

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By CHAIRMAN THOMAS F. KEATING, on March 18, 1997,
at 3:32 P.M., in 413/415.

ROLL CALL

Members Present:

Sen. Thomas F. Keating, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Benedict (R)
Sen. C.A. Casey Emerson (R)
Sen. Dale Mahlum (R)
Sen. Debbie Bowman Shea (D)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: Eddy McClure, Legislative Services Division
Janice Soft, Substitute Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 517; 3-5-97
HB 519; 3-7-97
Executive Action: HB 101 Do Concur As Amended
HB 341 Do Concur
HB 447 Do Concur As Amended

HEARING ON HB 517

Sponsor: REP. STEVE VICK, HD 31, Belgrade

Proponents: David Owen, Montana Chamber of Commerce

Opponents: None

Informational Testimony: Ed Argenbright, Commissioner of
Political Practices

Opening Statement by Sponsor:

REP. STEVE VICK, HD 31, Belgrade, said HB 517 is a campaign finance reform bill. It is a minor one.

He stated as this bill has passed the House, if a corporation or labor or professional organization or employer withheld money from people's paychecks and used that money for political purposes, you would be required to notify them that they had the right to earmark that contribution. Earmarking is a current rule.

From talking to different people about the amendments **REP. VICK** feels it may make the bill easier to enforce. There were a lot of concerns about the impact and the paperwork with the bill in its current form. He said the amendments simplify the bill.

The bill states if money is withheld from a person's paycheck, the corporation is required to notify that person on an annual basis and let that person determine what they want their money used for in the organization it goes to.

REP. VICK said he had handed out information in the Senator's mailboxes from the Wall Street Journal. They had a survey regarding whether or not labor unions should be allowed to use a portion of member's dues to support political causes and issues of interest to the labor movement. Thirty two percent said yes and 63% said no. The State of Michigan banned withholding money from people's paychecks for political purposes or to influence elections.

This bill states if you are going to do that, you have to notify your employees or the members of your organization that this money is being used for that. (EXHIBIT 1)

Proponents' Testimony:

David Owen, Montana Chamber of Commerce, said this bill seems pretty direct from the people's side. He said anytime you have money withheld from paychecks, it is almost the same as having an automatic debit taken out of a checking account.

He said anyone would be bothered if they found out their United Way contribution was being diverted to another purpose. We need to have positive affirmations of this, especially as we become more political as a society and as we work with campaign finance reform, it just seems to make sense to have that kind of positive affirmation that a person agrees with and know about money being used in a political sense. People should participate with full knowledge.

Opponents' Testimony:

None.

Informational Testimony:

Ed Argenbright, Commissioner of Political Practices, said he was present to answer questions. For political purposes from his point of view, in enforcing some restriction, this has been taken care of. He was going to suggest that be tied into the language that currently exists which says money used to influence the outcome of an election.

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked **Ed Argenbright** if he would inform the committee of the several penalty provisions of 13-37-128.

Mr. Argenbright responded that 13-37-128, as he recalls is a civil penalty in illegal contribution. The penalty could be three times the amount of the illegal contribution or \$500, whichever is more.

SEN. BENEDICT asked if this law were not conformed to by a pack, and \$50,000 was used to promote a certain agenda, without going through the process specified in this bill, would that result in a penalty of \$150,000 against that pack, and who would pay that? If the pack didn't have any money, would you go back against the employees who contributed to it?

Mr. Argenbright responded the obligations of people who sign on as treasurers of these political organizations have more obligation than most are aware.

SEN. BENEDICT said so the officers of the pack are liable for the money personally and individually.

Mr. Argenbright said the potential there would be a civil suit. In his office if there is a violation and a complaint is filed, they investigate. If they find there is a violation, he gives his statement of the facts and the summary of the findings to the County Attorney. The County Attorney usually says he is too busy and asks **Mr. Argenbright** to handle it. At that point **Mr. Argenbright** institutes a civil court action.

SEN. BENEDICT asked **Mr. Argenbright** if they routinely inform packs when they register with them of these potential liabilities or exposure that their individual officers would have? Also, would they be found in violation of the law?

