

**State Department of Health**

**Budget No. 301**

**Senate Bill Nos. 2004, 2047, 2227, 2230, 2333, 2358, 2412, House Bill No. 1231**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2009-11 executive budget (bills as introduced)	343.50	\$21,735,138	\$161,496,047	\$183,231,185
<b>2009-11 legislative appropriations</b>	<b>343.50</b>	<b>27,081,665</b>	<b>177,856,531</b>	<b>204,938,196</b>
Legislative increase (decrease) to executive budget	0.00	\$5,346,527	\$16,360,484	\$21,707,011
Legislative increase (decrease) to 2007-09 appropriations	12.00	\$5,432,172	\$27,007,686	\$32,439,858

**ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS**

	<b>Ongoing General Fund Appropriation</b>	<b>One-Time General Fund Appropriation</b>	<b>Total General Fund Appropriation</b>
2007-09 legislative appropriations	\$17,587,358	\$4,062,135	\$21,649,493
<b>2009-11 legislative appropriations</b>	<b>23,005,294</b>	<b>4,076,371</b>	<b>27,081,665</b>
2009-11 legislative increase (decrease) to 2007-09 appropriations	\$5,417,936	\$14,236	\$5,432,172
Percentage increase (decrease) to 2007-09 appropriations	30.8%	0.4%	25.1%
2009-11 legislative increase (decrease) to executive budget	\$1,270,156	\$4,076,371	\$5,346,527
Percentage increase (decrease) to executive budget	5.8%	N/A	24.6%

**SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS**

**Salaries and Wages**

The legislative action affecting the recommended appropriation for the State Department of Health is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1015.

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
The legislative action:				
Removed funding added in the executive budget for state employee salary equity adjustments		(\$163,144)	(\$180,600)	(\$343,744)
Provided additional funding from the insurance tax distribution fund for emergency medical services grants to provide a total of \$2.75 million			1,500,000	1,500,000
Added funding for suicide prevention grants		250,000		250,000
Decreased funding for operating expenses		(100,000)		(100,000)
Removed a general fund increase for Women's Way provided in the executive recommendation and added funding for		(150,000)	304,332	154,332

Women's Way from the community health trust fund to provide total funding of \$404,332, of which \$100,000 is from the general fund			
Decreased funding for Russell-Silver Syndrome grants to provide a total of \$50,000 from the general fund	(50,000)		(50,000)
Decreased funding for the specialty care diagnostic and treatment program resulting from the rebasing of Medicaid to provide a total of \$38,000 from the general fund	(50,000)		(50,000)
Added funding to provide newborn hearing screening results to a licensed medical professional	50,000		50,000
Added funding from the community health trust fund to continue the current colorectal cancer screening program and to provide a colorectal cancer screening pilot initiative for certain low-income underinsured and uninsured men and women, including \$34,225 for the department to contract for program management, data management, and outreach oversight		300,000	300,000
Decreased funding for operating expenses in the Community Health Section		(150,000)	(150,000)
Increased funding for grants to local public health units to provide a total of \$2.4 million	500,000		500,000
Added funding from the community health trust fund for a stroke registry and stroke prevention		472,700	472,700
Decreased funding from the general fund and increased funding from the community health trust fund for the medical loan repayment program as provided for in Senate Bill No. 2227	(67,500)	67,500	0
Decreased funding from the general fund and increased funding from the community health trust fund for the medical loan repayment program to provide \$347,500 for the medical loan repayment program, of which \$75,000 is from the general fund and \$272,500 is from the community health trust fund	(132,500)	132,500	0
Decreased funding from the general fund and increased funding from the community health trust fund for the veterinarian loan repayment program to provide total funding of \$350,000 from the community health trust fund for the veterinarian loan repayment program	(350,000)	350,000	0
Decreased funding from the general fund and increased funding from the community health trust fund for the dental loan repayment program to provide total funding of \$483,448 from the community health trust fund for the dental loan repayment program	(195,000)	195,000	0

