

2023 HOUSE HUMAN SERVICES

HB 1050

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1050
1/4/2023

Relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

Chairman Weisz called the meeting to order at 2:33pm

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. All present.

Discussion Topics:

- Notifications from program
- Effectiveness of mail and email notifications
- Frequency of suspensions and revocations
- Issues that require immediate notifications

James Knopik, Manager for Division of Drug Addiction and Substance Abuse, introduced the HB 1050 with supportive testimony (No. 12321).

Chairman Weisz closed the hearing on HB 1050.

Chairman Weisz adjourned the meeting at 2:47pm.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1050
1/10/2023

Relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

Chairman Weisz called the meeting to order at 10:03 AM.

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. All present.

Discussion Topics:

- Committee work
- Amendment

Chairman Weisz called for a discussion on HB 1050.

Vice Chairman Ruby discussed having an amendment on requiring Registered mail by removing the overstrike on Registered on line 9 Page 2.

Chairman Weisz adjourned the meeting at 10:05 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1050
1/16/2023

Relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

Chairman Weisz called the meeting to order at 3:09 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. All present.

Discussion Topics:

- Committee work
- Amendment to bill
- Acute overdose patients

Chairman Weisz called for a discussion on HB 1050.

Rep. Porter moved to amend HB 1050. Page 2 line 9, period after delivery and remove new language.

Seconded by Vice **Chairman Ruby**

Motion and second are withdrawn to amend HB 1050.

Rep. Porter Moved to amend HB 1050 Page 1 line 1 after sections 23-16-01, after line 4 insert section 1 of amendment

Rep. Dobervich- Seconds the motion.

Motion carries by voice vote.

Vice Chairman Ruby Moved to further amend with the second part of the amendment 23.8050.01001 (Testimony #19642)

Seconded by Rep. Anderson.

Roll Call Vote:

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

Motion carries 14-0-0.

Rep. Porter moved a do pass as amended on HB 1050.

Seconded by Rep. Dobervich.

Roll Call Vote:

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

Motion carries 14-0-0. Carried by Rep. Porter.

Chairman Weisz adjourned the meeting at 3:32 PM

Phillip Jacobs, Committee Clerk

January 16, 2023

AG
1-16-23
(1-1)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1050

Page 1, line 1, after "sections" insert "23-16-01,"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 23-16-01 of the North Dakota Century Code is amended and reenacted as follows:

23-16-01. Licensure of medical hospitals and state hospitals.

After July 1, 1947, no person, partnership, association, corporation, limited liability company, county or municipal corporation, or agency thereof, which maintains and operates organized facilities for the diagnosis, treatment, or care of two or more nonrelated persons suffering from illness, injury, or deformity or where obstetrical or other care is rendered over a period exceeding twenty-four hours, may be established, conducted, or maintained in the state of North Dakota without obtaining annually a license therefor in the manner hereinafter provided in sections 23-16-02 and 23-16-03. Chiropractic hospitals, sanatoriums, American society of addiction medicine level 3.7 substance use treatment programs licensed by the department of health and human services that are independent from a medical hospital, and hospitals such as those for unmarried mothers maintained and operated by the department of health and human services are not required to obtain a license under this chapter.

In the case of emergency or transfer beds attached to and forming a part of a licensed medical doctor's office, the department of health and human services has the right of inspection, but no license may be required under the provisions of this chapter when the number of such beds does not exceed four."

Page 2, line 7, after "notice" insert "by registered mail, personal delivery, or electronic mail"

Page 2, line 9, remove the overstrike over "registered"

Page 2, line 9, replace "electronic mail" with "personal delivery"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1050: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "23-16-01,"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 23-16-01 of the North Dakota Century Code is amended and reenacted as follows:

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After July 1, 1947, no person, partnership, association, corporation, limited liability company, county or municipal corporation, or agency thereof, which maintains and operates organized facilities for the diagnosis, treatment, or care of two or more nonrelated persons suffering from illness, injury, or deformity or where obstetrical or other care is rendered over a period exceeding twenty-four hours, may be established, conducted, or maintained in the state of North Dakota without obtaining annually a license therefor in the manner hereinafter provided in sections 23-16-02 and 23-16-03. Chiropractic hospitals, sanatoriums, American society of addiction medicine level 3.7 substance use treatment programs licensed by the department of health and human services that are independent from a medical hospital, and hospitals such as those for unmarried mothers maintained and operated by the department of health and human services are not required to obtain a license under this chapter.

