

**Behavioral Health Planning Council
Legislative Committee**

**Friday, January 15, 2021
11:00 AM, CT**

Call to Order. Greg Gallagher, Facilitator, called the business meeting of the BHPC Legislative Committee to order at 11:05 AM, CT.

Members Present. Brenda Bergsrud; Emma Quinn, Kurt Snyder, Teresa Larsen.

Facilitator. Greg Gallagher, The Consensus Council.

Legislative Committee Charge. Greg Gallagher provided background information regarding (a) the December 16, 2020, Committee meeting which defined the work and priorities of the Committee and (b) the December 29, 2020, and January 8, 2021, Committee meetings which reviewed select legislative issues, including the state hospital project. Members revisited the charge of the Legislative Committee, including (1) identifying prospective legislative initiatives aligned with the purpose of the BHPC; (2) monitoring legislative initiatives through the legislative process; (3) coordinating communications with BHPC members and facilitating effective BHPC input throughout the process; (4) soliciting the active participation of BHPC members; (5) drafting legislation that might advance the aims of the BHPC and the state's behavioral health strategic plan; and (6) empowering the BHPC Legislative Council, with full participation of the BHPC Executive Committee, to transact legislative activities that support the aims of the BHPC.

Mr. Gallagher identified several meeting agenda items:

- (1) assess the BHPC Legislative Committee's satisfaction with its current operational plan;
- (2) expand Committee discussions by inviting BHPC members to observe and provide input during the Committee meetings;
- (3) clarify the issuance of a public notice to all BHPC Legislative Committee meetings;
- (4) review the Department of Human Service's executive budget (HB 1012), including the state hospital appropriation, among other initiatives previously discussed;
- (5) identify [specific bills](#) to be considered during the next legislative week that might require BHPC testimony.

Members agreed to the outlined agenda and requested the discussion of HB 1089 and HB 1318, scheduled for legislative committee work, next week.

Members reviewed and acceded to the January 8, 2021, BHPC Legislative Committee meeting minutes.

BHPC Legislative Committee Operational Plan. Members expressed satisfaction with the current standing and articulation of BHPC legislative initiatives.

Expanding BHPC Legislative Committee Participation. Committee members expressed support for announcing the schedule of the Committee's weekly Friday-morning sessions to the BHPC membership. Mr. Gallagher will issue weekly invitations for members to attend. The Committee will retain its defined role as operational managers for the Committee meetings, inviting other BHPC members to observe and participate in keeping with the established agenda and time constraints of the meeting's proceedings.

Clarify Issuance of Public Meeting Notices. Committee members concurred with a recommendation from Mr. Gallagher that all BHPC Legislative Committee meetings be announced in the same manner and forum as any full BHPC meetings, as specified in state law. Mr. Gallagher will work with Tami Conrad, BHPC project manager within DHS, to manage the issuance of meeting notifications with the public information staff of the Department of Human Services.

Expressed Support for [HB 1089](#). Members reaffirmed support for [HB 1089](#), approved during the January 8, 2021, Committee meeting. Teresa Larsen agreed to draft and submit testimony, on behalf of the BHPC. HB 1089 originates as a DHS initiative. Ms. Larsen will submit the written testimony without any accompanying oral testimony. HB 1089 is scheduled for a public hearing on January 18, 2021, before the House Human Services Committee.

Expressed Support for [HB 1318](#). Members reviewed and discussed support for HB 1318, a bill requiring local school districts to adopt written seclusion and restraint policies. This bill is the most recent effort to enact a state-mandated seclusion and restraint policy. Currently ND is one of four states in the Nation without a seclusion and restraint school policy.

EMMA QUINN MADE AND KURT SNYDER SECONDED A MOTION FOR THE BEHAVIORAL HEALTH PLANNING COUNCIL TO DRAFT TESTIMONY IN SUPPORT OF HB 1318. THE MOTION PASSED UNANIMOUSLY. CHAIRPERSON BERGSRUD ANNOUNCED THE PASSAGE OF THE MOTION.

