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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2052

Introduced by

Human Services Committee

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

A BILL for an Act to amend and reenact sections 25-01-03, 25-04-00.1, 25-04-01, 25-04-02, 25-04-02.1, 25-04-04, 25-04-04.1, 25-04-05, 25-04-05.1, 25-04-06, 25-04-08, 25-04-08.1, 25-04-11, 25-04-11.1, 25-04-11.2, 25-04-14, 25-04-15, 25-04-16, 25-04-17, and 25-04-19, and subsection 3 of section 54-44.3-20 of the North Dakota Century Code, relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal.

1. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital, where the supervising officer shall appoint a superintendent in consultation with a state hospital governing body.
2. The tenure of office of each superintendent is two years from the date of the superintendent's appointment, and the superintendent must possess qualifications required by this title. Any superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing the superintendent's inability or refusal properly to perform the duties of office. A removal at a time other than a termination of the superintendent's two-year tenure may be had only after an opportunity is given to the person to be heard before a board consisting of the governor, attorney general, and supervising officer of the institution on preferred written charges. A removal when made, however, is final. This subsection does not apply to the superintendent of the life skills and transition center, the superintendent of

North Dakota vision services - school for the blind, or the superintendent of the school for the deaf, whose positions are included in the classified service as provided in section 54-44.3-20.

3. The supervising officer shall fix the compensation of each superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for compensation.

SECTION 2. AMENDMENT. Section 25-04-00.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-00.1. Definitions.

For the purposes of this chapter:

1. "Department" means the department of health and human services.
2. "Eligible" means an individual has been deemed eligible by the department for developmental disability services.
3. "Individual served" is an individual who is a legal resident of the state of North Dakota and is receiving services from the life skills and transition center.
4. "Nonresident ~~patient at the life skills and transition center~~individual served" includes:
   a. Any ~~patient at~~individual served by the life skills and transition center who is under eighteen years old and whose responsible relative is not a bona fide resident of this state.
   b. Any ~~Indian patients~~enrolled member of a federally recognized Indian tribe for whom the United States government has, through its statutes and regulations, a responsibility for their care.

~~2.~~5. "Nonresident responsible relative" includes the ~~patient's~~ nonresident spouse, father, or mother of the individual served. It includes the bureau of Indian affairs in those cases involving an enrolled member of a federally recognized Indian ~~patients~~tribe for whom the United States government has, through its statutes and regulations, a responsibility for their care.

6. "Nonresidential services" means rehabilitative services and supports that are provided in a family home or community setting.
7. "Residential services" are specialized services and supports provided at the life skills and transition center facility which include both room and board and rehabilitative

services in accordance with an individual's care and support plan. Residential services provided at the life skills and transition center are available to address an individual's needs for stabilization.

SECTION 3. AMENDMENT. Section 25-04-01 of the North Dakota Century Code is amended and reenacted as follows:

25-04-01. Life skills and transition center - Name - Administration and control.

A facility for individuals with developmental disabilities must be maintained at or near the city of Grafton in Walsh County. ~~The facility must also be available for an individual who is determined to be an individual who may benefit from the facility's services.~~ The facility must be known and designated as the life skills and transition center. The department ~~of health and human services~~ has administrative authority and control of the life skills and transition center.

SECTION 4. AMENDMENT. Section 25-04-02 of the North Dakota Century Code is amended and reenacted as follows:

25-04-02. Purpose of life skills and transition center.

1. The purpose of the life skills and transition center is to serve as a specialty care and support resource for eligible individuals with developmental disabilities who are experiencing crisis or who would benefit from stabilization, and to work together with parent, guardian, or legal custodian and care teams to identify opportunities for each individual served to live in a family home or community setting of their choice when possible.
2. The life skills and transition center must be maintained ~~for the relief, instruction, care, and custody of~~to provide care, treatment, training, rehabilitation, and supervision for eligible individuals ~~with developmental disabilities or other individuals who may benefit from the services offered at the center~~. For this purpose the department ~~of health and human services~~ may introduce and establish such ~~trades and manual industries~~rehabilitative and support services as, in its judgment, will best prepare the ~~residents for future self-support~~individuals served to live in the most integrated, independent setting possible.

