

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2113

Introduced by

Human Services Committee

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

A BILL for an Act to create and enact two new sections to chapter 50-06 of the North Dakota Century Code, relating to certified community behavioral health clinics and the financing of health and human services; to amend and reenact section 12.1-04-06, subsection 4 of section 20.1-03-04, sections 25-03.1-03.1 and 25-03.1-04, subsection 3 of section 25-03.1-08, section 25-03.1-10, subdivision b of subsection 2 of section 26.1-36-08, subdivisions c and d of subsection 2 of section 26.1-36-09, subsection 9 of section 43-12.1-04, subsection 6 of section 43-41-02, subdivision b of subsection 1 of section 44-04-18.30, sections 50-06-01, 50-06-01.4, 50-06-01.7, 50-06-05.1, 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-05.5, 50-06-06.2, 50-06-06.5, and 50-06-06.13, subsections 1 and 3 of section 50-06-15, sections 50-06-33 and 50-06-41.3, subsection 1 of section 50-06-42, subsection 1 of section 50-06-42.1, and sections 50-06-46, 50-06.2-01, 50-06.2-02, 50-06.2-03, 50-06.3-02, and 50-06.3-04 of the North Dakota Century Code, relating to the powers and duties of the department of health and human services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-04-06 of the North Dakota Century Code is amended and reenacted as follows:

12.1-04-06. Temporary detention for purposes of examination.

Whenever there is reason to doubt the defendant's fitness to proceed, the court may order temporary detention of the defendant for the purpose of an examination. The temporary detention must be in the least restrictive appropriate setting, including the state hospital, the life skills and transition center, or other suitable facility for a reasonable period, not to exceed thirty days, for such examination. In lieu of detention, the court may allow the defendant to remain in the defendant's present residential setting or other suitable residential setting for the purpose of examination, subject to any reasonable limitation the court may impose. A human service-

1 ~~center~~state-operated behavioral health clinic may be considered if the court is aware an inquiry
2 was made before the court ordered the evaluation to ensure appropriate resources exist at the
3 ~~human service center~~state-operated behavioral health clinic being ordered to conduct the
4 examination. While the defendant is detained, the defendant's legal counsel, family, and others
5 necessary to assist in the defendant's case must have reasonable opportunity to examine and
6 confer with the defendant.

7 **SECTION 2. AMENDMENT.** Subsection 4 of section 20.1-03-04 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 4. Life skills and transition center patients, North Dakota youth correctional center
10 students, school for the deaf students, North Dakota vision services - school for the
11 blind students, state hospital patients, clients of ~~regional human service centers~~state-
12 operated behavioral health clinics under direct therapeutic care, and residents of
13 facilities licensed by the department of health and human services may fish without a
14 resident fishing license. Patients of these institutions must be identified. The
15 department shall issue authority to each institution.

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

18 **25-03.1-03.1. Disclosure of health information.**

19 A treating facility or mental health professional may disclose individually identifiable health
20 information to a court, ~~regional human service center~~state-operated behavioral health clinic,
21 state's attorney, appointed counsel, retained counsel, or other mental health professional,
22 including an expert examiner, and the disclosure is a disclosure for treatment, including the
23 provision, coordination, and management of health care and to carry out the purposes of this
24 chapter.

25 **SECTION 4. AMENDMENT.** Section 25-03.1-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **25-03.1-04. Screening and admission to a public treatment facility.**

28 Under rules adopted by the department, screening of an individual to a public treatment
29 facility for observation, diagnosis, care, or treatment for mental illness or a substance use
30 disorder must be performed, in person when reasonably practicable, by a ~~regional human-~~
31 ~~service center~~state-operated behavioral health clinic. This screening must be performed in the