Teresa Larsen agreed to draft support testimony for HB 1318, on behalf of the BHPC, which Brenda Bergsrud will submit and perhaps provide oral testimony. HB 1318 is scheduled for a public hearing on January 19, 2021, before the House Education Committee.

Review of DHS Executive Budget, [HB 1012](#). Members discussed the best means of providing BHPC testimony regarding HB [1012](#), the DHS Executive Budget, during the bill's public comment hearing, during January 25-26, 2021. Members agreed that it was important for the BHPC to provide broad guiding testimony, as the state's principal advisory council on behavioral health, to optimize the proper continuation of increased state behavioral health appropriations, which have been hard-fought for the past decade. Members stated that it was better to state broad funding goals than to enter into a program-by-program, line item-by-line item assessment, which might derail overall advances.

Members agreed that the BHPC should submit and provide supporting oral testimony on HB 1012, that combines, within a unifying narrative, both general guidance regarding behavioral

health appropriations and support for the proposal to build a new state hospital. Members reaffirmed the intention of the BHPC to provide supportive testimony for the building of a new state hospital, agreed to during the January 8, 2021, Committee meeting.

Members reaffirmed the four core budgetary principles the Committee established in its December 16, 2020, meeting:

- *Protect Existing Programs from Possible Budget Cuts.* Members expressed an interest to sustain, minimally, the state's current funding levels for behavioral health programming. Members identified a need to carefully review the forthcoming DHS budget to ascertain budget priorities, including the anticipated impact of reallocations brought on by the implementation of the state's Medicaid 1915(i) plan.
- *Support of Medicaid Expansion.* Members reiterated the BHPC's support for the continuation of the state's Medicaid Expansion program, as reaffirmed during the December 9, 2020, meeting of the BHPC. Members seek to remove any sunset clause to the state's Medicaid Expansion, securing a service safety net into the future.
- *Establishing a Balance Between Substance Use and Mental Health Efforts.* Members identified a need to establish a programmatic and budgetary balance that supports both substance use disorder and mental health initiatives, forestalling any inequitable redistribution of funds that might introduce disparity.
- *Assessing the Balanced Use of Federal and State Funding.* Members expressed a need to learn more about the manner in which DHS or other state agencies are optimizing the use of both federal and state funding and resisting any effort to transfer funding inordinately from state to federal responsibility. Both funding sources are important and should be optimally used.

Brenda Bergsrud and Emma Quinn will co-author the HB 1012 testimony, which will be submitted by Ms. Bergsrud, with supporting oral testimony. It is anticipated that public comment for all DHS executive budget matters will be heard during January 25-26, 2021, by the House Appropriations Committee-Human Services Section.

The BHPC Legislative Committee agreed to meet again on Friday, January 22, 2021, at 11:00 AM, CT, to continue its work.

Adjournment. Having complete the stated aims of the meeting, Chairperson Bergsrud called the meeting adjourned.

The meeting adjourned at 12:18 PM, CT.

Respectfully submitted,

Greg Gallagher
Facilitator
Deputy Director, The Consensus Council

Video Conference Link for January 22, 2021, 11:00 AM, CT, BHPC Legislative Committee Meeting:

Consensus Council is inviting you to a scheduled Zoom meeting.

Topic: BHPC Legislative Committee

Time: Jan 22, 2021 11:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84102939577>