~~2.~~3. The ~~department~~life skills and transition center may provide ~~onsite and offsite additional~~both residential services and nonresidential services and effectuate its powers and duties to best serve eligible individuals ~~with developmental disabilities and~~

~~other individuals~~ who may benefit from those activities. ~~The services provided and the duties effectuated need not be accredited by the accreditation council on services for people with developmental disabilities or certified by the health care financing administration, or any other similar accrediting or certifying organization, if the service or duty is not provided to individuals with developmental disabilities or if such accrediting or certifying organization does not accredit or certify the service or duty.~~

SECTION 5. AMENDMENT. Section 25-04-02.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-02.1. Accreditation of life skills and transition center.

The department ~~of health and human services shall~~may request appropriations and resources sufficient to ~~ensure~~allow for maintenance of the life skills and transition center's accreditation by the accreditation council on services for people with developmental disabilities ~~and~~or certification by the ~~health care financing administration and~~centers for Medicare and Medicaid services or, if deemed necessary, by similar accrediting and certifying organizations and agencies possessing standards applicable to an individual with a developmental disability and disciplines needed to provide quality services to individuals served.

SECTION 6. AMENDMENT. Section 25-04-04 of the North Dakota Century Code is amended and reenacted as follows:

25-04-04. Who may receive benefits of life skills and transition center.

1. Subject to this chapter and to any rules adopted by the department ~~of health and human services~~, the benefits of the life skills and transition center may be received only by:

~~1.~~ a. ~~Individuals with developmental disabilities and other~~Eligible individuals who may benefit from services provided ~~at~~by the life skills and transition center who, in the opinion of the superintendent of the life skills and transition center are of suitable age and capacity to receive ~~instruction in the~~care, treatment, training, rehabilitation, or supervision by the life skills and transition center ~~and~~or whose ~~deficiencies~~disabilities prevent them from receiving ~~proper~~ training and instruction in the public schools;

~~2.~~ b. ~~Individuals with developmental disabilities and other~~Eligible individuals who, in the opinion of the superintendent of the life skills and transition center, may

benefit from services provided ~~at~~by the life skills and transition center and who are in need of stabilization supports and cannot be properly cared for in their ~~homes~~family home or other available ~~facilities~~community settings; or

~~3.~~ c. ~~Individuals with developmental disabilities and other~~Eligible individuals who, in the opinion of the superintendent of the life skills and transition center, may benefit from ~~onsite and offsite~~either residential services or nonresidential services provided ~~or duties effectuated~~ by the life skills and transition center.

2. Residents and nonresidents of this state may receive ~~the benefits of~~services from the life skills and transition center. Priority, however, must be given to residents of this state ~~and first priority must be given to individuals with developmental disabilities~~.

SECTION 7. AMENDMENT. Section 25-04-04.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-04.1. Program management for ~~a resident~~an individual served.

The department shall ensure active program management is maintained for eligible individuals ~~residing~~receiving residential services at the life skills and transition center.

SECTION 8. AMENDMENT. Section 25-04-05 of the North Dakota Century Code is amended and reenacted as follows:

25-04-05. Qualifications for ~~admission to state facility - Screening required prior to admission or readmission~~accessing services provided by life skills and transition center - Educational or related services without charge for ~~persons~~individuals twenty-one years of age and under.

1. The superintendent may admit ~~a person~~an eligible individual to the life skills and transition center ~~when all~~for residential services based on consideration of the following ~~conditions have been met~~factors:

   a. ~~Application for admission has been made on behalf of the person by a parent or guardian or the person or agency having legal custody, or by the person seeking admission, in accordance with procedures established by the department of health and human services~~Ability of the life skills and transition center to provide the appropriate level of care based on the individual's need.

   b. ~~A comprehensive evaluation of the person has been made within three months of the date of application, a report of which has been filed with the superintendent~~

~~and which, together with such other information or reviews as the department of health and human services may require, indicates to the superintendent's satisfaction that the person is eligible for admission to~~Health and safety considerations for both the individual served and other individuals currently being served by the life skills and transition center.

c. The ~~person~~individual may be admitted without exceeding the resident capacity of the facility as specified in the professional standards ~~adopted by~~of the department ~~of health and human services~~.

