CHAPTER 50-31
SUBSTANCE ABUSE TREATMENT PROGRAMS

50-31-01. Definitions.

1. "Department" means the department of health and human services.
2. "Medication unit" means a facility established as part of, but geographically separate from, an opioid treatment program, from which a licensed practitioner dispenses or administers an opioid treatment medication or collects samples for drug testing or analysis.
3. "Opioid treatment program" means a program through which medication is dispensed in the treatment of opioid addiction.

50-31-02. License required.

A person, partnership, association, corporation, or limited liability company without a license may not establish, conduct, or maintain in this state a substance use disorder treatment program for the care of persons addicted to alcohol or other drugs. The department, in accordance with the laws of this state governing injunctions and other process, may maintain an action in the name of the state against a person, partnership, association, corporation, or limited liability company for establishing, conducting, managing, or operating a substance use disorder treatment program without a license.

50-31-03. Application - Contents.

A person, partnership, association, corporation, or limited liability company desiring a license shall file with the department a verified application containing the name of the applicant, the type of institution to be operated, the location, the name of the individual or individuals in charge, and such other information as the department may require.

50-31-03.1. Fees - Rules.

An applicant for licensure under this chapter shall submit a one hundred fifty dollar nonrefundable fee with the application. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the department and must be used to defray the cost of administering and enforcing this chapter.

50-31-04. Inspection and evaluation of licensed premises.

Every licensed substance use disorder treatment program shall obtain and provide to the department a local or state authority certification as to the safety of the premises. The department shall evaluate every licensed substance use disorder treatment program according to the rules adopted by the department.

50-31-05. Issuance, suspension, and revocation of license.

1. The department may issue licenses to operate substance use disorder treatment programs, for a period of three years, which are found to comply with the provisions of this chapter and rules adopted by the department.
2. The department may suspend or revoke a license if a program violates any of the rules adopted by the department.
3. Before a license may be suspended or revoked, written notice by registered mail, personal delivery, or electronic mail must be given to the licenseholder. The licenseholder must be furnished with a copy of the notice by registered mail or personal delivery. If a license is revoked, a new application for a license may be considered by the department when the conditions upon which the revocation were based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and the applicant has complied with all rules adopted by the department. Within thirty days after service of the written charges, the applicant or licensee may submit to the

department a written request for an administrative hearing as provided in chapter 28-32.

50-31-06. Information confidential.

Client records and client information that are protected under title 42, Code of Federal Regulations, part 2, the Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.], or are specifically excluded from disclosure by other state or federal law, and which are received by the department under this chapter are confidential. As used in this section, client records and client information does not include statistical program information or information regarding an applicant's or provider's programs.

50-31-07. State opioid treatment authority.

The behavioral health division of the department is designated as the state opioid treatment authority.

50-31-08. Opioid treatment programs - Licensure required - Rules.

1. To operate in this state, an opioid treatment program must be granted a license from the department, certification from the United States department of health and human services substance abuse and mental health services administration, and registration from the United States department of justice drug enforcement administration.
2. The department may license a substance use disorder treatment program to operate an opioid treatment program in the state. A separate license is required for each location at which an opioid treatment program is operated under this section.
3. The department shall adopt rules relating to licensing and monitoring opioid treatment programs, including rules for:
   a. Standards for approval and maintenance of license;
   b. Assessment of need for an opioid treatment program in the proposed location;
   c. Patient eligibility for admission to an opioid treatment program;
   d. Treatment standards, including counseling and drug testing requirements; and
   e. Measures to prevent the diversion to illegal use of any drug used by a program to treat an opioid addiction.
4. Each state-licensed opioid treatment program shall submit by electronic means information regarding each prescription dispensed for a controlled substance to the state's prescription drug monitoring program, unless specifically exempted by federal law.

50-31-09. Opioid treatment medication unit - Licensure required - Rules.

1. A medication unit may not operate in this state, unless the unit operates under the license of an opioid treatment program and holds:
   a. A separate registration from the United States department of justice drug enforcement administration; and
   b. A medication unit license under the department.
2. The department may license a medication unit. A separate license is required for each location at which a medication unit is operated under this section.
3. The department shall adopt rules relating to licensing and monitoring a medication unit, including rules for:
   a. Standards for approval and maintenance of licensure;
   b. Assessment of need for a medication unit in the proposed location, including community engagement; and
   c. Standards of patient care.