2023 HOUSE HUMAN SERVICES

HB 1043

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1043
1/11/2023

Relating to licensure of a psychiatric residential treatment facility for children and admission criteria.

Chairman Weisz called the meeting to order at 9:14 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Commitment procedures
- Required experience and qualifications
- Availability of resources

Kelli Ulberg, Manager of Children's Behavioral Health Program and Policy for the Department of Health and Human Services, introduced HB 1043 (#12849)

9:28 AM Chairman Weisz closed the hearing on HB 1043.

Vice Chairman Ruby moved to amend HB 1043. By overstriking, on line 23 Page 2, the words "at least two" and "years of". As well as removing the word "four".

Seconded by Representative Porter.

Voice Vote: Motion carries

Representative Beltz moved a do pass as amended on HB 1043.

Seconded by Representative Dobervich.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y

Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries: 14-0-0.

Bill carried by Representative Holle.

Additional written testimony: Donene Feist, Director for Family Voices of North Dakota (#12769)

Chairman Weisz adjourned the meeting at 9:33 AM.

Phillip Jacobs, Committee Clerk By: Leah Kuball

23.8041.01001
Title.02000

Adopted by the House Human Services Committee

January 11, 2023

JA
1-11-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1043

Page 2, line 23, overstrike "at least two"

Page 2, line 23, remove "four"

Page 2, line 23, overstrike "years of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1043: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 2, line 23, overstrike "at least two"

Page 2, line 23, remove "four"

Page 2, line 23, overstrike "years of"

Renumber accordingly

2023 SENATE HUMAN SERVICES

HB 1043

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1043
2/20/2023

Regarding to licensure of a psychiatric residential treatment facility for children and admission criteria.

10:32 AM **Madam Chair Lee** called the hearing to order. Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan were present.

Discussion Topics:

- Current best practice
- Master's degree to a bachelors' s degree
- Clarity best operation
- Acute stabilization

10:33 AM **Kelli Ulberg Manager of Children's Behavioral Health Programs and Policy with the Department of Health Division,** introduced HB 1043 and testified in favor. #21158, #21159

Additional written testimony:
Kimberly Jacobson, Director, Agassiz Valley Human Service Zone in favor #21137

10:40 AM **Madam Chair** closed the hearing**.**

Senator K. Roers moved to adopt amendment LC 23.8041.02001.

Senator Hogan seconded**.**

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator K. Roers motion DO PASS AS AMENDED.

Senator Hogan seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator K. Roers will carry HB 1043.

11:42 AM **Madam Chair Lee** adjourned the hearing.

Patricia Lahr, Committee Clerk

23.8041.02001
Title.03000

Adopted by the Senate Human Services Committee

February 20, 2023

DR
1 of 1
2-20-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1043

Page 2, line 24, overstrike "in the treatment of" and insert immediately thereafter "working with"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1043, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 24, overstrike "in the treatment of" and insert immediately thereafter "working with"

Renumber accordingly

TESTIMONY

HB 1043

HB1043
House Human Services Committee
Rep Weisz Chair

Representative Weisz and Members of the Committee,

My name is Donene Feist and I am the Director for Family Voices of North Dakota. Our work as you know, includes working with families who have children and youth with disabilities and chronic health conditions.

We stand today in support of HB 1043. We hear from families on a regular basis, the lack of inpatient supports for psychiatric residential treatment facility for children.

In many instances, we have assisted families in locating a facility that would take their child. We have also heard from emergency room administration on how children are held in ER's as there are no beds, straining hospital infrastructure. There is a high need for behavioral health care for children, with often nowhere to go.

Recently, a family contacted us who needed to place their child/youth into a facility for stabilization and med changes. We called every hospital facility in the state and at that time there were no beds. As the youth had been very destructive and unable to stay within the home, the only option was to have him charged and placed in jail.

This is not a helpful option to the youth, family or the community.

Hence in addition to the changes set forth in this bill, there also needs to be an evaluation of the increase of need in inpatient care for children and youth. While we would love home and community based services for these children, there is just not enough access for families in dire need. Hence what are families to do? Some are having to garnish custody in order to get help. This is not a viable option and shouldn't have to be.

Additionally, in the height of Covid, a young youth had made a suicide attempt was inpatient at a hospital but when screened Covid positive was discharged immediately. The only place for her to go was to her grandparents which exposed

them to Covid as well. So not only did this young woman not receive the needed treatment, she also was dismissed as she had Covid and exposed all. Scenarios like these are never good.

Please pass HB 1043, let's protect our children, youth and families.

Donene Feist

Family Voices of ND
701-493-2634
fvnd@drtel.net

Testimony
House Bill No. 1043
House Human Services Committee
Representative Robin Weisz, Chairman

January 11, 2023

Chairman Weisz, and members of the House Human Services Committee, I am Kelli Ulberg, Manager of Children's Behavioral Health Program and Policy with the Department of Health and Human Services (Department), Behavioral Health Division. I appear before you in support of House Bill No. 1043, which was introduced at the request of the Department.

The Behavioral Health Division is responsible for the regulation of Psychiatric Residential Treatment Facilities for children (PRTFs) as prescribed by North Dakota Century Code Chapter 25-03. PRTFs are residential based services that serve children with the most difficult behavioral health needs and who cannot be effectively treated in a less restrictive setting. This bill applies to the six PRTFs licensed in our state.

