

2019 SENATE HUMAN SERVICES COMMITTEE

SB 2196

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2196
2/6/2019
Job # 32274 & 32275

- Subcommittee
 Conference Committee

Committee Clerk Signature: Justin Velez / Florence Mayer

Explanation or reason for introduction of bill/resolution:

Relating to creation of a drug fatalities review panel.

Minutes:

Attachments #1 - 3

Chair Lee: Opened the hearing on SB 2196

Senator Howard Anderson, District 8: Introduced SB 2196 and gave a brief description.

(8:41) Senator K. Roers: Do you have any concerns about the fact that the Department of Health is who licensed my hospital, that there could be a possible conflict? How do we create a firewall between licensing and peer review?

Senator Anderson: We have had that discussion and the department of health is interested and they do now run the child death review panel. I don't perceive that will be a problem. We needed somebody to do this and Mylynn and the health department felt they could facilitate that. We envision this panel might review as few as 4 or 5 cases a year, or 15-20 depending on what happens.

Senator Roers: I see one of the representatives should be from DHS, if we're talking about drugs, they are the licensing agency for addiction councilors. Just ensuring that same firewall.

Senator Anderson: I think we understand that, but I feel we have a commitment from all the parties that this is too improve it for the next patient. If something illegal was done than the peer review committee would be required to notify the board.

Senator Roers: You were just talking about they might just do as few as 4-5 a year, but when I see the language on line 20 page 2 in the bill it says they "shall" review does that mean they would have to review all of them?

Senator Anderson: I think the "shall" review means, yes they would review all those cases. Right now we only have less than 20 overdose deaths. The potential is relatively small. The chair would look at the situation and see if it should be something to move forward.

Senator Roers: Peer review protection would apply?

Senator Anderson: That's what we did last session, was to put this under the peer review protections.

Senator Roers: The people from a state agency side, I don't see a fiscal note but their time would still be required. Have you had a conversation on how that would work?

Senator Anderson: When we wrote this, I asked them to find things in their budget so they thought they could do it with their department and if we get a fiscal note then we may have a problem.

Senator Hogan: Do other states do similar models and do we have any data on their outcomes?

Senator Anderson: I don't have that data with me. I don't think there are a lot of states that have a statewide peer review panel. The Doctor we are looking at for the chair position could answer that question.

Chair Lee: On page 2, with the "shall review" section, in the next sentence it says the panel shall prioritize these meetings. Is that the way you see this or not?

Senator Anderson: Yes, as I said, whoever ends up being the president will look at the cases and often times the forensic examiner's office does this as part of the inquiry. We might need some more information. As far as reviewing the case and deciding which ones to move forward, that is the easy part. Then we have to ask for the records from whoever took care of those patients to find out what happened, that is the peer review part. Once we know who prescribed it and who dispensed it, but we don't know why. With the peer review process, we will hopefully get to the why.

Chair Lee: For the benefit of those in the room, Senator Anderson and Senator Roers both sit on the ND State Health Council. The expertise that comes from them is valued on issues like this. Further explained personal stories about situations regarding drug related deaths.

Senator Anderson: There was an example in the paper this morning of a fellow who died in Bismarck last October. The examiner's report came out and they said he died from an overdose of Methamphetamine. Well in that case we won't pull together a peer review, because no one prescribed that for him and no one dispensed it.

(18:50) Melissa Hauer, General Counsel of the North Dakota Hospital Association: Testified in support of SB 2196. Please see Attachment #1 for testimony. Want to propose amendments. (In red letters on her testimony.)

(20:28) Senator Roers: One of the things we struggle with in my job is how to protect the peer review "veil". Being that you're a lawyer, I'm curious to know how familiar you are with that section of law? What are the methods of transition? Can I email the patient records? How do you do that and still protect the purity of protection?

Melissa Hauer: I'm only familiar with peer review in the hospital setting. Our statute is broadly written and protective of anything that is a quality improvement function. It doesn't specify if the records transferred have to be through email or regular mail. As long as you're not sharing those records outside the quality improvement team, it would be protected.