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Renumber accordingly

2023 SENATE HUMAN SERVICES

HB 1050

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1050
3/6/2023

Relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

10:21 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Community behavioral centers
- Addiction program regulations
- Terminology
- Licensed suspension
- Addiction/detox management center

10:22 AM **James Knopik, Department of Health and Human Services Behavioral Health** introduced HB 1050 and testified in favor. #22105

10:28 AM **Dr. Tricia Brown, Addiction Treatment Provider**, testified in favor. #22271

10:35 AM **Madam Chair Lee** adjourned the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1050
3/6/2023

Relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

11:18 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, K. Roers, Weston, Hogan** are present. **Senator Clemens** was absent.

Discussion Topics:

- Community behavioral centers
- Regulation of addiction programs

Senator Lee calls for discussion.

Senator K. Roers moved **DO PASS**.

Senator Cleary seconded motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	AB
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 5-0-1.

Senator K. Roers will carry HB1050.

11:19 PM **Madam Chair Lee** adjourned the meeting.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1050, as engrossed: Human Services Committee (Sen. Lee, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1050 was placed on the Fourteenth order on the calendar. This bill
does not affect workforce development.

TESTIMONY

HB 1050

**Testimony
House Bill 1050
House Human Services Committee
Representative Robin Weisz, Chairman
January 4, 2023**

Chairman Weisz, and members of the House Human Services Committee, I am James Knopik, Manager of Addiction and Prevention Program and Policy with the Department of Health and Human Services (Department), Behavioral Health Division. I appear before you in support of House Bill No. 1050, which was introduced at the request of the Department.

The Behavioral Health Division is responsible for the regulation of addiction treatment programs as prescribed by North Dakota Century Code Chapter 50-31.

The proposed changes on page 1 lines 9, 13, 14, 18, and 20 and page 2 lines 2 and 24 of this Bill amend chapter 50-31 of the North Dakota Century Code (NDCC) regarding regulation of addiction treatment programs. These changes update language to align to the most recent version of the Diagnostic and Statistical Manual of Mental Disorders which modified the term "substance abuse" to the updated term substance use disorder. These language changes will ensure the North Dakota Century Code reflects current terminology recognized in the field of behavioral health.

The proposed change on page 2 line 9 of this Bill amends section 50-31-05 of the North Dakota Century Code to allow the Department to communicate to providers via email in the event it is necessary to suspend or revoke a program license to protect the health and safety of

individuals served by the program. Currently, if a program is out of compliance with state law in an egregious manner that threatens the health and safety of individuals served by the program the Department must notify the program of a suspension or revocation of their license via registered mail. This process may result in the program continuing to serve individuals until the program receives the registered mail, placing more individuals at risk of harm during that time. Allowing the Department to communicate that a program's license has been suspended or revoked by means of electronic mail will allow the Department to respond to health and safety concerns faster and will result in additional protection for individuals who are receiving treatment for a substance use disorder in the state.

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

23.8050.01001
Title.02000

Adopted by the House Human Services
Committee

January 16, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1050

Page 1, line 1, after "sections" insert "23-16-01,"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 23-16-01 of the North Dakota Century Code is amended and reenacted as follows:

23-16-01. Licensure of medical hospitals and state hospitals.

After July 1, 1947, no person, partnership, association, corporation, limited liability company, county or municipal corporation, or agency thereof, which maintains and operates organized facilities for the diagnosis, treatment, or care of two or more nonrelated persons suffering from illness, injury, or deformity or where obstetrical or other care is rendered over a period exceeding twenty-four hours, may be established, conducted, or maintained in the state of North Dakota without obtaining annually a license therefor in the manner hereinafter provided in sections 23-16-02 and 23-16-03. Chiropractic hospitals, sanatoriums, American society of addiction medicine level 3.7 substance use treatment programs licensed by the department of health and human services that are independent from a medical hospital. and hospitals such as those for unmarried mothers maintained and operated by the department of health and human services are not required to obtain a license under this chapter.

In the case of emergency or transfer beds attached to and forming a part of a licensed medical doctor's office, the department of health and human services has the right of inspection, but no license may be required under the provisions of this chapter when the number of such beds does not exceed four."

Page 2, line 7, after "notice" insert "by registered mail, personal delivery, or electronic mail"

Page 2, line 9, remove the overstrike over "registered"

Page 2, line 9, replace "electronic mail" with "personal delivery"

Renumber accordingly



Testimony
Engrossed House Bill 1050
Senate Human Services Committee
Senator Judy Lee, Chairman
March 6, 2023

Chairman Lee, and members of the Senate Human Services Committee, I am James Knopik, Manager of Addiction and Prevention Program and Policy with the Department of Health and Human Services (Department), Behavioral Health Division. I appear before you in support of Engrossed House Bill No. 1050, which was initially introduced at the request of the Department.

