

**FIRST ENGROSSMENT
with House Amendments**

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, subsection 3 of section 25-03.1-21,
2 and subsection 1 of section 25-03.1-26 of the North Dakota Century Code, relating to the
3 disclosure of health information and mental health commitment procedures; and to declare an
4 emergency.

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

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

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

1 public treatment facility, the superintendent or director shall immediately designate a physician,
2 psychiatrist, psychologist, or mental health professional to examine the individual.

3 **SECTION 2. AMENDMENT.** Subsection 3 of section 25-03.1-21 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. If a peace officer, physician, psychiatrist, clinical psychologist, or any mental health
6 professional reasonably believes that the respondent is not complying with an
7 order for alternative treatment or that the alternative treatment is not sufficient to
8 prevent harm or injuries to the respondent or others, and that considerations of
9 time and safety do not allow intervention by a court, the designated professional
10 may cause the respondent to be taken into custody and detained at a treatment
11 facility as provided in subsection 3 of section 25-03.1-25 and, within twenty-four
12 hours, exclusive of weekends and holidays, shall file a notice with the court stating
13 the circumstances and factors of the case. The state hospital or public treatment
14 facility must immediately accept, and a private treatment facility may accept, the
15 respondent on a provisional basis. The superintendent or director shall require an
16 immediate examination of the respondent and, within twenty-four hours after
17 admission, exclusive of weekends and holidays, shall either release the
18 respondent subject to the conditions of the original order or file a notice with the
19 court stating in detail the circumstances and factors of the case. The court shall,
20 within forty-eight hours of receipt of the notice of the superintendent or director,
21 after a hearing and based on the evidence presented and other available
22 information:

- 23 a. Release the individual from hospitalization and continue the alternative
24 treatment order;
- 25 b. Consider other alternatives to hospitalization, modify its original order, and
26 direct the individual to undergo another program of alternative treatment for
27 the remainder of the commitment period; or
- 28 c. Enter a new order directing that the respondent remain hospitalized until
29 discharged from the hospital under section 25-03.1-30.

30 **SECTION 3. AMENDMENT.** Subsection 1 of section 25-03.1-26 of the North Dakota
31 Century Code is amended and reenacted as follows:

1 1. A public treatment facility immediately shall accept and a private treatment facility
2 may accept on a provisional basis the application and the person admitted under
3 section 25-03.1-25. The superintendent or director shall require an immediate
4 examination of the subject and, within twenty-four hours after admission, exclusive
5 of weekends and holidays, shall either release the person if the superintendent or
6 director finds that the subject does not meet the emergency commitment standards
7 or file a petition if one has not been filed with the court of the person's residence or
8 the court which directed immediate custody under subsection 2 of section
9 25-03.1-25, giving notice to the court and stating in detail the circumstances and
10 facts of the case.

11 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.