Senator Anderson: We discussed that and it might be that once we develop a secure transmission, we might send some of these things out and hold a meeting in a secure manner. But that is always a concern, both to protect the pharmacist, facility, practitioner, and the records themselves. It's not uncommon for doctors or the health department to get secure records, so they understand that issue.

Chair Lee: I'm thinking about our discussions about telehealth and the language we put in there. That is talking about secure information isn't it? Or is that open too?

Senator Anderson: In the telehealth business, one of the first things you have on either end is the virtual private network. Whatever you send back and forth is protected. The patient can always ask questions or do whatever they'd like. It is their information. If they want to put their lab tests out there, that is their right. That is one of the difficulties with telehealth, is when you want to access the patients home computer to provide services for them at home. The guy at the central site has security, but the patients home might not.

(25:15) Dr. Tracy Miller, State Epidemiologist of North Dakota: Testifying in support of SB 2196. Please see Attachment #2 for testimony.

(27:40) Senator Roers: When I look and I see the 76 deaths, 34 of those are narcotic related, of those deaths what is the number of those that you would do the full review if you had to guess the work load of the panel?

Dr. Miller: We aren't going to review these cases one year after the fact. If in the first quarter there was only 1 death, we would review it. But if the 2nd quarter had 13 deaths, we might have to do a random sample of those 13.

Senator Roers: I just wanted to mentally process what the workload would be. I just want to make sure that it will be a manageable work load.

Dr. Miller: This would not be the only review panel in the state, the health department does sit on the child death review panel, which is headed up by DHS. By talking with them we can look at the numbers they do. There is also a domestic violence review panel, we would talk to them to see how they determine the number of people. We want to review as many as we can to be sure we are getting a good sample of missed and gaps in opportunities, but not to the point where it becomes 1 person's sole job.

Senator Anderson: Talk to us a little bit about the internal discussions about the licensing of hospitals and the peer review panelists.

Dr. Miller: We have talked about that; the office of the state epidemiologist does not do licensing. We are primarily a data analyst office. If we were going to have a review committee,

how would we bring that data forward and make it useable. Members of our health facilities group should not be a part of this committee.

(31:32) Chair Lee: I really appreciate the fact that the health department feels like they can step forward with this without having a fiscal note. This is important and if we find in 2 years that this is beyond their capabilities then we have data established to support a fiscal note.

(32:53) Mark Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy: Testified in support of SB 2196. Please see Attachment #3 for testimony.

(33:52) Senator Anderson: Talk to us a little about regulatory boards and not being involved and why that is important.

Mark Hardy: From our perspective, it's difficult when boards aren't involved peer review processes. We carry an important function with licensing a disciplinary action we can take. There are cases where there are clear issues that there would be need to proceed administratively against a pharmacy or someone. There is a lot of grey area in that too. That's where a peer review panel becomes very important. One of the things Senator Anderson was interested in creating was continuous quality improvement process that the pharmacies have to comply with. That gets outside the drug and abuse side of things, but it creates a process in those pharmacies that pharmacists are learning from mistakes to come up with better strategies. From our perspective when a patient comes and has an issue with a mistake that might have been made, the least they should expect is that the professionals will learn from that situation and make corrective actions for the future. Might be different then what we have here, but there are a lot of parallels.

Senator Anderson: Talk to us about what you think about the Attorney General's office involvement here. Tell us what access they might have to the prescription drug monitoring program and how they might take their own actions.

Mark Hardy: Inclusion of the Attorney General's office is something the committee would need to run through as far as how it would work. If their function is there, it should be in a non-punitive role. To bring perspective to a case if it is the wishes of the committee. They have the ability to go get a prescription drug monitoring report based on an open investigation. We would require them to provide a case number and they would release that report for the purposes of stream lining that investigation.

Senator Hogan: On the reverse, if you were doing a review and you found something that needed to be referred to law enforcement, do you have a protocol for doing that or is it a boundary issue?

(36:55) Mark Hardy: That is a good question. I think the simple answer is yes, if we feel there is clear intent or a law was broken. Yes, that can be reported to law enforcement.

Senator Hogan: There's a protocol on both sides, so either of you can go to the other? (Correct.)

Chair Lee: The drug monitoring program has been so successful. That has been a winner.