2. ~~No person may be admitted or readmitted to the life skills and transition center unless that person has undergone a screening process at the life skills and transition center to determine whether the admission or readmission is appropriate. Length of stay criteria may be established under rules as the department of health and human services may adopt. Any person who is suspected of being able to benefit from the services offered at the center may be screened to ascertain whether or not that person is actually a proper case for care, treatment, and training at the life skills and transition center. If in the opinion of the superintendent the person screened under this subsection is a proper subject for institutional care, treatment, and training at the life skills and transition center, that person may remain as a voluntary resident at the center at the discretion of the superintendent if all other conditions for admission required by this section are met~~The superintendent may approve an eligible individual for nonresidential services provided by the life skills and transition center if all of the following conditions have been met:

a. Application has been made on behalf of the individual by a department developmental disabilities program manager, a parent, guardian, or legal custodian, in accordance with procedures established by the department.

b. Information has been submitted to the life skills and transition center which allows the superintendent to determine that the individual served would benefit from nonresidential stabilization services offered by the life skills and transition center for the purpose of avoiding institutionalization or further destabilization of the individual's living situation.

3. Notwithstanding any other provision of this chapter, no ~~handicapped patient~~eligible individual served, twenty-one years of age or under, or the estate or the parent of such ~~patient~~individual, may be charged for educational or related services provided at the life skills and transition center. Except as provided in subsection 4, the department ~~of health and human services~~ has prior claim on all benefits accruing to such ~~patients~~individuals served for medical and medically related services under entitlement from the federal government, medical or hospital insurance contracts, workforce safety and insurance, or medical care and disability programs. For purposes of this subsection, "related services" means transportation and such developmental, corrective, and other supportive services, as determined by the department of public instruction, as are required to assist ~~a handicapped patient~~an individual with a developmental disability to benefit from special education. The cost of related services other than medical and medically related services must be paid by the life skills and transition center, the school district of residence of the ~~handicapped~~ child with a developmental disability, and other appropriate state agencies and political subdivisions of this state. The department of public instruction, the department ~~of health and human services~~, the school district of residence, and other appropriate state agencies and political subdivisions, as determined by the department of public instruction, shall determine and agree to that portion of related services, other than medical and medically related services, for which each agency and political subdivision is liable. The department of public instruction may adopt rules necessary to implement this section.

4. Parents of an eligible individual ~~with a developmental disability~~, who is twenty-one years of age or under, are not required to file, assist in filing, agree to filing, or assign an insurance claim when filing the claim would pose a realistic threat that the parents would suffer a financial loss not incurred by similarly situated parents of children with disabilities. Financial losses do not include incidental costs such as the time needed to file or assist in filing an insurance claim or the postage needed to mail the claim. Financial losses include:

   a. A decrease in available lifetime coverage or any other benefit under an insurance policy.

b. An increase in premiums or the discontinuation of a policy.

c. An out-of-pocket expense such as the payment of a deductible amount incurred in filing a claim unless the life skills and transition center pays or waives the out-of-pocket expense.

SECTION 9. AMENDMENT. Section 25-04-05.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-05.1. Transfer of ~~residents~~individuals - Visiting privileges - Release and placement of ~~patients~~individuals served.

1. The superintendent shall have the right of temporary transfer of any ~~resident of~~individual served at the life skills and transition center to an appropriate hospital or other specialized facility when in the superintendent's opinion the immediate health and safety of the ~~resident~~individual or the immediate health and safety of others requires the transfer. ~~The superintendent shall also have the right and responsibility of indefinite transfer of a resident from one state facility for individuals with developmental disabilities to another when the best interest of the resident will be served thereby, or when the transfer is required in conformity with the policies of the department of health and human services; provided, however, that no transfer may be effected until all reasonable efforts have been made to consult with the resident's parent or guardian of the person.~~
2. Subject to reasonable rules for the orderly operation of the life skills and transition center ~~or other state facility for individuals with developmental disabilities~~, any parent ~~or,~~ guardian, or legal custodian of the ~~person of a resident~~individual served shall have the right of visiting and communicating with ~~a child or ward~~the individual served and authorizing visits and communications with others.
3. The superintendent may authorize the temporary ~~released~~discharge of any ~~resident~~individual served to the custody of the ~~resident's~~individual served's parent ~~or,~~ guardian, or legal custodian of the ~~person~~individual, or to another person designated by the parent ~~or such,~~ guardian, or legal custodian. In the absence of such authorization, any parent ~~or,~~ guardian, or legal custodian of the ~~person of any resident~~individual served may formally request, in writing, the ~~resident's~~individual served's temporary ~~released~~discharge. The ~~released~~discharge must be granted at the