1 region where the individual is physically located. Upon the request of a court, a law enforcement
2 official, a mental health professional, the individual's legal guardian, a minor's parent or legal
3 custodian, or the individual requesting services, the ~~regional human service center~~state-
4 operated behavioral health clinic shall conduct a screening. If a request for screening is made
5 by a mental health professional and the individual who is the subject of the screening does not
6 authorize the disclosure of the individual's protected health information, upon the request of the
7 ~~regional human service center~~state-operated behavioral health clinic, any mental health
8 professional who treated the individual within the previous six months shall disclose, subject to
9 the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service-~~
10 ~~center~~state-operated behavioral health clinic any relevant protected health information
11 regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-
12 operated behavioral health clinic shall arrange for a screening of the individual and, if
13 appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility.
14 Upon admittance to a public treatment facility, the superintendent or director shall immediately
15 designate a tier 1 or tier 2 mental health professional to examine the individual.

16 **SECTION 5. AMENDMENT.** Subsection 3 of section 25-03.1-08 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 3. In assisting the petitioner in completing the petition, the state's attorney may direct a
19 tier 1 or tier 2 mental health professional designated by the ~~regional human service-~~
20 ~~center~~state-operated behavioral health clinic to investigate and evaluate the specific
21 facts alleged by the petitioner. The investigation must be completed as promptly as
22 possible and include observations of and conversation with the respondent, unless the
23 respondent cannot be found or refuses to meet with the mental health professional. A
24 written report of the results of the investigation must be delivered to the state's
25 attorney. Copies of the report must be made available upon request to the respondent,
26 the respondent's counsel, and any expert examiner conducting an examination under
27 section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the
28 information provided by the petitioner or gathered by investigation provides probable
29 cause to believe the subject of the petition is a person requiring treatment. A state's
30 attorney who determines there are insufficient grounds for filing a petition may refer

1 the individual to other community resources. A state's attorney's decision not to
2 institute proceedings may be reviewed under section 11-16-06.

3 **SECTION 6. AMENDMENT.** Section 25-03.1-10 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **25-03.1-10. Involuntary treatment - Court-ordered examination.**

6 If the petition is not accompanied by a written supportive statement of a tier 1 mental health
7 professional or a licensed addiction counselor who has examined the respondent within the last
8 forty-five days, the court shall order the respondent be examined by an expert examiner of the
9 respondent's own choice or one appointed by the court. The order must state the date and time
10 within which the respondent must appear; the address to which the respondent is to report; a
11 statement that if the respondent fails to appear at the appointed place at or before the ordered
12 date and time, the respondent may be involuntarily taken into custody and transported to the
13 appointed place; and a statement the expert examiner may consult with or request participation
14 in the examination by a mental health professional and may include with the written examination
15 report any findings or observations by that mental health professional. Accompanying the order
16 must be an explanation of the intended uses and possible effects of this examination. The
17 examination may be conducted at a treatment facility, at the respondent's home, or at any other
18 suitable place in the community. A request for examination at the state hospital must be
19 screened and approved by a ~~regional human service center~~state-operated behavioral health
20 clinic. The respondent may be accompanied by one or more relatives or friends at the place of
21 the examination. The costs of the court-ordered examination must be borne by the county that
22 is the respondent's place of residence.

23 **SECTION 7. AMENDMENT.** Subdivision b of subsection 2 of section 26.1-36-08 of the
24 North Dakota Century Code is amended and reenacted as follows:

25 b. In the case of benefits provided for partial hospitalization, the benefits must be
26 provided for a minimum of one hundred twenty days of services covered under
27 this section and section 26.1-36-09 in any calendar year. Services provided
28 under this subdivision must be provided by an addiction treatment program
29 licensed under chapter 50-31. For services provided in ~~regional human service~~
30 ~~centers~~state-operated behavioral health clinics, charges must be reasonably
31 similar to the charges for care provided by hospitals as defined in this subsection.