Closed the public hearing on SB 2196.

Senator Anderson: Moved a Do Pass on the Amendments.

Senator Roers: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Hogan: Moved a Do Pass as Amended.

Senator Clemens: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion carried.

Senator Anderson will carry the bill.

19.0438.01001
Title.02000

Adopted by the Human Services Committee

February 6, 2019

SA
1001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2196

Page 3, line 9, after the first "the" insert "written"

Page 3, line 10, after "all" insert "patient"

Renumber accordingly

Date: 2/6/19
 Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2196**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Hogan Seconded By Sen. Clemens

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Anderson

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

REPORT OF STANDING COMMITTEE

SB 2196: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2196 was placed on the Sixth order on the calendar.

Page 3, line 9, after the first "the" insert "written"

Page 3, line 10, after "all" insert "patient"

Renumber accordingly

2019 HOUSE HUMAN SERVICES

SB 2196

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2196
2/27/2019
32951

- Subcommittee
 Conference Committee

Committee Clerk: Nicole Klamann

Explanation or reason for introduction of bill/resolution:

Relating to creating a peer review panel for drug fatalities.

Minutes:

3

Senator Howard C Anderson Jr.: Introduced bill, see **attachment 1**. This bill would add a state wide peer review panel to review drug fatalities.
(0:06:58)

Representative Karen Rohr: Would this be redundant considering we have suicide panels, child death panels, etc.?

Senator Anderson: This is to provide information about the patients docs are caring for.

Rep. Rohr: There is not a fiscal note, but will be some FTE requirements?

Senator Anderson: Right now they felt they could do it within epidemiology department and within their current budget.

Representative Mary Schneider: If this is a sampling of cases where would we get the overall data.

Senator Anderson: The Forensic examiner's office has that data.
(0:11:41)

Tracy Miller, State Epidemiologist: Support see **attachment 2**. This bill would develop and overdose death review panel. The goal being the ability to find gaps within our system, find missed opportunities in the prevention of overdose and suicide deaths.
(0:14:03)

Mark Hardy, Pharm D, Executive Director of ND state board of pharm: Support, written provided see **attachment 3**. We feel this bill creating a review panel would have a positive impact on changing and modifying behaviors, when appropriate, which would ultimately lead to better patient outcomes and prevent future overdose deaths.

(0:15:50)

Pam Sagness, Director of Behavioral Health Division of Dept. of Human Services: In support no written testimony provided.

As a licensing entity we are responsible for licensing the substance abuse providers. It's important to have a firewall between us and the peer review panel. We would look to further guidance in regard to for example the recommendation of the Dept. of Human Services participate in the panel. We would like someone on the panel that is not responsible for licensing. Also, request to clarify drug fatality to assist and prioritize which cases would be reviewed. There is concern with the numbers, if there are a max required since there is no fiscal note. If 75 cases we don't have to see all of them.

Rep. Rohr: Was this brought up at the senate?

(0:18:38)

Pam Sagness: Originally this was a peer review panel but now with the Department of health it's no longer peer review, it's changed a bit. We do believe the new language will remedy the record issues. Would like to see clear definition of if it's just about prescribed or OTC.

Opposition: None

Chairman Weisz: Closes meeting

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2196 A
3/6/2019
33342

- Subcommittee
 Conference Committee

Committee Clerk: Nicole Klamann

Explanation or reason for introduction of bill/resolution:

Relating to creating a peer review panel for drug fatalities

Minutes:

Chairman Weisz: Opened meeting on SB 2196.

Chairman Weisz: They are hoping this review panel may show some patterns in the use of prescription drug overdoses and to come up with plans to reduce that. Why did it not have a fiscal note?

Rep. Gretchen Dobervich: I recall it didn't have a fiscal because they planned on starting with a small amount of cases and all entities involved felt no additional resources beyond current staff.

Representative Bill Tveit: That was a peer review panel and they were hoping to do a lot of that via technology rather than travel.

Rep. Dobervich: Move a do pass on 2196

Rep. Anderson: Second

Chairman Weisz: Further Discussion? Seeing none, clerk will call the role.