earliest reasonable opportunity, but not more than thirty days after receipt of a written application. If a ~~release~~discharge is, or would be, effected contrary to the advice of the superintendent based on a recent comprehensive evaluation of the individual, the superintendent shall so advise the parent ~~or such,~~ guardian, or legal custodian in writing.

4. The superintendent may arrange for the suitable placement of ~~a resident~~an individual served outside the life skills and transition center ~~or other state facility~~ and to ~~release~~discharge the ~~resident on placement~~individual, provided placement has been preceded by a comprehensive evaluation. No such placement may be effected until all reasonable efforts have been made to consult with the ~~resident's~~individual served's care team and parent ~~or,~~ guardian, or legal custodian of the ~~person~~individual served.

SECTION 10. AMENDMENT. Section 25-04-06 of the North Dakota Century Code is amended and reenacted as follows:

25-04-06. Juvenile court ~~commitment~~order for assessment of dependent, neglected, or delinquent ~~mentally deficient - Commitment for observation~~child with developmental disability - Appeal.

1. In any proceeding instituted in juvenile court, the court may make an order ~~committing~~for assessment of the child ~~to~~by the life skills and transition center for developmental disability determination whenever it appears to the satisfaction of the court that the child involved in the proceeding is:

~~1.~~ a. Dependent and ~~a candidate~~eligible for services at the life skills and transition center;

~~2.~~ b. Neglected and ~~a candidate~~eligible for services at the life skills and transition center; or

~~3.~~ c. Delinquent and ~~a candidate~~eligible for services at the life skills and transition center.

~~If the court is in doubt as to whether the child is a candidate for services offered at the life skills and transition center, the court may make an order committing the child to the life skills and transition center for observation only by the authorities of such institution.~~

2. If it is ascertained as a result of such ~~observation~~assessment that the child is ~~a candidate~~eligible for residential services offered at the life skills and transition center

and the child qualifies for accessing services from the life skills and transition center in accordance with section 25-04-04 and subsection 1 of section 25-04-05, a report to such effect must be made by the authorities of the life skills and transition center to the court. The court thereupon shall make an order fixing a time for a hearing upon the report showing the child to be ~~in need of these services~~eligible and qualifying for accessing services offered at the life skills and transition center. Notice of the hearing must be given to the parents, custodian, or guardian of such child in the manner prescribed by law for the giving of notice in other proceedings in juvenile court. Upon such hearing, the court shall make such order as it may deem proper. Any parent, custodian, guardian, or other person charged with the control of such child may take an appeal from the order made by the court in the manner now prescribed by law for the taking of appeals from decisions of the juvenile court. ~~The procedure provided in this section is not exclusive but is in addition to other procedures provided in this chapter for the commitment of children~~Admission to residential services at the life skills and transition center must follow the procedures established by the department and in accordance with section 25-04-04 and subsection 1 of section 25-04-05. Any orders for assessment may be accomplished without admission for residential services or transportation to the life skills and transition center.

SECTION 11. AMENDMENT. Section 25-04-08 of the North Dakota Century Code is amended and reenacted as follows:

25-04-08. Discharge of ~~resident~~individual served from ~~institution~~life skills and transition center.

~~A person~~An individual who ~~has been admitted as a resident~~receives residential services at the life skills and transition center must be ~~permanently~~ discharged ~~within thirty days under~~if any one of the following conditions are present:

1. The superintendent, on the basis of a comprehensive evaluation and in consultation with the individual's parent, guardian, legal custodian, or care team, finds that the care, treatment, training, rehabilitation, and supervision offered by the ~~state~~life skills and transition center are no longer ~~required~~needed.
2. The parent ~~or~~, guardian, or legal custodian who voluntarily ~~committed~~admitted the ~~parent's child or the guardian's ward as a resident~~individual to residential services at

the life skills and transition center and who retains legal custody makes a written request for discharge.