1 **SECTION 8. AMENDMENT.** Subdivisions c and d of subsection 2 of section 26.1-36-09 of
2 the North Dakota Century Code are amended and reenacted as follows:

- 3 c. In the case of benefits provided for partial hospitalization, the benefits must be
4 provided for a minimum of one hundred twenty days of services covered under
5 this section and section 26.1-36-08 in any calendar year. Partial hospitalization
6 must be provided by a hospital as defined under section 52-01-01 and rules of
7 the department of health and human services pursuant thereto or by a ~~regional-~~
8 ~~human service center~~state-operated behavioral health clinic licensed under
9 section 50-06-05.2, offering treatment for the prevention or cure of mental
10 disorder or other related illness. For services provided in ~~regional human service-~~
11 ~~centers~~state-operated behavioral health clinics, charges must be reasonably
12 similar to the charges for care provided by hospitals as defined in this subsection.
- 13 d. In the case of benefits provided for residential treatment, the benefits must be
14 provided for a minimum of one hundred twenty days of services covered under
15 this section in any calendar year. Residential treatment services must be
16 provided by a hospital as defined under section 52-01-01 and rules of the
17 department of health and human services; by a ~~regional human service-~~
18 ~~center~~state-operated behavioral health clinic licensed under section 50-06-05.2
19 offering treatment for the prevention or cure of mental disorder or other related
20 illness; or by a residential treatment program. For services provided in a ~~regional-~~
21 ~~human service center~~state-operated behavioral health clinic, charges must be
22 reasonably similar to the charges for care provided by a hospital as defined in
23 this subsection.

24 **SECTION 9. AMENDMENT.** Subsection 9 of section 43-12.1-04 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 9. A person that provides medications, other than by the parenteral route:
- 27 a. Within a correctional facility, in compliance with section 12-44.1-29;
- 28 b. Within a psychiatric residential treatment facility for children licensed under
29 chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
- 30 c. Within a treatment or care center for individuals with developmental disabilities
31 licensed under chapter 25-16;

- d. Within a group home, a qualified residential treatment program, or an adult foster care facility licensed under section 50-11-01;
- e. Within the life skills and transition center, to the extent the individual who provides medications is a direct training technician or a vocational training technician as approved by the department of health and human services;
- f. Within a ~~human service center~~state-operated behavioral health clinic licensed under chapter 50-06; or
- g. Within a primary or secondary school under a program established under section 15.1-19-23 if the individual has received education and training in medication administration and has received written consent of the student's parent or guardian; or
- h. Who is an employee of a qualified service provider agency who meets the criteria set forth in subsection 2 of section 50-24.1-18.

SECTION 10. AMENDMENT. Subsection 6 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

- 6. This chapter does not prevent individuals with master's or doctoral degrees in the field of counseling with specialization in mental health from serving as counselors or therapists in mental health in state institutions or ~~regional human service centers~~state-operated behavioral health clinics, if they do not hold themselves out to the public as social workers.

SECTION 11. AMENDMENT. Subdivision b of subsection 1 of section 44-04-18.30 of the North Dakota Century Code is amended and reenacted as follows:

- b. "Public social services agency" means a state, county, or local public agency that provides human services, and includes ~~regional human service centers~~state-operated behavioral health clinics, ~~county social services~~human service zone boards, ~~multicounty social services districts~~human service zones, and the department of health and human services.

SECTION 12. AMENDMENT. Section 50-06-01 of the North Dakota Century Code is amended and reenacted as follows:

50-06-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Behavioral health" means the planning and implementation of preventive, consultative, diagnostic, treatment, crisis intervention, rehabilitative, and suicide prevention services for individuals with mental, emotional, or substance use disorders, and psychiatric conditions.
2. "Behavioral health provider" means any licensed or accredited behavioral health provider in this state.
3. "Certified community behavioral health clinic" means a private or public behavioral health clinic or a state-operated behavioral health clinic designated by the department to deliver a comprehensive range of mental health and substance use disorder services in accordance with the certification criteria set forth by the department.
4. "Department" means the department of health and human services.
- 4.5. "Human services" means:
 - a. A service or assistance provided to an individual or an individual's family in need of services or assistance, including child welfare services, economic assistance programs, medical services programs, and aging services programs, to assist the individual or the individual's family in achieving and maintaining basic self-sufficiency, including physical health, mental health, education, welfare, food and nutrition, and housing.
 - b. A service or assistance provided, administered, or supervised by the department in accordance with chapter 50-06.
 - c. Licensing duties as administered or supervised by the department or delegated by the department to a human service zone.
6. "State-operated behavioral health clinic" means a department-operated behavioral health clinic established under section 50-06-05.2.

