

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
SECOND ENGROSSMENT**

REENGROSSED SENATE BILL NO. 2113

Introduced by

Human Services Committee

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

1 A BILL for an Act to create and enact two new sections to chapter 50-06 of the North Dakota
2 Century Code, relating to certified community behavioral health clinics and the financing of
3 health and human services; to amend and reenact section 12.1-04-06, subsection 4 of section
4 20.1-03-04, sections 25-03.1-03.1 and 25-03.1-04, subsection 3 of section 25-03.1-08, section
5 25-03.1-10, subdivision b of subsection 2 of section 26.1-36-08, subdivisions c and d of
6 subsection 2 of section 26.1-36-09, subsection 9 of section 43-12.1-04, subsection 6 of section
7 43-41-02, subdivision b of subsection 1 of section 44-04-18.30, sections 50-06-01, 50-06-01.4,
8 50-06-01.7, 50-06-05.1, 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-05.5, 50-06-06.2,
9 50-06-06.5, and 50-06-06.13, subsections 1 and 3 of section 50-06-15, sections 50-06-33 and
10 50-06-41.3, subsection 1 of section 50-06-42, subsection 1 of section 50-06-42.1, and sections
11 50-06-46, 50-06.2-01, 50-06.2-02, 50-06.2-03, 50-06.3-02, and 50-06.3-04 of the North Dakota
12 Century Code, relating to the powers and duties of the department of health and human
13 services and membership of the cross disability advisory council; to provide an appropriation;
14 and to provide an expiration date.

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

16 **SECTION 1. AMENDMENT.** Section 12.1-04-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **12.1-04-06. Temporary detention for purposes of examination.**

19 Whenever there is reason to doubt the defendant's fitness to proceed, the court may order
20 temporary detention of the defendant for the purpose of an examination. The temporary

1 detention must be in the least restrictive appropriate setting, including the state hospital, the life
2 skills and transition center, or other suitable facility for a reasonable period, not to exceed thirty
3 days, for such examination. In lieu of detention, the court may allow the defendant to remain in
4 the defendant's present residential setting or other suitable residential setting for the purpose of
5 examination, subject to any reasonable limitation the court may impose. A ~~human service-~~
6 ~~center~~state-operated behavioral health clinic may be considered if the court is aware an inquiry
7 was made before the court ordered the evaluation to ensure appropriate resources exist at the
8 ~~human service center~~state-operated behavioral health clinic being ordered to conduct the
9 examination. While the defendant is detained, the defendant's legal counsel, family, and others
10 necessary to assist in the defendant's case must have reasonable opportunity to examine and
11 confer with the defendant.

12 **SECTION 2. AMENDMENT.** Subsection 4 of section 20.1-03-04 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 4. Life skills and transition center patients, North Dakota youth correctional center
15 students, school for the deaf students, North Dakota vision services - school for the
16 blind students, state hospital patients, clients of ~~regional human service centers~~state-
17 operated behavioral health clinics under direct therapeutic care, and residents of
18 facilities licensed by the department of health and human services may fish without a
19 resident fishing license. Patients of these institutions must be identified. The
20 department shall issue authority to each institution.

21 **SECTION 3. AMENDMENT.** Section 25-03.1-03.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **25-03.1-03.1. Disclosure of health information.**

24 A treating facility or mental health professional may disclose individually identifiable health
25 information to a court, ~~regional human service center~~state-operated behavioral health clinic,
26 state's attorney, appointed counsel, retained counsel, or other mental health professional,
27 including an expert examiner, and the disclosure is a disclosure for treatment, including the
28 provision, coordination, and management of health care and to carry out the purposes of this
29 chapter.

30 **SECTION 4. AMENDMENT.** Section 25-03.1-04 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **25-03.1-04. Screening and admission to a public treatment facility.**

2 Under rules adopted by the department, screening of an individual to a public treatment
3 facility for observation, diagnosis, care, or treatment for mental illness or a substance use
4 disorder must be performed, in person when reasonably practicable, by a ~~regional human-~~
5 ~~service center~~state-operated behavioral health clinic. This screening must be performed in the
6 region where the individual is physically located. Upon the request of a court, a law enforcement
7 official, a mental health professional, the individual's legal guardian, a minor's parent or legal
8 custodian, or the individual requesting services, the ~~regional human service center~~state-
9 operated behavioral health clinic shall conduct a screening. If a request for screening is made
10 by a mental health professional and the individual who is the subject of the screening does not
11 authorize the disclosure of the individual's protected health information, upon the request of the
12 ~~regional human service center~~state-operated behavioral health clinic, any mental health
13 professional who treated the individual within the previous six months shall disclose, subject to
14 the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service-~~
15 ~~center~~state-operated behavioral health clinic any relevant protected health information
16 regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-
17 operated behavioral health clinic shall arrange for a screening of the individual and, if
18 appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility.
19 Upon admittance to a public treatment facility, the superintendent or director shall immediately
20 designate a tier 1 or tier 2 mental health professional to examine the individual.

21 **SECTION 5. AMENDMENT.** Subsection 3 of section 25-03.1-08 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 3. In assisting the petitioner in completing the petition, the state's attorney may direct a
24 tier 1 or tier 2 mental health professional designated by the ~~regional human service-~~
25 ~~center~~state-operated behavioral health clinic to investigate and evaluate the specific
26 facts alleged by the petitioner. The investigation must be completed as promptly as
27 possible and include observations of and conversation with the respondent, unless the
28 respondent cannot be found or refuses to meet with the mental health professional. A
29 written report of the results of the investigation must be delivered to the state's
30 attorney. Copies of the report must be made available upon request to the respondent,
31 the respondent's counsel, and any expert examiner conducting an examination under

1 section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the
2 information provided by the petitioner or gathered by investigation provides probable
3 cause to believe the subject of the petition is a person requiring treatment. A state's
4 attorney who determines there are insufficient grounds for filing a petition may refer
5 the individual to other community resources. A state's attorney's decision not to
6 institute proceedings may be reviewed under section 11-16-06.

7 **SECTION 6. AMENDMENT.** Section 25-03.1-10 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **25-03.1-10. Involuntary treatment - Court-ordered examination.**

10 If the petition is not accompanied by a written supportive statement of a tier 1 mental health
11 professional or a licensed addiction counselor who has examined the respondent within the last
12 forty-five days, the court shall order the respondent be examined by an expert examiner of the
13 respondent's own choice or one appointed by the court. The order must state the date and time
14 within which the respondent must appear; the address to which the respondent is to report; a
15 statement that if the respondent fails to appear at the appointed place at or before the ordered
16 date and time, the respondent may be involuntarily taken into custody and transported to the
17 appointed place; and a statement the expert examiner may consult with or request participation
18 in the examination by a mental health professional and may include with the written examination
19 report any findings or observations by that mental health professional. Accompanying the order
20 must be an explanation of the intended uses and possible effects of this examination. The
21 examination may be conducted at a treatment facility, at the respondent's home, or at any other
22 suitable place in the community. A request for examination at the state hospital must be
23 screened and approved by a ~~regional human service center~~state-operated behavioral health
24 clinic. The respondent may be accompanied by one or more relatives or friends at the place of
25 the examination. The costs of the court-ordered examination must be borne by the county that
26 is the respondent's place of residence.

27 **SECTION 7. AMENDMENT.** Subdivision b of subsection 2 of section 26.1-36-08 of the
28 North Dakota Century Code is amended and reenacted as follows:

29 b. In the case of benefits provided for partial hospitalization, the benefits must be
30 provided for a minimum of one hundred twenty days of services covered under
31 this section and section 26.1-36-09 in any calendar year. Services provided

1 under this subdivision must be provided by an addiction treatment program
2 licensed under chapter 50-31. For services provided in ~~regional human service-~~
3 ~~centers~~state-operated behavioral health clinics, charges must be reasonably
4 similar to the charges for care provided by hospitals as defined in this subsection.

