

Fifty-fifth  
Legislative Assembly  
of North Dakota

## REENGROSSED 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 50-06 of the North Dakota  
2 Century Code, relating to fetal alcohol syndrome; to amend and reenact sections 15-11-35,  
3 23-01-24, and subsection 2 of section 50-06-05.3 of the North Dakota Century Code, relating to  
4 fetal alcohol syndrome; and to provide an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 15-11-35 of the 1995 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

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

- 17 1. ~~To develop~~ Developing incidence and prevalence data on fetal alcohol syndrome  
18 in this state.
- 19 2. ~~To conduct~~ Conducting research on prevention and management of fetal alcohol  
20 syndrome and maternal alcohol ingestion during pregnancy.
- 21 3. ~~To develop~~ Developing a center for the evaluation of children with fetal alcohol  
22 syndrome from this state in cooperation with the child evaluation and treatment  
23 program at the medical center rehabilitation hospital at the university of North  
24 Dakota and ~~to operate~~ operating followup clinics as funding allows.

- 1           4.   ~~To provide~~ Providing consultation and training across the state on fetal alcohol
- 2                syndrome.
- 3           5.   ~~To conduct~~ Conducting other activities as may be directed by a state fetal alcohol
- 4                syndrome task force.
- 5           6.   Meeting at least twice each year with the fetal alcohol syndrome task force and
- 6                representatives of each regional human service center.

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

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

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

capabilities in the state and shall organize its capabilities to provide information about the cost of care on an individual provider basis as well as a collective basis.

**SECTION 3. AMENDMENT.** Subsection 2 of section 50-06-05.3 of the North Dakota Century Code is amended and reenacted as follows:

2. Regional human service centers shall provide human services to all eligible individuals and families to help them achieve or maintain social, emotional, and economic self-sufficiency; prevent, reduce, or eliminate dependency; prevent or remedy the neglect, abuse, or exploitation of children and of adults unable to 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 4.** 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.

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

|                                  |               |
|----------------------------------|---------------|
| Salaries and wages               | \$122,500     |
| Operating expenses               | <u>74,000</u> |
| Total special fund appropriation | \$196,500     |