Meeting ID: 841 0293 9577

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HOUSE BILLS	DESCRIPTION	HOUSE COMM	HOUSE HEARING	COMM ACTION	HOUSE ACTION	SENATE COMM	SENATE HEARING	COMM ACTION	SENATE ACTION
HB 1007	§: DOL & HR	App/GO	1/8 @ 9:00						
HB 1012	§: DHS	App/HRD	See separate schedule						
HB 1013	§: DPI	App/EE	1/13, 1/14						
HB 1014	§: P&A	Approp HRD	1/8/21 9:00						
HB 1015	§: OMB (includes guar. grants)	App/GO	1/13 @ 8:30						
HB 1027 FN	School district transp. aid payments (includes spec. ed.)	Education	1/6 @ 9:45						
HB 1030	§ for State Capitol improvements for accessibility	GVA Approp	<u>1/7 @ 1:30</u>	<u>Do pass 14-0</u>					
HB 1032	Rx drug cost transparency	HS	1/6 @ 1:30						
HB 1033	Prescribing of biosimilar drugs	HS	1/6 @ 10:45						
HB 1034	Prelim. trtmt. & invol. trtmt. hearings; CD to SUD language	Judiciary	1/13 @ 9:00						
HB 1035 FN	Revisions to Juvenile Court Act	Judiciary							
HB 1036 H markup	Consider studying juvenile justice process	Judiciary	1/6 @ 2:00	Do pass w/ amend	PASSED 92-0				
HB 1037 FN	Legacy earnings fund	App							
HB 1038	Legislative management legacy funds earnings comm.	Fin & Tax	1/6 @ 9:15	Do pass 14-0	PASSED 89-0				
HB 1044	Advanced practice registered nurse licensure compact	HS	1/6 @ 9:15	Do pass 14-0	PASSED 89-0				
HB 1047	Inspection of juvenile court files & records	Judiciary	1/11 @ 9:00	Do pass 11-2-1	PASSED 91-0				
HB 1048	Requirement of a guardian to obtain a bond	Judiciary	1/11 @ 9:30	Do pass 9-5	PASSED 77-15				
HB 1049	Restrictions on visitation, communication, & interaction with the ward	Judiciary	1/11 @ 10:30	Do pass 14-0	PASSED 91-0				

HB 1052 FN	Cooperative agreements to provide services to juveniles adjudicated in tribal court	Judiciary	1/11 @ 10:00	Do pass 13-1	PASSED 89-2				
HB 1065 FN	Nursing home's operating costs	HS	1/13 @ 9:00						
HB 1066 FN	Accreditation of regional human service centers	HS	1/12 @ 9:15	Do pass 13-0-1	PASSED 93-0				
HB 1071	Medical paroles	Judiciary	1/6 @ 10:30	Do not pass 9-5	FAILED 19-73				
HB 1076	Children's Cabinet; remove sunset; options of Chair	HS	1/6 @ 10:30	Do pass 12-0- 2	PASSED 89-0 (E)				
HB 1087 FN H markup	Third-party reinsurance; study	IBL	1/12 @ 1:45	Do pass w/ amend 14-0					
HB 1089	Seclusion, restraint, prohibition of shock treatment & aversive reinforcement conditioning	HS	1/18 @ 10						
HB 1090 FN	Nursing home rates	HS	1/13 @ 9:15						
HB 1091 FN	Automated clearing house to facilitate payment; shelter care, foster care	HS	1/12 @ 9:00						
HB 1092 FN H markup	Civil & administrative remedies to combat insurance fraud	IBL	1/12 @ 8:00	Do pass w/ amend 14-0	PASSED 93-0				
HB 1111	Study of competency-based learning initiatives	Education	1/12 @ 9	Do pass 13-0-1					
HB 1117	Commitment procedures	Judiciary	1/13 @ 9:30						
HB 1120	Deer hunting licenses for disabled veterans	Energy & Nat Res	1/21 @ 2:30						
HB 1124	Evidence-based alcohol & drug educ. prog. for < 21 years old	Judiciary	1/18 @ 9:30						
HB 1129	Marriage penalty credit & an income tax exclusion for Soc. Sec. benefits	Fin & Tax	1/11 @ 9:30						
HB 1131	Credentials for specialists trained in dyslexia	Education	1/13 @ 10	Do pass 13-0- 1					
HB 1139	Duration limits for opioid therapy & benzodiazepine	IBL	1/18 @ 8:00						
HB 1150	Commission on juvenile justice	Judiciary							
HB 1151	telehealth & the practice of dentistry	HS	1/18 @ 2:30						