5 **SECTION 8. AMENDMENT.** Subdivisions c and d of subsection 2 of section 26.1-36-09 of
6 the North Dakota Century Code are amended and reenacted as follows:

7 c. In the case of benefits provided for partial hospitalization, the benefits must be
8 provided for a minimum of one hundred twenty days of services covered under
9 this section and section 26.1-36-08 in any calendar year. Partial hospitalization
10 must be provided by a hospital as defined under section 52-01-01 and rules of
11 the department of health and human services pursuant thereto or by a ~~regional-~~
12 ~~human service-center~~state-operated behavioral health clinic licensed under
13 section 50-06-05.2, offering treatment for the prevention or cure of mental
14 disorder or other related illness. For services provided in ~~regional human service-~~
15 ~~centers~~state-operated behavioral health clinics, charges must be reasonably
16 similar to the charges for care provided by hospitals as defined in this subsection.

17 d. In the case of benefits provided for residential treatment, the benefits must be
18 provided for a minimum of one hundred twenty days of services covered under
19 this section in any calendar year. Residential treatment services must be
20 provided by a hospital as defined under section 52-01-01 and rules of the
21 department of health and human services; by a ~~regional human service-~~
22 ~~center~~state-operated behavioral health clinic licensed under section 50-06-05.2
23 offering treatment for the prevention or cure of mental disorder or other related
24 illness; or by a residential treatment program. For services provided in a ~~regional-~~
25 ~~human service-center~~state-operated behavioral health clinic, charges must be
26 reasonably similar to the charges for care provided by a hospital as defined in
27 this subsection.

28 **SECTION 9. AMENDMENT.** Subsection 9 of section 43-12.1-04 of the North Dakota
29 Century Code is amended and reenacted as follows:

30 9. A person that provides medications, other than by the parenteral route:
31 a. Within a correctional facility, in compliance with section 12-44.1-29;

- 1 b. Within a psychiatric residential treatment facility for children licensed under
2 chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
3 c. Within a treatment or care center for individuals with developmental disabilities
4 licensed under chapter 25-16;
5 d. Within a group home, a qualified residential treatment program, or an adult foster
6 care facility licensed under section 50-11-01;
7 e. Within the life skills and transition center, to the extent the individual who
8 provides medications is a direct training technician or a vocational training
9 technician as approved by the department of health and human services;
10 f. Within a ~~human service center~~state-operated behavioral health clinic licensed
11 under chapter 50-06; or
12 g. Within a primary or secondary school under a program established under section
13 15.1-19-23 if the individual has received education and training in medication
14 administration and has received written consent of the student's parent or
15 guardian; or
16 h. Who is an employee of a qualified service provider agency who meets the criteria
17 set forth in subsection 2 of section 50-24.1-18.

18 **SECTION 10. AMENDMENT.** Subsection 6 of section 43-41-02 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 6. This chapter does not prevent individuals with master's or doctoral degrees in the field
21 of counseling with specialization in mental health from serving as counselors or
22 therapists in mental health in state institutions or ~~regional human service centers~~state-
23 operated behavioral health clinics, if they do not hold themselves out to the public as
24 social workers.

25 **SECTION 11. AMENDMENT.** Subdivision b of subsection 1 of section 44-04-18.30 of the
26 North Dakota Century Code is amended and reenacted as follows:

- 27 b. "Public social services agency" means a state, county, or local public agency that
28 provides human services, and includes ~~regional human service centers~~state-
29 operated behavioral health clinics, ~~county social services~~human service zone
30 boards, ~~multicounty social services districts~~human service zones, and the
31 department of health and human services.

1 **SECTION 12. AMENDMENT.** Section 50-06-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-06-01. Definitions.**

4 As used in this chapter, unless the context otherwise requires:

- 5 1. "Behavioral health" means the planning and implementation of preventive,
6 consultative, diagnostic, treatment, crisis intervention, rehabilitative, and suicide
7 prevention services for individuals with mental, emotional, or substance use disorders,
8 and psychiatric conditions.
- 9 2. "Behavioral health provider" means any licensed or accredited behavioral health
10 provider in this state.
- 11 3. "Certified community behavioral health clinic" means a private or public behavioral
12 health clinic or a state-operated behavioral health clinic designated by the department
13 to deliver a comprehensive range of mental health and substance use disorder
14 services in accordance with the certification criteria set forth by the department.
- 15 4. "Department" means the department of health and human services.
- 16 ~~4.5.~~ "Human services" means:
 - 17 a. A service or assistance provided to an individual or an individual's family in need
18 of services or assistance, including child welfare services, economic assistance
19 programs, medical services programs, and aging services programs, to assist the
20 individual or the individual's family in achieving and maintaining basic
21 self-sufficiency, including physical health, mental health, education, welfare, food
22 and nutrition, and housing.
 - 23 b. A service or assistance provided, administered, or supervised by the department
24 in accordance with chapter 50-06.
 - 25 c. Licensing duties as administered or supervised by the department or delegated
26 by the department to a human service zone.
- 27 6. "State-operated behavioral health clinic" means a department-operated behavioral
28 health clinic established under section 50-06-05.2.

29 **SECTION 13. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **50-06-01.4. Structure of the department.**

2 1. The department includes the state hospital, the ~~regional human service centers~~state-
3 operated behavioral health clinics, a vocational rehabilitation unit, public health
4 division, and other units or offices and administrative and fiscal support services as the
5 commissioner of the department determines necessary. The department must be
6 structured to promote efficient and effective operations and, consistent with fulfilling its
7 prescribed statutory duties, shall act as the official agency of the state in the discharge
8 of the following functions not otherwise by law made the responsibility of another state
9 agency:

- 10 a. Administration of programs for children and families, including adoption services
11 and the licensure of child-placing agencies, foster care services and the licensure
12 of foster care arrangements, certification of shelter care services, child protection
13 services, children's trust fund, licensure of early childhood programs, refugee
14 services, in-home community-based services, quality control, and administration
15 of the interstate compacts on the placement of children and juveniles.
- 16 b. Administration of programs for individuals with developmental disabilities,
17 including licensure of facilities and services, the establishment funding for family
18 members and corporate guardianships, and the design and implementation of a
19 community-based service system for persons in need of habilitation.
- 20 c. Administration of aging service programs, including nutrition, transportation,
21 advocacy, social, ombudsman, recreation, and related services funded under the
22 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and
23 community-based services, licensure of adult foster care homes, and the
24 committee on aging.
- 25 d. Administration of behavioral health programs, including reviewing and identifying
26 service needs and activities in the state's behavioral health system in an effort to
27 ensure health and safety, access to services, and quality of services; establishing
28 quality assurance standards for the licensure of substance use disorder program
29 services and facilities; providing policy leadership in partnership with public and
30 private entities; and providing chronic disease management, regional intervention

- 1 services, and twenty-four-hour crisis services for individuals with behavioral
2 health disorders.
- 3 e. Administration of economic assistance programs, including temporary assistance
4 for needy families, the supplemental nutrition assistance program, home energy
5 assistance, child care assistance, refugee assistance, work experience, work
6 incentive, and quality control.
- 7 f. Administration of medical service programs, including medical assistance for
8 children's health insurance program, Medicaid waivers, early and periodic
9 screening, diagnosis and treatment, utilization control, autism services, and
10 claims processing.
- 11 g. Administration of general assistance.
- 12 h. Administration of child support.
- 13 i. Administration of program, services, and licensing outlined in title 23 and other
14 previous duties of the state department of health and state health council.
- 15 2. The commissioner of the department or commissioner's designee shall consult with
16 and maintain a close working relationship with the department of corrections and
17 rehabilitation and the superintendents of the school for the deaf and the North Dakota
18 vision services - school for the blind to develop programs for individuals with
19 developmental disabilities; and with the superintendent of public instruction to
20 maximize the use of resource persons in ~~regional human service centers~~state-
21 operated behavioral health clinics in the provision of special education services. The
22 commissioner of the department or commissioner's designee shall also maintain a
23 close liaison with human service zones.
- 24 3. ~~By August 1, 2019, the~~The department shall establish a template for the development
25 of human service zone plans, including process and content requirements, access
26 point expectations, client grievances procedures, human resources, and locally funded
27 programs or services and how those services will be addressed.
- 28 4. The department shall develop, with assistance from the North Dakota association of
29 counties, a process for consultation and technical assistance for human service zone
30 working groups ~~by August 1, 2019.~~

1 **SECTION 14. AMENDMENT.** Section 50-06-01.7 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-06-01.7. Behavioral health division - Administration - Fees.**

- 4 1. The department shall ~~administratively restructure the behavioral health division to~~
5 ~~require the division to~~ develop and revise, when necessary, the state mental health
6 plan and provide the behavioral health division the authority to implement and
7 supervise a unified mental health delivery system and to assure the mental health
8 services provided by the ~~human service centers~~state-operated behavioral health
9 clinics, the state hospital, and contracted services are in accordance with the state
10 plan.
11 2. The behavioral health division may establish nonrefundable application fees not to
12 exceed three hundred dollars for administration and enforcement of licensing and
13 certification activities. The department shall adopt rules as necessary to implement
14 this section. All fees collected under this section must be paid to the behavioral health
15 division and must be used to defray the cost of administering and enforcing licensing
16 and certification activities.

