

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 25-01-03, 25-04-00.1, 25-04-01, 25-04-02,  
2 25-04-02.1, 25-04-04, 25-04-04.1, 25-04-05, 25-04-05.1, 25-04-06, 25-04-08, 25-04-08.1,  
3 25-04-11, 25-04-11.1, 25-04-11.2, 25-04-14, 25-04-15, 25-04-16, 25-04-17, and 25-04-19, and  
4 subsection 3 of section 54-44.3-20 of the North Dakota Century Code, relating to the operation  
5 of the life skills and transition center and life skills and transition center's superintendent's  
6 employment, roles, and duties.

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

8 **SECTION 1. AMENDMENT.** Section 25-01-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **25-01-03. Supervising officer to appoint superintendent of institutions - Salaries -**  
11 **Removal.**

- 12 1. The supervising officer shall appoint a superintendent for each of the institutions under  
13 its control, except for the state hospital, where the supervising officer shall appoint a  
14 superintendent in consultation with a state hospital governing body.
- 15 2. The tenure of office of each superintendent is two years from the date of the  
16 superintendent's appointment, and the superintendent must possess qualifications  
17 required by this title. Any superintendent may be removed by the supervising officer for  
18 misconduct, neglect of duty, incompetency, or other proper cause showing the  
19 superintendent's inability or refusal properly to perform the duties of office. A removal  
20 at a time other than a termination of the superintendent's two-year tenure may be had  
21 only after an opportunity is given to the person to be heard before a board consisting  
22 of the governor, attorney general, and supervising officer of the institution on preferred  
23 written charges. A removal when made, however, is final. This subsection does not  
24 apply to the superintendent of the life skills and transition center, the superintendent of

1 North Dakota vision services - school for the blind, or the superintendent of the school  
2 for the deaf, whose positions are included in the classified service as provided in  
3 section 54-44.3-20.

4 3. The supervising officer shall fix the compensation of each superintendent within the  
5 limits prescribed in this title and within the appropriations made by the legislative  
6 assembly for compensation.

7 **SECTION 2. AMENDMENT.** Section 25-04-00.1 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **25-04-00.1. Definitions.**

10 For the purposes of this chapter:

- 11 1. "Department" means the department of health and human services.  
12 2. "Eligible" means an individual has been deemed eligible by the department for  
13 developmental disability services.  
14 3. "Individual served" is an individual who is a legal resident of the state of North Dakota  
15 and is receiving services from the life skills and transition center.  
16 4. "Nonresident patient at the life skills and transition center individual served" includes:  
17 a. Any patient at individual served by the life skills and transition center who is under  
18 eighteen years old and whose responsible relative is not a bona fide resident of  
19 this state.  
20 b. Any Indian patient enrolled member of a federally recognized Indian tribe for  
21 whom the United States government has, through its statutes and regulations, a  
22 responsibility for their care.  
23 2.5. "Nonresident responsible relative" includes the patient's nonresident spouse, father, or  
24 mother of the individual served. It includes the bureau of Indian affairs in those cases  
25 involving an enrolled member of a federally recognized Indian patient's tribe for whom  
26 the United States government has, through its statutes and regulations, a  
27 responsibility for their care.  
28 6. "Nonresidential services" means rehabilitative services and supports that are provided  
29 in a family home or community setting.  
30 7. "Residential services" are specialized services and supports provided at the life skills  
31 and transition center facility which include both room and board and rehabilitative

1 services in accordance with an individual's care and support plan. Residential services  
2 provided at the life skills and transition center are available to address an individual's  
3 needs for stabilization.

4 **SECTION 3. AMENDMENT.** Section 25-04-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **25-04-01. Life skills and transition center - Name - Administration and control.**

7 A facility for individuals with developmental disabilities must be maintained at or near the  
8 city of Grafton in Walsh County. ~~The facility must also be available for an individual who is~~  
9 ~~determined to be an individual who may benefit from the facility's services.~~ The facility must be  
10 known and designated as the life skills and transition center. ~~The department of health and~~  
11 ~~human services~~ has administrative authority and control of the life skills and transition center.

