

June 2007

TITLE 25

Mentally Ill and Retarded, Tubercular, Blind, and Deaf

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code (NDCC) Title 25. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1033 removes a cross-reference to NDCC Chapter 48-01.1, which is repealed by this bill.

House Bill No. 1122 changes language that refers to "court-appointed counsel" to "counsel provided at public expense."

House Bill No. 1217 provides that in a civil commitment of a sexually dangerous individual proceeding, the retained or appointed counsel has the right to obtain individually identifiable health information regarding a respondent. The bill changes the requirement that at least two experts must conclude that the individual has certain mental disorders before the individual can be committed to a requirement that expert evidence must be admitted which establishes that the individual has those mental disorders before the individual can be committed.

House Bill No. 1347 changes the membership of the Committee on Protection and Advocacy to include a member appointed by a North Dakota nonprofit advocacy group for people with disabilities. The bill provides that whenever an appointment to this position is to be made, the other members of the committee are required to select the group from which the appointment is to be made.

Senate Bill No. 2012 provides that the State Department of Health, not the Department of Human Services, is responsible for the programs that deal with the testing of newborns.

Senate Bill No. 2066 relates to the moratorium on the expansion of residential treatment center for children bed capacity. The bill provides that the moratorium does not apply to nor prohibit the Department of Human Services from licensing additional bed capacity for a new psychiatric residential treatment facility for children if the additional beds are designated for the care of children and adolescents who are residents of other states. The bill also removes the expiration date of July 31, 2007.

Senate Bill No. 2130 removes the term "residential treatment center for children" to "psychiatric residential treatment facility for children." The bill defines the new terms as a treatment facility that provides certain group living, educational, and treatment services for children. The bill also provides for the licensure requirements for these facilities. The bill removes the expiration date on the moratorium on the expansion of psychiatric residential treatment facility for children bed capacity.