17 **SECTION 15. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-06-05.1. Powers and duties of the department. (Effective through June 30, 2027)**

20 The department has the following powers and duties to be administered by the department
21 through its state office or ~~regional human service centers~~state-operated behavioral health
22 clinics, human service zones, or otherwise as directed by the department:

- 23 1. To act as the official agency of the state in any social welfare or human service activity
24 initiated by the federal government not otherwise by law made the responsibility of
25 another state agency.
26 2. To administer, allocate, and distribute any state and federal funds that may be made
27 available for the purpose of providing financial assistance, care, and services to
28 eligible persons and families who do not have sufficient income or other resources to
29 provide a reasonable subsistence compatible with decency and health.
30 3. To provide preventive, rehabilitative, and other human services to help families and
31 individuals to retain or attain capability for independence or self-care.

Sixty-ninth
Legislative Assembly

- 1 4. To do needed research and study in the causes of social problems and to define
2 appropriate and effective techniques in providing preventive and rehabilitative
3 services.
- 4 5. To provide for the study, and to promote the well-being, of a child in need of protection,
5 a child in need of services, and delinquent children.
- 6 6. To provide for the placing and supervision of children in need of substitute parental
7 care, subject to the control of any court having jurisdiction and control of any such
8 child.
- 9 7. To recommend appropriate human services related legislation to the legislative
10 assembly.
- 11 8. To direct and supervise human service zone activities and administer a statewide
12 program for state-funded human services, staffing, and administration costs related to
13 the administration of human services.
- 14 9. To secure, hold, and administer for the purpose for which it is established any property
15 and any funds donated to it either by will or deed, or otherwise, or through court order
16 or otherwise available to the department, and to administer those funds or property in
17 accordance with the instructions in the instrument creating them or in accordance with
18 the instructions in the court order or otherwise.
- 19 10. To formulate standards and make appropriate inspections and investigations in
20 accordance with such standards in connection with all licensing activities delegated by
21 law to the department, including early childhood programs, nonmedical adult care
22 facilities and maternity homes, and persons or organizations receiving and placing
23 children, and to require those facilities, persons, and organizations to submit reports
24 and information as the department may determine necessary.
- 25 11. To permit the making of any surveys of human service needs and activities if
26 determined to be necessary.
- 27 12. To issue subpoenas, administer oaths, and compel attendance of witnesses and
28 production of documents or papers whenever necessary in making the investigations
29 provided for herein or in the discharge of its other duties. A subpoena may not be
30 issued to compel the production of documents or papers relating to any private
31 child-caring or child-placing agency or to compel the attendance as a witness of any

- 1 officer or employee of those facilities except upon the order of a judge of the district
2 court of the judicial district in which the facilities are located.
- 3 13. To provide insofar as staff resources permit appropriate human services, including
4 social histories, social or social-psychological evaluations, individual, group, family,
5 and marital counseling, and related consultation, when referred by self, parent,
6 guardian, human service zone, court, physician, or other individual or agency, and
7 when application is made by self (if an adult or emancipated youth), parent, guardian,
8 or agency having custody; also, on the same basis, to provide human services to
9 children and adults in relation to their placement in or return from the life skills and
10 transition center, state hospital, or North Dakota youth correctional center.
- 11 14. To provide insofar as staff resources permit social services, including
12 social-psychological evaluations, predisposition reports, treatment, and aftercare
13 services when requested by the judge of a juvenile court. A court order under section
14 27-20.3-09, 27-20.4-08, or 27-20.4-17 or pursuant to rules adopted by the judicial
15 branch regarding treatment, if available, at the state hospital or life skills and transition
16 center shall comply with the requirements set forth in chapters 25-03.1, 25-03.3, and
17 25-04.
- 18 15. To provide insofar as staff resources permit social services, including
19 social-psychological evaluations, predisposition reports, and treatment, when
20 requested by the judge in a criminal case. A court order under section 12.1-32-02 or
21 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if
22 available, at the state hospital or life skills and transition center shall comply with
23 requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.
- 24 16. To act as the official agency of the state in the administration of the supplemental
25 nutrition assistance program and to direct and supervise human service zone
26 administration of that program. The department with the consent of the legislative
27 assembly or the budget section if the legislative assembly is not in session may
28 terminate the program if the rate of federal financial participation in administrative
29 costs provided under Public Law 93-347 is decreased or limited, or if the state or
30 counties become financially responsible for all or a portion of the coupon bonus
31 payments under the Food Stamp Act. Any request considered by the budget section

1 must comply with section 54-35-02.9. The department may not deny assistance under
2 the supplemental nutrition assistance program to any individual who has been
3 convicted of a felony offense that has as an element the possession, use, or
4 distribution of a controlled substance as defined in section 102(6) of the Controlled
5 Substances Act [21 U.S.C. 802(6)].

6 17. To administer, allocate, and distribute any funds made available for the making of
7 direct cash assistance payments, housing stabilization supports, and rental assistance
8 and to promote cooperation and working agreements with public agencies and
9 including the housing finance agency and department of commerce, and private
10 human service agencies.

11 18. To act as the official agency of the state in the administration of the home energy
12 assistance program; to direct and supervise human service zone administration of that
13 program; and to take such actions, give such directions, and adopt such rules, subject
14 to review in the courts of this state, as may be necessary or desirable to carry out this
15 subsection. For purposes of the administration of the energy assistance program,
16 funds are obligated at the earlier of the time a written commitment is made to pay a
17 vendor or contractor for services or supplies delivered or to be delivered, or at the time
18 payment is made to a vendor or contractor for services or supplies delivered or to be
19 delivered. The provisions of this subsection concerning obligation of funds apply to
20 payments and commitments made on or after July 1, 1991. The department with the
21 consent of the legislative assembly or the budget section if the legislative assembly is
22 not in session may terminate the program if the rate of federal financial participation in
23 administrative costs is decreased or limited to less than fifty percent of total
24 administrative costs, or if the state or counties become financially responsible for all or
25 a portion of the cost of energy assistance program benefits. Any request considered
26 by the budget section must comply with section 54-35-02.9

27 19. To administer, allocate, and distribute any funds made available for the payment of the
28 cost of the special needs of any child under the age of twenty-one years, who is living
29 in an adoptive home and would probably go without adoption except for acceptance by
30 the adopted family, and whose adopted family does not have the economic ability and
31 resources, as established by the department, to take care of the special needs of the

- 1 child, including legal fees, maintenance costs, medical and dental expenses, travel
2 costs, and other costs incidental to the care of the child.
- 3 20. To exercise and carry out any other powers and duties granted the department under
4 state law.
- 5 21. To administer, allocate, and distribute any funds made available for the payment of
6 supervised independent living services, to develop standards regarding a supervised
7 independent living program, to approve supervised independent living services for the
8 purpose of providing foster care placement, and to apply for and administer federal
9 and other funds that may be made available to undertake any of the activities
10 described in this subsection.
- 11 22. With the approval of the governor, to lease or transfer use of any part of the life skills
12 and transition center facilities or properties, located in section thirteen, township one
13 hundred fifty-seven north, range fifty-three west, located in Walsh County, North
14 Dakota, to the federal government, or any public or private agency, organization, or
15 business enterprise, or any worthy undertaking, under the following provisions:
- 16 a. The department determines that the facility or property is not needed to serve
17 any present or reasonably foreseeable need of the life skills and transition center.
- 18 b. The transaction is exempt from the provisions of section 50-06-06.6.
- 19 c. The term of any lease may not exceed ninety-nine years.
- 20 d. All required legal documents, papers, and instruments in any transaction must be
21 reviewed and approved as to form and legality by the attorney general.
- 22 e. Any funds realized by any transaction must be deposited in the state's general
23 fund.
- 24 23. To act as a decedent's successor for purposes of collecting amounts due to the
25 department or human service zone, unless otherwise directed or determined by the
26 department. Any affidavit submitted by the department under section 30.1-23-01 must
27 conform to the requirements of that section except that the affidavit may state that
28 twenty days have elapsed since the death of the decedent.
- 29 24. To provide those services necessary for the department and for human service zones
30 to comply with the provisions of any law, rule, order, or regulation of the United States

