

2023 SENATE WORKFORCE DEVELOPMENT

SB 2098

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2098
2/3/2023

Relating to the physician health program.

10:07 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Larson, Piepkorn** are present. **Senators Axtman and Elkin** were absent.

Discussion Topics:

- Physician health program
- Student participation
- Program confidentiality

10:08 AM **Sandra DePountis, Executive Director, North Dakota Board of Medicine** provided **SB 2098** testimony in favor #18772

10:17 AM **Ann Leiseth, Executive Director, North Dakota Professional Health Program** testimony in favor #18918

10:21 AM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee
Fort Lincoln Room, State Capitol

SB 2098
2/16/2023

Relating to the physician health program.

4:17 PM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Larson, Piepkorn, Axtman, Sickler, Elkin are present.**

Discussion Topics:

- Medical students

4:18 PM **Senator Axtman** moved **DO PASS.**

4:18 PM **Senator Sickler** seconded.

4:18 PM Roll call vote.

| Senators | Vote |
|----------------------------|-------------|
| Senator Michael A. Wobbema | Y |
| Senator Michelle Axtman | Y |
| Senator Jay Elkin | Y |
| Senator Diane Larson | Y |
| Senator Merrill Piepkorn | Y |
| Senator Jonathan Sickler | Y |

Motion passed 6-0-0.

Senator Axtman will carry.

4:19 PM **Chairman Wobbema** closed the meeting.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2098: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE HUMAN SERVICES

SB 2098

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2098
3/13/2023

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| Relating to the physician health program. |
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Chairman Weisz called the meeting to order at 2:49 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. Rep. Karen A. Anderson not present.

Discussion Topics:

- Physician Health Program (PHP)
- Public Safety
- Rehabilitation of Health Care Providers
- Burnout/Substance Abuse Recovery Monitoring
- Licensee's Help Source
- Individualized Treatment Programs
- Voluntarily Enrolled Patients
- Board Ordered Enrolled Patients
- Board Certified Professionals and Medical Students
- PHP Reported Enrollees
- Impaired Enrollee Evidence Disclosure Requirements
- Confidentiality
- Monitoring Agreement

Sandra DePountis, Executive Director of the ND Board of Medicine, introduced SB 2098 with supportive testimony, #23716.

Anne Liseth, executive Director of the ND Professional Health Program (PHP) spoke in favor of SB 2098.

Chairman Weisz adjourned the meeting at 3:00 PM.

Phillip Jacobs, Committee Clerk, by Donna Lynn Knutson

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2098
3/15/2023

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| Relating to the physician health program. |
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Chairman Weisz called the meeting to order at 10:00 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, and Brandon Prichard not present.

Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on SB 2098.

Rep. Dobervich moved a do pass on SB 2098.

Seconded by Rep. McLeod.

Roll Call Vote:

| Representatives | Vote |
|-----------------------------------|-------------|
| Representative Robin Weisz | Y |
| Representative Matthew Ruby | Y |
| Representative Karen A. Anderson | AB |
| Representative Mike Beltz | AB |
| Representative Jayme Davis | Y |
| Representative Gretchen Dobervich | Y |
| Representative Clayton Fegley | AB |
| Representative Kathy Frelich | Y |
| Representative Dawson Holle | Y |
| Representative Dwight Kiefert | Y |
| Representative Carrie McLeod | Y |
| Representative Todd Porter | Y |
| Representative Brandon Prichard | AB |
| Representative Karen M. Rohr | Y |

Motion carries 10-0-4.

Carried by Rep. McLeod.

Chairman Weisz adjourned the meeting at 10:03 AM.

Phillip Jacobs, Committee Clerk, by Donna Lynn Knutson

REPORT OF STANDING COMMITTEE

SB 2098: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2098

WORKFORCE DEVELOPMENT COMMITTEE
FEBRUARY 3, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2098

Chair Wobbema, members of the Committee. I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board to present Senate Bill 2098 relating to the Physician Health Program (PHP).

For those not familiar with the PHP, the PHP facilitates the rehabilitation of healthcare providers who have physical or mental health conditions that could compromise public safety, and to monitor their recovery. It's a safe place for our licensees to go to get the help they need – whether it be from burnout or a substance use disorder. The PHP evaluates the needs of every individual and utilizes its resources to match them to appropriate treatment to create an individualized monitoring program.