12 **SECTION 4. AMENDMENT.** Section 25-04-02 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **25-04-02. Purpose of life skills and transition center.**

- 15 1. The purpose of the life skills and transition center is to serve as a specialty care and  
16 support resource for eligible individuals with developmental disabilities who are  
17 experiencing crisis or who would benefit from stabilization, and to work together with  
18 parent, guardian, or legal custodian and care teams to identify opportunities for each  
19 individual served to live in a family home or community setting of their choice when  
20 possible.
- 21 2. ~~The life skills and transition center must be maintained for the relief, instruction, care,~~  
22 ~~and custody of to provide care, treatment, training, rehabilitation, and supervision for~~  
23 ~~eligible individuals with developmental disabilities or other individuals who may benefit~~  
24 ~~from the services offered at the center. For this purpose the department of health and~~  
25 ~~human services may introduce and establish such trades and manual~~  
26 ~~industries~~ rehabilitative and support services as, in its judgment, will best prepare the  
27 residents ~~for future self-support~~ individuals served to live in the most integrated,  
28 independent setting possible.
- 29 2.3. ~~The department~~ life skills and transition center may provide ~~onsite and offsite~~  
30 ~~additional~~ both residential services and nonresidential services and effectuate its  
31 powers and duties to best serve eligible individuals with developmental disabilities and

1           ~~other individuals who may benefit from those activities. The services provided and the~~  
2           ~~duties effectuated need not be accredited by the accreditation council on services for~~  
3           ~~people with developmental disabilities or certified by the health care financing~~  
4           ~~administration, or any other similar accrediting or certifying organization, if the service~~  
5           ~~or duty is not provided to individuals with developmental disabilities or if such~~  
6           ~~accrediting or certifying organization does not accredit or certify the service or duty.~~

7           **SECTION 5. AMENDMENT.** Section 25-04-02.1 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **25-04-02.1. Accreditation of life skills and transition center.**

10          ~~The department of health and human services shall~~may request appropriations and  
11 resources sufficient to ~~ensure~~allow for maintenance of the life skills and transition center's  
12 accreditation by the accreditation council on services for people with developmental disabilities  
13 ~~and~~or certification by the ~~health care financing administration and~~centers for Medicare and  
14 Medicaid services or, if deemed necessary, by similar accrediting and certifying organizations  
15 and agencies possessing standards applicable to an individual with a developmental disability  
16 and disciplines needed to provide quality services to individuals served.

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

19          **25-04-04. Who may receive benefits of life skills and transition center.**

20          1. ~~Subject to this chapter and to any rules adopted by the department of health and~~  
21 ~~human services, the benefits of the life skills and transition center may be received~~  
22 ~~only~~ by:

23          4. a. ~~Individuals with developmental disabilities and other~~Eligible individuals who may  
24 benefit from services provided ~~at~~by the life skills and transition center who, in the  
25 opinion of the superintendent of the life skills and transition center are of suitable  
26 age and capacity to receive ~~instruction in the~~care, treatment, training,  
27 rehabilitation, or supervision by the life skills and transition center ~~and~~or whose  
28 ~~deficiencies~~disabilities prevent them from receiving ~~proper~~ training and instruction  
29 in the public schools;

30          2. b. ~~Individuals with developmental disabilities and other~~Eligible individuals who, in  
31 the opinion of the superintendent of the life skills and transition center, may

1 benefit from services provided atby the life skills and transition center and who  
2 are in need of stabilization supports and cannot be properly cared for in their  
3 ~~homes~~family home or other available facilitiescommunity settings; or  
4 3. ~~c. Individuals with developmental disabilities and other~~Eligible individuals who, in  
5 the opinion of the superintendent of the life skills and transition center, may  
6 benefit from ~~onsite and offsite~~either residential services or nonresidential services  
7 provided ~~or duties effectuated~~ by the life skills and transition center.

8 2. Residents and nonresidents of this state may receive ~~the benefits of~~services from the  
9 life skills and transition center. Priority, however, must be given to residents of this  
10 state and ~~first priority must be given to individuals with developmental disabilities.~~

11 **SECTION 7. AMENDMENT.** Section 25-04-04.1 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **25-04-04.1. Program management for a ~~resident~~individual served.**

14 The department shall ensure active program management is maintained for eligible  
15 individuals ~~residing~~receiving residential services at the life skills and transition center.