SECTION 13. AMENDMENT. Section 50-06-01.4 of the North Dakota Century Code is amended and reenacted as follows:

50-06-01.4. Structure of the department.

1. The department includes the state hospital, the ~~regional human service centers~~state-operated behavioral health clinics, a vocational rehabilitation unit, public health division, and other units or offices and administrative and fiscal support services as the commissioner of the department determines necessary. The department must be

1 structured to promote efficient and effective operations and, consistent with fulfilling its
2 prescribed statutory duties, shall act as the official agency of the state in the discharge
3 of the following functions not otherwise by law made the responsibility of another state
4 agency:

- 5 a. Administration of programs for children and families, including adoption services
6 and the licensure of child-placing agencies, foster care services and the licensure
7 of foster care arrangements, certification of shelter care services, child protection
8 services, children's trust fund, licensure of early childhood programs, refugee
9 services, in-home community-based services, quality control, and administration
10 of the interstate compacts on the placement of children and juveniles.
- 11 b. Administration of programs for individuals with developmental disabilities,
12 including licensure of facilities and services, the establishment funding for family
13 members and corporate guardianships, and the design and implementation of a
14 community-based service system for persons in need of habilitation.
- 15 c. Administration of aging service programs, including nutrition, transportation,
16 advocacy, social, ombudsman, recreation, and related services funded under the
17 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and
18 community-based services, licensure of adult foster care homes, and the
19 committee on aging.
- 20 d. Administration of behavioral health programs, including reviewing and identifying
21 service needs and activities in the state's behavioral health system in an effort to
22 ensure health and safety, access to services, and quality of services; establishing
23 quality assurance standards for the licensure of substance use disorder program
24 services and facilities; providing policy leadership in partnership with public and
25 private entities; and providing chronic disease management, regional intervention
26 services, and twenty-four-hour crisis services for individuals with behavioral
27 health disorders.
- 28 e. Administration of economic assistance programs, including temporary assistance
29 for needy families, the supplemental nutrition assistance program, home energy
30 assistance, child care assistance, refugee assistance, work experience, work
31 incentive, and quality control.

- 1 f. Administration of medical service programs, including medical assistance for
- 2 children's health insurance program, Medicaid waivers, early and periodic
- 3 screening, diagnosis and treatment, utilization control, autism services, and
- 4 claims processing.
- 5 g. Administration of general assistance.
- 6 h. Administration of child support.
- 7 i. Administration of program, services, and licensing outlined in title 23 and other
- 8 previous duties of the state department of health and state health council.
- 9 2. The commissioner of the department or commissioner's designee shall consult with
- 10 and maintain a close working relationship with the department of corrections and
- 11 rehabilitation and the superintendents of the school for the deaf and the North Dakota
- 12 vision services - school for the blind to develop programs for individuals with
- 13 developmental disabilities; and with the superintendent of public instruction to
- 14 maximize the use of resource persons in regional human service centers~~state-~~
- 15 operated behavioral health clinics in the provision of special education services. The
- 16 commissioner of the department or commissioner's designee shall also maintain a
- 17 close liaison with human service zones.
- 18 3. ~~By August 1, 2019, the~~The department shall establish a template for the development
- 19 of human service zone plans, including process and content requirements, access
- 20 point expectations, client grievances procedures, human resources, and locally funded
- 21 programs or services and how those services will be addressed.
- 22 4. The department shall develop, with assistance from the North Dakota association of
- 23 counties, a process for consultation and technical assistance for human service zone
- 24 working groups ~~by August 1, 2019.~~