3. The ~~person~~individual is admitted on indefinite transfer to a hospital, school, or other facility, or a protective service under the jurisdiction of another state, or another agency or department of this state~~; provided, however, that if such admission be by contractual arrangement made by the department of health and human services, the person must be placed on nonresident release status, but not discharged~~.

4. A court of competent jurisdiction orders the discharge of the ~~person~~individual.

~~Any person who is to be discharged under subsection 2 or 4 shall first receive a comprehensive evaluation unless such evaluation is not completed within thirty days of the request for discharge.~~

SECTION 12. AMENDMENT. Section 25-04-08.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-08.1. Notification before discharge.

Before discharge the superintendent shall ~~consult~~meet with the parent ~~or~~, guardian, legal custodian, or care team of the ~~person~~individual served to be discharged, or with the court that ordered the ~~commitment, and shall notify the director of the county social service board or human service zone of the county in which it is proposed that such person will assume residence and also shall notify the executive director of the department of health and human services~~individual served to receive services at the life skills and transition center pursuant to section 25-04-06.

SECTION 13. AMENDMENT. Section 25-04-11 of the North Dakota Century Code is amended and reenacted as follows:

25-04-11. Disposition of ~~person~~individual who is not a legal resident.

If ~~a person~~an individual who has no legal residence in this state is subject to admission to the life skills and transition center ~~or other appropriate state facility~~, by order of a court ~~of competent jurisdiction~~pursuant to section 25-04-06, such ~~person~~individual must be ~~sent~~admitted, at the expense of the county ~~or human service zone~~, to the life skills and transition center in the same manner as a resident of this state who is found to be in need of services offered at the life skills and transition center, and the superintendent of the life skills and transition center shall then arrange for the transportation of such ~~person~~individual to the

place where the ~~person~~individual belongs. The department ~~of health and human services~~ shall ascertain the place where such ~~person~~individual belongs when the same conveniently can be done.

SECTION 14. AMENDMENT. Section 25-04-11.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-11.1. ~~Disposition~~Admission and disposition of nonresidents - ~~Exceptions -~~ Reciprocal agreements.

If ~~a person~~an individual who has no legal residence in this state or whose residence is unknown is found to be ~~a person~~an eligible individual requiring care ~~and~~, treatment ~~in~~, training, rehabilitation, or supervision from the life skills and transition center, the ~~person~~individual to be served must be ~~sent~~admitted to the life skills and transition center in the same manner, and accompanied by the same documents, as in the case of a resident of this state. The ~~supervising~~ department shall immediately inquire as to the residence of the ~~person~~individual or the ~~person's~~individual's responsible relatives, and, if the residence is found to be in another state or country, the ~~supervising~~ department shall arrange for transportation of the ~~person~~individual to the place of legal residence or legal settlement unless the ~~person~~individual can be accommodated at the life skills and transition center without depriving a North Dakota resident of care and treatment at the life skills and transition center and adequate costs of care are paid for within a reasonable time, or unless a reciprocal agreement has been entered into with another state regarding the care and commitment of the nonresident. The ~~supervising~~ department may enter into reciprocal agreements with other states regarding the mutual exchange, return, and transportation of ~~persons~~individuals who are within one state but have legal residence or legal settlement in another state. The agreements may not contain any provision conflicting with any law of this state.

SECTION 15. AMENDMENT. Section 25-04-11.2 of the North Dakota Century Code is amended and reenacted as follows:

25-04-11.2. Liability for care and treatment of nonresident ~~patients~~individuals served.

Nonresident ~~patients at~~individuals served by the life skills and transition center and nonresident responsible relatives of ~~patients~~individuals served are liable for the chargeable costs of care and treatment at the life skills and transition center.