- 1 or any federal agency or authority requiring civil service or merit standards or
2 classifications as a condition for providing funds administered by the department.
- 3 25. For purposes of administration of programs, and subject to legislative appropriation,
4 funds are obligated at the time a written commitment is made to pay a vendor or
5 contractor for services or supplies either delivered or to be delivered. This subsection
6 applies to payments and commitments made on or after January 1, 1997.
- 7 26. To determine eligibility for medical assistance and children's health insurance program
8 benefits when the department receives a joint application for these benefits.
- 9 27. To develop a system of services and supports to provide behavioral health services
10 and supports in the community for children at risk of or identified as having a
11 behavioral health condition and for the families of these children. This system must
12 include early intervention, treatment, and recovery services and supports and must
13 interface with, but not include, child protective services or juvenile court.
- 14 28. To provide resources on mental health awareness and suicide prevention to the
15 behavioral health resource coordinator at each public school and to the designated
16 individual at a nonpublic school. The resources must include information on identifying
17 warning signs, risk factors, and the availability of resources in the community, ~~and also~~
18 ~~must include an evidence-based, online virtual mental health and suicide prevention-~~
19 ~~simulation-based training program that incorporates hands-on practice, contextual~~
20 ~~learning, and personalized feedback through interactive role-playing. The provisions of~~
21 ~~chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention-~~
22 ~~simulation-based training program under this subsection.~~
- 23 29. To administer, allocate, and distribute any funds made available for kinship care
24 services and payments and services in response to the federal Family First Prevention
25 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 26 30. To contract with another human service zone or any other public or private person to
27 discharge any of the department's duties or exercise any of the department's powers
28 to administer human services.
- 29 31. To act on behalf of the department of public instruction to administer part B,
30 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229
31 Stat. 2647; 20 U.S.C. 1411 et seq.].

- 1 32. In the event of a disruption of operations, to provide meals at a fair value or without a
2 charge to employees of the department at the North Dakota state hospital, life skills
3 and transition center, and ~~regional human service centers~~state-operated behavioral
4 health clinics twenty-four hour staffed residential units as required by the job
5 assignments of the employees.
- 6 33. May pay a stipend, within the limit of legislative appropriation, to a recipient or a
7 provider of a recipient receiving assistance or services under any program
8 administered by or under the supervision and direction of the department to allow the
9 recipient or provider to serve on a council or board.
- 10 34. Notwithstanding any other requirements, to appeal an order of a judge of the district
11 court or juvenile court that orders the department to perform or provide a function,
12 service, or duty.
- 13 35. To require providers that receive funding from the department to submit process and
14 outcome measures to the department for programs and services supported by state
15 funding for the department to evaluate the administration of the programs and services
16 using the appropriation.

17 **Powers and duties of the department. (Effective after June 30, 2027)** The department
18 has the following powers and duties to be administered by the department through its state
19 office or ~~regional human service centers~~state-operated behavioral health clinics, human service
20 zones, or otherwise as directed by the department:

- 21 1. To act as the official agency of the state in any social welfare or human service activity
22 initiated by the federal government not otherwise by law made the responsibility of
23 another state agency.
- 24 2. To administer, allocate, and distribute any state and federal funds that may be made
25 available for the purpose of providing financial assistance, care, and services to
26 eligible persons and families who do not have sufficient income or other resources to
27 provide a reasonable subsistence compatible with decency and health.
- 28 3. To provide preventive, rehabilitative, and other human services to help families and
29 individuals to retain or attain capability for independence or self-care.

Sixty-ninth
Legislative Assembly

- 1 4. To do needed research and study in the causes of social problems and to define
2 appropriate and effective techniques in providing preventive and rehabilitative
3 services.
- 4 5. To provide for the study, and to promote the well-being, of a child in need of protection,
5 a child in need of services, and delinquent children.
- 6 6. To provide for the placing and supervision of children in need of substitute parental
7 care, subject to the control of any court having jurisdiction and control of any such
8 child.
- 9 7. To recommend appropriate human services related legislation to the legislative
10 assembly.
- 11 8. To direct and supervise human service zone activities and administer a statewide
12 program for state-funded human services, staffing, and administration costs related to
13 the administration of human services.
- 14 9. To secure, hold, and administer for the purpose for which it is established any property
15 and any funds donated to it either by will or deed, or otherwise, or through court order
16 or otherwise available to the department, and to administer those funds or property in
17 accordance with the instructions in the instrument creating them or in accordance with
18 the instructions in the court order or otherwise.
- 19 10. To formulate standards and make appropriate inspections and investigations in
20 accordance with such standards in connection with all licensing activities delegated by
21 law to the department, including early childhood programs, nonmedical adult care
22 facilities and maternity homes, and persons or organizations receiving and placing
23 children, and to require those facilities, persons, and organizations to submit reports
24 and information as the department may determine necessary.
- 25 11. To permit the making of any surveys of human service needs and activities if
26 determined to be necessary.
- 27 12. To issue subpoenas, administer oaths, and compel attendance of witnesses and
28 production of documents or papers whenever necessary in making the investigations
29 provided for herein or in the discharge of its other duties. A subpoena may not be
30 issued to compel the production of documents or papers relating to any private
31 child-caring or child-placing agency or to compel the attendance as a witness of any

- 1 officer or employee of those facilities except upon the order of a judge of the district
2 court of the judicial district in which the facilities are located.
- 3 13. To provide insofar as staff resources permit appropriate human services, including
4 social histories, social or social-psychological evaluations, individual, group, family,
5 and marital counseling, and related consultation, when referred by self, parent,
6 guardian, human service zone, court, physician, or other individual or agency, and
7 when application is made by self (if an adult or emancipated youth), parent, guardian,
8 or agency having custody; also, on the same basis, to provide human services to
9 children and adults in relation to their placement in or return from the life skills and
10 transition center, state hospital, or North Dakota youth correctional center.
- 11 14. To provide insofar as staff resources permit social services, including
12 social-psychological evaluations, predisposition reports, treatment, and aftercare
13 services when requested by the judge of a juvenile court. A court order under section
14 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding
15 treatment, if available, at the state hospital or life skills and transition center shall
16 comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.
- 17 15. To provide insofar as staff resources permit social services, including
18 social-psychological evaluations, predisposition reports, and treatment, when
19 requested by the judge in a criminal case. A court order under section 12.1-32-02 or
20 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if
21 available, at the state hospital or life skills and transition center shall comply with
22 requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.
- 23 16. To act as the official agency of the state in the administration of the supplemental
24 nutrition assistance program and to direct and supervise human service zone
25 administration of that program. The department with the consent of the legislative
26 assembly or the budget section if the legislative assembly is not in session may
27 terminate the program if the rate of federal financial participation in administrative
28 costs provided under Public Law 93-347 is decreased or limited, or if the state or
29 counties become financially responsible for all or a portion of the coupon bonus
30 payments under the Food Stamp Act. Any request considered by the budget section
31 must comply with section 54-35-02.9. The department may not deny assistance under

1 the supplemental nutrition assistance program to any individual who has been
2 convicted of a felony offense that has as an element the possession, use, or
3 distribution of a controlled substance as defined in section 102(6) of the Controlled
4 Substances Act [21 U.S.C. 802(6)].

