a friend who is a dentist; he has only reported one case himself in 10 years. I don't think it's a large number.

Chairman DeKrey: Thank you. Further testimony in support of SB 2176.

Sue Matteson, ND Dental Hygienists' Association: Support (see attached 2).

Rep. Koppelman: Are you aware of cases where people in your profession have witnessed something and not been able to report it.

Sue Matteson: It's harder for us to report when we're in a dental office since the dentist is ultimately responsible. There have been some cases where it has been brought to the dentist's attention and it was not reported. I don't have a specific example but I know it has happened; the case was not reported because they were afraid of alienating the patient population.

Rep. Koppelman: You think that, if that scenario occurred, you're working for the dentist and the dentist says that they don't want to report this, that you would go around your boss and do it, that that would be a good thing. You're saying that it didn't happen because he was afraid of the repercussions; might there be other reasons.

Sue Matteson: As far as repercussions to me or to other hygienists, it is possible it might happen; probably not, but it is possible. The main reason we are trying to do this is because we would like the responsibility. We think it's necessary for hygienists to have that responsibility. Not often, but it does happen, that we are the ones in the office that sees the patient and the dentist is not there.

Rep. Koppelman: I noticed that this section talks about persons required and permitted to report. Does that imply that if someone not on this list were to be aware of suspected child abuse and they called the Dept. of Human Services, the Dept. would just tell them to get lost, you're not on the list.

Sue Matteson: As far as I know, from what I heard earlier from law enforcement, and Sen. Lyson was a sheriff before, in the Senate hearing, he told me before the hearing that Social Services tends to give more weight to a mandated reporter or a health professional reports, than someone like a neighbor who calls in because they feel it is more of a professional type call that the person is actually looking out for the child instead of someone reporting when they may have an axe to grind with a neighbor, etc.

Rep. Koppelman: We're not talking about a neighbor here; we're talking about you reporting, just because you're not on the list, would that report not have any weight.

Sue Matteson: I would feel a need to do that anyway.

Rep. Koppelman: They would listen to you wouldn't they, if you did make a report.

Sue Matteson: I'm hoping so.

Chairman DeKrey: Thank you. Further testimony in SB 2176.

Marlys Baker, Administrator for the Child Protection Services Program in the Dept. of Human Services: Support.

Rep. Delmore: How many cases are reported to you in a given year?

Marlys Baker: Our latest statistics indicate just over 9,000 reports for federal fiscal year 2010.

Rep. Delmore: Required and permitted to report, do you know why it's worded that way. I should either be required or permitted, not one of each or I get to choose. To me, this says that this group of people should be reporting to you if there's any suspicion at all.

Marlys Baker: There is language in the statute that indicates that any citizen or any person may report. Those that are specifically named are required to report.

Rep. Koppelman: If you were to receive a call today from a dental hygienist, who said I just examined this child and I really think there might be a situation where there is abuse involved. You wouldn't look at your list and say that since you're not on the list, you would listen and respond, wouldn't you.

Marlys Baker: Of course we would.

Rep. Kingsbury: Of these 9000 federal reported cases, how many cases were actually considered abuse?

Marlys Baker: I don't have my statistical bulletin with me. I believe there is somewhat over 600 that are confirmed abuse or neglect. I can get you the exact numbers, however.

Rep. Delmore: You would need to follow-up in some fashion on all 9,000 wouldn't you?

Marlys Baker: State law requires that we accept all reports. We then have an analysis that goes on to determine whether the child is under age of 18, whether they are present in the state; there are a number of criteria that need to be looked at. Also, whether the report contained a concern that would be abuse or neglect if it were found to be true. When it meets all of those criteria, then it is assigned and followed up more in depth. But there has to be an examination and further information on each of those reports.

Chairman DeKrey: Thank you. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SB 2176?

Rep. Delmore: I move a Do Pass.

Rep. Steiner: Second the motion.

10 YES 2 NO 2 ABSENT

DO PASS CARRIER: Rep. Hogan

Date: 3/8/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2176

House JUDICIARY 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 Rep. Delmore Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin			Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt		✓			
Rep. Kingsbury	✓				
Rep. Koppelman		✓			
Rep. Kretschmar	✓				
Rep. Maragos					
Rep. Steiner	✓				

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Hogan

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

REPORT OF STANDING COMMITTEE

SB 2176: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2176 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2176

SB 2176 – Required Reporting Of Child Abuse & Neglect
Judiciary Committee – 9:00 AM Fort Lincoln Room, 1/19/11

Good Morning, Mr. Chairman & Committee members! I am Gary Lee, Senator from District 22.

SB 2176 relates to a chapter in Century Code which deals with the health & welfare of children. Specifically, the Bill refers to those sections that reference the reporting of neglect or abuse.