The Behavioral Health Division is responsible for the regulation of addiction treatment programs as prescribed by North Dakota Century Code Chapter 50-31. This bill creates 3 primary changes related to the regulation of these programs.

The first purpose of this bill is to update language through proposed changes in Sections 2, 3, 4, and 5. These changes update language to align to the most recent version of the Diagnostic and Statistical Manual of Mental Disorders which modified the term "substance abuse" to the updated term substance use disorder. These language changes will ensure the North Dakota Century Code reflects current terminology recognized in the field of behavioral health.

The second proposed change in Section 4 page 2 lines 24,25, and 27 of this bill amends section 50-31-05 of the North Dakota Century Code to allow the Department to communicate to providers via email or personal delivery in the rare event it is necessary to suspend or revoke a program

license to protect the health and safety of individuals served by the program. Currently, the Department must notify a program of a suspension or revocation of their license via registered mail. This process may result in the program continuing to serve individuals until the program receives the registered mail, placing more individuals at risk of harm during that time. This change would allow the Department to communicate that a program's license has been suspended or revoked in an immediate fashion to protect the health and safety of individuals who are receiving treatment for a substance use disorder in the state.

The final purpose of this bill is to increase access to stand-alone acute withdrawal management facilities by eliminating regulatory burdens for programs to provide American Society of Addiction Medicine Level 3.7 Medically Monitored Intensive Inpatient Treatment. Section 1 of the bill was amended with input from the Department to exclude programs licensed by the department as a 3.7 level of care from also being licensed as a specialty hospital. There are currently no stand-alone medically monitored withdrawal management programs in the state.

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

House Bill 1050

Senator Judy Lee, Chairman March 6, 2023

My name is Dr. Tricia Brown, Doctor of Nursing Practice. I am here to testify in favor of HB 1050. Currently, I diagnose and treat substance use and mental health disorders at Heartview Foundation. I have almost 12 years of experience in the field of mental health and substance abuse.

Several years ago, after working with those in active addiction, it became apparent to me that there was a dangerous gap existing in the medical services for acute drug and alcohol withdrawal, specifically in the Bismarck/Mandan area. Currently someone suffering from acute withdrawal and who needs medical detox has only two places in Bismarck to go; the Emergency Department or jail.

These facilities, as hard as they try, are simply not equipped for a 72-hour medical detox. It is expensive to treat individuals needing medical detox, both for the facilities and also the uninsured, it diverts these facilities from focusing their resources on their primary functions, and these facilities simply cannot offer robust services necessary for medical detox.

It was with this observation the vision of Mosaic Community Triage Center began. Two years ago, I embarked on a journey to open the first acute drug and alcohol withdrawal center in the state of North Dakota. As I have moved forward with the project and after a great deal of research and discussing the project with the Department of Health and the Department of Human Services, it became clear that a change in the law is needed.

At first glance it looked like the Mosaic Community Triage Center would need to be licensed as a Specialty hospital, specifically because I was providing overnight medical care with 24-hour nursing services. However, in researching the Century Code for requirements regarding specialty hospitals, we came up empty handed as there were no provisions that address the specific situation of what the Mosaic Community Triage Center would offer.

We also ran into roadblocks as we researched building locations that would be suitable for the Mosaic Community Triage Center. I began working with Brian Weigel, with Northwest Contracting, and Karla Aldinger who is the Life Safety and Construction Director for the Department of Health, and it continued to become more apparent that an acute drug and alcohol withdrawal center as I am planning is not in the right category as a specialty hospital and I became confident that Mosaic did not "live" on that side of things.

Another hurdle regards the staffing, credentialing, and standard operating procedures that are required for a specialty hospital. While all those requirements are there for very important reasons, I maintain that for what North Dakota vitally needs and for the gap that Mosaic looks to fill they are not suitable and something new needs to be added in the law.

As such, it is our conclusion that a detox center such as the Mosaic Community Triage Center does not fit anywhere in current law and does not fall under the category of a specialty hospital. I am confident that excluding acute drug and alcohol services from the categorization of a specialty hospital would not only benefit our community and our state in the long run but also save lives. I am committed to helping address the addiction crisis we have in our communities, and I am here today to ask you to help me do just that. By making this small change in the law so that professionals like myself can offer this type of service it will benefit the state financially, provide vital care to those with substance abuse disorder and also save lives.

Thank you. I am happy to answer any questions at this time.