5 17. To administer, allocate, and distribute any funds made available for the making of
6 direct cash assistance payments, housing stabilization supports, and rental assistance
7 and to promote cooperation and working agreements with public agencies and
8 including the housing finance agency and department of commerce, and private
9 human services agencies.

10 18. To act as the official agency of the state in the administration of the home energy
11 assistance program; to direct and supervise human service zone administration of that
12 program; and to take such actions, give such directions, and adopt such rules, subject
13 to review in the courts of this state, as may be necessary or desirable to carry out this
14 subsection. For purposes of the administration of the energy assistance program,
15 funds are obligated at the earlier of the time a written commitment is made to pay a
16 vendor or contractor for services or supplies delivered or to be delivered, or at the time
17 payment is made to a vendor or contractor for services or supplies delivered or to be
18 delivered. The provisions of this subsection concerning obligation of funds apply to
19 payments and commitments made on or after July 1, 1991. The department with the
20 consent of the legislative assembly or the budget section if the legislative assembly is
21 not in session may terminate the program if the rate of federal financial participation in
22 administrative costs is decreased or limited to less than fifty percent of total
23 administrative costs, or if the state or counties become financially responsible for all or
24 a portion of the cost of energy assistance program benefits. Any request considered
25 by the budget section must comply with section 54-35-02.9

26 19. To administer, allocate, and distribute any funds made available for the payment of the
27 cost of the special needs of any child under the age of twenty-one years, who is living
28 in an adoptive home and would probably go without adoption except for acceptance by
29 the adopted family, and whose adopted family does not have the economic ability and
30 resources, as established by the department, to take care of the special needs of the

- 1 child, including legal fees, maintenance costs, medical and dental expenses, travel
2 costs, and other costs incidental to the care of the child.
- 3 20. To exercise and carry out any other powers and duties granted the department under
4 state law.
- 5 21. To administer, allocate, and distribute any funds made available for the payment of
6 supervised independent living services, to develop standards regarding a supervised
7 independent living program, to approve supervised independent living services for the
8 purpose of providing foster care placement, and to apply for and administer federal
9 and other funds that may be made available to undertake any of the activities
10 described in this subsection.
- 11 22. With the approval of the governor, to lease or transfer use of any part of the life skills
12 and transition center facilities or properties, located in section thirteen, township one
13 hundred fifty-seven north, range fifty-three west, located in Walsh County, North
14 Dakota, to the federal government, or any public or private agency, organization, or
15 business enterprise, or any worthy undertaking, under the following provisions:
- 16 a. The department determines that the facility or property is not needed to serve
17 any present or reasonably foreseeable need of the life skills and transition center.
- 18 b. The transaction is exempt from the provisions of section 50-06-06.6.
- 19 c. The term of any lease may not exceed ninety-nine years.
- 20 d. All required legal documents, papers, and instruments in any transaction must be
21 reviewed and approved as to form and legality by the attorney general.
- 22 e. Any funds realized by any transaction must be deposited in the state's general
23 fund.
- 24 23. To act as a decedent's successor for purposes of collecting amounts due to the
25 department or human service zone, unless otherwise directed or determined by the
26 department. Any affidavit submitted by the department under section 30.1-23-01 must
27 conform to the requirements of that section except that the affidavit may state that
28 twenty days have elapsed since the death of the decedent.
- 29 24. To provide those services necessary for the department and for human service zones
30 to comply with the provisions of any law, rule, order, or regulation of the United States

- 1 or any federal agency or authority requiring civil service or merit standards or
2 classifications as a condition for providing funds administered by the department.
- 3 25. For purposes of administration of programs, and subject to legislative appropriation,
4 funds are obligated at the time a written commitment is made to pay a vendor or
5 contractor for services or supplies either delivered or to be delivered. This subsection
6 applies to payments and commitments made on or after January 1, 1997.
- 7 26. To determine eligibility for medical assistance and children's health insurance program
8 benefits when the department receives a joint application for these benefits.
- 9 27. To develop a system of services and supports to provide behavioral health services
10 and supports in the community for children at risk of or identified as having a
11 behavioral health condition and for the families of these children. This system must
12 include early intervention, treatment, and recovery services and supports and must
13 interface with, but not include, child protective services or juvenile court.
- 14 28. To provide resources on mental health awareness and suicide prevention to the
15 behavioral health resource coordinator at each school. The resources must include
16 information on identifying warning signs, risk factors, and the availability of resources
17 in the community.
- 18 29. To administer, allocate, and distribute any funds made available for kinship care
19 services and payments and services in response to the federal Family First Prevention
20 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 21 30. To contract with another human service zone or any other public or private person to
22 discharge any of the department's duties or exercise any of the department's powers
23 to administer human services.
- 24 31. To act on behalf of the department of public instruction to administer part B,
25 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229
26 Stat. 2647; 20 U.S.C. 1411 et seq.].
- 27 32. In the event of a disruption of operations, to provide meals at a fair value or without a
28 charge to employees of the department at the North Dakota state hospital, life skills
29 and transition center, and ~~regional human service centers~~state-operated behavioral
30 health clinics twenty-four hour staffed residential units as required by the job
31 assignments of the employees.

- 1 33. May pay a stipend, within the limit of legislative appropriation, to a recipient or a
2 provider of a recipient receiving assistance or services under any program
3 administered by or under the supervision and direction of the department to allow the
4 recipient or provider to serve on a council or board.
- 5 34. Notwithstanding any other requirements, to appeal an order of a judge of the district
6 court or juvenile court that orders the department to perform or provide a function,
7 service, or duty.
- 8 35. To require providers that receive funding from the department to submit process and
9 outcome measures to the department for programs and services supported by state
10 funding for the department to evaluate the administration of the programs and services
11 using the appropriation for the program or service.

12 **SECTION 16. AMENDMENT.** Section 50-06-05.2 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-06-05.2. Regional human service centersState-operated behavioral health clinics -**
15 **Licensure.**

16 Human

- 17 1. Community-based behavioral health services must be delivered through regional-
18 human service centersstate-operated behavioral health clinics in the areas designated
19 by the governor's executive order 1978-12 dated October 5, 1978. The department
20 shall request appropriations and resources sufficient for accreditation;
21 a. Accreditation and to ensure maintenance of the accreditation for the regional-
22 human service centersstate-operated behavioral health clinics, including
23 associated facilities, by the council on accreditationthe social current or by a
24 similar national accrediting body accepted by the department; and
25 b. Certification as a certified community behavioral health clinic.
- 26 2. The regional human service centersstate-operated behavioral health clinics are
27 subject to licensing or certification by the department. The department may use the
28 accreditation as a basis for licensing in lieu of adopted rules for the operation of the
29 regional human service centersstate-operated behavioral health clinics. The
30 department ~~shall~~ may adopt rules for the operation of the regional human service-
31 centersstate-operated behavioral health clinics. A regional human service centerstate-

1 ~~operated behavioral health clinic~~ may not operate without a license ~~or certification~~
2 issued in accordance with this section ~~or section 30 of this Act~~. ~~Regional human-~~
3 ~~service centers~~ State-operated behavioral health clinics are authorized to receive
4 federal and other funds available to finance, in whole or in part, the services and
5 operations of the ~~centers~~ state-operated behavioral health clinics.

6 **SECTION 17. AMENDMENT.** Section 50-06-05.3 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **~~50-06-05.3. Regional human service centers~~ State-operated behavioral health clinics -**
9 **~~Powers - Duties - Human service advisory~~ Advisory groups.**

- 10 1. ~~Regional human service centers~~ State-operated behavioral health clinics shall provide
11 human services ~~and assistance~~ to all eligible individuals and families to ~~help~~
12 ~~individuals and families achieve or maintain~~ support individuals in achieving social,
13 emotional, and economic self-sufficiency by providing ~~human services and assistance~~
14 to:
- 15 a. ~~Prevent, reduce, or eliminate dependency~~ Build resilience, self-sufficiency, and
16 independence;
 - 17 b. ~~Prevent or reduce inappropriate~~ Support individuals to succeed in the least
18 restrictive environments, reduce the need for institutional care by providing ~~for~~
19 ~~care while institutionalized or providing for~~ access to community-based ~~or and~~
20 ~~other forms of less restrictive~~ supportive services that span the continuum of care;
 - 21 c. ~~Secure referral or admission for institutional care~~ Facilitate access to specialized
22 care when needed and coordinate timely referrals and transitions to appropriate
23 levels of care;
 - 24 d. Provide outpatient diagnostic and treatment services; and
 - 25 e. Provide ~~rehabilitation~~ rehabilitative and crisis services ~~for patients with~~ support for
26 individuals with mental health, emotional, or substance use disorders, an
27 intellectual disability, and other psychiatric conditions, particularly for those
28 ~~patients who have received prior treatment in an~~ challenges, including those with
29 complex needs, to promote continuity of care and successful reentry from
30 ~~inpatient facility~~ settings.