25 **SECTION 14. AMENDMENT.** Section 50-06-01.7 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **50-06-01.7. Behavioral health division - Administration - Fees.**

- 28 1. The department shall ~~administratively restructure the behavioral health division to~~
- 29 ~~require the division to~~ develop and revise, when necessary, the state mental health
- 30 plan and provide the behavioral health division the authority to implement and
- 31 supervise a unified mental health delivery system and to assure the mental health

1 services provided by the ~~human service centers~~state-operated behavioral health
2 clinics, the state hospital, and contracted services are in accordance with the state
3 plan.

4 2. The behavioral health division may establish nonrefundable application fees not to
5 exceed three hundred dollars for administration and enforcement of licensing and
6 certification activities. The department shall adopt rules as necessary to implement
7 this section. All fees collected under this section must be paid to the behavioral health
8 division and must be used to defray the cost of administering and enforcing licensing
9 and certification activities.

10 **SECTION 15. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **50-06-05.1. Powers and duties of the department. (Effective through June 30, 2027)**

13 The department has the following powers and duties to be administered by the department
14 through its state office or ~~regional human service centers~~state-operated behavioral health
15 clinics, human service zones, or otherwise as directed by the department:

- 16 1. To act as the official agency of the state in any social welfare or human service activity
17 initiated by the federal government not otherwise by law made the responsibility of
18 another state agency.
- 19 2. To administer, allocate, and distribute any state and federal funds that may be made
20 available for the purpose of providing financial assistance, care, and services to
21 eligible persons and families who do not have sufficient income or other resources to
22 provide a reasonable subsistence compatible with decency and health.
- 23 3. To provide preventive, rehabilitative, and other human services to help families and
24 individuals to retain or attain capability for independence or self-care.
- 25 4. To do needed research and study in the causes of social problems and to define
26 appropriate and effective techniques in providing preventive and rehabilitative
27 services.
- 28 5. To provide for the study, and to promote the well-being, of a child in need of protection,
29 a child in need of services, and delinquent children.

- 1 6. To provide for the placing and supervision of children in need of substitute parental
2 care, subject to the control of any court having jurisdiction and control of any such
3 child.
- 4 7. To recommend appropriate human services related legislation to the legislative
5 assembly.
- 6 8. To direct and supervise human service zone activities and administer a statewide
7 program for state-funded human services, staffing, and administration costs related to
8 the administration of human services.
- 9 9. To secure, hold, and administer for the purpose for which it is established any property
10 and any funds donated to it either by will or deed, or otherwise, or through court order
11 or otherwise available to the department, and to administer those funds or property in
12 accordance with the instructions in the instrument creating them or in accordance with
13 the instructions in the court order or otherwise.
- 14 10. To formulate standards and make appropriate inspections and investigations in
15 accordance with such standards in connection with all licensing activities delegated by
16 law to the department, including early childhood programs, nonmedical adult care
17 facilities and maternity homes, and persons or organizations receiving and placing
18 children, and to require those facilities, persons, and organizations to submit reports
19 and information as the department may determine necessary.
- 20 11. To permit the making of any surveys of human service needs and activities if
21 determined to be necessary.
- 22 12. To issue subpoenas, administer oaths, and compel attendance of witnesses and
23 production of documents or papers whenever necessary in making the investigations
24 provided for herein or in the discharge of its other duties. A subpoena may not be
25 issued to compel the production of documents or papers relating to any private
26 child-caring or child-placing agency or to compel the attendance as a witness of any
27 officer or employee of those facilities except upon the order of a judge of the district
28 court of the judicial district in which the facilities are located.
- 29 13. To provide insofar as staff resources permit appropriate human services, including
30 social histories, social or social-psychological evaluations, individual, group, family,
31 and marital counseling, and related consultation, when referred by self, parent,

guardian, human service zone, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the life skills and transition center, state hospital, or North Dakota youth correctional center.

14. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and aftercare services when requested by the judge of a juvenile court. A court order under section 27-20.3-09, 27-20.4-08, or 27-20.4-17 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with the requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.

15. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, and treatment, when requested by the judge in a criminal case. A court order under section 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.

16. To act as the official agency of the state in the administration of the supplemental nutrition assistance program and to direct and supervise human service zone administration of that program. The department with the consent of the legislative assembly or the budget section if the legislative assembly is not in session may terminate the program if the rate of federal financial participation in administrative costs provided under Public Law 93-347 is decreased or limited, or if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act. Any request considered by the budget section must comply with section 54-35-02.9. The department may not deny assistance under the supplemental nutrition assistance program to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)].

- 1 17. To administer, allocate, and distribute any funds made available for the making of
2 direct cash assistance payments, housing stabilization supports, and rental assistance
3 and to promote cooperation and working agreements with public agencies and
4 including the housing finance agency and department of commerce, and private
5 human service agencies.
- 6 18. To act as the official agency of the state in the administration of the home energy
7 assistance program; to direct and supervise human service zone administration of that
8 program; and to take such actions, give such directions, and adopt such rules, subject
9 to review in the courts of this state, as may be necessary or desirable to carry out this
10 subsection. For purposes of the administration of the energy assistance program,
11 funds are obligated at the earlier of the time a written commitment is made to pay a
12 vendor or contractor for services or supplies delivered or to be delivered, or at the time
13 payment is made to a vendor or contractor for services or supplies delivered or to be
14 delivered. The provisions of this subsection concerning obligation of funds apply to
15 payments and commitments made on or after July 1, 1991. The department with the
16 consent of the legislative assembly or the budget section if the legislative assembly is
17 not in session may terminate the program if the rate of federal financial participation in
18 administrative costs is decreased or limited to less than fifty percent of total
19 administrative costs, or if the state or counties become financially responsible for all or
20 a portion of the cost of energy assistance program benefits. Any request considered
21 by the budget section must comply with section 54-35-02.9
- 22 19. To administer, allocate, and distribute any funds made available for the payment of the
23 cost of the special needs of any child under the age of twenty-one years, who is living
24 in an adoptive home and would probably go without adoption except for acceptance by
25 the adopted family, and whose adopted family does not have the economic ability and
26 resources, as established by the department, to take care of the special needs of the
27 child, including legal fees, maintenance costs, medical and dental expenses, travel
28 costs, and other costs incidental to the care of the child.
- 29 20. To exercise and carry out any other powers and duties granted the department under
30 state law.

- 1 21. To administer, allocate, and distribute any funds made available for the payment of
2 supervised independent living services, to develop standards regarding a supervised
3 independent living program, to approve supervised independent living services for the
4 purpose of providing foster care placement, and to apply for and administer federal
5 and other funds that may be made available to undertake any of the activities
6 described in this subsection.
- 7 22. With the approval of the governor, to lease or transfer use of any part of the life skills
8 and transition center facilities or properties, located in section thirteen, township one
9 hundred fifty-seven north, range fifty-three west, located in Walsh County, North
10 Dakota, to the federal government, or any public or private agency, organization, or
11 business enterprise, or any worthy undertaking, under the following provisions:
- 12 a. The department determines that the facility or property is not needed to serve
13 any present or reasonably foreseeable need of the life skills and transition center.
- 14 b. The transaction is exempt from the provisions of section 50-06-06.6.
- 15 c. The term of any lease may not exceed ninety-nine years.
- 16 d. All required legal documents, papers, and instruments in any transaction must be
17 reviewed and approved as to form and legality by the attorney general.
- 18 e. Any funds realized by any transaction must be deposited in the state's general
19 fund.
- 20 23. To act as a decedent's successor for purposes of collecting amounts due to the
21 department or human service zone, unless otherwise directed or determined by the
22 department. Any affidavit submitted by the department under section 30.1-23-01 must
23 conform to the requirements of that section except that the affidavit may state that
24 twenty days have elapsed since the death of the decedent.
- 25 24. To provide those services necessary for the department and for human service zones
26 to comply with the provisions of any law, rule, order, or regulation of the United States
27 or any federal agency or authority requiring civil service or merit standards or
28 classifications as a condition for providing funds administered by the department.
- 29 25. For purposes of administration of programs, and subject to legislative appropriation,
30 funds are obligated at the time a written commitment is made to pay a vendor or