SECTION 16. AMENDMENT. Section 25-04-14 of the North Dakota Century Code is amended and reenacted as follows:

25-04-14. Expenses chargeable against ~~patient~~individual or ~~patient's~~individual's estate - Filing claims.

Expenses for care and treatment of each ~~patient at~~individual served by the life skills and transition center must, if practicable, be in accordance with the cost of providing care and treatment for the different degrees or conditions of mental and physical health and charges may be adjusted in accordance with the ~~patient's~~individual served's ability to pay which must include an estimate of potential future receipts, including amounts from estates. The ~~supervising~~ department shall recover from the ~~patient~~individual served or from a discharged ~~patient~~individual expenses chargeable for care and treatment. If any ~~patient~~individual served is receiving social security benefits or is a veteran or a dependent of a veteran who has received, is receiving, or is entitled to receive compensation or pension from the veterans' administration, the expenses are a current claim against the ~~patient~~individual served and may be recovered monthly by the ~~supervising~~ department except that any amount required by the payer of the benefits to be paid directly to the ~~patient~~individual served must, upon approval of the department ~~of health and human services~~, be credited to the ~~patient's~~individual served's personal account from any money thus received.

SECTION 17. AMENDMENT. Section 25-04-15 of the North Dakota Century Code is amended and reenacted as follows:

25-04-15. Expenses chargeable against guardianship estate of ~~patient~~individual served - Restrictions.

The expenses chargeable by the state for the care and treatment of any ~~patient~~individual served over twenty-one years of age at the life skills and transition center must be charged against the guardianship estate of such ~~patient~~individual, if the ~~patient~~individual has such an estate, subject to the following restrictions:

1. No part of the estate may be taken for such purpose if the ~~patient~~individual has dependents within the United States dependent upon the estate for support and the taking of all or a portion of the estate would result in undue hardship to those dependents.

2. No real property belonging to the estate may be sold during the lifetime of the ~~patient~~individual served except for the maintenance and support of the ~~patient's~~individual served's dependents, unless it is shown that the sale of the property will not result in undue hardship to those dependents, and it may be sold only upon the order of the district court having jurisdiction of the estate, with the consent of the department ~~of health and human services~~.
3. No personal property belonging to the estate may be sold within five years from the date upon which the ~~patient~~individual was sent to the life skills and transition center unless the property is ordered sold by the district court having jurisdiction of the estate for the reason that the property is likely to deteriorate in value during the time herein specified.
4. No claim may be made to recover from the estate of a former ~~resident~~individual served of the life skills and transition center who has left the life skills and transition center and married and leaves a spouse or issue dependent upon such estate.

SECTION 18. AMENDMENT. Section 25-04-16 of the North Dakota Century Code is amended and reenacted as follows:

25-04-16. Waiver of payment - Use of income tax data - Confidentiality - Definition.

1. Except with respect to services provided and duties effectuated for persons other than ~~residents of~~individuals served by the life skills and transition center who are developmentally disabled, and except with respect to services provided and duties effectuated under subsection 2 of section 25-04-02, the ~~resident~~individual served, former ~~resident~~individual served, parent of ~~a resident~~an individual served or former ~~resident~~individual served under age eighteen, personal representative, or guardian may make application to the supervising department to pay less than the costs or none of the costs incurred by the state for the ~~resident's~~individual served's care and treatment at the life skills and transition center. An application from ~~a resident~~an individual served, former ~~resident~~individual, personal representative, or guardian must be accompanied by proof of the ~~resident's~~individual served's or the estate of the ~~resident's~~individual served's inability to pay. An application from a parent of ~~a resident~~an individual served or former ~~resident~~individual served must be accompanied by proof that the parent has applied for or cooperated fully in an application for

medical and medically related services under entitlement from the federal government, medical or hospital insurance contracts, workforce safety and insurance, or medical care and disability programs for provision of services to the ~~resident~~individual served, and has assured the contribution of those services, compensation, and contract and program benefits to meet the cost of care provided to the ~~resident~~individual served by the life skills and transition center. A waiver must be granted upon receipt of an application from such a parent, which is complete and supported by the required proofs and is effective for so long as the parent continues to apply for or cooperate fully in applications for services, compensation, and contract and program benefits, and continues to assure the contribution of those services, compensation, and benefits to meet the costs of care. A waiver, once granted with respect to ~~a resident~~an individual served under age eighteen, extinguishes any debt that would otherwise be owed by the ~~resident~~individual served, the ~~resident's~~individual served's parents, or the ~~resident's~~individual served's estate with respect to care and treatment furnished during times the waiver is effective.