Roll Call Vote: 6 Yes 7 No 1 Absent
Do Pass Motion failed

Rep. Rohr: I move a Do not pass on SB 2196

Rep. Skroch: Second

Rep. Schneider If I'm missing something maybe some of the folks against this would share why. According to the testimony from Senator Anderson, this was authorized in 2017

already but not implemented. They are seeking the authority to get the records of the deceased. Pam Sagness was in favor of this to. Mark Hardy favored it. The state epidemiologist also testified in support. There wasn't any opposition. If I'm missing something negative, could someone please let me know.

Chairman Weisz: Would someone like to respond?

Rep. Rohr: There is already a system in place where they can share this information. They don't necessarily need to have another committee. I believe they have the ability now.

Chairman Weisz: I have concern because they would have some powers that I am a little uncomfortable with as far as what they come up with in deciding there's a pattern. You are correct, the peer review panel was instituted in 2017. Just seems like some of the powers and duties went beyond what I felt comfortable with. But that's my own opinion.

(0:07:11)

Rep. M. Ruby: My objection comes from Tracy Miller's testimony. She states we don't have an epidemic in ND. They mentioned they were going to start with a small case load. I question how with that they can get valid trends with just a few cases.

Chairman Weisz: Further discussion? Seeing none, clerk will call the roll call.

Roll Call Vote: 8 Yes 5 No 1 Absent.

Do Not Pass motion carries.

Rep. M. Ruby: Will carry the bill.

Reconsidered SB 2196 on 3-19-2019.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB2196
3/11/2019
33526 (42:23-45:20)

- Subcommittee
 Conference Committee

Committee Clerk: Nicole Klaman by Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

Voting on bill.

Minutes:

Chairman Weisz: Opened the hearing on SB2196. We kicked out the drug fatality with a do no pass, and I do ask the committee to reconsider their actions. The bill sponsor has a major rewrite that might address the committee's concerns.

Rep Ruby: Move for a reconsider.

Rep D. Anderson: Second.

Voice Vote: Motion carries.

Chairman Weisz: Ok, then we have the bill in front of us and we will look at it tomorrow and decide what to do with it.

Meeting closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2196
3/19/2019
33994

- Subcommittee
 Conference Committee

Committee Clerk: Nicole Klamann

Explanation or reason for introduction of bill/resolution:

Relating to creating a peer review panel for drug fatalities

Minutes:

Chairman Weisz: Opened meeting on SB 2196. I need a motion to reconsider SB 2196.

Rep. Anderson: I make a motion to reconsider SB 2196.

Rep. Devlin: Seconded.

Voice vote taken: Motion carried.

Chairman Weisz: Introduced and explained amendments.

Rep. Tveit: I move to adopt amendments 19.0438.02002.

Rep. Rohr: Seconded.

Rep. Dobervich: Page 1 line 14 and 15. Representatives of non-regulatory divisions of the state Dept. of Health and Dept. of Human Services. I just want to confirm that the state epidemiologist doesn't fall under regulatory in any way. I think it makes sense to have the state epidemiologist involved given to motive.

Chairman Weisz: Rep. Dobervich, I do not have an answer. I don't think they are considered regulatory. These were the suggested changes by Dr. Sems. I just printed them and brought them.

Rep. Dobervich: The state epi falls under fiscal and operations, thank you Seth. I really want to make sure if we pass this that we aren't excluding our state epi.

Chairman Weisz: I think it's ok, worst case it will end up in conference committee.

Voice Vote to adopt 19.0438.02002 Title .03000
Motion carries.

Rep. Tveit: I move a Do Pass as amended

Rep. Rohr: Seconded.

Rep. M. Ruby: Is this redundant?

Chairman Weisz: I believe we have a review panel on children.

Rep. Skroch: Do these ever go away or permanent fixtures?

Chairman Weisz: This one wouldn't go away. They will be looking at ongoing

Rep. Chuck Damschen: Where do you draw the line on knowing if it's drug related or not?

Chairman Weisz: I maybe misunderstanding your question.

Rep. Damschen: Do you have to know they are drug related before doing the investigation?

Chairman Weisz: The point is to try to look at the opioid crisis but it may be any drug overdose. The panel would trace the prescribed drug to try to figure out how they are getting the prescriptions.