Mr. Argenbright answered all he can say is that they give them a booklet and a quick sheet and the information about how to file reports.

SEN. BENEDICT asked **Dulcy Hubbard** the same question.

Dulcy Hubbard, Administrative Officer for the Commissioner of Political Practices, said what normally happens when they have a

new pack or if they receive an amended statement of organization for a pack or a political party committee, they are sent a packet of information including the new statute, the book on the statute and the rules, and they also publish every two years an accounting manual for the treasurers. This basically takes the laws and the rules and puts them in a simplified form for the treasurers. This references for the treasurers if they do not meet their obligations of their duty that they took on as treasurer what those civil fines can be and what the penalty is.

SEN. DEBBIE SHEA asked **REP. VICK** when somebody's wage is withheld or diverted, how does that show up on a check? How do they know what is being taken out?

REP. VICK responded his understanding is they just record it on a line separate from taxes on the paycheck.

SEN. SHEA said in her teacher's union they have a dollar check-off. When a person signs up for that, every month the check shows the dollar check-off. She asked **REP. VICK** if he was telling them that isn't enough reminder for people of what they are doing, that they have to go back every year and have them re-sign up for this withdrawal?

REP. VICK responded yes.

SEN. SHEA asked what the point of that is?

REP. VICK said the point is just so that this is a positive affirmation that person is aware of his donation.

SEN. SHEA said they are aware of this on a monthly basis because it is on their paycheck.

REP. VICK said he can't address that specifically, only that this requires an authorization on a yearly basis.

SEN. CASEY EMERSON asked **Mr. Argenbright** about **SEN. BENEDICT'S** question regarding the \$150,000. Would that whole amount be the settlement or a portion from the people who signed the authorization? If one-third signed it, would the fine be figured on the remaining two-thirds?

Mr. Argenbright said that is a difficult thing to answer. The statute that provides the penalty states three times the amount of the illegal contribution or \$500, whichever is more. It seems to him that the political committee that received the money without giving people the notification would be in violation.

SEN. DALE MAHLUM asked **REP. VICK** if the form provided to each shareholder is a specific form or something made up?

REP. VICK said the fiscal note talks about a specific form but the amendments would eliminate a prescribed form. Whoever is doing the withholding would be allowed to have their own form.

SEN. MAHLUM asked if it would be kept in the employees' file?

REP. VICK said that is correct.

SEN. SUE BARTLETT asked REP. VICK if he understands these withholdings would influence the outcome of an election?

REP. VICK said they came to an agreement on the amendments. It is fine with him that they are changed to conform with the rest of the statutes.

SEN. BARTLETT asked if we said, "may not withhold a portion of employee's or member's wages or salary to be used to influence the outcome of an election without annually obtaining....", would that be acceptable?

REP. VICK responded it would, he understands that would make it more consistent.

SEN. BARTLETT said in his testimony, Mr. Owen talked about this being like an automatic debit from his bank account. She said she has signed up at different times for various debits from her back account that occur on a regular basis. She only had to do that once, so it seems to her that annually simply creates paperwork for the employer and more paper to go into the personnel file. What is the significance of doing it annually?

REP. VICK responded when we raise money for elections, things change and we cannot carry money over. If you, as an employer or as an organization, believe this is too much paperwork, all you have to do is not withhold it from somebody's salary because that is the only place it applies. Because it is political, you have an obligation to remind people and they have an opportunity to make a change.

SEN. BARTLETT said she did have an automatic debit from her bank account for political purpose that had gone on for four or five years. Last November she got very unhappy with that deduction and stopped it, but never had to say annually that she wanted it to continue. She asked REP. VICK why he assumed that if someone is unhappy, they would wait until the time to put their form in again the next year and not just stop it immediately?

REP. VICK said he does not doubt some people will, but he thinks even when money is being withheld from someone's pay there is a certain amount of obligation to keep people informed of what is happening with their money. The positive check-off is a reminder. Politics is a very important issue and he believes it deserves this level of interest.