16 **SECTION 8. AMENDMENT.** Section 25-04-05 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **25-04-05. Qualifications for admission to state facility – ~~Screening required prior to~~**  
19 **~~admission or readmission~~accessing services provided by life skills and transition center**  
20 **- Educational or related services without charge for ~~persons~~individuals twenty-one years**  
21 **of age and under.**

22 1. The superintendent may admit a ~~person~~an eligible individual to the life skills and  
23 transition center ~~when all~~for residential services based on consideration of the  
24 following ~~conditions have been met~~factors:

- 25 a. ~~Application for admission has been made on behalf of the person by a parent or~~  
26 ~~guardian or the person or agency having legal custody, or by the person seeking~~  
27 ~~admission, in accordance with procedures established by the department of~~  
28 ~~health and human services~~Ability of the life skills and transition center to provide  
29 the appropriate level of care based on the individual's need.  
30 b. ~~A comprehensive evaluation of the person has been made within three months of~~  
31 ~~the date of application, a report of which has been filed with the superintendent~~

1 and which, together with such other information or reviews as the department of  
2 health and human services may require, indicates to the superintendent's  
3 satisfaction that the person is eligible for admission to Health and safety  
4 considerations for both the individual served and other individuals currently being  
5 served by the life skills and transition center.

6 c. The ~~person~~individual may be admitted without exceeding the resident capacity of  
7 the facility as specified in the professional standards adopted ~~by~~of the  
8 department of health and human services.

9 2. ~~No person may be admitted or readmitted to the life skills and transition center unless~~  
10 ~~that person has undergone a screening process at the life skills and transition center~~  
11 ~~to determine whether the admission or readmission is appropriate. Length of stay~~  
12 ~~criteria may be established under rules as the department of health and human~~  
13 ~~services may adopt. Any person who is suspected of being able to benefit from the~~  
14 ~~services offered at the center may be screened to ascertain whether or not that person~~  
15 ~~is actually a proper case for care, treatment, and training at the life skills and transition~~  
16 ~~center. If in the opinion of the superintendent the person screened under this~~  
17 ~~subsection is a proper subject for institutional care, treatment, and training at the life~~  
18 ~~skills and transition center, that person may remain as a voluntary resident at the~~  
19 ~~center at the discretion of the superintendent if all other conditions for admission~~  
20 ~~required by this section are met~~The superintendent may approve an eligible individual  
21 for nonresidential services provided by the life skills and transition center if all of the  
22 following conditions have been met:

- 23 a. Application has been made on behalf of the individual by a department  
24 developmental disabilities program manager, a parent, guardian, or legal  
25 custodian, in accordance with procedures established by the department.
- 26 b. Information has been submitted to the life skills and transition center which allows  
27 the superintendent to determine that the individual served would benefit from  
28 nonresidential stabilization services offered by the life skills and transition center  
29 for the purpose of avoiding institutionalization or further destabilization of the  
30 individual's living situation.

1           3.   Notwithstanding any other provision of this chapter, no ~~handicapped patient~~eligible  
2           individual served, twenty-one years of age or under, or the estate or the parent of such  
3           ~~patient~~individual, may be charged for educational or related services provided at the  
4           life skills and transition center. Except as provided in subsection 4, the department of  
5           ~~health and human services~~ has prior claim on all benefits accruing to such  
6           ~~patients~~individuals served for medical and medically related services under entitlement  
7           from the federal government, medical or hospital insurance contracts, workforce safety  
8           and insurance, or medical care and disability programs. For purposes of this  
9           subsection, "related services" means transportation and such developmental,  
10          corrective, and other supportive services, as determined by the department of public  
11          instruction, as are required to assist ~~a handicapped patient~~an individual with a  
12          developmental disability to benefit from special education. The cost of related services  
13          other than medical and medically related services must be paid by the life skills and  
14          transition center, the school district of residence of the ~~handicapped~~ child with a  
15          developmental disability, and other appropriate state agencies and political  
16          subdivisions of this state. The department of public instruction, the department of  
17          ~~health and human services~~, the school district of residence, and other appropriate  
18          state agencies and political subdivisions, as determined by the department of public  
19          instruction, shall determine and agree to that portion of related services, other than  
20          medical and medically related services, for which each agency and political  
21          subdivision is liable. The department of public instruction may adopt rules necessary  
22          to implement this section.