- 1 2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver
2 services in the manner prescribed by the department.
- 3 3. ~~Regional human service centers~~State-operated behavioral health clinics may provide
4 behavioral health collaborative care and consultation services, including psychiatric
5 consultation, with private providers and correctional facility providers.
- 6 4. Each ~~regional human service center~~state-operated behavioral health clinic must have
7 a ~~human services~~behavioral health clinic advisory group consisting of the human
8 service zone directors of the region served, the public health directors of the region
9 served, two current county commissioners appointed by the commissioner of the
10 department or the commissioner's designee, and five additional members appointed
11 by the commissioner of the department or the commissioner's designee. Each
12 behavioral health clinic advisory group member must be a resident of the region the
13 member is appointed to serve. The term of office for each appointed member is two
14 years and arranged so that the term of three of the appointed members expires at the
15 end of the first year and the term of the remaining four appointed members expires at
16 the end of the second year, except for those first members appointed, three members
17 shall serve a one-year term and four members shall serve a two-year term. The
18 commissioner of the department or the commissioner's designee shall select the
19 appointed members of each ~~human service~~behavioral health clinic advisory group on
20 the basis of population of the counties in the region served by the ~~regional human-~~
21 ~~service center~~state-operated behavioral health clinic. Each county in the region must
22 be represented by at least one member on the ~~human service~~behavioral health clinic
23 advisory group. To the extent possible, appointed membership of the behavioral health
24 clinic advisory group must reflect regional interests in the fields of ~~developmental-~~
25 ~~disabilities, social services,~~ mental health, and substance use disorders. The
26 commissioner of the department or the commissioner's designee shall appoint a
27 chairman for each behavioral health clinic advisory group from the membership of the
28 behavioral health clinic advisory group. The commissioner of the department or the
29 commissioner's designee shall fill a vacancy occurring within ~~an~~ behavioral health
30 clinic advisory group for other than the expiration of a term in the same manner as
31 original appointments, except that appointments must be made only for the unexpired

1 term. The department shall compensate appointed members of a human-
2 ~~service~~behavioral health clinic advisory group at the rate of forty-five dollars per day,
3 not to exceed twenty-five days in any one year. The department also shall pay
4 members for mileage and actual expenses incurred in attending meetings and in the
5 performance of their official duties in the amounts provided by law for other state
6 officers.

7 **SECTION 18. AMENDMENT.** Section 50-06-05.4 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **50-06-05.4. Duties of ~~human-service~~behavioral health clinic advisory groups.**

10 Each ~~human-service~~behavioral health clinic advisory group of the ~~regional-human-service-~~
11 ~~centers~~state-operated behavioral health clinics shall perform the following duties:

- 12 1. Provide information to the department relative to needs assessment and the planning
13 and development of ~~health-and-social~~ resources for the effective and efficient delivery
14 of high-quality ~~human~~behavioral health services fully accessible to all citizens.
- 15 2. Review services and programs provided by the ~~regional-human-service-centers~~state-
16 operated behavioral health clinics and make periodic recommendations for
17 improvement in services, programs, or facilities.
- 18 3. Promote cooperation and working agreements with public agencies, including public
19 health and corrections and private ~~human-service~~behavioral health agencies.
- 20 4. Promote local and regional financing from public and private sources.

21 **SECTION 19. AMENDMENT.** Section 50-06-05.5 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **50-06-05.5. Director of ~~regional-center~~state-operated behavioral health clinic -**
24 **Medical director.**

25 Each ~~regional-human-service-center~~state-operated behavioral health clinic must be headed
26 by a regional director appointed by the commissioner of the department. The ~~regional~~state-
27 operated behavioral health clinic director must be accountable to the commissioner of the
28 department or the commissioner's designee. Each ~~regional~~state-operated behavioral health
29 clinic director may employ the staff necessary to discharge the ~~center's~~state-operated
30 behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic
31 director, subject to the approval of the commissioner of the department or the commissioner's

1 designee, and within the limit of legislative appropriations, may make contractual arrangements
2 with public or private agencies or with individuals and organizations to discharge the regional-
3 ~~human service center's~~state-operated behavioral health clinic's service delivery responsibilities.
4 Each regional director shall hire a qualified medical professional who must be designated as the
5 medical director of the ~~center~~state-operated behavioral health clinic. The medical director is
6 responsible for coordinating mental health and medically related services. The medical
7 director's position may be part time or full time as determined appropriate by the ~~regional~~state-
8 operated behavioral health clinic director, with the concurrence of the commissioner of the
9 department or the commissioner's designee. As used in this section, "qualified medical
10 professional" means a board-eligible or board-certified psychiatrist, when such an individual can
11 be employed, and when this is not possible, an individual possessing at least a medical degree.

12 **SECTION 20. AMENDMENT.** Section 50-06-06.2 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

15 Within the limits of legislative appropriation therefor and in accordance with rules
16 established by the department, the department may defray the costs of preventive diagnostic,
17 therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible
18 individuals by ~~regional human service centers~~state-operated behavioral health clinics or
19 designated behavioral health providers. Within the limits of legislative appropriations and to the
20 extent permitted by state and federal law and regulations established thereunder, it is the intent
21 of the legislative assembly that federal funds available under title XIX of the Social Security Act
22 [42 U.S.C. 1396 et seq.] be utilized to defray the costs of identifiable mental health clinic
23 services furnished eligible individuals in ~~regional human service centers~~state-operated
24 behavioral health clinics and that federal funds available under title XX of the Social Security Act
25 [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable human services furnished
26 to eligible individuals by human service zones and ~~regional human service centers~~state-
27 operated behavioral health clinics.

28 **SECTION 21. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **50-06-06.5. Continuum of services for individuals with serious and persistent mental**
2 **illness.**

- 3 1. The department shall develop a plan for an integrated, multidisciplinary continuum of
4 services for individuals with serious and persistent mental illness. The continuum may
5 consist of an array of services provided by private mental health professionals, private
6 agencies, human service zones, ~~regional human service centers~~state-operated
7 behavioral health clinics, community-based residential care and treatment facilities,
8 and private and public inpatient psychiatric hospitals. ~~When appropriate, access to the~~
9 ~~continuum must be through regional human service centers.~~ Within the limits of
10 legislative appropriations, the plan for a continuum may include:
- 11 a. Programs, and appropriate related facilities, to provide socialization skills.
 - 12 b. Programs, and appropriate related facilities, to provide basic living skills.
 - 13 c. Appropriate residential facilities and other housing options.
 - 14 d. Appropriate training, placement, and support to enhance potential for
15 employment.
 - 16 e. Appropriate delivery and control of necessary medication.
 - 17 f. Appropriate economic assistance.
 - 18 g. An inpatient facility with appropriate programs to respond to persons who require
19 hospitalization.
 - 20 h. Peer and recovery support.
 - 21 i. Crisis service that is available twenty-four hours a day seven days a week.
- 22 2. The continuum of care must provide that a person requiring treatment be submitted to
23 the least restrictive available conditions necessary to achieve the purposes of
24 treatment. The department shall ensure appropriate cooperation with human service
25 zones and private providers in achieving the continuum of care.

