

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 section 25-01-01 of the North Dakota Century Code,  
2 relating to the definition of a mental health professional.

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

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

6 **25-01-01. Definitions.**

7 In this title, unless the context or subject matter otherwise requires:

- 8 1. "Licensed physician" means an individual licensed under the laws of this state to  
9 practice medicine and also means a medical officer of the government of the United  
10 States while in this state in the performance of the physician's official duties.
- 11 2. "Mentally ill individual" means an individual having a psychiatric or other disease which  
12 substantially impairs the individual's mental health.
- 13 3. "North Dakota vision services - school for the blind" means the North Dakota vision  
14 services - school for the blind as maintained under section 25-06-01.
- 15 4. "School for the deaf" means the school for the deaf of North Dakota.
- 16 5. "State hospital" means the state hospital for the mentally ill.
- 17 6. "Superintendent" means the superintendent of the state hospital, of the life skills and  
18 transition center, of North Dakota vision services - school for the blind, or of the school  
19 for the deaf, as the case may be.
- 20 7. "Supervising officer" means the commissioner of the department of health and human  
21 services or designee or the superintendent of public instruction, as the case may be.
- 22 8. "Tier 1 mental health professional" means a tier 1a or tier 1b mental health  
23 professional.

- 1           a.    A tier 1a mental health professional is a psychiatrist licensed under chapter 43-17  
2                    or a psychologist licensed under chapter 43-32.
- 3           b.    A tier 1b mental health professional is a licensed physician or a physician  
4                    assistant licensed under chapter 43-17 or an advanced practice registered nurse  
5                    licensed under chapter 43-12.
- 6           9.    "Tier 2 mental health professional" means a tier 2a or a tier 2b mental health  
7                    professional.
- 8           a.    A tier 2a mental health professional is an independent clinician who is a licensed  
9                    clinical social worker licensed under chapter 43-41, a licensed professional  
10                  clinical counselor or licensed professional counselor licensed under chapter  
11                  43-47, or a licensed marriage and family therapist licensed under chapter 43-53.
- 12          b.    A tier 2b mental health professional is an addiction counselor licensed under  
13                  chapter 43-45 or a registered nurse licensed under chapter 43-12.
- 14          10.   "Tier 3 mental health professional" means a licensed associate professional counselor  
15                  licensed under chapter 43-47, a licensed master social worker or licensed  
16                  baccalaureate social worker licensed under chapter 43-41, ~~a licensed professional~~  
17                  ~~counselor licensed under chapter 43-47~~, an associate marriage and family therapist  
18                  licensed under chapter 43-53, an occupational therapist licensed under chapter 43-40,  
19                  a licensed practical nurse licensed under chapter 43-12, a behavior analyst licensed or  
20                  registered under chapter 43-32, a vocational rehabilitation counselor practicing under  
21                  chapter 50-06.1, a school psychologist, or a human relations counselor.
- 22          11.   "Tier 4 mental health professional" means a direct care associate ~~or~~ technician, or  
23                  certified peer support specialist.