Added funding from the federal American Recovery and Reinvestment Act of 2009 for various programs (see <b>Federal Fiscal Stimulus Funding</b> section below)		11,047,325		11,047,325
Increased funding from the community health trust fund for community health tobacco programs to provide a total of \$2,302,098		121,727		121,727
Added funding for grants for the administration of donated dental services	50,000			50,000
Provided <b>one-time funding</b> for a contingent transfer from the general fund to the community health trust fund if during the 2009-11 biennium the funds are not sufficient to provide for legislative appropriations	2,405,371			2,405,371
Added <b>one-time funding</b> for a grant to a nonprofit organization for establishing a mobile dental care service to provide dental treatment, prevention, and education services to low-income and underserved children in areas of the state with limited or unavailable dental services (House Bill No. 1231)	196,000			196,000
Added funding for emergency medical training grants to rural law enforcement agencies for licensed officers who choose to become licensed first responders (Senate Bill No. 2047)	128,400			128,400
Added funding from the general fund and funding from the federal American Recovery and Reinvestment Act of 2009 (see <b>Federal Fiscal Stimulus Funding</b> section below) for grants and related administrative costs to domestic violence sexual assault organizations (Senate Bill No. 2230)	1,000,000	1,000,000		2,000,000
Added <b>one-time funding</b> for a regional public health network pilot project (Senate Bill No. 2333)	275,000			275,000
Added <b>one-time funding</b> from the federal American Recovery and Reinvestment Act of 2009 (see <b>Federal Fiscal Stimulus Funding</b> section below) for immunization services and provided contingent funding for immunization services from the general fund if federal funds are not available to provide \$1.2 million (Senate Bill No. 2333)	1,200,000	1,200,000		2,400,000
Added funding for providing grants to dentists who practice in a public health setting or a nonprofit dental clinic that uses a sliding fee schedule to bill patients (Senate Bill No. 2358)	180,000			180,000
Added funding for a grant to the North Dakota Fetal Alcohol Syndrome Center (Senate Bill No. 2412)	369,900			369,900
Total	0.00	\$5,346,527	\$16,360,484	\$21,707,011

### FTE Changes

The 2009-11 appropriation includes funding for 343.5 FTE positions, an increase of 12 FTE positions from the 2007-09 authorized level of 331.5 FTE positions. The following table summarizes the FTE position changes included in the 2009-11 executive budget and the legislative appropriation:

Position	Executive Budget Recommended FTE Changes	Legislative Appropriation FTE Changes	Legislative Appropriation Increase (Decrease) From Executive Budget
Administrative Support Section			
Fraud risk assessment auditor in contract compliance	1.00	1.00	
Community Health Section			
Administrative assistant to the oral health program	0.50	0.50	
Program administrator to the oral health program	0.50	0.50	
Epidemiologist to the cancer registry, diabetes, and oral health programs	1.00	1.00	
Public health nurse to the school health program	1.00	1.00	
Health Resources Section			
Life Safety Code construction surveyor	2.00	2.00	
Medical Services Section			
Data coordinator for the immunization program	1.00	1.00	
Data coordinator for the epidemiology and laboratory capacity program	1.00	1.00	
Administrative assistant to the epidemiology and laboratory capacity program	1.00	1.00	
Environmental Health Section			
Environmental scientist to the waste management program	0.50	0.50	
Microbiologist to the epidemiology and laboratory capacity program	1.00	1.00	
Emergency Preparedness and Response Section			
Administrative assistant to the bioterrorism program	1.00	1.00	
Special Populations Section			
Program administrator to the primary care program	0.50	0.50	
<b>Total</b>	<b>12.00</b>	<b>12.00</b>	<b>0.00</b>

### One-Time Funding

In Section 4 of Senate Bill No. 2004, the Legislative Assembly identified a \$2,405,371 contingent general fund transfer to the community health trust fund as a one-time funding item. Other one-time funding items for the State Department of Health include:

- House Bill No. 1231 - \$196,000 from the general fund for a grant to a nonprofit organization to establish a mobile dental care service;
- Senate Bill No. 2333 - \$275,000 from the general fund for a regional public health network pilot project; and
- Senate Bill No. 2333 - \$1,200,000 contingent funding from the general fund for immunization services if funding from the federal American Recovery and Reinvestment Act of 2009 (see **Federal Fiscal Stimulus Funding** section below) is not available.

The total for one-time funding to the State Department of Health is \$4,076,371. This amount is not to be considered part of the agency's base budget for preparing the 2011-13 executive budget and the State Department of Health is to report to the Appropriations Committees during the 2011 legislative session on the use of this funding.