Roll Call Vote: 10 Yes 3 No 1 Absent.

Do Pass as amended carries on SB 2196.

Rep. Tveit: Will carry the bill.

Chairman Weisz: Closes meeting

March 11, 2019

DA 3/14/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2196

Page 1, line 7, replace "state health officer" with "forensic pathology department of the university of North Dakota school of medicine and health sciences"

Page 1, line 8, remove "and shall designate the presiding officer"

Page 1, line 13, after the first "of" insert "nonregulatory divisions of"

Page 1, line 15, remove "Other than initial appointments designed to stagger the expiration of terms, a panel"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "3."

Page 1, line 19, after "The" insert "state"

Page 1, line 19, after "department" insert "of health and the university of North Dakota school of medicine and health sciences"

Page 1, line 22, replace "is" with "and the university of North Dakota school of medicine and health sciences are"

Page 2, line 20, after "as" insert "prescription"

Page 2, line 20, after "drug" insert ", illicit drug, or alcohol"

Page 2, line 21, remove "drug-related"

Page 2, line 21, after "drug" insert "or alcohol"

Page 2, line 22, replace "Based on legislative appropriation, the" with "The"

Page 3, line 6, remove "and may not be used by"

Page 3, line 7, remove "the panel for research"

Renumber accordingly

Date: 3-6-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL SB 2196

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Dobervich Seconded By Rep. D. Anderson

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		X	Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman		X	Mary Schneider	X	
Dick Anderson	X				
Chuck Damschen		X			
Bill Devlin	A				
Clayton Fegley	X				
Dwight Kiefert		X			
Todd Porter		X			
Matthew Ruby		X			
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch		X			

Total (Yes) 6 No 7

Absent 1

Floor Assignment _____

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

Motion failed.

Date: 3-6-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL SB 2196**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Rohr Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich		X
Karen M. Rohr – Vice Chairman	X		Mary Schneider		X
Dick Anderson		X			
Chuck Damschen	X				
Bill Devlin	A				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit		X			
Greg Westlind		X			
Kathy Skroch	X				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep. M. Ruby

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL SB 2196**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Ruby Seconded By Rep. Anderson

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Gretchen Dobervich		
Karen M. Rohr - Vice Chairman			Mary Schneider		
Dick Anderson					
Chuck Damschen					
Bill Devlin					
Clayton Fegley					
Dwight Kiefert					
Todd Porter					
Matthew Ruby					
Bill Tveit					
Greg Westlind					
Kathy Skroch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Motion Passed

Date: 3-19-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL SB 2196**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. D Anderson Seconded By Rep. Devlin

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Gretchen Dobervich		
Karen M. Rohr - Vice Chairman			Mary Schneider		
Dick Anderson					
Chuck Damschen					
Bill Devlin					
Clayton Fegley					
Dwight Kiefert					
Todd Porter					
Matthew Ruby					
Bill Tveit					
Greg Westlind					
Kathy Skroch					

Vote Vote

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Motion Carried

Date: 3-19-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2194**

House Human Services Committee

Subcommittee

Amendment LC# or Description: 19.0438.02002

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Tveit Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Gretchen Dobervich		
Karen M. Rohr - Vice Chairman			Mary Schneider		
Dick Anderson					
Chuck Damschen					
Bill Devlin					
Clayton Fegley					
Dwight Kiefert	✓	✓			
Todd Porter					
Matthew Ruby					
Bill Tveit					
Greg Westlind					
Kathy Skroch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Motion carries

Date: 3-19-19
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2194**

House Human Services Committee
 Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Tveit Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman		X	Mary Schneider	X	
Dick Anderson		X			
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter					
Matthew Ruby		X			
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 10 No 3

Absent 1 13

Floor Assignment Tveit

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

REPORT OF STANDING COMMITTEE

SB 2196, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2196 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "state health officer" with "forensic pathology department of the university of North Dakota school of medicine and health sciences"

Page 1, line 8, remove "and shall designate the presiding officer"

Page 1, line 13, after the first "of" insert "nonregulatory divisions of"

Page 1, line 15, remove "Other than initial appointments designed to stagger the expiration of terms, a panel"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "3."

