

**SENATE BILL NO. 2241**

Introduced by

Senators J. Lee, G. Lee, Heckaman

Representatives Rohr, Seibel, P. Anderson

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.

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 physician or psychologist or any  
16 other licensed or certified health care professional who is qualified by training and by  
17 licensure or certification to make the diagnosis of autism spectrum disorder.
- 18 3. The database established under this section must:
- 19 a. Include the reported individual's diagnoses under the most recent edition of the  
20 American psychiatric association's diagnostic and statistical manual of mental  
21 disorders; ~~and~~
- 22 b. Indicate whether a complete physical evaluation was performed by a licensed  
23 independent practitioner as part of the diagnostic process for autism spectrum  
24 disorder; and

- 1           c. Be searchable and allow a reporter to update or amend the diagnosis or status of  
2           a previously reported case of autism spectrum disorder.
- 3           4. The health council shall adopt rules to provide for mandatory reporting to the autism  
4           spectrum disorder database and to establish reporting requirements, including  
5           timeliness requirements.
- 6           a. The reporting requirements must distinguish between mandatory and optional  
7           reporting fields and must allow a reporter to decline to provide mandatory  
8           reporting data if the reporter files an articulable rationale.
- 9           b. A reporter who makes the diagnosis an individual is affected with autism  
10           spectrum disorder, or the reporter's designee, shall report this diagnosis in the  
11           form or manner prescribed by the state department of health.
- 12           c. A provider who violates this subsection may be subject to a civil fee, not to  
13           exceed one hundred dollars per occurrence.
- 14           5. The state department of health shall keep confidential all records of the database  
15           which could be used to identify a reported individual; ~~however,~~ Although the  
16           department may provide these records to other state agencies as necessary to effect  
17           the purposes of this database without regard to the confidential nature of the records,  
18           the records may not include personally identifiable information. If the department  
19           provides confidential records of the database to a state agency, the department shall  
20           notify the receiving agency of the confidential nature of the records and the receiving  
21           agency shall treat these records as confidential.