

Testimony
House Bill 1041
House Human Services Committee
Monday, January 10, 2011; 10:15 a.m.
North Dakota Department of Health

Good morning, Chairman Weisz and members of the House Human Services Committee. My name is Darleen Bartz, Ph.D., and I am section chief of the Health Resources Section for the North Dakota Department of Health. I am here today to provide information about House Bill 1041.

The purpose of House Bill 1041 is to move the regulation and registration of nurse aides, home health aides and medication assistants I and II from the North Dakota Board of Nursing to the North Dakota Department of Health.

Currently, the Department of Health operates the federal registry for certified nurse aides (CNAs) and the Board of Nursing operates the state registry for unlicensed assistive persons, which include nurse aides, home health aides, and medication assistants. The Department of Health's registry is recognized by the Board of Nursing as specified in North Dakota Administrative Code 54-07-01-03.

The Department of Health, Division of Health Facilities, is designated by the U.S. Centers for Medicare & Medicaid for registration of CNAs in North Dakota. The federal certification requirements for CNAs can be found in the Social Security Act at 1819(e)(2)(A) and 1919(e)(2)(a). The cost to operate the registry is covered by Medicare and Medicaid. Federal regulations require that no fee be charged to CNAs for initial registration or renewal, or for other costs associated with the regulation of CNAs.

During the 2009 Legislative Assembly, Section 3 of House Bill 1269 directed a study of the steps necessary to enable the Department of Health to administer the registry for certified nurse aides, nurse aides and unlicensed assistive persons and to examine the feasibility of one registry and a potential location for that registry. The study resulted from a need identified by the long-term care industry for one location to check related to the registry status of nurse aides in North Dakota.

At the request of the Long Term Care Interim Committee, the Department of Health convened a workgroup to study this issue and report back to the committee. The workgroup included members representing the Department of Health, the Board of Nursing, the North Dakota Hospital Association, the North Dakota Long

Term Care Association, the Department of Human Services, Developmental Disabilities, and Home Health Care.

The workgroup held several meetings to study this issue. All members of the workgroup agreed that ensuring the health and safety of the recipients of care was of utmost importance. With this in mind, the workgroup made the following recommendations:

- Transfer the regulation and registry of nurse aides, home health aides and medication assistants (I and II) from the Board of Nursing to the Department of Health.
- Not to charge registration fees for individuals on the nurse aide registry, which is consistent with the federal prohibition of charging for the registration of CNAs on the department's registry.
- To seek general fund support for the costs related to this activity.

Our budget does not include the resources to implement this bill. As indicated in the fiscal note on House Bill 1041, it is estimated that it would require a minimum of 1.5 FTEs to handle the additional workload. This would include review of applications, complaint intake and investigation, disciplinary actions as needed, and review and approval of medication assistant training programs. It would cost the department \$238,576 for the 2011-2013 biennium, plus the additional one-time start-up costs of \$49,295 for data migration of the nurse aides, home health aides, and medication assistants I and II from the Board of Nursing registry to Department of Health database, to make the associated web changes, and to conduct rulemaking, for a total of \$287,870. House Bill 1041 does not include an appropriation. Since this is a state activity, federal funds may not be used to cover the associated costs.

This concludes my testimony. I am happy to answer any questions you may have.