

FIRST ENGROSSMENT
with Senate Amendments

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1425

Introduced by

Representatives Galvin, Grande

Senator Tollefson

1 A BILL for an Act to amend and reenact section 25-16-07 of the North Dakota Century Code,
2 relating to confidentiality of treatment or care center records of developmentally disabled
3 persons.

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

5 **SECTION 1. AMENDMENT.** Section 25-16-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **25-16-07. Records of treatment or care center confidential.**

8 1. No agent of the department of human services or the superintendent of the
9 developmental center at westwood park, Grafton or the licensee or their agents or
10 employees may disclose the contents of the individual records of a treatment or
11 care center for developmentally disabled persons, nor of the reports received
12 therefrom, except:

- 13 ~~4.~~ a. In a judicial proceeding when ordered by the presiding judge;
- 14 ~~2.~~ b. To officers of the law or any other legally constituted boards or agencies
15 serving the interests of the residents; or
- 16 ~~3.~~ c. To the parents, heirs, or legal guardians of the resident.

17 2. For the purposes of this section, an "heir" must be within four degrees of
18 consanguinity. Under this section, an heir is authorized to act as the personal
19 representative of a deceased resident regarding the deceased resident's health
20 records.