23          4.   Parents of an eligible individual ~~with a developmental disability~~, who is twenty-one  
24          years of age or under, are not required to file, assist in filing, agree to filing, or assign  
25          an insurance claim when filing the claim would pose a realistic threat that the parents  
26          would suffer a financial loss not incurred by similarly situated parents of children with  
27          disabilities. Financial losses do not include incidental costs such as the time needed to  
28          file or assist in filing an insurance claim or the postage needed to mail the claim.

29          Financial losses include:

30          a.   A decrease in available lifetime coverage or any other benefit under an insurance  
31          policy.

- 1           b. An increase in premiums or the discontinuation of a policy.
- 2           c. An out-of-pocket expense such as the payment of a deductible amount incurred
- 3                 in filing a claim unless the life skills and transition center pays or waives the
- 4                 out-of-pocket expense.

5           **SECTION 9. AMENDMENT.** Section 25-04-05.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **25-04-05.1. Transfer of ~~residents~~individuals - Visiting privileges - Release and**  
8 **placement of ~~patients~~individuals served.**

- 9           1. The superintendent shall have the right of temporary transfer of any ~~resident-~~  
10 ~~ef~~individual served at the life skills and transition center to an appropriate hospital or  
11 other specialized facility when in the superintendent's opinion the immediate health  
12 and safety of the ~~resident~~individual or the immediate health and safety of others  
13 requires the transfer. ~~The superintendent shall also have the right and responsibility of~~  
14 ~~indefinite transfer of a resident from one state facility for individuals with~~  
15 ~~developmental disabilities to another when the best interest of the resident will be~~  
16 ~~served thereby, or when the transfer is required in conformity with the policies of the~~  
17 ~~department of health and human services; provided, however, that no transfer may be~~  
18 ~~effected until all reasonable efforts have been made to consult with the resident's~~  
19 ~~parent or guardian of the person.~~
- 20           2. Subject to reasonable rules for the orderly operation of the life skills and transition  
21 center ~~or other state facility for individuals with developmental disabilities~~, any parent  
22 ~~or~~, guardian, or legal custodian of the ~~person of a resident~~individual served shall have  
23 the right of visiting and communicating with ~~a child or ward~~the individual served and  
24 authorizing visits and communications with others.
- 25           3. The superintendent may authorize the temporary ~~released~~discharge of any  
26 ~~resident~~individual served to the custody of the ~~resident's~~individual served's parent ~~or~~,  
27 guardian, or legal custodian of the ~~person~~individual, or to another person designated  
28 by the parent ~~or such~~, guardian, or legal custodian. In the absence of such  
29 authorization, any parent ~~or~~, guardian, or legal custodian of the ~~person of any~~  
30 ~~resident~~individual served may formally request, in writing, the ~~resident's~~individual  
31 served's temporary ~~released~~discharge. The ~~released~~discharge must be granted at the



1 earliest reasonable opportunity, but not more than thirty days after receipt of a written  
2 application. If a ~~released~~discharge is, or would be, effected contrary to the advice of the  
3 superintendent based on a recent comprehensive evaluation of the individual, the  
4 superintendent shall so advise the parent ~~or such~~, guardian, or legal custodian in  
5 writing.

6 4. The superintendent may arrange for the suitable placement of ~~a resident~~an individual  
7 served outside the life skills and transition center ~~or other state facility~~ and to  
8 ~~released~~discharge the resident ~~on placement~~individual, provided placement has been  
9 preceded by a comprehensive evaluation. No such placement may be effected until all  
10 reasonable efforts have been made to consult with the ~~resident's~~individual served's  
11 care team and parent or, guardian, or legal custodian of the ~~person~~individual served.

