

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2083

Introduced by

State and Local Government Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to create and enact a new section to chapter 25-02 of the North Dakota
2 Century Code, relating to collaborative care and consultation services provided by the state
3 hospital; to amend and reenact sections 25-02-03, 50-06-05.2, 50-06-05.3, and 50-06-06.5 of
4 the North Dakota Century Code, relating to the object of the state hospital and the operation of
5 regional human service centers; and to declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Section 25-02-03 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **25-02-03. Object of state hospital.**

10 The state hospital is an institution for mental diseases serving specialized populations of the
11 ~~mentally ill~~individuals with severe mental illness, including ~~persons suffering from drug addiction~~
12 ~~or alcoholism~~individuals with a substance use disorder. The state hospital is one component of
13 the North Dakota mental health delivery system and serves as a resource to community-based
14 treatment programs. The state hospital shall, pursuant to rules adopted by the department of
15 health and human services, receive and care for all ~~mentally ill persons~~eligible individuals with
16 severe mental illness, including ~~persons suffering from drug addiction or alcoholism~~individuals
17 with a substance use disorder, residing within this state in accordance with this title, and
18 ~~shall~~may furnish to those ~~mentally ill persons~~individuals all needed food, shelter, treatment, and
19 support that ~~may tend to restore their mental health or to alleviate their illness or suffering.~~

20 **SECTION 2.** A new section to chapter 25-02 of the North Dakota Century Code is created
21 and enacted as follows:

1 **Collaborative care - Consultation services.**

2 The state hospital may provide behavioral health collaborative care and consultation
3 services, including psychiatric consultation, with private providers and correctional facility
4 providers.

5 **SECTION 3. AMENDMENT.** Section 50-06-05.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-06-05.2. Regional human service centers - Licensure.**

8 Human services must be delivered through regional human service centers in the areas
9 designated by the governor's executive order 1978-12 dated October 5, 1978. The department
10 shall request appropriations and resources sufficient for accreditation and to ensure
11 maintenance of the accreditation for the regional human service centers, including associated
12 facilities, by the council on accreditation or by a similar national accrediting body accepted by
13 the department. The regional human service centers are subject to licensing by the department.
14 The department may use the accreditation as a basis for licensing in lieu of adopted rules for
15 the operation of the regional human service centers. The department shall adopt rules for the
16 operation of the regional human service centers. A regional human service center may not
17 operate without a license issued in accordance with this section. Regional human service
18 centers are authorized to receive federal and other funds available to finance, in whole or in
19 part, the services and operations of the centers.

20 **SECTION 4. AMENDMENT.** Section 50-06-05.3 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-06-05.3. Regional human service centers - Powers - Duties - Human service**
23 **advisory groups.**

- 24 1. Regional human service centers shall provide human services to all eligible individuals
25 and families to help individuals and families achieve or maintain social, emotional, and
26 economic self-sufficiency by providing human services to:
- 27 a. Prevent, reduce, or eliminate dependency;
 - 28 b. ~~Prevent or remedy the neglect, abuse, or exploitation of children and of adults~~
29 ~~unable to protect their own interests;~~
 - 30 e. ~~Aid in the preservation, rehabilitation, and reuniting of families;~~

- 1 d. Prevent or reduce inappropriate institutional care by providing for care while
2 institutionalized or providing for community-based or other forms of less
3 restrictive care;
- 4 e.c. Secure referral or admission for institutional care;
- 5 f.d. Provide outpatient diagnostic and treatment services; and
- 6 g. ~~Provide information concerning guardianship to people interested in becoming or~~
7 ~~who are guardians; and~~
- 8 h.e. Provide rehabilitation and crisis services for patients with mental, emotional, or
9 substance use disorders, an intellectual disability, and other psychiatric
10 conditions, particularly for those patients who have received prior treatment in an
11 inpatient facility.
- 12 2. Regional human service centers shall deliver services in the manner prescribed by the
13 department.
- 14 3. Regional human service centers may provide behavioral health collaborative care and
15 consultation services, including psychiatric consultation, with private providers and
16 correctional facility providers.
- 17 4. Each regional human service center must have a human services advisory group
18 consisting of the human service zone directors of the region served, the public health
19 directors of the region served, two current county commissioners appointed by the
20 executive director of the department, and five additional members appointed by the
21 executive director of the department. Each advisory group member must be a resident
22 of the region the member is appointed to serve. The term of office for each appointed
23 member is two years and arranged so that the term of three of the appointed members
24 expires at the end of the first year and the term of the remaining four appointed
25 members expires at the end of the second year, except for those first members
26 appointed, three members shall serve a one-year term and four members shall serve
27 a two-year term. The director shall select the appointed members of each human
28 service advisory group on the basis of population of the counties in the region served
29 by the regional human service center. Each county in the region must be represented
30 by at least one member on the human service advisory group. To the extent possible,
31 appointed membership of the advisory group must reflect regional interests in the

1 fields of developmental disabilities, social services, mental health, and substance use
2 disorders. The executive director of the department shall appoint a chairman for each
3 advisory group from the membership of the advisory group. The executive director of
4 the department shall fill a vacancy occurring within an advisory group for other than
5 the expiration of a term in the same manner as original appointments, except that
6 appointments must be made only for the unexpired term. The department shall
7 compensate appointed members of a human service advisory group at the rate of
8 forty-five dollars per day, not to exceed twenty-five days in any one year. The
9 department also shall pay members for mileage and actual expenses incurred in
10 attending meetings and in the performance of their official duties in the amounts
11 provided by law for other state officers.

12 **SECTION 5. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **50-06-06.5. Continuum of services for individuals with serious and persistent mental**
15 **illness.**

- 16 1. The department shall develop a plan for an integrated, multidisciplinary continuum of
17 services for individuals with serious and persistent mental illness. The continuum may
18 consist of an array of services provided by private mental health professionals, private
19 agencies, human service zones, regional human service centers, community-based
20 residential care and treatment facilities, and private and public inpatient psychiatric
21 hospitals. When appropriate, access to the continuum must be through regional
22 human service centers. Within the limits of legislative appropriations, the plan for a
23 continuum may include:
- 24 a. Programs, and appropriate related facilities, to provide socialization skills.
 - 25 b. Programs, and appropriate related facilities, to provide basic living skills.
 - 26 c. Appropriate residential facilities and other housing options.
 - 27 d. Appropriate training, placement, and support to enhance potential for
28 employment.
 - 29 e. Appropriate delivery and control of necessary medication.
 - 30 f. Appropriate economic assistance.

1 g. An inpatient facility with appropriate programs to respond to persons who require
2 hospitalization.

3 h. Peer and recovery support.

4 i. Crisis service that is available twenty-four hours a day seven days a week.

5 2. The continuum of care must provide that a person requiring treatment be submitted to
6 the least restrictive available conditions necessary to achieve the purposes of
7 treatment. The department shall ensure appropriate cooperation with human service
8 zones and private providers in achieving the continuum of care.

9 **SECTION 6. EMERGENCY.** Sections 2 and 4 of this Act are declared to be an emergency
10 measure.