**Federal Fiscal Stimulus Funding**

The Legislative Assembly appropriated \$13,247,325 of federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 to the State Department of Health summarized as follows:

<b>Senate Bill No. 2004</b>	
Water quality grants	\$194,300
Superfund arsenic trioxide project grants	7,000,000
Clean diesel grants (provided to the Department of Public Instruction)	1,730,000
Clean water state revolving loan fund administration	769,564
Drinking water state revolving loan fund administration	780,000
Stop violence against women	511,661
Women, infants, and children	61,800
Total federal fiscal stimulus funds appropriated in Senate Bill No. 2004	\$11,047,325
<b>Senate Bill No. 2230</b>	
Stop violence against women	1,000,000
<b>Senate Bill No. 2333</b>	
Prevention and wellness fund grants	1,200,000
<b>Total federal fiscal stimulus funds</b>	<b>\$13,247,325</b>

The State Department of Health may seek Emergency Commission and Budget Section approval for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated. This amount is not to be considered part of the agency's base budget for the 2011-13 biennium. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

In addition, the American Recovery and Reinvestment Act of 2009 provides \$19,239,100 to the clean water state revolving loan fund and \$19,500,000 to the drinking water state revolving loan fund. The State Department of Health administers these funds and will receive 4 percent for administrative costs. The funds received for administration are appropriated in Senate Bill No. 2004 and included in the table above. The Bank of North Dakota acts as fiscal agent for the revolving loan fund programs and will receive 96 percent of the funds available. These funds will be distributed through the Bank of North Dakota to eligible wastewater infrastructure projects (clean water state revolving loan fund) and eligible drinking water infrastructure projects (drinking water state revolving loan fund). Funds will be distributed pursuant to a continuing appropriation to the Bank of North Dakota and are expected to total \$18,469,536 for the clean water state revolving loan fund program and \$18,720,000 for the drinking water state revolving loan fund program.

**Tobacco Prevention and Control Funding**

Senate Bill No. 2004 provides a total tobacco prevention appropriation of \$9,079,685, of which \$3,510,495 is from the community health trust fund, \$2,677,556 is from federal funds, and \$2,891,634 is from other special funds. The other special funds appropriation provides spending authority if the Tobacco Prevention and Control Committee chooses to utilize the State Department of Health for some Centers for Disease Control and Prevention best practices programs. Funding from the community health trust fund provides \$2,302,098 for community health tobacco programs, \$1,069,000 for the Tobacco Quitline, and \$139,397 for a tobacco prevention coordinator.

**Other Sections in Senate Bill No. 2004**

**Environment and rangeland protection fund** - Section 5 authorizes \$272,310 from the environment and rangeland protection fund for ground water testing programs. Of this amount, \$50,000 is for a grant to the North Dakota Stockmen's Association for the environmental services program.

**Emergency medical services** - Section 6 authorizes \$2.75 million from the insurance tax distribution fund for emergency medical services grants as follows:

1. Funding of \$2.25 million for grants to emergency medical services operations as provided in North Dakota Century Code (NDCC) Chapter 23-40.
2. Funding of \$500,000 for a grant to contract with an organization to:
  - a. Develop, implement, and provide an access critical ambulance service operations assessment process for the purpose of improving emergency medical services delivery;
  - b. Develop, implement, and provide leadership development training;
  - c. Develop, implement, and provide a biennial emergency medical services recruitment drive; and
  - d. Provide regional assistance to ambulance services to develop a quality review process for emergency medical services personnel and a mechanism to report to medical directors.

This section also provides the State Department of Health require recipients of grants to provide information on the use of funds received as necessary for the State Department of Health to provide a report to the Legislative Council on the use of the funding.

**Federal 319 nonpoint program matching funds** - Section 7 requires the State Water Commission to provide, from its 2009-11 biennium appropriation, a grant of \$200,000 to the State Department of Health to be used as matching funds for the federal 319 nonpoint program.

**Indirect cost recoveries** - Section 8 allows the State Department of Health to deposit indirect cost recoveries from federal programs and special funds in its operating account.

**Colorectal screening grants carryover authority** - Section 9 provides that the \$200,000, of which \$150,000 is from the community health trust fund and \$50,000 is from the general fund, appropriated for colorectal screening grants by the 2007 Legislative Assembly, is not subject to the provisions of NDCC Section 54-44.1-11, and any unexpended funds from these appropriations are available and may be expended during the 2009-11 biennium.

**Immunization program study** - Section 10 provides for a Legislative Council study of the state immunization program during the 2009-10 interim. The study is to identify pharmacists' or other providers' ability and interest in immunizing children and include a review of the effect of the program on public health units, including billing, billing services, fee collections, and uncollectible accounts.

#### **Related Legislation**

**House Bill No. 1231** - This bill provides \$196,000 from the general fund to the State Department of Health for a **mobile dental care service grant**.

**House Bill No. 1327** - This bill appropriates \$200,000 from the health care trust fund to the Department of Human Services to provide as a grant for the **remodeling of a nursing facility** to meet the requirements of assisted living and basic care and a pilot project on assisted living rent subsidies.

**House Bill No. 1338** - This bill provides for a **study of solid waste management** with an emphasis on the siting and zoning of landfills.