12 **SECTION 10. AMENDMENT.** Section 25-04-06 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **25-04-06. Juvenile court commitment order for assessment of dependent, neglected,**  
15 **or delinquent mentally deficient – Commitment for observation child with developmental**  
16 **disability - Appeal.**

17 1. In any proceeding instituted in juvenile court, the court may make an order  
18 ~~committing for assessment of~~ the child ~~to by~~ the life skills and transition center for  
19 developmental disability determination whenever it appears to the satisfaction of the  
20 court that the child involved in the proceeding is:

- 21 4. a. Dependent and ~~a candidate~~eligible for services at the life skills and transition  
22 center;  
23 2. b. Neglected and ~~a candidate~~eligible for services at the life skills and transition  
24 center; or  
25 3. c. Delinquent and ~~a candidate~~eligible for services at the life skills and transition  
26 center.

27 ~~If the court is in doubt as to whether the child is a candidate for services offered at the life skills-~~  
28 ~~and transition center, the court may make an order committing the child to the life skills and-~~  
29 ~~transition center for observation only by the authorities of such institution.~~

30 2. If it is ascertained as a result of such ~~observation~~assessment that the child is a  
31 ~~candidate~~eligible for residential services offered at the life skills and transition center

1 and the child qualifies for accessing services from the life skills and transition center in  
2 accordance with section 25-04-04 and subsection 1 of section 25-04-05, a report to  
3 such effect must be made by the authorities of the life skills and transition center to the  
4 court. The court thereupon shall make an order fixing a time for a hearing upon the  
5 report showing the child to be in-need-of-these-serviceseligible and qualifying for  
6 accessing services offered at the life skills and transition center. Notice of the hearing  
7 must be given to the parents, custodian, or guardian of such child in the manner  
8 prescribed by law for the giving of notice in other proceedings in juvenile court. Upon  
9 such hearing, the court shall make such order as it may deem proper. Any parent,  
10 custodian, guardian, or other person charged with the control of such child may take  
11 an appeal from the order made by the court in the manner now prescribed by law for  
12 the taking of appeals from decisions of the juvenile court. The procedure provided in-  
13 this section is not exclusive but is in addition to other procedures provided in this-  
14 chapter for the commitment of children Admission to residential services at the life  
15 skills and transition center must follow the procedures established by the department  
16 and in accordance with section 25-04-04 and subsection 1 of section 25-04-05. Any  
17 orders for assessment may be accomplished without admission for residential services  
18 or transportation to the life skills and transition center.

19 **SECTION 11. AMENDMENT.** Section 25-04-08 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **25-04-08. Discharge of resident individual served from institution life skills and**  
22 **transition center.**

23 A person An individual who has been admitted as a resident receives residential services at  
24 the life skills and transition center must be permanently discharged within thirty days under if any  
25 one of the following conditions are present:

- 26 1. The superintendent, on the basis of a comprehensive evaluation and in consultation  
27 with the individual's parent, guardian, legal custodian, or care team, finds that the  
28 care, treatment, training, rehabilitation, and supervision offered by the state life skills  
29 and transition center are no longer required needed.
- 30 2. The parent or guardian, or legal custodian who voluntarily committed admitted the  
31 parent's child or the guardian's ward as a resident individual to residential services at

1           the life skills and transition center and who retains legal custody makes a written  
2           request for discharge.

3           3. The ~~person~~individual is admitted on indefinite transfer to a hospital, school, or other  
4           facility, or a protective service under the jurisdiction of another state, or another  
5           agency or department of this state; ~~provided, however, that if such admission be by~~  
6           ~~contractual arrangement made by the department of health and human services, the~~  
7           ~~person must be placed on nonresident release status, but not discharged.~~

8           4. A court of competent jurisdiction orders the discharge of the ~~person~~individual.  
9           ~~Any person who is to be discharged under subsection 2 or 4 shall first receive a comprehensive~~  
10          ~~evaluation unless such evaluation is not completed within thirty days of the request for~~  
11          ~~discharge.~~

12          **SECTION 12. AMENDMENT.** Section 25-04-08.1 of the North Dakota Century Code is  
13          amended and reenacted as follows:

14          **25-04-08.1. Notification before discharge.**

15          Before discharge the superintendent shall ~~consult~~meet with the parent or, guardian, legal  
16          custodian, or care team of the ~~person~~individual served to be discharged, or with the court that  
17          ordered the commitment, and shall notify the director of the county social service board or  
18          human service zone of the county in which it is proposed that such person will assume  
19          residence and also shall notify the executive director of the department of health and human  
20          services individual served to receive services at the life skills and transition center pursuant to  
21          section 25-04-06.