26 **SECTION 22. AMENDMENT.** Section 50-06-06.13 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-06-06.13. Treatment services for children with serious emotional disorders.**

- 29 1. The department shall establish a program to provide out-of-home treatment services
30 for a Medicaid-eligible child with a serious emotional disorder. The department may
31 not require a parent or legal guardian to transfer legal custody of the child in order to

1 have the child placed in an out-of-home treatment program if the sole reason for the
2 placement is the need to obtain services for the child's emotional or behavioral
3 problems. With departmental approval, a parent with legal and physical custody or a
4 legal guardian of the child may obtain treatment services for the child through the
5 program. A parent without physical custody of a child, who disagrees with a child's
6 treatment under this section, may request a judicial determination regarding the child's
7 treatment.

- 8 2. The department may establish a program to prevent out-of-home placement for a
9 Medicaid-eligible child with a behavior health condition as defined in the "Diagnostic
10 and Statistical Manual of Mental Disorders", American psychiatric association, fifth
11 edition, text revision (2013).

12 **SECTION 23. AMENDMENT.** Subsections 1 and 3 of section 50-06-15 of the North Dakota
13 Century Code are amended and reenacted as follows:

- 14 1. Individually identifiable information concerning an individual applying for or receiving
15 assistance or services under any program administered by or under the supervision
16 and direction of the department is confidential, except that any such information,
17 including an individual's social security number, may be used and disclosed:
- 18 a. In the administration of any such program;
 - 19 b. In accordance with a program's participation in the department's master client
20 index data matching system, unless prohibited by federal law;
 - 21 c. As specifically authorized by the rules of the department; ~~or~~
 - 22 d. As permitted or required by other law; or
 - 23 e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and
24 the department's rules, within and between the department's divisions to assist
25 with or to provide assistance or services under any program administered by or
26 under the supervision and direction of the department. The disclosure of
27 information under this subdivision must comply with applicable federal laws and
28 regulations.
- 29 3. As used in this section, "individually identifiable information" means information,
30 including an individual's name, address, telephone number, facsimile number, social
31 security number, electronic mail address, program identification number, protected

1 health information, personally identifiable information, or any other unique identifying
2 number, characteristic, or code, as well as demographic information collected from an
3 individual, that:

4 a. Is created or received by the department; and

5 b. Relates to:

6 (1) The past, present, or future assistance or services applied for or received by
7 an individual under any program administered by or under the supervision
8 and direction of the department that identifies the individual or with respect
9 to which there is a reasonable basis to believe the information can be used
10 to identify the individual; or

11 (2) A report, or any other information obtained, concerning an applicant or a
12 provider of or an individual applying for or receiving assistance or services
13 under any program administered by or under the supervision and direction
14 of the department.

15 **SECTION 24. AMENDMENT.** Section 50-06-33 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **50-06-33. Dementia care services.**

18 As used in this section, "dementia" means the condition of an individual involving loss of
19 memory and impairment of cognitive functions severe enough to interfere with the individual's
20 daily life. The department shall contract with a private provider for a dementia care services
21 program in each area of the state served by a ~~regional human service center~~state-operated
22 behavioral health clinic. The dementia care services must include:

23 1. Identifying available services within the region;

24 2. Providing information to medical professionals, law enforcement, and the public
25 regarding the symptoms of dementia, the benefits of early detection and treatment,
26 and the services available to individuals with dementia and their caregivers;

27 3. Assessing the needs of individuals with dementia and their caregivers;

28 4. Training care providers to manage and provide for the care of individuals with
29 dementia;

30 5. Providing consultation services to individuals with dementia and their caregivers; and

- 1 6. Facilitating the referral of individuals with dementia and their caregivers to appropriate
2 care and support services.

3 **SECTION 25. AMENDMENT.** Section 50-06-41.3 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-06-41.3. Behavioral health bed management system.**

- 6 1. The department shall establish and maintain a behavioral health bed management
7 system to improve utilization of behavioral health bed capacity.
- 8 2. Public and private providers of residential or inpatient behavioral health services,
9 except the department of corrections and rehabilitation and geropsychiatric facilities,
10 shall participate in and report daily.
- 11 3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight
12 hours of a bed becoming available.
- 13 4. Public and private providers of residential or inpatient behavioral health services
14 required to participate in and report to the department shall provide the information
15 and documentation necessary to maintain the behavioral health bed management
16 system in the form and manner prescribed by the department, unless otherwise
17 specified.

18 **SECTION 26. AMENDMENT.** Subsection 1 of section 50-06-42 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 1. The department shall establish and administer, within the limits of legislative
21 appropriations, a voucher system to address underserved areas and gaps in the
22 state's substance abuse treatment system and to assist in the payment of addiction
23 treatment services provided by licensed substance abuse treatment programs,
24 excluding ~~regional human service centers~~ state-operated behavioral health clinics and
25 hospital- or medical clinic-based programs for medical management of withdrawal. An
26 out-of-state licensed substance abuse treatment program located within a bordering
27 state may participate in the voucher program to serve an underserved area of this
28 state pursuant to the rules adopted by the department. The department shall develop
29 rules to include processes and requirements for an out-of-state provider to receive
30 reimbursement only for outpatient and community-based services upon a provider
31 completing an assessment of need and receiving approval from the department.

1 **SECTION 27. AMENDMENT.** Subsection 1 of section 50-06-42.1 of the North Dakota
2 Century Code is amended and reenacted as follows:

- 3 1. A licensed substance abuse treatment program, excluding ~~regional human service-~~
4 ~~centers~~state-operated behavioral health clinics and hospital or medical clinic-based
5 programs for medical management of withdrawal, may apply for a competitive
6 substance use disorder treatment voucher system grant. A licensed substance abuse
7 treatment program is eligible for a one-time grant award. To receive a grant, a licensed
8 substance abuse treatment program shall:
- 9 a. Submit an application in the form and manner prescribed by the department;
 - 10 b. Enter a grant agreement with the department;
 - 11 c. Use grant funds for a licensed substance abuse treatment program with fewer
12 than seventeen beds in an underserved area, as determined by the department,
13 in the state's substance abuse treatment system;
 - 14 d. Use the grant funds to support the provision of substance use disorder treatment
15 in underserved areas of the state's substance abuse treatment system;
 - 16 e. Provide and disclose information needed to comply with the department's data
17 collection requirements; and
 - 18 f. Operate in compliance with grant requirements.

19 **SECTION 28. AMENDMENT.** Section 50-06-46 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-06-46. Cross-disability advisory council - Appointment - Duties. (Expired effective**
22 **August 1, ~~2025~~2027)**

- 23 1. The cross-disability advisory council shall participate with and provide feedback to the
24 department regarding the implementation, planning, and design of the cross-disability
25 children's waiver, level of care reform for the comprehensive developmental disabilities
26 Medicaid home and community-based waiver, and a service option that will allow
27 payment to a legally responsible individual who provides extraordinary care to an
28 eligible individual through the Medicaid 1915(c) waivers. This subsection does not
29 apply to the Medicaid 1915(c) home and community-based services aged and
30 disabled waivers.

- 1 2. The department shall contract with a qualified, independent third party to facilitate and
2 provide support services to the council. The contracted facilitator and the department
3 shall appoint the cross-disability advisory council members in accordance with
4 subsection 3 and establish the length of member terms and the structure of the
5 cross-disability advisory council. A representative from the contracted facilitator shall
6 serve as the presiding officer of the advisory council.
- 7 3. The cross-disability advisory council consists of ~~up to~~ fifteen voting members. ~~A~~
8 majority of the members of the council must be family members of individuals with a
9 disability, ~~or must be~~ who represent a broad range of disabilities and regions of the
10 state. The members are:
- 11 a. Two individuals with a disability, who receive Medicaid home and
12 community-based services. ~~The remaining members of the council must be~~
13 ~~appointed based on their professional subject matter expertise in or knowledge of~~
14 ~~the needs and interests of individuals with disabilities. The council's membership~~
15 ~~must represent different regions of the state and a broad range of disabilities that~~
16 ~~pertain to the Medicaid home and community-based services.;~~
- 17 b. One individual with a developmental disability or who is Medicaid qualified, who
18 does not receive Medicaid home or community-based services;
- 19 c. Four individuals representing diverse organizations advocating for individuals
20 with disabilities;
- 21 d. One individual who is a provider or representative of developmental disability
22 services;
- 23 e. One individual representing an organization and advocating for individuals with
24 behavioral health needs;
- 25 f. One individual representing an organization advocating for individuals with fetal
26 alcohol spectrum disorder;
- 27 g. One individual representing tribal communities, with a focus on disability
28 services;
- 29 h. Two individuals who are parents or guardians of children under the age of
30 eighteen with disabilities; and

1 i. Two individuals who are parents or guardians of individuals age eighteen or over
2 with disabilities.

