

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2028

Introduced by

Legislative Council

(Budget Committee on Human Services)

(Senators Thane, Lips, O'Connell)
(Representatives Gulleeson, Svedjan, Galvin)

1 A BILL for an Act to create and enact a new section to chapter 1-01 and a new section to
2 chapter 50-06 of the North Dakota Century Code, relating to fetal alcohol syndrome; to amend
3 and reenact sections 15-11-35, 23-01-24, and subsection 2 of section 50-06-05.3 of the North
4 Dakota Century Code, relating to fetal alcohol syndrome; and to provide an appropriation.

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

6 **SECTION 1.** A new section to chapter 1-01 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Fetal alcohol syndrome defined.** As used in this code, "fetal alcohol syndrome"
9 means a condition, with or without confirmed maternal alcohol exposure, based upon the
10 following diagnostic criteria:

- 11 1. Evidence of a characteristic pattern of facial anomalies, which includes features
12 such as short palpebral fissures and abnormalities in the premaxillary zone, flat
13 upper lip, flattened philtrum, or flat midface;
- 14 2. Evidence of growth retardation, as in at least one of the following:
 - 15 a. Low birth weight for gestational age;
 - 16 b. Decelerating weight over time not due to nutrition; or
 - 17 c. Disproportional low weight to height;
- 18 3. Evidence of central nervous system neurodevelopmental abnormalities, as in at
19 least one of the following:
 - 20 a. Decreased cranial size at birth;
 - 21 b. Structural brain abnormalities, such as microcephaly, partial or complete
22 agenesis of the corpus callosum, or cerebellar hypoplasia; or

- 1 c. Age appropriate neurological hard or soft signs, such as impaired fine motor
2 skills, neurosensory hearing loss, poor tandem gait, or poor eye-hand
3 coordination.

4 **SECTION 2. AMENDMENT.** Section 15-11-35 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **15-11-35. Fetal alcohol syndrome center established.** There is established in the
7 department of neuroscience at the university of North Dakota school of medicine a fetal alcohol
8 syndrome center. The center shall act as the lead agency in the state for the purpose of
9 coordinating fetal alcohol syndrome and fetal alcohol effect related activities. The state board
10 of higher education shall appoint a person from the department of neuroscience as director of
11 the fetal alcohol syndrome program and that person shall prepare an annual report on the
12 status of fetal alcohol syndrome in North Dakota. The center shall develop prevention activities
13 in groups that are at high risk for fetal alcohol syndrome. The center may enlist the aid of other
14 agencies, persons, or organizations in its activities. The responsibilities of the program include:

- 15 1. ~~To develop~~ Developing incidence and prevalence data on fetal alcohol syndrome
16 in this state.
- 17 2. ~~To conduct~~ Conducting research on prevention and management of fetal alcohol
18 syndrome and maternal alcohol ingestion during pregnancy.
- 19 3. ~~To develop~~ Developing a center for the evaluation of children with fetal alcohol
20 syndrome from this state in cooperation with the child evaluation and treatment
21 program at the medical center rehabilitation hospital at the university of North
22 Dakota and ~~to operate~~ operating followup clinics as funding allows.
- 23 4. ~~To provide~~ Providing consultation and training across the state on fetal alcohol
24 syndrome.
- 25 5. ~~To conduct~~ Conducting other activities as may be directed by a state fetal alcohol
26 syndrome task force.
- 27 6. Meeting at least twice each year with the fetal alcohol syndrome task force and
28 representatives of each regional human service center.

29 The center shall coordinate a study of the prevalence of fetal alcohol syndrome in school-age
30 children in this state. The study must review the prevalence of fetal alcohol syndrome in both
31 rural and urban North Dakota communities, including North Dakota Indian reservations.

