

HOUSE BILL NO. 1595

Introduced by

Representatives Conmy, Hanson, Ista, Murphy, Schreiber-Beck

Senators Hogan, Boschee, Davison

1 A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota
2 Century Code, relating to pregnancy resource centers that receive state funding.

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

4 **SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Pregnancy resource centers.**

7 1. For purposes of this section:

8 a. "Client" means an individual receiving pregnancy counseling or health care
9 services by a pregnancy resource center.

10 b. "Comprehensive counseling" means information about all pregnancy options,
11 including abortion, adoption, and parenting.

12 c. "Health care service" includes:

13 (1) Diagnosing a pregnancy;

14 (2) Checking or monitoring an individual's vital signs;

15 (3) Conducting or interpreting an ultrasound; and

16 (4) Providing counseling to an individual on the individual's pregnancy or
17 contraception-related medical options.

18 d. "Individually identifiable client health information" means personal information
19 linked or reasonably linkable to a client identifying past, present, or future
20 physical or mental health status.

21 e. "Pregnancy resource center" means an entity that provides pregnancy-related
22 counseling or health care services.

23 f. "Qualified health care provider" means a licensed:

24 (1) Advanced practice registered nurse practicing under chapter 43-12.5;

- 1 (2) Physician practicing under chapter 43-17; or
- 2 (3) Physician assistant practicing under chapter 43-17.
- 3 2. A pregnancy resource center that receives state funds to provide pregnancy-related
4 services shall meet the minimum standards provided under this section as a condition
5 of receiving funds.
- 6 3. A pregnancy resource center that receives state funds and provides health care
7 services shall:
- 8 a. Contract or employ at least one qualified health care provider.
- 9 b. Ensure a qualified health care provider is physically present at the entity's facility
10 when health care services are provided.
- 11 c. Ensure each health care provider, whether a volunteer or a paid employee, is
12 operating within the provider's scope of practice.
- 13 d. Retain and make available to a client the counseling services of an individual
14 licensed under chapter 43-41 or 43-47.
- 15 e. Ensure any counseling provided to a client by the center or the center's agent is
16 medically accurate and comprehensive.
- 17 f. Ensure any ultrasound service performed on a client by the center or the center's
18 agent is conducted by a licensed health care provider practicing within the
19 provider's scope of practice, or a sonographer licensed under chapter 43-62.
- 20 g. Ensure ultrasounds are explained to a client by a licensed health care provider,
21 acting within their scope of practice.
- 22 h. Ensure transparent client care by maintaining a publicly available organizational
23 chart and privacy policy that includes:
- 24 (1) A description of each service offered;
- 25 (2) The policies and procedures of each service;
- 26 (3) A job description for each position; and
- 27 (4) A description of the system for maintenance and storage of client records,
28 including electronic health records, individually identifiable client health
29 information, and disclosure of any data sharing impacting client records.
- 30 i. Meet the requirements of the federal Health Insurance Portability and
31 Accountability Act [42 U.S.C. 1320d et seq], and implementing regulations under

1 title 45, Code of Federal Regulations, parts 160 and 164, for all individually
2 identifiable client health information held, used, or disclosed by the entity.

3 4. Before qualifying for a state grant under any program, a pregnancy resource center
4 shall provide to the department:

5 a. An organizational revenue budget for the most recently completed fiscal year of
6 the pregnancy resource center's sources of funding, including each government
7 grant and the total contributions from government, foundation, corporate, and
8 individual sources.

9 b. An organizational expense budget for the most recently completed fiscal year
10 listing the nonprofit's expenses in the same categories as listed on the internal
11 revenue service form 990.

12 c. A program expense budget listing the amount of state funds to be used in each
13 internal revenue service form 990 category.

14 d. The number of full-time paid staff, part-time paid staff, and volunteers, and how
15 many of these individuals are licensed medical professionals, including the
16 licensed professional's title and valid license information.

17 e. The number of unique clients served during the most recently completed fiscal
18 year, including the number of individuals provided:

19 (1) A pregnancy test;

20 (2) An ultrasound;

21 (3) A sexually transmitted disease or infection test;

22 (4) Pregnancy counseling;

23 (5) Student sexual risk education;

24 (6) Parenting education; and

25 (7) Material support.

26 f. The amount of material support provided, including the number of diapers, packs
27 of baby wipes, baby clothing outfits, car seats, strollers, cribs, and containers of
28 baby formula.

29 5. After completion of a state grant program, a pregnancy resource center shall provide
30 to the department:

- 1 a. An organizational revenue budget for the most recently completed fiscal year of
2 the pregnancy resource center's sources of funding, including each government
3 grant and the total contributions from government, foundation, corporate, and
4 individual sources.
- 5 b. An organizational expense budget for the most recently completed fiscal year
6 listing the pregnancy resource center's expenses in the same categories as listed
7 on the internal revenue service form 990.
- 8 c. The number of full-time paid staff, part-time paid staff, and volunteers, and how
9 many of these individuals are licensed medical professionals, including the
10 licensed professional's title and valid license information.
- 11 d. The number of unique clients served during the most recently completed fiscal
12 year, including the number of individuals provided:
 - 13 (1) A pregnancy test;
 - 14 (2) An ultrasound;
 - 15 (3) A sexually transmitted disease or infection test;
 - 16 (4) Pregnancy counseling;
 - 17 (5) Student sexual risk education;
 - 18 (6) Parenting education; and
 - 19 (7) Material support.
- 20 e. The amount of material support provided, including the number of diapers, packs
21 of baby wipes, baby clothing outfits, car seats, strollers, cribs, and containers of
22 baby formula.
- 23 f. An independent financial audit for each facility that receives grant funding.