Page 1, line 19, after "The" insert "state"

Page 1, line 19, after "department" insert "of health and the university of North Dakota school of medicine and health sciences"

Page 1, line 22, replace "is" with "and the university of North Dakota school of medicine and health sciences are"

Page 2, line 20, after "as" insert "prescription"

Page 2, line 20, after "drug" insert ", illicit drug, or alcohol"

Page 2, line 21, remove "drug-related"

Page 2, line 21, after "drug" insert "or alcohol"

Page 2, line 22, replace "Based on legislative appropriation, the" with "The"

Page 3, line 6, remove "and may not be used by"

Page 3, line 7, remove "the panel for research"

Renumber accordingly

2019 TESTIMONY

SB 2196

SB 2196
2/6/19
1 Pg. 1



Vision
The North Dakota Hospital Association will take an active leadership role in major Healthcare issues.

Mission
The North Dakota Hospital Association exists to advance the health status of persons served by the membership.

Testimony: 2019 SB 2196
Senate Human Services Committee
Senator Judy Lee, Chairman
February 6, 2019

Good morning Chairman Lee and members of the Senate Human Services Committee. I am Melissa Hauer, General Counsel of the North Dakota Hospital Association (NDHA). I am here to testify regarding 2019 Senate Bill 2196 and ask that, with a proposed amendment, you give this bill a **Do Pass** recommendation.

We support the purpose of the drug fatalities review panel to identify circumstances that may contribute to drug-related fatalities in our state. And we appreciate the inclusion of rural and urban healthcare facilities on the drug fatalities review panel.

We would like to propose an amendment to ensure that health care providers don't have a HIPAA concern about the drug fatalities review panel's access to health care records. We propose the following additions (bold red) to clarify page three, lines 9 through 11:

Upon the **written** request of the presiding officer of the panel, a health care facility and health care provider shall disclose all **patient** records of the facility or provider which are requested by the panel and pertain to an identified drug fatality. The presiding officer may request records from the most recent thirty-six-month period.

With this amendment, we support this bill and ask that you give it a **Do Pass** recommendation. I would be happy to try to answer any questions you may have. Thank you.

Respectfully Submitted,
Melissa Hauer, General Counsel, North Dakota Hospital Association

SB 2196
2/6/19
2 pg 1/1

Good morning Madam Chair Lee and members of the Senate Human Services Committee. My name is Dr. Tracy Miller and I am the State Epidemiologist for North Dakota. I am here to provide testimony in support of Senate Bill 2196.

This bill proposes to create a drug fatality review panel. As you can see in the table below, our number of drug related deaths remain small in comparison to other states. However, as can be seen in the last column, 39-73 percent of deaths each year are due to opioids and other narcotics. This means that many of these deaths could be prevented.

Year	All Drug Related Deaths	Narcotic Related Deaths	Percent of Drug Related Deaths
2011	41	22	54%
2012	49	27	55%
2013	48	26	54%
2014	37	27	73%
2015	54	21	39%
2016	68	48	71%
2017	76	34	45%

Source: North Dakota Department of Health, Division of Vital Records.

Over the past year myself, along with others from the Department of Health, Board of Pharmacy, UND Forensic Pathology Department, and Department of Human Services began work on developing an overdose death review panel. The goal was to look at these deaths to find missed opportunities, gaps in our system and other areas of improvement so we could prevent suicides and accidental overdoses. However, concerns about legal authority and confidentiality arose and the project was put on hold.

This bill will allow us to implement this needed review panel, so I support a do pass on SB 2196. This concludes my testimony. I am happy to answer any questions you may have.



State of North Dakota
Doug Burgum, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
1906 E Broadway Ave
Bismarck ND 58501-4700
Telephone (701) 328-9535
Fax (701) 328-9536
STATE BOARD OF PHARMACY

SB 2196
2/6/19
#3 19/1

Mhardy@ndboard.pharmacy
www.nodakpharmacy.com

Mark J. Hardy, PharmD, R.Ph.
Executive Director

Senate Bill No 2196 – Creation of Drug Fatalities Review Panel

Human Services Committee – Red River Room
10:00 AM - Wednesday – February 6, 2019

Madam Chair Lee, members of the Senate Human Services Committee, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy.