HB 1154	Transparency in dental benefits contracting	IBL							
HB 1161	Closing time for polling places	GVA							
HB 1163	Needle exchange program	HS	1/18 @ 10:45						
HB 1171	Requiring a physical polling place for mail ballot elections	GVA	1/21 @ 8:30						
HB 1175	Business liability from COVID-19 liability claims; retroactive; (E)	IBL							
HB 1181	Defendant's fitness to proceed	Judiciary	1/20 @ 10						
HB 1188	Services provided by special education technicians	Education	1/18 @ 2:30						
HB 1189	Provisional ballots; canvass report requirements	Political Subs							
HB 1198	Gov's authority regarding polling places in a disaster	GVA	1/21 @ 8:30						
HB 1203	Req's of health insurance policies; continuation of Medicaid Expansion	IBL	1/18 @ 8:00						
HB 1204	Limitations on req's to wear a mask at work	IBL	1/18 @ 2						
HB 1210	Study of out-of-pocket expenses incurred by teachers	Education	1/18 @ 2						
HB 1213	Medical marijuana (E)	HS	1/19 @ 9:45						
HB 1217	School guidance & counseling services	Education	1/19 @ 3						
HB 1230	Definition of a service animal; adds miniature horse	Judiciary	1/19 @ 11:30						
HB 1237	Marriage penalty credit & income tax exclusion for social security benefits	Finance & Tax	1/19 @ 11						
HB 1238	Polling places	GVA							
HB 1239	Scanned images of ballots; elimination of electronic voting & requiring paper ballots; electronic voting	GVA							
HB 1241	DHS study re a nurse triage prog. for medical assistance	HS	1/19 @ 9:00						
HB 1243	Office of faith-based & community initiatives to establish an outreach & educ. prog. for clergy re MH	HS	1/19 @ 9:15						
HB 1253	Election administration	GVA							

HB 1266	Low income-housing tax credit	Political Subs							
HB 1280	Electronic voting systems	GVA							
HB 1283	Establishing an ombudsman position in DOL/HR	IBL	1/18 @ 2:00						
HB 1288	Medicaid coverage of continuous glucose monitoring devices	HB	1/20 @ 9:15						
HB 1289	Increasing residency req. to become a qualified elector to one year	GVA							
HB 1306	Legis. mgt. study of interrelationship between sudden infant death syndrome, vaccines & ASD in children	HS	1/19 @ 2:45						
HB 1312	Eliminating early mail ballot elections & in-person voting & limiting voters eligible for case absentee ballots	GVA							
HB 1318	Adoption of a restraint & seclusion policy by schools	Education	1/19 @ 11						
HB 1323	Limitations on mask wearing requirements	Political Subs							
HB 1326	Exemption of federal coronavirus funds for SPED & basic care programs (E)	HS	1/18 @ 2:00						
HB 1332	Moratorium on basic care & nursing facility bed capacity	HS							
HB 1341	State minimum wage rate	IBL							
HB 1343	Rights of health care facility residents to sue electronic communication	HS							
HB 1347	Registration of in-home providers of early childhood services	HS							
HB 1352	Liability for medical products	IBL							
HB 1354	Commission on guardianship	Judiciary							
HB 1359	Medical marijuana designated caregivers	HS							
HCR 3007	Terminates the state of emergency in ND declared by Gov. on 3/13/20	HS	1/19 @ 10:30						
HCR 3009	Consider studying provisions of compulsory school attendance	Education	1/19 @ 10:45						
HCR 3011	Consider studying FASD treatment, services, prevention, policies	HS	1/18 @ 10:30						

