

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2038

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota
2 Century Code, relating to the establishment of a task force on children's behavioral health; to
3 amend and reenact section 15.1-07-34, subsection 1 of section 25-03.1-11, and sections
4 25-03.1-26 and 50-11.1-02.3 of the North Dakota Century Code, relating to behavioral health
5 training for educators and early childhood service providers and to emergency hold limitations
6 for mental health examinations; to provide for a report to the governor and the legislative
7 management; and to repeal sections 15.1-19-19 and 15.1-19-24 of the North Dakota Century
8 Code, relating to professional development training regarding the prevention of bullying and
9 youth suicide.

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

11 **SECTION 1. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-07-34. Provision of youth ~~mental~~behavioral health training to teachers,**
14 **administrators, and ancillary staff.**

15 1. ~~Once every~~Every two years, each school district shall provide a minimum of eight
16 hours of ~~training~~professional development on youth ~~mental~~behavioral health to
17 elementary, middle, and high school teachers, and administrators. Each school district
18 shall encourage ancillary and support staff to participate in the ~~training~~professional
19 development.

20 a. Based on the annual needs assessment of the school district, these hours must
21 be designated from the following categories:

22 (1) Trauma;

23 (2) Social and emotional learning, including resiliency;

24 (3) Suicide prevention;

- 1 (4) Bullying:
2 —The training must include:
3 a. (5) Understanding of the prevalence and impact of youth ~~mental~~behavioral
4 health ~~disorders~~wellness on family structure, education, juvenile services,
5 law enforcement, and health care and treatment providers;
6 b. (6) Knowledge of ~~mental~~behavioral health symptoms, ~~social stigmas, and risks,~~
7 ~~and protective factors; and~~
8 e. (7) Awareness of referral sources and evidence-based strategies for
9 appropriate interventions; or
10 (8) Other evidence-based strategies to reduce risk factors for students.
11 2. Each school district shall report the ~~outcome of the training~~professional development
12 hours to the department of public instruction.
13 3. The superintendent of public instruction shall collaborate with regional education
14 associations to disseminate information, training materials, and notice of training
15 opportunities to school districts and nonpublic schools.

16 **SECTION 2. AMENDMENT.** Subsection 1 of section 25-03.1-11 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 1. The respondent must be examined within a reasonable time by an expert examiner as
19 ordered by the court. If the respondent is taken into custody under the emergency
20 treatment provisions of this chapter, the examination must be conducted within
21 ~~twenty four hours, exclusive of holidays, of custody~~the time limitations set forth in
22 section 25-03.1-26. Any expert examiner conducting an examination under this section
23 may consult with or request participation in the examination by any qualified mental
24 health professional and may include with the written examination report any findings or
25 observations by that mental health professional. This examination report, and that of
26 the independent examiner, if one has been requested, must be filed with the court.
27 The report must contain:
28 a. Evaluations of the respondent's physical condition and mental status.
29 b. A conclusion as to whether the respondent is a person requiring treatment, with a
30 clear explanation of how that conclusion was derived from the evaluation.

- 1 c. If the report concludes that the respondent is a person requiring treatment, a list
2 of available forms of care and treatment that may serve as alternatives to
3 involuntary hospitalization.
- 4 d. The signature of the examiner who prepared the report.

5 **SECTION 3. AMENDMENT.** Section 25-03.1-26 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **25-03.1-26. Emergency procedure - Acceptance of petition and individual - Notice -**
8 **Court hearing set.**