I appreciate the opportunity to offer my support on Senate Bill 2196 today.

The Board of Pharmacy is in favor of creating a drug fatalities review panel through the department of health. Through the Board's work with the Prescription Drug Monitoring Program [PDMP] we have seen difficult cases that border on the line of inappropriate prescribing reporting and feel this peer review panel would have a positive impact on changing and modifying behaviors which would ultimately lead to better patient outcomes and even prevent certain deaths.

The Board of Pharmacy would be happy to participate in facilitating the creating of this panel with the understanding that the information would not be provided to the Board for the purposes of a punitive investigation.

The Board of Pharmacy respectfully asks for Do Pass vote on SB 2196.

Thank you for listening to my testimony and I will be happy to answer any questions.

#1
SB 2196
2-27-19

SB 2196

Testimony of Howard C Anderson Jr.

Senator of District 8

Chairman Weisz and members of the House Human Services Committee.

This bill is to follow up our work in the 2017 session when we added this state wide panel in authorizing language to the peer review statutes.

We have worked in the interim to get this up and running and decided that we needed some statutory language to authorize the Health Department to convene, manage the panel and request the records needed.

The department now manages the infant death review panel and this is modeled after that working group.

Thank you.

Good afternoon Chairman Weisz and members of the House Human Services Committee. My name is Dr. Tracy Miller and I am the State Epidemiologist for North Dakota. I am here to provide testimony in support of Senate Bill 2196.

This bill proposes to create a drug fatality review panel. As you can see in the table below, our number of drug related deaths remain small in comparison to other states. However, as can be seen in the last column, 39 to 73 percent of deaths each year are due to opioids and other narcotics. This means that many of these deaths could be prevented.

Year	All Drug Related Deaths	Narcotic Related Deaths	Percent of Drug Related Deaths
2011	41	22	54%
2012	49	27	55%
2013	48	26	54%
2014	37	27	73%
2015	54	21	39%
2016	68	48	71%
2017	76	34	45%

Source: North Dakota Department of Health, Division of Vital Records.

Over the past year myself, along with others from the Department of Health, Board of Pharmacy, UND Forensic Pathology Department, and Department of Human Services began work on developing an overdose death review panel. The goal was to look at these deaths to find missed opportunities, gaps in our system and other areas of improvement so we could prevent suicides and accidental overdoses. However, concerns about legal authority and confidentiality arose and the project was put on hold.

This bill will allow us to implement this needed review panel, so I support a do pass on SB 2196. This concludes my testimony. I am happy to answer any questions you may have.



State of North Dakota
Doug Burgum, Governor

OFFICE OF THE EXECUTIVE DIRECTOR
1906 E Broadway Ave
Bismarck ND 58501-4700
Telephone (701) 328-9535
Fax (701) 328-9536
STATE BOARD OF PHARMACY

#3
SB 2196
2-27-19

Mhardy@ndboard.pharmacy
www.nodakpharmacy.com

Mark J. Hardy, PharmD, R.Ph.
Executive Director

Senate Bill No 2196 – Creation of Drug Fatalities Review Panel

House Human Services Committee – Fort Union Room
2:30 PM - Wednesday – February 27, 2019

Chairman Weisz, members of the House Human Services Committee Human Services, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy.

I appreciate the opportunity to offer my support on Senate Bill 2196 today.

The Board of Pharmacy is in favor of creating a drug fatalities review panel through the Department of Health. Through the Board's work operating the Prescription Drug Monitoring Program [PDMP] we have seen difficult patient cases that may be viewed as inappropriate prescribing or may be appropriate given the full information of the case. We feel this peer review panel would have a positive impact on changing and modifying behaviors, when appropriate, which would ultimately lead to better patient outcomes and even prevent future deaths.

The Board of Pharmacy would be happy to participate in facilitating the creation of this panel with the understanding that the information would not be provided to the Board for the purposes of a punitive investigation.

The Board of Pharmacy respectfully asks for Do Pass vote on SB 2196.

Thank you for listening to my testimony and I will be happy to answer any questions.