

Testimony
Senate Bill Number 2067 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 14, 2013

Chairman Lee, members of the Human Services Committee, I am Jonathan Alm, an attorney with the Department of Human Services (Department). I am here today in support of Senate Bill 2067, which was introduced at the request of the Department.

This bill amends North Dakota Century Code section 50-06-15 to allow the Department to keep confidential certain reports and other information obtained about an applicant, a client, or a provider under any Department program. The Department may disclose the report or other information if otherwise permitted or required by law. This amendment proposes language similar to North Dakota Century Code section 50-25.1-11, regarding the confidentiality of child abuse and neglect reports.

Individuals who wish to file a report with, or provide information to, the Department, generally of suspected wrong-doing by an applicant, client, or provider, express concerns about doing so because they fear retaliation. In these cases, the individual frequently requests that his or her identity and the information being provided be kept confidential. In some situations the individuals want to remain anonymous because they were calling to report that a member of their own family was not providing good care to a parent or grandparent. Wherein another, the individual was a member of a very small community and was afraid that by speaking out publicly by filing a report, there would be retaliation or consequences in the community. The Department proposes this change

to address these concerns by protecting the identity of individuals who make a report to the Department.

These reports and information may be disclosed under certain specific circumstances. Some of the specific circumstances are set forth beginning on page 2, line 19: which says the Department may disclose the reports and information to:

1. Authorized staff of the Department and its agents who can further disclose information to persons who have a definite interest in the well-being of the adults or children concerned, who are in a position to serve their interest, and who need to know the contents of the records to assure the well-being and interests of the adults or children concerned;
2. Any person who is the subject of the report; provided, however, that the identity of the persons reporting or supplying information is protected until the identity is needed for use in a legal proceeding arising out of the report;
3. Public officials and their agents who require the information in connection with the discharge of their official duties;
4. A court, including an administrative hearing officer, when the court determines the information is necessary for the determination of an issue before the court; and
5. A person engaged in a bona fide research purpose.

This bill will provide some assurance to an individual wishing to report suspected wrongdoing that the information the individual provides can be kept confidential and would increase the likelihood that concerned individuals will report an abusive situation or a concern, regardless of

whether it involves family members, someone known in the community, or someone that is part of an agency or provider.

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