1 **SECTION 3. AMENDMENT.** Section 23-01-24 of the 1995 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **23-01-24. Health care cost and quality review program - Penalty.** The department
4 of health shall conduct a continuous program to review and improve the quality of health care in
5 the state. The department may contract with a qualified person or organization to develop and
6 implement the program. The department shall use the program to compile relevant information
7 about the quality of health care in this state which will allow the department to evaluate the cost,
8 quality, and outcomes of health care. The department shall assist the fetal alcohol syndrome
9 center to complete an annual study of the inpatient and outpatient costs related to fetal alcohol
10 syndrome. The department shall establish and consult a provider advisory committee
11 composed of health care providers regarding the data that is a cost-effective process for
12 collecting and evaluating the information. The state health officer may assess against a
13 provider a penalty of one hundred dollars per day for each day the provider willfully refuses to
14 provide the department with information requested for use with the program, but the penalty
15 may not exceed one thousand dollars for each request. A provider against whom a fee is
16 assessed may appeal that assessment to the state health council. If the provider fails to pay
17 the penalty, the health council may initiate, in the county where the provider's principal place of
18 business is located, ~~initiate~~ a civil action against the provider to collect the penalty. As used in
19 this section, "provider" means a person who is licensed, certified, or otherwise authorized by
20 the law of this state to administer health care in the ordinary course of business or professional
21 practice. The department shall ensure that patient privacy is protected throughout the
22 compilation and use of the information. The department shall evaluate data management
23 capabilities in the state and shall organize its capabilities to provide information about the cost
24 of care on an individual provider basis as well as a collective basis.

25 **SECTION 4. AMENDMENT.** Subsection 2 of section 50-06-05.3 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 2. Regional human service centers shall provide human services to all eligible
28 individuals and families to help them achieve or maintain social, emotional, and
29 economic self-sufficiency; prevent, reduce, or eliminate dependency; prevent or
30 remedy the neglect, abuse, or exploitation of children and of adults unable to
31 protect their own interests; aid in the preservation, rehabilitation, and reuniting of

families; prevent or reduce inappropriate institutional care by providing for care while institutionalized or providing for community-based or other forms of less restrictive care; secure referral or admission for institutional care; provide outpatient diagnostic and treatment services; provide an assessment of fetal alcohol syndrome-related services including current and needed services, the best model of service delivery, the anticipated cost of services, and the anticipated cost of departmental or contracted case management services; provide information concerning guardianship to people interested in becoming or who are guardians; and provide rehabilitation services for patients suffering from mental or emotional disorders, mental retardation, fetal alcohol syndrome, and other psychiatric conditions, particularly for those patients who have received prior treatment in an inpatient facility. Regional human service centers shall deliver services in the manner prescribed by the department.

SECTION 5. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Fetal alcohol syndrome task force - Duties. Each regional human service center shall establish a fetal alcohol syndrome task force. Each regional task force shall:

1. Develop a plan to screen for fetal alcohol syndrome for the region;
2. Complete a needs assessment for fetal alcohol syndrome for the region;
3. Develop an appropriate service delivery plan to meet the identified needs for those persons diagnosed with fetal alcohol syndrome;
4. Conduct, in coordination with the department, an annual evaluation of the services provided to those persons diagnosed with fetal alcohol syndrome, including a determination of the services each person and family is receiving and any additional needed services, a discussion of the best service model, and the anticipated costs of providing those services;
5. Coordinate efforts with local health care providers and the fetal alcohol syndrome center to provide diagnostic services for children who are identified by the fetal alcohol screening efforts in the region; and
6. Meet at least twice each year with the fetal alcohol syndrome center to coordinate activities.

1 **SECTION 6. APPROPRIATION.** The funds provided in this section, or so much of the
2 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
3 the state treasury, not otherwise appropriated, to the university of North Dakota school of
4 medicine and health sciences for the purpose of defraying the expenses of the fetal alcohol
5 syndrome center, for the biennium beginning July 1, 1997, and ending June 30, 1999, as
6 follows:

7 Salaries and wages	\$309,780
8 Operating expenses	<u>60,138</u>
9 Total general fund appropriation	\$369,918