

**SENATE BILL NO. 2176**

Introduced by

Senators Heckaman, Mathern

Representatives Rohr, Wallman

1 A BILL for an Act to amend and reenact section 23-01-41 of the North Dakota Century Code,  
2 relating to the autism spectrum disorder database; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 23-01-41 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-01-41. Autism spectrum disorder database - Rulemaking - Confidentiality.**

- 7 1. The state department of health shall establish and administer an autism spectrum  
8 disorder database. The database must include a record of all reported cases of autism  
9 spectrum disorder in the state and any other information determined relevant and  
10 appropriate by the department in order to complete epidemiologic surveys of the  
11 autism spectrum disorder, enable research and analysis of the autism spectrum  
12 disorder, and provide services to individuals with an autism spectrum disorder.
- 13 2. The state department of health shall establish criteria regarding who is qualified to  
14 report a case of autism spectrum disorder to the database. In establishing this criteria,  
15 the department shall require that the reporter be a ~~doctoral-level professional and be~~  
16 ~~appropriately licensed, credentialed, and experienced in the field of autism spectrum-~~  
17 ~~disorder, including intellectual testing and other formal evidenced-based assessments~~  
18 ~~for autism spectrum disorders. The department shall consult with experts in~~  
19 ~~establishing this criteria~~physician or psychologist or any other licensed or certified  
20 health care professional who is qualified by training and by licensure or certification to  
21 make the diagnosis of autism spectrum disorder.
- 22 3. The database established under this section must:

- 1           a.    Include the reported individual's diagnoses under the most recent edition of the  
2                    American psychiatric association's diagnostic and statistical manual of mental  
3                    disorders; and
- 4           b.    ~~Include~~Indicate whether a complete physical evaluation of the reported individual,  
5                    ~~performed by a licensed physician~~was performed by a licensed independent  
6                    practitioner as part of the diagnostic process for autism spectrum disorder.
- 7           4.    The health council shall adopt rules to provide for mandatory reporting to the autism  
8                    spectrum disorder database and to establish reporting requirements, including  
9                    timeliness requirements. A reporter who makes the diagnosis an individual is affected  
10                  with autism spectrum disorder, or the reporter's designee, shall report this diagnosis in  
11                  the form or manner prescribed by the state department of health.
- 12           5.    The state department of health shall keep confidential all records of the database  
13                    which could be used to identify a reported individual; however, the department may  
14                    provide these records to other state agencies as necessary to effect the purposes of  
15                    this database without regard to the confidential nature of the records. If the  
16                    department provides confidential records of the database to a state agency, the  
17                    department shall notify the receiving agency of the confidential nature of the records  
18                    and the receiving agency shall treat these records as confidential.

19           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.