22          **SECTION 13. AMENDMENT.** Section 25-04-11 of the North Dakota Century Code is  
23          amended and reenacted as follows:

24          **25-04-11. Disposition of ~~person~~individual who is not a legal resident.**

25          If a ~~person~~an individual who has no legal residence in this state is subject to admission to  
26          the life skills and transition center or other appropriate state facility, by order of a court of  
27          ~~competent jurisdiction~~pursuant to section 25-04-06, such ~~person~~individual must be  
28          sent~~admitted~~, at the expense of the county or human service zone, to the life skills and  
29          transition center in the same manner as a resident of this state who is found to be in need of  
30          services offered at the life skills and transition center, and the superintendent of the life skills  
31          and transition center shall then arrange for the transportation of such ~~person~~individual to the

1 place where the ~~person~~individual belongs. The department of health and human services shall  
2 ascertain the place where such ~~person~~individual belongs when the same conveniently can be  
3 done.

4 **SECTION 14. AMENDMENT.** Section 25-04-11.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **25-04-11.1. DispositionAdmission and disposition of nonresidents - Exceptions--**  
7 **Reciprocal agreements.**

8 If a ~~person~~an individual who has no legal residence in this state or whose residence is  
9 unknown is found to be a ~~person~~an eligible individual requiring care and, treatment in, training,  
10 rehabilitation, or supervision from the life skills and transition center, the ~~person~~individual to be  
11 served must be ~~sent~~admitted to the life skills and transition center in the same manner, and  
12 accompanied by the same documents, as in the case of a resident of this state. The ~~supervising-~~  
13 department shall immediately inquire as to the residence of the ~~person~~individual or the  
14 ~~person's~~individual's responsible relatives, and, if the residence is found to be in another state or  
15 country, the ~~supervising~~ department shall arrange for transportation of the ~~person~~individual to  
16 the place of legal residence or legal settlement unless the ~~person~~individual can be  
17 accommodated at the life skills and transition center without depriving a North Dakota resident  
18 of care and treatment at the life skills and transition center and adequate costs of care are paid  
19 for within a reasonable time, or unless a reciprocal agreement has been entered into with  
20 another state regarding the care and commitment of the nonresident. The ~~supervising-~~  
21 department may enter into reciprocal agreements with other states regarding the mutual  
22 exchange, return, and transportation of ~~persons~~individuals who are within one state but have  
23 legal residence or legal settlement in another state. The agreements may not contain any  
24 provision conflicting with any law of this state.

25 **SECTION 15. AMENDMENT.** Section 25-04-11.2 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **25-04-11.2. Liability for care and treatment of nonresident patientsindividuals served.**

28 Nonresident ~~patients at~~individuals served by the life skills and transition center and  
29 nonresident responsible relatives of ~~patients~~individuals served are liable for the chargeable  
30 costs of care and treatment at the life skills and transition center.

1       **SECTION 16. AMENDMENT.** Section 25-04-14 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **25-04-14. Expenses chargeable against patientindividual or patient'sindividual's**  
4 **estate - Filing claims.**

5       Expenses for care and treatment of each patientatindividual served by the life skills and  
6 transition center must, if practicable, be in accordance with the cost of providing care and  
7 treatment for the different degrees or conditions of mental and physical health and charges may  
8 be adjusted in accordance with the patient'sindividual served's ability to pay which must include  
9 an estimate of potential future receipts, including amounts from estates. The ~~supervising~~  
10 department shall recover from the patientindividual served or from a discharged  
11 patientindividual expenses chargeable for care and treatment. If any patientindividual served is  
12 receiving social security benefits or is a veteran or a dependent of a veteran who has received,  
13 is receiving, or is entitled to receive compensation or pension from the veterans' administration,  
14 the expenses are a current claim against the patientindividual served and may be recovered  
15 monthly by the ~~supervising~~ department except that any amount required by the payer of the  
16 benefits to be paid directly to the patientindividual served must, upon approval of the  
17 department ~~of health and human services~~, be credited to the patient'sindividual served's  
18 personal account from any money thus received.