SENATE BILLS	DESCRIPTION	SENATE COMM	SENATE HEARING	COMM ACTION	SENATE ACTION	HOUSE COMM	HOUSE HEARING	COMM ACTION	HOUSE ACTION
SB 2004	§: Health Dept.	APPROP.	1/14 @ 8:30						
SB 2007	§: Veterans' home	APPROP.	1/7 @ 8:30						
SB 2012	§: Transportation Dept.	APPROP.	1/11 @ 8:30						
SB 2015	§: DoCR	APPROP.	1/15 @ 8:30						
SB 2019	§: Career & Technical Educ.	APPROP.	1/7 @ 1:30						
SB 2022	§: Comm. on Legal Counsel for Indigents	APPROP.	1/12 @ 1:30						
SB 2025	§: Veterans' Affairs Dept.	APPROP.	1/7 @ 9:45						
SB 2029	Hosp. & medical insurance pre-existing conditions	IBL	1/6 @ 2:30						
SB 2034	Written advisory opinions regarding ethics	JUDICIARY	1/12 @ 10:30						
SB 2039	Membership of the brain injury advisory council	HS	1/6 @ 2:45	DO PASS 6-0	PASSED 47-0				
SB 2057	Sale of real or personal property of a ward; powers & duties of a guardian	HS	1/12 @ 10:30	DO PASS 6-0	PASSED 46-1				
SB 2083	Child abuse & neglect	HS	1/20 @ 9						
SB 2084	Involuntary treatment & emergency detention	HS	1/6 @ 8:30						
SB 2085 S MARKUP S2 MARKUP	Remedial eye care, Medicaid waivers (ASD age), advanced practice registered nurses	HS	1/6 @ 9:15	DO PASS W/ AMEND 6-0	PASSED 47-0				
SB 2086 FN	Human service zones	HS	1/6 @ 1:00						
SB 2087	Medical Assistance prior authorization program	HS	1/6 @ 2:00	DO PASS 6-0	PASSED 47-0				
SB 2088	automated clearing house to facilitate payment to adoptive parents	HS	1/6 @ 11:15	DO PASS 6-0	PASSED 47-0				
SB 2089	Financing of welfare programs & housing stabilizations support & rental assistance; repeal of ASD voucher prog.	HS	1/12 @ 10:00						
SB 2122	PT's ordering musculoskeletal medical imaging; scope of practice	HS	1/13 @ 10:00	DO PASS 5-1					
SB 2125	Student loan repayment program: licensed behavioral analyst	HS	1/12 @ 9:30						

SB 2127	Housing incentive fund	IBL APPROP	1/13 @ 2:00	DO PASS 6-0					
SB 2128	Hyperbaric oxygen therapy	HS							
SB 2130	Cost-benefit analysis for mandated health insurance coverage measures	HS	1/19 @ 9:30						
SB 2131	Children's advocacy centers – criminal history record checks	HS	1/20 @ 11						
SB 2133	Services provided by paramedics, EMT's, and emergency medical tech's	HS	1/19 @ 11						
SB 2134	Duties of P&A	HS	1/18 @ 11:30						
SB 2135	DHS report to Legis. Mgt. re department quality	HS	1/19 @ 2:30						
SB 2142	Processing absentee ballots	GVA	1/21 @ 9						
SB 2145	Access to LTC facilities in case of a declaration of disaster or emergency	HS	1/18 @ 9						
SB 2146	\$ to OMB for Capitol grounds accessibility	GVA	1/21 @ 10						
SB 2148	Defining health care provider to include a physical therapist	HS	1/18 @ 10:30						
SB 2160	Application process for an absent voter's ballot	GVA	1/22 @ 10						
SB 2161	MH provider registry & behavioral health bed management system	HS	1/18 @ 2:30						
SB 2170	Prescription drug costs	HS							
SB 2176	\$ for a distance learning family reimbursement program (E)	EDUC	1/21 @ 9						
SB 2179	Health insurance coverage for telehealth	HS	1/20 @ 2:30						
SB 2180	Child abuse, neglect mandatory reporting	HS							
SB 2183	Accident & health insurance coverage of diabetes drugs & supplies	HS	1/19 @ 9						
SB 2193	Prohibits Gov. from suspending or amending election laws	JUDICIARY	1/20 @ 9						
SB 2199	Interstate contracts for the treatment of mental illness or substance use disorders	HS							
SB 2205	Medical assistance coverage of interpreter services	HS							

SB 2209	Increased access to low-cost prescription drugs	HS							
SB 2212	Increased access to low-cost prescription drugs	HS							
SB 2213	Property tax credit for disabled veterans								

Shaded bills = committee hearing is scheduled for the coming week