2. Upon receipt of such application, the ~~supervising~~ department shall direct the human service zone of the county from which the ~~patient~~individual served was admitted to determine whether the application is complete and supported by the required proofs. The ~~supervising~~ department shall approve, reject, or amend the determination made by the human service zone. The determination made by the ~~supervising~~ department may be appealed to the district court of the county of residence of the ~~patient~~individual served.

3. Any ~~patient~~individual served, former ~~patient~~individual served, parent of ~~a patient~~an individual served or former ~~patient~~individual served, guardian, or personal representative who seeks relief from the payment of the cost of care and treatment by filing an application for relief of payment shall do so with the understanding that the ~~supervising~~ department may, in its discretion, and to its satisfaction, verify any statement made in such application for relief of payment by a request for information from financial institutions, including commercial banks, and from other sources likely to possess verifying information. Notwithstanding the provisions of section 57-38-57, this verification may include a review of such applicant's state income tax return or any

other document or report submitted to or held by any office or department of the state of North Dakota or any of its political subdivisions.

4. When any official or employee of the life skills and transition center who, pursuant to subsection 1, obtains income tax information or other tax information from the state tax commissioner the confidentiality of which is protected by law, such official or employee may not divulge such information except to the extent necessary for the administration of this chapter or when otherwise directed by judicial order or when otherwise provided by law.

~~5. As used in this chapter, "supervising department" means the department of health and human services.~~

SECTION 19. AMENDMENT. Section 25-04-17 of the North Dakota Century Code is amended and reenacted as follows:

25-04-17. Reduction or writeoff of accounts - Report to legislative audit and fiscal review committee.

The ~~supervising~~ department may authorize the reduction or writeoff of ~~a patient's~~an individual served's past-due account from the life skills and transition center's financial records upon determining that the account is not collectible. The ~~supervising~~ department, by September first after the close of each fiscal year, shall present a detailed report to the legislative audit and fiscal review committee on the status of accounts receivable for that fiscal year. The report must include:

1. An aging by ~~patient~~individual classification of accounts remaining unpaid.
2. The amounts by ~~patient~~individual classification by which accounts were reduced or written off for reasons other than payment during that fiscal year.

SECTION 20. AMENDMENT. Section 25-04-19 of the North Dakota Century Code is amended and reenacted as follows:

25-04-19. Quality assurance review committees - Reports - Immunity.

Any information, data, report, or record generated by or made available to an internal quality assurance review committee of the life skills and transition center or members thereof is confidential and may be used by the committee and the members thereof only in the exercise of the proper functions of the committee. The proceedings and records of the committee and the members thereof are not subject to subpoena or discovery or introduction into evidence in any

civil action arising out of any matter under consideration by the committee. Any information, document, or record otherwise available from original sources is not immune from discovery or use in any civil action merely because it was presented during the proceedings of the committee, nor may any person who testified before the committee or who is a member of it be prevented from testifying as to matters within that person's knowledge, but a witness cannot be asked about that witness's testimony before the committee. This section does not relieve any person of any liability incurred as a result of furnishing health care to the resident. No person furnishing information, data, reports, or records to the committee with respect to any resident of the life skills and transition center is, by reason of furnishing the information, data, reports, or records, liable in damages to any resident, or answerable for willful violation of a privileged or confidential communication. No member of the committee is liable in damages to any person for any action taken or recommendation made within the scope of the functions of the committee if the committee member acts without malice and in the reasonable belief that the action or recommendation is warranted by the facts known to the member.

SECTION 21. AMENDMENT. Subsection 3 of section 54-44.3-20 of the North Dakota Century Code is amended and reenacted as follows:

3. Administrative heads of departments required by law, other than the superintendent of the life skills and transition center, superintendent of North Dakota vision services - school for the blind, the superintendent of the school for the deaf, and the state librarian.