SEN. BENEDICT asked REP. VICK if it would be in the realm of possibility to believe a large utility company with many employees from year to year might support certain pro-business stances, then one year decided they are going to support an environmental stance, then you would need to be able to review from year to year their positions and make the appropriate change.

REP. VICK responded this would certainly serve as a reason for the contribution to be looked into.

SEN. MAHLUM asked Dulcy Hubbard where the bill states the money may be diverted to a political party or by a candidate chosen by the corporation, isn't it illegal for a corporation to give money to a candidate directly?

Ms. Hubbard responded it is illegal for a corporation to give directly to a candidate but if the employee's money or dues are being put into the pack, if the corporation has a pack, that pack can give those monies to a candidate.

SEN. MAHLUM asked what happens in regards to a small business which doesn't have a pack?

Ms. Hubbard said they cannot give to candidates. She thinks the amendments REP. VICK proposed has taken that portion out, so that it will say "for the purposes of influencing the outcome of election". It is deleting that whole section which talks about those candidates.

Closing by Sponsor:

REP. VICK said there is certain amount of difficulty which comes with campaign finances. It is a very complicated issue and there are different ethics laws and campaign finance laws.

He believes this is a very important issue which affects the outcome of not only elections, but policy. He thinks this is an important tool for employees to have. He asked the Committee for a do concur on HB 517.

HEARING ON 519

Sponsor: REP. DIANE WYATT, HD 43, GREAT FALLS

Proponents: Steven Shapiro, Montana Advanced Practice Nurses Association
Barbara Booher, Montana Nurses Association
Donna Bristow, Advanced Practice Registered Nurse
Jerry Lindorff, Montana Medical Association
Kip Smith, Montana Primary Care Association

Opponents: Nancy Butler, State Fund
Jacqueline Lenmark, American Insurance Association

**Bob Worthington, Montana Municipal Insurance
Authority
Don Allen, Coalition Workers' Compensation System
Improvement**

Opening Statement by Sponsor:

REP. DIANE WYATT, HD 43, Great Falls, is an act following advanced practice registered nurse, a nurse practitioner or a clinical nurse specialist to provide services as a training provider and a primary care provider under the Workers' Compensation Act, changing the term 'treating physician' to 'treating provider' and 'primary care physician' to 'primary care provider' and amending sections of the code that refers to that.

She said this bill totally deals with clinical nurse specialists with treating people under the Workers' Compensation Act.

Proponents' Testimony:

Stephen Shapiro, Montana Advanced Practice Nurses Association, stated this bill was already heard in the House and passed through with a vote of 89 to 9. He said in the Committee it was determined appropriate the amendment be proposed to indicate we are specifically dealing with clinical nurse specialists and nurse practitioners. There are some other categories of advanced nurses they determined did not really apply as primary providers in the Workers' Compensation Act.

Mr. Shapiro said previous to 1993, the Workers' Compensation Act did not define treating physician but left it up to the insurers to make appropriate payments to those health care providers for services provided for injuries to workers under the Act. In 1993, there was a list of authorized providers inserted in the Act under the definition of treating physician. Those include physicians as in M.D., Chiropractor, Physician Assistant in areas where a medical doctor is not available, also, Osteopath and Dentist. The Advanced Nurses of any kind were omitted from that list which they believed were inexplicable in light of the services which are available from Advanced Practice Registered Nurses. (EXHIBIT 2)

He believes we have a health care profession that can provide a service to the Workers' Compensation program that is exactly what is being talked about in the various reforms and amendments for the past dozen years. We want to save money in the Workers' Compensation program, get the workers back to work in a timely manner, and the nurses can certainly contribute greatly to that.

Mr. Shapiro thinks there are many good reasons to include Advanced Nurses in the Workers' Compensation Act and he asked the committee to support the bill.

Barbara Booher, Executive Director, Montana Nurses' Association, said they represent approximately 1,500 registered nurses who

practice nursing across the State of Montana. She presented **(EXHIBIT 3)**.