The section being amended includes a list of those who may have knowledge of or reasonable cause to suspect, that a child is abused or neglected. The named groups or individuals are required or permitted to report such findings to the Department of Human Services.

The Dental Hygienist's are requesting to be included with those who are required or permitted to report abuse. These licensed professionals work under the supervision of a dentist. But the oversight is often indirect, requiring the Hygienist to work independently & alone with a patient.

This independent, hands on medical care places the Hygienist in a position to encounter circumstances where child abuse maybe suspected or recognized.

Therefore, the Dental Hygienist should be included with those permitted & required to report abuse & neglect in children. I hope you will agree & give favorable consideration to SB 2176.

North Dakota Dental Hygienists' Association

Testimony

Senate Bill 2176

Senate Judiciary Committee

January 19, 2011

Good Morning Chairman Nething and members of the Senate Judiciary Committee. My name is Sue Matteson and I am representing the North Dakota Dental Hygienists' Association (NDDHA). Our membership is made up of 138 hygienists from across North Dakota. I am here to provide testimony in support of Senate Bill 2176.

In the United States, mandated reporters are individuals who are obligated by law to report suspected cases of child abuse and neglect. Registered Dental Hygienists regularly have contact with children in a professional capacity and should be included in the list of mandated reporters.

According to the ND Department of Human Services 2008/2009 Children and Family Services Statistical Bulletin, anyone can report suspicions of child abuse and neglect, but the majority of full assessments (78.5% in 2008), (72.1% in 2009) originated with mandated reporters.

Dental Hygiene is considered a health profession. We are licensed and registered with the North Dakota State Board of Dental Examiners. Dental hygienists are dental professionals (not medical professionals) who provide direct patient care and should be included on the mandated reporter list. Published research indicates that more than 65% of all reported cases of child abuse and neglect involve injuries to the head, neck and face areas, which are areas dental hygienists routinely observe.

In most cases, a dental hygiene appointment involves an exam with the attending dentist. Our statute, though, allows dental hygienists to provide dental hygiene services even when the dentist is not present in the office. Thus, in some cases we are the only dental professional seeing the patient that day. Dental hygienists are often the ones who talk to the child and parent first and

may spend from 15 to 30 minutes with a child/or their parent while providing preventive care. This provides an opportunity to observe the mouth and oral tissues as well as the head and neck regions of the body and note any irregularities. As part of their curriculum, dental hygienists receive training in recognition of common injuries as a result of abuse and neglect. A number of dental hygienists have also taken the Train-the-trainer course for Prevention of Abuse and Neglect through Dental Awareness (P.A.N.D.A.). The NDDHA also offered a course in the fall of 2010 to train hygienists in what to look for. The North Dakota Dental Hygienists' Association believes we should be mandated reporters to help protect vulnerable children.

Thank You. This concludes my testimony. I would be happy to answer any questions you may have.

3/8/11

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Prairie Room
Judiciary /

SB 2176 – Required Reporting Of Child Abuse & Neglect
Judiciary Committee – 9:00 AM Fort Lincoln Room, 1/19/11

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- Under Bd of Dental Examiners. - 1 Bd member Hygienist
6 Voting members.

- 1 Dentist Friend 10 years of Practice - 1 case reported

- about 600 DH's in state

Information related to SB 2176

Child Abuse and Neglect (FFY 2010):

- 9,540 reports of suspected child abuse and neglect were received in 2010. Of these reports, 6,680 were in the jurisdiction of CPS and met the criteria for CPS assessment. These reports were assigned to 5,752 assessments. In 2009, changes to the CPS data entry system allow multiple reports for the same case to be included in a single CPS assessment.
- 3,874 full assessments were completed. During the assessment process, some assessments are terminated because of new information related to the case or a change in jurisdiction.
- To illustrate the trend in the number of full assessments, compared to 2000 when 4,145 full assessments were completed, a decrease of 6.5% was seen in 2010 (n=3,874).
- A decision of "Services Required" was made in 584 (15.1%) of the 3,874 full assessments. These 584 assessments represent 1,134 children who were victims of child abuse and neglect and 761 caregivers who were the subjects of these assessments.

Types of reports:

(More than one type of maltreatment can be included in a report.)

Type of Maltreatment	2008		2009		2010
	Reported	Confirmed	Reported	Confirmed	
Physical Abuse	1,554	142	1,568	185	Data for 2010 has not yet been broken down for these categories.
Sexual Abuse	283	89	225	63	
Neglect	8,096	1,755	5,085	1,092	

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Number of Victims:

Year	Reported	Confirmed
2008	6,983	1,280
2009	6,824	1,241
2010	(not yet available)	1,152

- 91.5% (804) of the 879 victims with relationship information available had at least one parent involved in the substantiated maltreatment

North Dakota Dental Hygienists' Association

Testimony

Senate Bill 2176

House Judiciary Committee

March 8, 2011

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