- 9 1. A public treatment facility immediately shall accept and a private treatment facility may
10 accept on a provisional basis the application and the individual admitted under section
11 25-03.1-25. The superintendent or director shall require an immediate examination of
12 the subject and, either within twenty-four hours, exclusive of holidays, after admission
13 or within seventy-two hours after admission, exclusive of holidays, if the individual is
14 admitted with a serious physical condition or illness that requires prompt treatment,
15 shall either ~~release~~;
16 a. Release the individual if the superintendent or director finds that the subject does
17 not meet the emergency commitment standards; or ~~file~~
18 b. File a petition if one has not been filed with the court of the individual's residence
19 or the court which directed immediate custody under subsection 2 of section
20 25-03.1-25, giving notice to the court and stating in detail the circumstances and
21 facts of the case.
- 22 2. Upon receipt of the petition and notice of the emergency detention, the magistrate
23 shall set a date for a preliminary hearing, if the respondent is alleged to be a person
24 who is mentally ill or a person who is both mentally ill and chemically dependent, or a
25 treatment hearing, if the respondent is alleged to be a person who is chemically
26 dependent, to be held no later than four days, exclusive of weekends and holidays,
27 after detention unless the person has been released as a person not requiring
28 treatment, has been voluntarily admitted for treatment, has requested or agreed to a
29 continuance, or unless the hearing has been extended by the magistrate for good
30 cause shown. The magistrate shall appoint counsel if one has not been retained by
31 the respondent.

1 **SECTION 4.** A new section to chapter 50-06 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Task force on children's behavioral health - Membership - Duties - Reports to**
4 **governor and legislative management.**

- 5 1. The task force on children's behavioral health is created for the purpose of assessing
6 and guiding efforts within the children's behavioral health system to ensure a full
7 continuum of care is available in the state.
- 8 2. The task force consists of the following members:
- 9 a. The superintendent of public instruction, or the superintendent's designee;
10 b. The executive director of the department of human services, or the executive
11 director's designee;
- 12 c. The state health officer, or the state health officer's designee;
13 d. The director of the department of corrections and rehabilitation, or the director's
14 designee;
- 15 e. The executive director of the Indian affairs commission, or the executive
16 director's designee;
- 17 f. The director of the committee on protection and advocacy, or the director's
18 designee;
- 19 3. The executive director of the department of human services, or the executive director's
20 designee, shall serve as the chairman of the task force. The task force shall meet at
21 least quarterly. Additional meetings may be held at the discretion of the chairman.
- 22 4. The task force may request appropriate staff services from the department of human
23 services.
- 24 5. The task force shall:
- 25 a. Assess and guide efforts within the children's behavioral health system to ensure
26 a full behavioral health continuum of care is available in the state;
- 27 b. Make recommendations to ensure the children's behavioral health services are
28 seamless, effective, and not duplicative;
- 29 c. Identify recommendations and strategies to address gaps or needs in the
30 children's behavioral health system;

- 1 d. Engage stakeholders from across the continuum to assess and develop
2 strategies to address gaps or needs in areas including:
3 (1) Education;
4 (2) Juvenile justice;
5 (3) Child welfare;
6 (4) Community; and
7 (5) Health; and
8 e. Provide a report to the governor and the legislative management every six
9 months regarding the status of the task force's efforts.

10 **SECTION 5. AMENDMENT.** Section 50-11.1-02.3 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **50-11.1-02.3. Early childhood services providers - Training on infant safe sleep**
13 **practices and behavioral health issues.**

14 The department shall adopt rules to require an early childhood service provider and the
15 provider's staff members who are responsible for the care or teaching of children under:

- 16 1. Under the age of one to annually complete annually a department approved sudden
17 infant death syndrome prevention training course; and
18 2. Two hours of the required department approved training must relate to behavioral
19 health issues of children.

20 **SECTION 6. REPORT TO GOVERNOR AND LEGISLATIVE MANAGEMENT.** Before
21 July 1, 2018, the task force on children's behavioral health shall:

- 22 1. Report its findings and recommendations and any proposed legislation necessary to
23 implement the recommendations to the legislative management; and
24 2. Present to the governor and the legislative management the state children's
25 behavioral health services plan developed under subsection 7 of section 4 of this Act.

26 **SECTION 7. REPEAL.** Sections 15.1-19-19 and 15.1-19-24 of the North Dakota Century
27 Code are repealed.