She said one of the other proponents on this legislation has an amendment which her organization supports **Donna Bristow, Advanced Practice Registered Nurse, Helena**, said she has experienced being locked out of being a provider for Workers' Compensation clients.

She stated she received a bachelor's degree in nursing from Montana State University in 1987. The University began a program to obtain a master's degree in 1993 and she graduated from that program last summer and has been working in a Helena office since that time.

Ms. Bristow stated with Nurse Practitioner education there is an underlying thread through all of the courses they take on health promotion and prevention. To her that is clearly what the Workers' Compensation program is looking for.

She is in a collaborative practice with six physicians and a physician's assistant. She is open to treating Workers' Compensation patients and gave examples of people coming into her office.

She also knows of a health care provider in Troy, Montana who is the only provider in that area who cannot treat Workers' Compensation patients. If there is an industrial injury, the injured party has to leave that area and go elsewhere to be treated.

Ms. Bristow said she is concerned about her clients not herself. She said she has a full schedule every day and is not losing money over this, she just gets frustrated when people need to be treated and she does have an opening.

Jerry Lindorff, Montana Medical Association, presented an amendment to HB 519. **(EXHIBIT 4)** He said the amendment provides Workers' Compensation services to work in collaboration with the physician.

They present this because that is how the two professionals generally work together. They work together and make decisions in a manner they respect one another's qualifications and well as getting to know one another's individual abilities, what each can and can't do and can refer different cases to one another.

Mr. Lindorff stated the nurses in this situation, when they are working in collaboration with the physician, it makes it difficult to run a practice if somebody comes in for services. He said, for example, if they are in an automobile accident they cannot be treated by a nurse practitioner. This bill also satisfies the concerns of the other proponents.

Kip Smith, Associate Director, Montana Primary Care Association, said they are an association of health care providers from across the state which provide care in rural areas. They think this proposal with the amendment are very appropriate in terms of expanding the definition of treating provider.
{Tape: 1; Side: B; Approx. Time Count: 4:16 p.m.}

Opponents' Testimony:

Nancy Butler, State Fund, said they oppose this bill because they want to continue to stand in support of SB 347, the Workers' Compensation medical cost containment bill which was passed in 1993.

She stated SB 347 bill helped both the system and the State Fund. Those changes have helped turn the State Fund around so that it is reducing rates instead of increasing them. The bill provided a list of which providers could be considered treating physicians in treating injured workers. A treating physician under the Workers' Compensation Act is one who is primarily responsible for the treatment of the worker's injury. This list includes physicians, chiropractors, physician's assistants if they are practicing in an area where there is not a physician, osteopaths and dentists.

Ms. Butler said the purpose behind SB 347 was a 'gatekeeper' approach which is to ensure that a worker is cared for by an abled provider who can provide and manage all services to that worker and then continue to oversee that care as it progresses. She said this is particularly effective for Workers' Compensation. If a treating physician declares that a worker is unable to work, they also pay wage benefits. So there is an extra cost which is not exposed. They would like to get the injured worker back to work as soon as possible, and if that is not accomplished, it becomes more expensive.

She said once it is opened up to other medical providers, the list is inexhaustible. It might include optometrists, acupuncturists, podiatrists, psychologists, and a number of other providers who might want a similar approach. This would dilute the gatekeeper approach we have worked hard to maintain.

She also stated that surrounding states, North Dakota, Oregon, Utah, Idaho and Wyoming, require Advanced Practice Nurses to work under the supervision of a physician. They don't allow them to have treating physician status.

Ms. Butler addressed some of the comments made by the proponents' testimony. She said the State Fund as well as other insurers take the same approach. If a worker walks in and a nurse practitioner is there, those bills are paid under Workers' Compensation. The worker is sent a letter after the bill is paid which states they need to seek treatment with a treating physician in the future.

The State Fund asks for a do not concur on HB 519.

Jacqueline Lenmark, American Insurance Association, (AIA), said they oppose this bill. She said the gatekeeper approach currently in law was developed and targeted to swift treatment for traumatic injury. This gatekeeper concept in the Workers' Compensation Act is not serving the same purpose which it serves in other health insurance context.

