

Introduced by

Senator Trenbeath

1 A BILL for an Act to amend and reenact section 25-03.1-04, subsection 3 of section 25-03.1-21,  
2 and subsection 1 of section 25-03.1-26 of the North Dakota Century Code, relating to the  
3 preparation of health care directives and mental health commitment procedures; and to declare  
4 an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 25-03.1-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **25-03.1-04. Screening and admission to a public treatment facility.** Under rules  
9 adopted by the department, screening and admission of an individual to a public treatment  
10 facility for observation, diagnosis, care, or treatment for mental illness or chemical dependency  
11 must be performed by a regional human service center. This screening must be performed in  
12 the region where the individual is physically located. Upon the request of a court, a law  
13 enforcement official, a qualified mental health professional, the individual's legal guardian, a  
14 minor's parent or legal custodian, or the individual requesting services, the regional human  
15 service center shall conduct a screening. If a request for screening is made by a qualified  
16 mental health professional, the regional human service center may access the medical records  
17 of the mental health professional regarding the individual, regardless of whether the individual  
18 authorizes the release of the medical records. Upon receipt of the request, the regional human  
19 service center shall arrange for a screening of the individual and must, if appropriate, treat the  
20 applicant, or refer the applicant to the appropriate treatment facility. Upon admittance to a  
21 public treatment facility, the superintendent or director shall immediately designate a physician,  
22 psychiatrist, psychologist, or mental health professional to examine the individual.

23 **SECTION 2. AMENDMENT.** Subsection 3 of section 25-03.1-21 of the North Dakota  
24 Century Code is amended and reenacted as follows:

3. If a peace officer, physician, psychiatrist, clinical psychologist, or any mental health professional reasonably believes that the respondent is not complying with an order for alternative treatment or that the alternative treatment is not sufficient to prevent harm or injuries to the respondent or others, and that considerations of time and safety do not allow intervention by a court, the designated professional may cause the respondent to be taken into custody and detained at a treatment facility as provided in subsection 3 of section 25-03.1-25 and, within twenty-four hours, exclusive of weekends and holidays, shall file a notice with the court stating the circumstances and factors of the case. The state hospital or public treatment facility must immediately accept, and a private treatment facility may accept, the respondent on a provisional basis. The superintendent or director shall require an immediate examination of the respondent and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the respondent subject to the conditions of the original order or file a notice with the court stating in detail the circumstances and factors of the case. The court shall, within forty-eight hours of receipt of the notice of the superintendent or director, after a hearing and based on the evidence presented and other available information:

- a. Release the individual from hospitalization and continue the alternative treatment order;
- b. Consider other alternatives to hospitalization, modify its original order, and direct the individual to undergo another program of alternative treatment for the remainder of the commitment period; or
- c. Enter a new order directing that the respondent remain hospitalized until discharged from the hospital under section 25-03.1-30.

**SECTION 3. AMENDMENT.** Subsection 1 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the person admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the subject and, within twenty-four hours after admission, exclusive

1           of weekends and holidays, shall either release the person if the superintendent or  
2           director finds that the subject does not meet the emergency commitment standards  
3           or file a petition if one has not been filed with the court of the person's residence or  
4           the court which directed immediate custody under subsection 2 of section  
5           25-03.1-25, giving notice to the court and stating in detail the circumstances and  
6           facts of the case.

7           **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.