19       **SECTION 17. AMENDMENT.** Section 25-04-15 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **25-04-15. Expenses chargeable against guardianship estate of patientindividual**  
22 **served - Restrictions.**

23       The expenses chargeable by the state for the care and treatment of any patientindividual  
24 served over twenty-one years of age at the life skills and transition center must be charged  
25 against the guardianship estate of such patientindividual, if the patientindividual has such an  
26 estate, subject to the following restrictions:

- 27       1. No part of the estate may be taken for such purpose if the patientindividual has  
28 dependents within the United States dependent upon the estate for support and the  
29 taking of all or a portion of the estate would result in undue hardship to those  
30 dependents.

- 1       2.   No real property belonging to the estate may be sold during the lifetime of the  
2       ~~patient~~individual served except for the maintenance and support of the  
3       ~~patient's~~individual served's dependents, unless it is shown that the sale of the property  
4       will not result in undue hardship to those dependents, and it may be sold only upon the  
5       order of the district court having jurisdiction of the estate, with the consent of the  
6       department of ~~health and human services~~.
- 7       3.   No personal property belonging to the estate may be sold within five years from the  
8       date upon which the ~~patient~~individual was sent to the life skills and transition center  
9       unless the property is ordered sold by the district court having jurisdiction of the estate  
10      for the reason that the property is likely to deteriorate in value during the time herein  
11      specified.
- 12      4.   No claim may be made to recover from the estate of a former ~~resident~~individual served  
13      of the life skills and transition center who has left the life skills and transition center  
14      and married and leaves a spouse or issue dependent upon such estate.

15      **SECTION 18. AMENDMENT.** Section 25-04-16 of the North Dakota Century Code is  
16      amended and reenacted as follows:

17      **25-04-16. Waiver of payment - Use of income tax data - Confidentiality - Definition.**

- 18      1.   Except with respect to services provided and duties effectuated for persons other than  
19      ~~residents of~~individuals served by the life skills and transition center who are  
20      developmentally disabled, and except with respect to services provided and duties  
21      effectuated under subsection 2 of section 25-04-02, the ~~resident~~individual served,  
22      former ~~resident~~individual served, parent of a ~~resident~~an individual served or former  
23      ~~resident~~individual served under age eighteen, personal representative, or guardian  
24      may make application to the supervising department to pay less than the costs or  
25      none of the costs incurred by the state for the ~~resident's~~individual served's care and  
26      treatment at the life skills and transition center. An application from a ~~resident~~an  
27      individual served, former ~~resident~~individual, personal representative, or guardian must  
28      be accompanied by proof of the ~~resident's~~individual served's or the estate of the  
29      ~~resident's~~individual served's inability to pay. An application from a parent of a  
30      ~~resident~~an individual served or former ~~resident~~individual served must be accompanied  
31      by proof that the parent has applied for or cooperated fully in an application for

1 medical and medically related services under entitlement from the federal government,  
2 medical or hospital insurance contracts, workforce safety and insurance, or medical  
3 care and disability programs for provision of services to the resident individual served,  
4 and has assured the contribution of those services, compensation, and contract and  
5 program benefits to meet the cost of care provided to the resident individual served by  
6 the life skills and transition center. A waiver must be granted upon receipt of an  
7 application from such a parent, which is complete and supported by the required  
8 proofs and is effective for so long as the parent continues to apply for or cooperate  
9 fully in applications for services, compensation, and contract and program benefits,  
10 and continues to assure the contribution of those services, compensation, and benefits  
11 to meet the costs of care. A waiver, once granted with respect to a resident an  
12 individual served under age eighteen, extinguishes any debt that would otherwise be  
13 owed by the resident individual served, the resident's individual served's parents, or the  
14 resident's individual served's estate with respect to care and treatment furnished during  
15 times the waiver is effective.