She said in regards to the proponent which stated the treatment and focus of her practice which was for prevention and health promotion, Workers' Compensation treatment is after-the-fact treatment after the injury, and it is for that reason that they take a different philosophy for the gatekeeper approach in the Workers' Compensation Act. **AIA** does not propose the use of nurse practitioners as part of the treatment team.

Ms. Lenmark believes the licensing difference between licensed physician's assistants and nurse practitioners is critical to the committee's consideration of this bill. A physician's assistant's license is tied to their work with a physician.

She stated as she listened to the proponent's testimony it appeared to her that one of the primary problems that needed to be addressed is reimbursement. Although **Ms. Lenmark** stands as an opponent, she thinks there are amendments that might address that specific issue of reimbursement. She is not aware of any wide-spread practice which denies reimbursement to nurse practitioners if the gatekeeper approach is properly utilized. If there is an isolated incident or two or if it is occurring frequently, she believes it should be addressed.

Ms. Lenmark said they specifically oppose changing the term 'physician' to provider throughout. She believes that implies a specific definition and they would like the term 'physician' to imply and that concern is heightened by recent Supreme Court decisions taking that definition and applying them in other contexts in the Workers' Compensation Act.

They believe the proposed amendment is a good amendment, but they believe it does not go the full distance. As the bill stands, currently, they do oppose it.

Bob Worthington, Programs Administrator, Montana Municipal Insurance Authority, said that they would like to go on record as being opposed to changing the language in the statute from treating physician to treating provider because of the gatekeeper issue.

He also stated they are the insurers for the City of Troy which have only the treatment of a nurse practitioner available. They recognize and pay for her services on a first call basis. They are very concerned about injured workers not receiving proper treatment on an immediate basis. He said the City of Billings

has made an arrangement with the Deaconess Hospital and on first call injured workers are treated by nurses.

But for the reasons already mentioned from the gatekeeper standpoint and the change in the treating physician language, they are opposed to HB 519.

George Wood, Executive Secretary, Montana Self-Insurers' Association, rose in opposition to this bill. He said **Ms. Lenmark** and **Ms. Butler** have adequately covered the reasons for opposition.

He stated their concern is not what they have heard about the nurse practitioners treating in hospitals, clinics or doctors offices. They recommend to their members to reimburse these providers at 80%.

Their concern is with this bill that they could become primary and therefore, responsible for the treatment of traumatic injury to the injured worker from beginning to end.

Also, **Mr. Wood** stated as this bill is written, it would allow the nurse practitioner to set up a private office. The amendment wouldn't allow that, as they would have to work in collaboration, but their concern about them treating traumatic injuries as a private, primary physician. They would like to say their employees are treated by an attending physician, not by a provider.

Don Allen, Coalition For Workers' Compensation System Improvement, said part of the 1993 movement was to get costs under control and to put legislation in place which would get a handle on how to control those costs, not only in safety but also under the medical costs.

He also stated getting away from the gatekeeper approach is the most important reason they oppose this bill. Also, the change of treating physician to provider opens this up to other providers. The wage loss control issue versus the health care issue is another reason they oppose it.

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked **Donna Bristow**, keeping in mind that Workers' Compensation is a different type of treating practice from a wellness practice, was she qualified to read X-rays.

Ms. Bristow answered she is.

SEN. BENEDICT asked if she is medically qualified to develop a treatment plan for a ruptured spleen or knee injury and oversee the treatment of an individual.

Ms. Bristow answered she could.

SEN. BENEDICT asked if she were qualified to be a treating physician.

Ms. Bristow answered she is not a surgeon or an orthopedist but she can make the referral.

SEN. BENEDICT said he is not interested in whether or not **Ms. Bristow** can make a referral, he is questioning whether she can develop a treatment plan for patients that will rehabilitate them and get them back to an early return to work. He said when he hears the word 'referral', she has the ability, possibly from the insurance companies to make that initial acute care treatment and then refer them anyway. He told **Ms. Bristow** this bill contemplates allowing her to be a treating physician.

