

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2041**

Introduced by

Legislative Council

(Insurance and Health Care Committee)

(Senators Mathern, Thane, Lee)  
(Representatives Glassheim, R. Kelsch, Svedjan)

1 A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-08 of the North Dakota  
2 Century Code, relating to group health policy and health service contract substance abuse  
3 coverage.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 26.1-36-08 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 2. The benefits must be provided for inpatient treatment and treatment by partial  
8 hospitalization and outpatient treatment:

9 a. In the case of benefits provided for inpatient treatment, the benefits must be  
10 provided for a minimum of sixty days of services covered under this section  
11 and section 26.1-36-09 in any calendar year if provided by a hospital as  
12 defined in subsection 25 of section 52-01-01 and rules of the state  
13 department of health pursuant thereto, or as licensed under section  
14 23-17.1-01, offering treatment for the prevention or cure of alcoholism, drug  
15 addiction, or other related illness.

16 b. In the case of benefits provided for partial hospitalization, the benefits must be  
17 provided for a minimum of one hundred twenty days of services covered  
18 under this section and section 26.1-36-09 in any calendar year if provided by  
19 a hospital as defined in subsection 25 of section 52-01-01 and rules of the  
20 state department of health pursuant thereto or as licensed under section  
21 23-17.1-01, or by an addiction treatment program licensed under section  
22 23-17.1-01, or by a regional human service center licensed under section  
23 50-06-05.2, ~~offering that offers~~ treatment for the prevention or cure of  
24 alcoholism, drug addiction, or other related illness. For services provided in

1 regional human service centers, charges must be reasonably similar to the  
2 charges for care provided by hospitals as defined in this subsection.

3 c. Benefits may also be provided for a combination of inpatient and partial  
4 hospitalization treatment. For the purpose of computing the period for which  
5 benefits are payable, each day of inpatient treatment is equivalent to two days  
6 of treatment by partial hospitalization; provided, however, that no more than  
7 forty-six days of the inpatient treatment benefits required by this section may  
8 be traded for treatment by partial hospitalization.

9 d. In the case of benefits provided for outpatient treatment, the benefits must be  
10 provided for a minimum of twenty visits for services covered under this section  
11 in any calendar year, provided the diagnosis, evaluation, and treatment  
12 services are provided within the scope of licensure by a licensed physician, a  
13 licensed psychologist who is eligible for listing on the national register of  
14 health service providers in psychology, or the treatment services are provided  
15 within the scope of licensure by a licensed addiction counselor. The  
16 insurance company, nonprofit health service corporation, or health  
17 maintenance organization may not establish a deductible or a copayment for  
18 the first five visits in any calendar year, and may not establish a copayment  
19 greater than twenty percent for the remaining visits.

20 e. If the services are provided by a provider outside a preferred provider network  
21 without a referral from within the network, the insurance company, nonprofit  
22 health service corporation, or health maintenance organization may establish  
23 a copayment greater than twenty percent for only those visits after the first  
24 five visits in any calendar year.

25 "Partial hospitalization" means continuous treatment for at least three hours, but  
26 not more than twelve hours, in any twenty-four-hour period and includes the  
27 medically necessary treatment services provided by licensed professionals ~~under~~  
28 ~~the supervision of a licensed physician.~~