

Introduced by

Senator J. Lee

Representative Weisz

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 and a new subsection to  
2 section 54-44.3-12 of the North Dakota Century Code, relating to medical assistance coverage  
3 of services provided by marriage and family therapists and the state job classification index; to  
4 amend and reenact subsection 10 of section 25-03.1-02, subdivision d of subsection 2 of  
5 section 26.1-36-08, and paragraph 1 of subdivision f of subsection 2 of section 26.1-36-09 of  
6 the North Dakota Century Code, relating to commitment procedures and insurance coverage for  
7 substance abuse and mental health; and to direct the department of human services to submit a  
8 plan.

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

10 **SECTION 1. AMENDMENT.** Subsection 10 of section 25-03.1-02 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12 10. "Mental health professional" means:
- 13 a. A psychologist with at least a master's degree who has been either licensed or  
14 approved for exemption by the North Dakota board of psychology examiners.
  - 15 b. A social worker with a master's degree in social work from an accredited  
16 program.
  - 17 c. A registered nurse with a master's degree in psychiatric and mental health  
18 nursing from an accredited program.
  - 19 d. A registered nurse with a minimum of two years of psychiatric clinical experience  
20 under the supervision of a registered nurse as defined by subdivision c or of an  
21 expert examiner.
  - 22 e. A licensed addiction counselor.
  - 23 f. A licensed professional counselor with a master's degree in counseling from an  
24 accredited program who has either successfully completed the advanced training

1 beyond the master's degree as required by the national academy of mental  
2 health counselors or a minimum of two years of clinical experience in a mental  
3 health agency or setting under the supervision of a psychiatrist or psychologist.

4 g. A licensed marriage and family therapist with a master's degree.

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

7 d. In the case of benefits provided for outpatient treatment, the benefits must be  
8 provided for a minimum of twenty visits for services covered under this section in  
9 any calendar year, provided the diagnosis, evaluation, and treatment services are  
10 provided within the scope of licensure by a licensed physician; or a licensed  
11 psychologist who is eligible for listing on the national register of health service  
12 providers in psychology; or the treatment services are provided within the scope  
13 of licensure by a licensed addiction counselor or a licensed marriage and family  
14 therapist. The insurance company, nonprofit health service corporation, or health  
15 maintenance organization may not establish a deductible or a copayment for the  
16 first five visits in any calendar year, and may not establish a copayment greater  
17 than twenty percent for the remaining visits. The deductible limitation of this  
18 subdivision does not apply to a high-deductible health plan used to establish a  
19 health savings account pursuant to and as defined in section 223 of the Internal  
20 Revenue Code [26 U.S.C. 223].

21 **SECTION 3. AMENDMENT.** Paragraph 1 of subdivision f of subsection 2 of section  
22 26.1-36-09 of the North Dakota Century Code is amended and reenacted as follows:

23 f. (1) In the case of benefits provided for outpatient treatment, the benefits must  
24 be provided for a minimum of thirty hours for services covered under this  
25 section in any calendar year if the treatment services are provided within the  
26 scope of licensure by a nurse who holds advanced licensure with a scope of  
27 practice within mental health or if the diagnosis, evaluation, and treatment  
28 services are provided within the scope of licensure by a licensed physician,  
29 a licensed psychologist who is eligible for listing on the national register of  
30 health service providers in psychology, a licensed professional clinical  
31 counselor who is qualified in the clinical mental health counseling specialty

1                                   in this state, a licensed marriage and family therapist, or a licensed  
2                                   independent clinical social worker.

3           **SECTION 4.** A new section to chapter 50-24.1 of the North Dakota Century Code is created  
4 and enacted as follows:

5           **Medical assistance - Services provided by marriage and family therapists.**

6           The department of human services shall provide medical assistance to eligible recipients for  
7 services provided by marriage and family therapists licensed under chapter 43-53.

8           **SECTION 5.** A new subsection to section 54-44.3-12 of the North Dakota Century Code is  
9 created and enacted as follows:

10                   Include the profession licensed marriage and family therapist in the North Dakota job  
11 classification index classification for advanced clinical specialist.

12           **SECTION 6. DEPARTMENT TO SUBMIT AMENDED PLAN.** Within thirty days of the  
13 effective date of section 4 of this Act, the department of human services shall submit for  
14 approval an amended plan to implement section 4 of this Act.