

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2345

Introduced by

Senator Trenbeath

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

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

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

6 **25-03.1-04. Screening and admission to a public treatment facility.** Under rules
7 adopted by the department, screening and admission of an individual to a public treatment
8 facility for observation, diagnosis, care, or treatment for mental illness or chemical dependency
9 must be performed by a regional human service center. This screening must be performed in
10 the region where the individual is physically located. Upon the request of a court, a law
11 enforcement official, a qualified mental health professional, the individual's legal guardian, a
12 minor's parent or legal custodian, or the individual requesting services, the regional human
13 service center shall conduct a screening. If a request for screening is made by a qualified
14 mental health professional and the individual that is the subject of the screening does not
15 authorize the disclosure of the individual's protected health information, upon the request of the
16 regional human service center, any mental health professional who has treated the individual
17 within the previous six months shall disclose, subject to the requirements of title 42, Code of
18 Federal Regulations, part 2, to the human service center any relevant protected health
19 information regarding that treatment. Upon receipt of the request, the regional human service
20 center shall arrange for a screening of the individual and must, if appropriate, treat the
21 applicant, or refer the applicant to the appropriate treatment facility. Upon admittance to a
22 public treatment facility, the superintendent or director shall immediately designate a physician,
23 psychiatrist, psychologist, or mental health professional to examine the individual.

24 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.