There are two avenues for enrollment in the PHP. A participant can voluntarily enroll in the program by personally reaching out to the PHP. Such participants are “confidential” without their identity being known to the Board, as long as they are in compliance with their monitoring agreement and safe to practice. The law provides when and if a voluntary participant gets reported to the Board for possible action which is set forth in 43-17.3-03 (Section 3) below. The other avenue is if the participant is Board ordered. For those participants, the Board, after receiving information that raises concerns about the individual's ability to practice safely, orders the individual to enroll in

the program. The Board receives quarterly reports on such individuals tracking their progress.

A large part of the bill before you extends this program and Board resources/funding to now include students – both medical and PA students – at the University of North Dakota School of Medicine and Health Sciences. The Board and PHP feel it is important to have these resources available to students as they embark on these challenging careers. Other parts of the bill clarify and update language, including:

Section 1. Updates the definitions to include “student” and “participant” used throughout the chapter. There is also an updated definition of “impairment” consistent with the DSM 5 that recognizes it to be “use” that interferes with the ability to practice safely versus “abuse.”

Section 2. Adding “students” to the program.

Section 3. Adding “students” to the program and clarifying when identifiable information is disclosed. Language is also added requiring the PHP to collaborate with the Board on a policy in which participants can obtain a second opinion review of recommendations of the program.

Section 4. Clarifying language as the PHP does not conduct the evaluations but instead refers the individual to an appropriate facility.

The last sentence is also removed that would require all applicants, as a condition of licensure, to agree that they would submit to an evaluation. This raises due process concerns and conflicts with Board language in 43-17.1-06(3) which requires probable cause to require a licensee to submit to such an evaluation.

Section 5. Adding “students’ to the program.

Section 6. Updated language provides clarification on when records are disclosed and testimony provided by the PHP. As previously referenced, the law provides that in certain situations, participants are reported by the PHP to the Board if there are concerns regarding safety to practice or non-compliance with their monitoring agreement. In order for the Board to fulfill its role of protecting the public and proceeding with possible action against a license, it needs the evidence supporting the referral, so it can determine whether an individual should continue to practice under his/her license. The language provides clarification that the PHP will disclose such evidence and records when reporting a possibly impaired individual to the Board as mandated by the law. If a disciplinary matter goes for a hearing, the PHP will need to testify in such formal disciplinary cases, which is further clarified in the language.

Thank you for your time and attention and I would be happy to answer any questions.



Your partner in the process

**SENATE WORKFORCE DEVELOPMENT COMMITTEE
NORTH DAKOTA PROFESSIONAL HEALTH PROGRAM
FEBRUARY 3, 2023
SENATE BILL NO. 2098**

Chairman Wobbema, members of the Committee, I am Ann Leiseth, Executive Director of the North Dakota Professional Health Program or NDPHP appearing in support of Senate Bill 2098 relating to the Physician Health Program (PHP).

As many of you are aware, the NDPHP was created through legislation in 2013 in order to help medical providers seek help for substance use disorders, mental illness, and physical illness confidentially.

Prior to the creation of NDPHP, these medical providers did not have confidentiality from the North Dakota Board of Medicine which obviously interfered with them seeking help. Since its inception the NDPHP has worked with more than 120 physicians, physician assistants, medical students, and physician assistant students. We work closely with the Board of Medicine as we also work with medical providers that are ordered by the Board of Medicine into our program.

The Board of Directors for the NDPHP has worked collaboratively with the Board of Medicine in drafting the proposed changes to SB 2098 and we are asking for your support in passing SB 2098.

I would be happy to field any questions that you have regarding the NDPHP and its role in helping medical providers in the state achieve and maintain recovery from mental illness and substance use disorders.

Thank you

Ann Leiseth
North Dakota Professional Health Program

HOUSE HUMAN SERVICES COMMITTEE
MARCH 13, 2023

TESTIMONY OF
NORTH DAKOTA BOARD OF MEDICINE
SENATE BILL NO. 2098

Chair Weisz, members of the Committee, I'm Sandra DePountis, Executive Director of the North Dakota Board of Medicine, appearing on behalf of the Board to present Senate Bill 2098 relating to the Physician Health Program (PHP).

For those not familiar with the PHP, the PHP facilitates the rehabilitation of healthcare providers who have physical or mental health conditions that could compromise public safety, and to monitor their recovery. It's a safe place for our licensees to go to get the help they need – whether it be from burnout or a substance use disorder. The PHP evaluates the needs of every individual and utilizes its resources to match them to appropriate treatment to create an individualized monitoring program.

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