Ms. Bristow answered within her scope of practice she is qualified to treat someone with a minor knee injury.

SEN. BENEDICT asked if she is qualified to be a treating physician.

Ms. Bristow said no, she is not a physician.

SEN. CASEY EMERSON said when **George Wood** spoke he said a provider could set up their own practice and get paid by Workers' Compensation which was wrong. **SEN. EMERSON** said maybe a patient should have the choice to go to that person or to a regular doctor and asked **Mr. Wood** what he thought of the patient making a decision.

George Wood responded if this bill passes, the patient will have the choice. He said that isn't the issue, if you are going to expand the definition of provider, then you need to give to whoever pays the bill the right to reject certain providers. **Mr. Wood** stated we do not have the right to reject an attending physician but we should have the right. He said they do not object to the qualifications of this as a referral and working with the physician. But they do object to them having their own office and then being able to refer traumatic injuries because it increases Workers' Compensation costs.

SEN. DALE MAHLUM asked **George Wood** under the present way of doing things, this bill suggests having an Advanced Practice Registered Nurse take care of patients, would this bill save money on claims?

Mr. Wood responded when they are working in collaboration with physicians in hospitals, the use of the nurse practitioner is of cost advantage. Whether the cost advantage is being passed on to the third party payer is of question.

SEN. SUE BARTLETT asked **Nancy Butler** about the differences she specified between the licensing of physician's assistants and the licensing of advanced practice nurse.

Ms. Butler said in order for a physician's assistant to practice in Montana, has to be supervised by a physician and an advanced practice nurse does not have to be tied to a supervisory position.

SEN. BARTLETT said she is having trouble feeling convinced by the opponents. She asked **Ms. Butler** what the root concern is, if they are just concerned about opening up treating physician to any other category of health care provider.

Ms. Butler responded that is part of the concern, but they are also trying to keep that treating physician list as precise as possible so that actual gatekeeper approach can be maintained. She said they are trying to reduce referrals and delays between treatments. They have had injured workers go from one health care provider until their resources are exhausted, then they go to another health care provider, and they order a duplication of tests, etc. The work in 1993 was to find out what needed to be done to help get a handle on wage loss benefits and get workers back to work.

SEN. BARTLETT asked if there are other qualified medical providers, why would they object to adding those to the list of treating physicians? She said the way the system is set up it is not a question of someone going from one provider to another to another now at all. But there is this gatekeeper approach and if there are other qualified medical providers who could serve as that gatekeeper, why would there be an objection to adding them to the list of who can be a treating physician?

Ms. Butler responded the scope of other practices are not as broad as a physician, consequently, you would find necessity for referral by the nurse practitioner. It is not that they are trying to exclude providers from the care of workers. The treating physician is responsible for deciding what kind of care is necessary. That is where physical therapists and psychologists and all the other types of providers come in under the coordination of that gatekeeper. She said they want the gatekeeper to be able to fill as much of that coordination as possible, not treat to a point and then refer.

SEN. BARTLETT asked if the proposed amendment by **Mr. Lindorff** address a significant portion of the concern?

Ms. Butler responded the main concern she had was how collaboration is defined. If it means in the clinic, with the physician, working with them, then it is not a problem. It does not need to be listed in the treating physician list.

SEN. BARTLETT said one of her concerns is that there are places in the state as the Troy situation was cited, where the LPN is the medical provider. It seems to her that at a minimum, doesn't it seem appropriate to provide that APRNs who are in an area

where there is not a position that under those circumstances could be a treating physician for Workers' Compensation purposes.

Ms. Butler responded she thought about this in the past and it makes sense that those workers be treated. Her underlying concern has been who is in the supervising position. She is understanding of the nurse's role.

SEN. BARTLETT asked if those two concerns could be met, one, that in an area there is not a physician available and two, that for the purposes of Workers' Compensation cases there would be a cooperative partnership arrangement at a minimum with the physician at least by telephone, would she object to allowing APRNs under those circumstances?

Ms. Butler responded with the supervision, her concerns would be diminished.

SEN. BILL WILSON asked **Donna Bristow** the definition of an advanced practice nurse.

