

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1043**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 25-03.2-01, 25-03.2-03, and 25-03.2-06 of the
2 North Dakota Century Code, relating to licensure of a psychiatric residential treatment facility for
3 children and admission criteria.

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

5 **SECTION 1. AMENDMENT.** Section 25-03.2-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **25-03.2-01. Definitions.**

8 In this chapter, unless the context otherwise requires:

- 9 1. "Child" or "children" means a person or persons under the age of twenty-one.
- 10 2. "Clinical supervision" means the oversight responsibility for individual treatment plans
11 and individual service delivery.
- 12 3. "Department" means the department of health and human services.
- 13 4. "Diagnostic assessment" means a written summary of the history, diagnosis, and
14 individual treatment needs of a mentally ill person using diagnostic, interview, and
15 other relevant assessment techniques.
- 16 5. "Individual treatment plan" means a written plan of intervention, treatment, and
17 services for a mentally ill person that is developed under the clinical supervision of a
18 mental health professional on the basis of a diagnostic assessment.
- 19 6. "Mentally ill person" has the same meaning provided for in section 25-03.1-02.
- 20 7. "Psychiatric residential treatment facility for children" means a facility or a distinct part
21 of a facility that provides to children a total, twenty-four hour, therapeutic environment
22 integrating group living, educational services, and a clinical program based upon a
23 comprehensive, interdisciplinary clinical assessment, and an individualized treatment
24 plan that meets the needs of the child and family. The services are available to

1 children in need of and able to respond to active psychotherapeutic intervention and
2 who cannot be effectively treated in their own family, in another home, or in a less
3 restrictive setting. The facility must meet the requirements of a psychiatric residential
4 treatment facility as set out in title 42, Code of Federal Regulations, part 483.352.

5 8. "Residential treatment" means a twenty-four hour a day program under the clinical
6 supervision of a mental health professional, in a community residential setting other
7 than an acute care hospital, for the active treatment of mentally ill persons.

8 9. "Serious risk of harm" means a substantial likelihood of:

- 9 a. Suicide, as manifested by current suicidal threats, attempts, or significant
10 depression creating immediate risk of suicide;
11 b. Killing or inflicting serious bodily harm to self or another person, as manifested by
12 current act; or
13 c. Substantial deterioration in physical health or substantial injury, disease, or death
14 based on current poor self-control or judgment.

15 **SECTION 2. AMENDMENT.** Section 25-03.2-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **25-03.2-03. Requirements for license.**

18 The department shall issue a license for the operation of a psychiatric residential treatment
19 facility for children upon a showing that:

- 20 1. The premises to be used are in fit, safe, and sanitary condition and properly equipped
21 to provide good care and treatment;
22 2. The program director of the facility holds, at a minimum, a ~~master's~~bachelor's degree
23 in social work, psychology, or in a related field with ~~at least two years of~~ professional
24 experience ~~in the treatment of~~working with children suffering from mental illnesses or
25 emotional disturbances. The executive director of the facility must have, at a minimum,
26 a bachelor's degree in a behavioral science or a bachelor's degree in any field and two
27 years of experience in administration;
28 3. The staff employed by the facility is supervised by the program director and qualified
29 by training and experience to provide services to children suffering from mental
30 illnesses or emotional disturbances. The facility annually must provide training to staff
31 which is relevant to the needs of the client population;

- 1 4. The health, safety, and well-being of the children cared for and treated in the facility
- 2 will be properly safeguarded;
- 3 5. There are sufficient treatment, educational, recreational and leisure, and physical
- 4 facilities and services available to the children in the facility;
- 5 6. The facility will provide for a medical and psychological examination of each child
- 6 within seventy-two hours of admission and thereafter as needed by the child;
- 7 7. An interdisciplinary team will review each individual treatment plan at least monthly
- 8 and update or amend the plan to meet the needs of the child;
- 9 8. The facility develops postdischarge plans and coordinates facility services and related
- 10 community services with partial discharge plans with each child's family, school, and
- 11 community upon discharge to ensure continuity of care; and
- 12 9. The facility is in compliance with requirements for psychiatric residential treatment
- 13 facilities under 42 U.S.C. 1396d [Pub. L. 89-97; 79 Stat. 351] and title 42, Code of
- 14 Federal Regulations, part 441, and with this chapter and rules adopted under this
- 15 chapter.

16 **SECTION 3. AMENDMENT.** Section 25-03.2-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **25-03.2-06. Admission criteria.**

19 A child may be admitted to a psychiatric residential treatment facility for children if, ~~the~~ :

- 20 1. The child has been diagnosed by a psychiatrist or psychologist as suffering from a
- 21 mental illness or emotional disturbance and the child is in need of and able to respond
- 22 to active psychotherapeutic intervention and cannot be effectively treated in the child's
- 23 family, in another home, or in a ;
- 24 2. The child's situation meets the definition of serious risk of harm; and
- 25 3. A less restrictive setting. The facility must take into account the age and diagnosis of
- 26 the child in order to provide an environment that is safe and therapeutic for all children
- 27 cannot meet the immediate treatment need.