16 2. Upon receipt of such application, the supervising department shall direct the human  
17 service zone of the county from which the patient individual served was admitted to  
18 determine whether the application is complete and supported by the required proofs.  
19 The supervising department shall approve, reject, or amend the determination made  
20 by the human service zone. The determination made by the supervising department  
21 may be appealed to the district court of the county of residence of the patient individual  
22 served.

23 3. Any patient individual served, former patient individual served, parent of a patient an  
24 individual served or former patient individual served, guardian, or personal  
25 representative who seeks relief from the payment of the cost of care and treatment by  
26 filing an application for relief of payment shall do so with the understanding that the  
27 supervising department may, in its discretion, and to its satisfaction, verify any  
28 statement made in such application for relief of payment by a request for information  
29 from financial institutions, including commercial banks, and from other sources likely to  
30 possess verifying information. Notwithstanding the provisions of section 57-38-57, this  
31 verification may include a review of such applicant's state income tax return or any

1 other document or report submitted to or held by any office or department of the state  
2 of North Dakota or any of its political subdivisions.

3 4. When any official or employee of the life skills and transition center who, pursuant to  
4 subsection 1, obtains income tax information or other tax information from the state tax  
5 commissioner the confidentiality of which is protected by law, such official or employee  
6 may not divulge such information except to the extent necessary for the administration  
7 of this chapter or when otherwise directed by judicial order or when otherwise provided  
8 by law.

9 5. ~~As used in this chapter, "supervising department" means the department of health and~~  
10 ~~human services.~~

11 **SECTION 19. AMENDMENT.** Section 25-04-17 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **25-04-17. Reduction or writeoff of accounts - Report to legislative audit and fiscal**  
14 **review committee.**

15 The ~~supervising~~ department may authorize the reduction or writeoff of a ~~patient's~~san  
16 individual served's past-due account from the life skills and transition center's financial records  
17 upon determining that the account is not collectible. The ~~supervising~~ department, by September  
18 first after the close of each fiscal year, shall present a detailed report to the legislative audit and  
19 fiscal review committee on the status of accounts receivable for that fiscal year. The report must  
20 include:

- 21 1. An aging by ~~patient~~individual classification of accounts remaining unpaid.
- 22 2. The amounts by ~~patient~~individual classification by which accounts were reduced or  
23 written off for reasons other than payment during that fiscal year.

24 **SECTION 20. AMENDMENT.** Section 25-04-19 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **25-04-19. Quality assurance review committees - Reports - Immunity.**

27 Any information, data, report, or record generated by or made available to an internal  
28 quality assurance review committee of the life skills and transition center or members thereof is  
29 confidential and may be used by the committee and the members thereof only in the exercise of  
30 the proper functions of the committee. The proceedings and records of the committee and the  
31 members thereof are not subject to subpoena or discovery or introduction into evidence in any



1 civil action arising out of any matter under consideration by the committee. Any information,  
2 document, or record otherwise available from original sources is not immune from discovery or  
3 use in any civil action merely because it was presented during the proceedings of the  
4 committee, nor may any person who testified before the committee or who is a member of it be  
5 prevented from testifying as to matters within that person's knowledge, but a witness cannot be  
6 asked about that witness's testimony before the committee. This section does not relieve any  
7 person of any liability incurred as a result of furnishing health care to the resident. No person  
8 furnishing information, data, reports, or records to the committee with respect to any resident of  
9 the life skills and transition center is, by reason of furnishing the information, data, reports, or  
10 records, liable in damages to any resident, or answerable for willful violation of a privileged or  
11 confidential communication. No member of the committee is liable in damages to any person for  
12 any action taken or recommendation made within the scope of the functions of the committee if  
13 the committee member acts without malice and in the reasonable belief that the action or  
14 recommendation is warranted by the facts known to the member.

15 **SECTION 21. AMENDMENT.** Subsection 3 of section 54-44.3-20 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17 3. Administrative heads of departments required by law, other than the superintendent of  
18 the life skills and transition center, superintendent of North Dakota vision services -  
19 school for the blind, the superintendent of the school for the deaf, and the state  
20 librarian.