**House Bill No. 1339** - This bill provides the State Department of Health establish a Stroke System of Care Task Force and designate qualified hospitals as **primary stroke centers**. The State Department of Health appropriation bill includes federal funding authority of \$180,000 to contract for the project.

**House Bill No. 1371** - This bill relates to limits on the performance of abortion and **abortion reporting requirements**.

**Senate Bill No. 2044** - This bill provides for the **continuation of the moratorium** on expansion of basic care bed capacity and long-term care bed capacity through July 31, 2011.

**Senate Bill No. 2046** - This bill requires the State Department of Health to offer a **life safety survey process** for all health facilities licensed by the Division of Health Facilities of the State Department of Health during and at the conclusion of a construction, renovation, or construction and renovation project and provides that the department may charge a reasonable fee for a life safety survey performed. Senate Bill No. 2004 includes 2 FTE fire safety surveyor II positions and an appropriation of \$346,530, of which \$232,174 is from the general fund, to provide the services.

**Senate Bill No. 2047** - This bill provides \$128,400 from the general fund to the State Department of Health for providing **emergency medical training grants** to rural law enforcement officers.

**Senate Bill No. 2048** - This bill requires **trauma designation** for all hospitals that offer emergency services and mandates licensure for quick response units.

**Senate Bill No. 2050** - This bill provides the State Department of Health may regulate the **communications methods and protocols** for emergency medical services operations. The bill also provides for a Legislative Council study of the emergency medical services funding system within the state.

**Senate Bill No. 2141** - This bill relates to damages to land surface caused by subsurface mineral extraction and related exploration and provides the State Department of Health, upon request, shall conduct a site visit and evaluate site-specific environmental data as necessary to ensure **compliance with applicable environmental protection articles** in the North Dakota Administrative Code which are under the jurisdiction of the State Department of Health.

**Senate Bill No. 2161** - This bill requires the State Department of Health to identify the **records of an individual reported as lost, missing, or runaway** and notify the Bureau of Criminal Investigation and local law enforcement authority if a request for records is received from any source.

**Senate Bill No. 2168** - This bill relates to the **confidentiality of autopsy reports**, the powers and duties of the coroner and State Forensic Examiner, county coroner, and the appointment of an assistant coroner.

**Senate Bill No. 2174** - This bill provides for the participation of the State Health Officer or the officer's designee on the **Autism Spectrum Disorder Task Force**.

**Senate Bill No. 2198** - This bill provides funding to the Department of Human Services for the purpose of providing services to individuals with **traumatic brain injury** and requires the State Department of Health participate at least annually in a joint meeting with certain agencies to discuss the provision of services to individuals with traumatic brain injury.

**Senate Bill No. 2227** - This bill modifies the **medical loan repayment program** to remove the limit on the number of recipients and increase the maximum loan repayment from \$10,000 to \$30,000. The bill also includes an appropriation from the community health trust fund of \$67,500 for the 2009-11 biennium.

**Senate Bill No. 2230** - This bill provides \$2 million, of which \$1 million is from the general fund and \$1 million is from federal stimulus funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, to the State Department of Health for **grants to domestic violence sexual assault organizations**.

**Senate Bill No. 2332** - This bill creates a **Health Information Technology Office and an advisory committee** and provides the State Health Officer serve on the advisory committee. Funding for the Health Information Technology Office and the Health Information Technology Advisory Committee is provided to the Information Technology Department.

**Senate Bill No. 2333** - This bill creates **regional public health networks** and provides \$275,000 from the general fund to the State Department of Health for a regional public health network pilot project. The bill also provides \$1.2 million from federal stimulus funds made available to the state under the federal American Recovery and Reinvestment Act of 2009 to the State Department of Health to provide funds to local public health units for **immunization services** and includes a contingent general fund appropriation for \$1.2 million if the federal funds are not available to provide for this purpose.

**Senate Bill No. 2344** - This bill provides the State Department of Health establish guidelines for employers concerning **workplace breastfeeding** and infant friendly designations.

**Senate Bill No. 2358** - This bill creates a **dental loan repayment program** and provides \$180,000 from the general fund to the State Department of Health for grants to dentists. A grant recipient must serve three years as a full-time practicing dentist in the public health setting or a nonprofit clinic that uses a sliding fee schedule to bill patients and is to be paid the grant funds during the first two years of this service. The maximum grant award is \$60,000 per recipient.

**Senate Bill No. 2412** - This bill provides \$369,900 from the general fund to the State Department of Health for providing a grant to the **North Dakota Fetal Alcohol Syndrome Center**. The bill also requires the North Dakota Fetal Alcohol Syndrome Center report to the Legislative Council regarding the use of the funds.