3 4. Upon request of the department, state agency representatives shall participate with
4 the cross-disability advisory council in a nonvoting role.

5 4.5. The cross-disability advisory council shall meet at least quarterly and may appoint
6 subcommittees to address specific topics or disabilities, which may include autism
7 spectrum disorder, traumatic brain injury, and fetal alcohol spectrum disorder. A
8 majority of the voting members of the council constitutes a quorum.

9 5.6. The cross-disability advisory council shall:

10 a. Discuss strategies to address gaps or needs regarding individuals with
11 disabilities and Medicaid home and community-based services, including
12 eligibility of legally responsible individuals;

13 b. Provide for the active participation of stakeholders, including consumers and
14 providers; and

15 c. Receive information from the department and its consultants.

16 6.7. The cross-disability advisory council members, excluding the contracted facilitator, are
17 entitled to reimbursement from the department for travel and lodging at the same rate
18 as provided for state officers and employees.

19 **SECTION 29.** A new section to chapter 50-06 of the North Dakota Century Code is created
20 and enacted as follows:

21 **Certified community behavioral health clinics - Rules.**

22 1. To operate in this state, a certified community behavioral health clinic must be certified
23 by the department.

24 2. The department shall adopt rules for the certification of community behavioral health
25 clinics, including assessment of need in the proposed location.

26 3. The department may deny a request to become or revoke a certified community
27 behavioral health clinic's certification based on failure to comply with the rules adopted
28 by the department or deny a request to become a certified community behavioral
29 health clinic based on the assessment of need determination.

30 **SECTION 30.** A new section to chapter 50-06 of the North Dakota Century Code is created
31 and enacted as follows:

1 **Financing of health and human services.**

- 2 1. The powers and duties carried out by the department under this title may be financed
3 out of a special fund within the state treasury to be known as the health and human
4 services operating special fund;
- 5 2. The commissioner of the department or the commissioner's designee and the state
6 treasurer shall deposit in the health and human services operating special fund, at
7 such times as they may become available;
- 8 a. All moneys received from any of the counties within the state;
- 9 b. All moneys received from the United States under the provisions of the Social
10 Security Act;
- 11 c. Such moneys as may be periodically required from legislative appropriations for
12 department purposes; and
- 13 d. All public moneys received from any other source.
- 14 3. Expenditures made under this title must be paid upon vouchers prepared by the office
15 of management and budget drawn on the state treasurer against the health and
16 human services operating special fund and signed by the state auditor and state
17 treasurer after approval by the office of management and budget. Expenditures to be
18 supported by itemized vouchers must be signed by the commissioner of the
19 department or by the commissioner's designee and certified to the office of
20 management and budget.
- 21 4. Any funds received from federal agencies must be deposited and disbursed as
22 provided and in accordance with Acts of Congress or the regulations of the federal
23 agencies from which the funds were received.

24 **SECTION 31. AMENDMENT.** Section 50-06.2-01 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **50-06.2-01. Purpose - Interpretation.**

27 It is the purpose of this chapter to establish a system for planning, coordinating, and
28 providing comprehensive human services administered by human service zones and human
29 ~~service centers~~state-operated behavioral health clinics. This chapter must be construed to
30 effectuate the following public purposes:

- 1 1. To help individuals or their families to achieve, maintain, or support the highest
- 2 attainable level of personal independence and economic self-sufficiency.
- 3 2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults
- 4 unable to protect their own interests.
- 5 3. To provide a continuum of community-based services adequate to appropriately
- 6 sustain individuals in their homes and in their communities and to delay or prevent
- 7 institutional care.
- 8 4. To preserve, rehabilitate, and reunite families.
- 9 5. To assist in securing referral or admission of individuals to institutional care when other
- 10 forms of care are not appropriate.

11 **SECTION 32. AMENDMENT.** Section 50-06.2-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-06.2-02. Definitions.**

14 As used in this chapter:

- 15 1. "Comprehensive human services" means services included in the comprehensive
- 16 human services plan published by the state agency and human services required by
- 17 state law or state agency regulation or federal law or regulation as a condition for the
- 18 receipt of federal financial participation in programs administered under the provisions
- 19 of this title.
- 20 2. "Family home care" means the provision of room, board, supervisory care, and
- 21 personal services to an eligible elderly or disabled person by the spouse or by one of
- 22 the following relatives, or the current or former spouse of one of the following relatives,
- 23 of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult
- 24 grandchild, adult niece, or adult nephew. The family home care provider need not be
- 25 present in the home on a twenty-four-hour basis if the welfare and safety of the client
- 26 is maintained.
- 27 3. ~~"Human service center" means a regional center established under section-~~
- 28 ~~50-06-05.3.~~
- 29 4. "Human service zone" means a county or consolidated group of counties
- 30 administering human services within a designated area in accordance with an
- 31 agreement or plan approved by the state agency.

1 ~~5.4.~~ "Human service zone plan" means the human service zone plan required by section
2 50-06.2-04.

3 ~~6.5.~~ "Human services" means:

4 a. A service or assistance provided to an individual or an individual's family in need
5 of services or assistance, including child welfare services, economic assistance
6 programs, medical service programs, and aging service programs, to assist the
7 individual or the individual's family in achieving and maintaining basic
8 self-sufficiency, including physical health, mental health, education, welfare, food
9 and nutrition, and housing.

10 b. A service or assistance provided, administered, or supervised by the department
11 in accordance with chapter 50-06.

12 c. Licensing duties as administered or supervised by the department or delegated
13 by the department to a human service zone.

14 ~~7.6.~~ "Qualified service provider" means a human service zone or independent contractor
15 which agrees to meet standards for service and operations established by the state
16 agency.

17 ~~8.7.~~ "State agency" means the department of health and human services.

18 ~~8.~~ "State-operated behavioral health clinic" means a department-operated behavioral
19 health clinic established under section 50-06-05.2.

20 **SECTION 33. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-06.2-03. Powers and duties of the state agency.**

23 ~~1.~~ The state agency has the following powers or duties under this chapter:

24 ~~4.~~ ~~a.~~ To act as the official agency of the state in the administration of the human
25 services for individuals and families in conformity with state and federal
26 requirements.

27 ~~2.~~ ~~b.~~ To prepare, at least biennially, a comprehensive human services plan which
28 must:

29 ~~a.~~ ~~(1)~~ Include human services determined essential in effectuating the purposes of
30 this chapter.

- 1 b- (2) Detail the human services identified by the state agency for provision by
2 human service centers and the services which the human service zones
3 make available in approved human service zone plans as a condition for the
4 receipt of any funds allocated or distributed by the state agency.
- 5 3- c. To make available, through human service zone or ~~human service centers~~state-
6 operated behavioral health clinics, any or all of the services set out in the
7 comprehensive human services plan on behalf of those individuals and families
8 determined to be eligible for those services under criteria established by the state
9 agency.
- 10 4- d. To supervise and direct the comprehensive human services administered by
11 human service zone and ~~human service centers~~state-operated behavioral health
12 clinics through standard-setting, technical assistance, approval of human service
13 zone and regional plans, preparation of the comprehensive human services plan,
14 evaluation of comprehensive human services, and distribution of public money
15 for services.
- 16 5- e. Within the limits of legislative appropriations and at rates determined payable by
17 the state agency, to pay qualified service providers, which meet standards for
18 services and operations, for the provision of the following services as defined in
19 the comprehensive human services plan which are provided to individuals who,
20 on the basis of functional assessments, income, and resources, are determined
21 eligible for the services in accordance with rules adopted by the state agency:
- 22 a- (1) Homemaker services;
23 b- (2) Chore services;
24 e- (3) Respite care;
25 d- (4) Home health aide services;
26 e- (5) Case management;
27 f- (6) Family home care;
28 g- (7) Personal attendant care;
29 h- (8) Adult family foster care; and