Section 1

The proposed changes in Section 1 of this Bill amends section 25-03.2-01 of the North Dakota Century Code. The proposed changes on page 2, lines 8 through 14 of this Bill adds a definition of serious risk of harm to align to current best practice.

Section 2

The proposed changes in Section 2 of this Bill amends section 25-03.2-03 of the North Dakota Century Code. The changes on page 2, lines 22 and 23 amends the program director requirements from a master's degree to a bachelor's degree and amends the years of professional experience from two years to four years. The duties of a program director often include human resources, budgeting, scheduling, operations, policies and procedures, and strategic planning.

Section 3

The proposed changes in Section 3 of this Bill amends section 25-03.2-06 of the North Dakota Century Code. The changes on page 3, lines 19 through 27 amends the admission criteria to provide clarity and be in alignment with current best practice and operation.

This concludes my testimony. I would be happy to answer any questions. Thank you.

Testimony Prepared for the
Senate Human Services Committee
February 20, 2023
By: Kim Jacobson, Agassiz Valley Human Service Zone Director

Engrossed HB 1043:

Relating Licensing and Admissions Criteria for Psychiatric Residential Treatment Facilities

Chair Lee and members of the Senate Human Services Committee, my name is Kim Jacobson and I serve as the Director of the Agassiz Valley Human Service Zone. I am here today to provide testimony in support House Bill 1043 that would modify licensing and admissions criteria for admissions to Psychiatric Residential Treatment Facilities (PRTF).

Human Service Zones provide services to the most vulnerable citizens of all ages in our communities. A significant portion of the mandated services we provide are to children and families, focusing on child safety, permanency and well-being. Additionally, when youth are in foster care, Human Service Zone Directors serve as the legal custodian for those children and part of custodial and case management duties include securing the most appropriate placement for the children we are entrusted to serve and protect.

Human Service Zones are charged with coordinating and providing services to children who have been victims of abuse, neglect, as well as those who are exhibiting disruptive behaviors such as truancy and running away. Many of these youth have experienced trauma, but do not currently have the skills or supports to address and overcome the emotional struggles that accompany grief, loss and traumatic events present in their lives.

In our highly rural state, accessing mental health services typically involves travel to one of the larger communities throughout the state. However, even in our larger communities, waiting lists for adolescent psychiatry and therapy services are commonplace. Frequently, the moment when those services are needed most, they are not readily available. This leaves families, foster parents, and legal custodians to triage mental health needs, and often results in multiple placement disruptions, emergency room visits, short term shelter placements, and possibly psychiatric hospitalizations—**if** there is a bed available. This only compounds and exacerbates existing mental health needs, and puts our youth at increased risk of serious harm to themselves or others.

Youth experiencing emergent mental health crises in a community setting are frequently needing to utilize local emergency response services, including law enforcement, ambulance and emergency room visits attempting to mitigate risk of self-harm and to stabilize the crisis. HB 1043 calls for the expansion the definition of "serious risk of harm" for admission into a Psychiatric Residential Treatment Facility will expedite critical, potentially life-saving access to mental health services to North Dakota's youth. This change would be extremely beneficial to human services zones and the children and families we serve.

Please accept my testimony in support of House Bill 1043. I would appreciate your support of this important bill.

Testimony
Engrossed House Bill No. 1043
Senate Human Services Committee
Senator Judy Lee, Chairman
February 20, 2023

Chairman Lee, and members of the Senate Human Services Committee, I am Kelli Ulberg, Manager of Children's Behavioral Health Program and Policy with the Department of Health and Human Services (Department), Behavioral Health Division. I appear before you in support of Engrossed House Bill No. 1043, which was introduced at the request of the Department.

The Behavioral Health Division is responsible for the regulation of Psychiatric Residential Treatment Facilities for children (PRTFs) as prescribed by North Dakota Century Code Chapter 25-03. PRTFs are residential based services that serve children with the most difficult behavioral health needs and who cannot be effectively treated in a less restrictive setting. This bill applies to the six PRTFs licensed in our state.

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The proposed changes in Section 2 of this Bill amends section 25-03.2-03 of the North Dakota Century Code. The changes on page 2, lines 22 and 23 amends the program director requirements from a master's degree to a bachelor's degree and removes the required two years of professional experience requirement. The duties of a program director often include human resources, budgeting, scheduling, operations, policies and procedures, and strategic planning.

Section 3

The proposed changes in Section 3 of this Bill amends section 25-03.2-06 of the North Dakota Century Code. The changes on page 3, lines 19 through 27 amends the admission criteria to provide clarity and be in alignment with current best practice and operation.

The House Human Services committee amended the language on page 2 line 23 to remove the two years of professional experience requirement. To add further clarification, I would like to propose on page 2, line 24 to remove "in the treatment of" and replace with "working with." This proposed change would clarify that the professional experience is not required to be clinical or treatment level experience and would be in alignment with the House Human Services' committee discussion and amendment.

This concludes my testimony. I would be happy to answer any questions. Thank you.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1043

Page 2, line 24, overstrike "in the treatment of" and insert immediately thereafter "working with"

Renumber accordingly