Ms. Bristow answered she is a registered nurse with experience in the hospital and private practice. In their primary care programs they do advanced work in several areas. In primary care in the County Nurse Practitioner Program, they take care of primary care outpatients from birth to death. So it is an advanced training course.

SEN. WILSON asked if it is over and above the Bachelor of Science degree she now holds?

Ms. Bristow answered it is.

SEN. WILSON said so typically these nurses are at a Master's level?

Ms. Bristow responded that since January of 1995 in order to be licensed in the State of Montana you have to have a Master's degree.

SEN. WILSON said so if he is an injured worker and he goes to **Ms. Bristow** for treatment, will she charge the same as a doctor?

Ms. Bristow answered the billing amount is the same, by level of service for the clinic with the understanding that Medicaid, Medicare, and Workers' Compensation pay at 80 to 85% of the billing fee.

Closing by Sponsor:

REP. WYATT said she had to take the responsibility of treating provider instead of treating physician on the advise of legislative counsel so as not to offend physicians, etc. The

Workers' Compensation Act defines the treating persons. They are asking that Advanced Practice Registered Nurses be one of those.

She stated that Advanced Practice Registered Nurses were previously known as nurse specialists. They have completed educational requirements for registered professional nurses and have obtained additional educational requirements.

REP. WYATT said this bill had overwhelming support in the rural areas and also it is a cost-containment mechanism for the Workers' Compensation system because we get the immediate response with treatment. If referral is necessary then they certainly have the credentials and medical determinations not to practice out of their scope of practice. The physician will still be in control of the decision about when that person is ready for work.

She asked the Committee for support of HB 519.

{Tape: 1; Side: B; Approx. Time Count: 4:56 p.m.}

EXECUTIVE ACTION ON HB 101

Amendments: HB010101.AEM (EXHIBITS 5 & 5A)

Motion: SEN. JIM BURNETT moved that HB 101 be concurred in.

Discussion: SEN. BENEDICT asked Eddy McClure if the amendments are contained in EXHIBIT 5?

Ms. McClure answered she typed each section of the bill with changes in EXHIBIT 5A. She said SEN. BARTLETT was concerned that what was drafted was not really reflected in the language so they have had several meetings to narrow the scope of the language.

Ms. McClure commented on the amendments displayed in EXHIBIT 5A.

Motion/Vote: SEN. BENEDICT moved the amendments be added to HB 101 which passed unanimously by voice vote.

Vote: HB 101 was voted to be concurred in as amended by voice vote 6 to 3. Those opposing were SEN. SHEA, SEN. WILSON, and SEN. BARTLETT.

EXECUTIVE ACTION ON HB 341

Amendments: None.

Motion: SEN. BENEDICT moved that HB 341 be concurred in.

Discussion: None.

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 447

Amendments: HB044701.AEM & HB044705.AEM, (EXHIBITS 6 & 7)

Discussion: SEN. BARTLETT asked for an explanation of REP. STOVALL'S amendment.

Carol Grell, Department of Commerce, said they are amending submitting the name and address of the applicant and instead put in its place a completed application for licensure, which includes other information.

Also, on line 21 it says to work as a temporary security guard and they would like to insert "to allow the department to conduct an in-state background check".

The next amendment is to change the 5-day notification to 2 days on line 29.

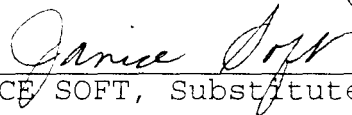
Motion/Vote: SEN. BENEDICT moved HB 447 do-concur. He then moved the amendments in EXHIBIT 6. The motion to add the amendments carried unanimously by voice vote.

Motion/Vote: SEN. BENEDICT moved amendment in EXHIBIT 7 be amended. The motion to concur in HB 447 with amendments passed unanimously by voice vote.

ADJOURNMENT

Adjournment: 5:05 p.m.


SEN. THOMAS F. KEATING, Chairman


JANICE SOFT, Substitute Secretary


Transcribed by GILDA CLANCY

TFK/GC