1 contractor for services or supplies either delivered or to be delivered. This subsection
2 applies to payments and commitments made on or after January 1, 1997.

3 26. To determine eligibility for medical assistance and children's health insurance program
4 benefits when the department receives a joint application for these benefits.

5 27. To develop a system of services and supports to provide behavioral health services
6 and supports in the community for children at risk of or identified as having a
7 behavioral health condition and for the families of these children. This system must
8 include early intervention, treatment, and recovery services and supports and must
9 interface with, but not include, child protective services or juvenile court.

10 28. To provide resources on mental health awareness and suicide prevention to the
11 behavioral health resource coordinator at each public school and to the designated
12 individual at a nonpublic school. The resources must include information on identifying
13 warning signs, risk factors, and the availability of resources in the community, ~~and also~~
14 ~~must include an evidence-based, online virtual mental health and suicide prevention-~~
15 ~~simulation-based training program that incorporates hands-on practice, contextual~~
16 ~~learning, and personalized feedback through interactive role playing. The provisions of~~
17 ~~chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention-~~
18 ~~simulation-based training program under this subsection.~~

19 29. To administer, allocate, and distribute any funds made available for kinship care
20 services and payments and services in response to the federal Family First Prevention
21 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].

22 30. To contract with another human service zone or any other public or private person to
23 discharge any of the department's duties or exercise any of the department's powers
24 to administer human services.

25 31. To act on behalf of the department of public instruction to administer part B,
26 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229
27 Stat. 2647; 20 U.S.C. 1411 et seq.].

28 32. In the event of a disruption of operations, to provide meals at a fair value or without a
29 charge to employees of the department at the North Dakota state hospital, life skills
30 and transition center, and ~~regional human service centers~~state-operated behavioral

1 health clinics twenty-four hour staffed residential units as required by the job
2 assignments of the employees.

3 33. May pay a stipend, within the limit of legislative appropriation, to a recipient or a
4 provider of a recipient receiving assistance or services under any program
5 administered by or under the supervision and direction of the department to allow the
6 recipient or provider to serve on a council or board.

7 34. Notwithstanding any other requirements, to appeal an order of a judge of the district
8 court or juvenile court that orders the department to perform or provide a function,
9 service, or duty.

10 35. To require providers that receive funding from the department to submit process and
11 outcome measures to the department for programs and services supported by state
12 funding for the department to evaluate the administration of the programs and services
13 using the appropriation.

14 **Powers and duties of the department. (Effective after June 30, 2027)** The department
15 has the following powers and duties to be administered by the department through its state
16 office or ~~regional human service centers~~state-operated behavioral health clinics, human service
17 zones, or otherwise as directed by the department:

- 18 1. To act as the official agency of the state in any social welfare or human service activity
19 initiated by the federal government not otherwise by law made the responsibility of
20 another state agency.
- 21 2. To administer, allocate, and distribute any state and federal funds that may be made
22 available for the purpose of providing financial assistance, care, and services to
23 eligible persons and families who do not have sufficient income or other resources to
24 provide a reasonable subsistence compatible with decency and health.
- 25 3. To provide preventive, rehabilitative, and other human services to help families and
26 individuals to retain or attain capability for independence or self-care.
- 27 4. To do needed research and study in the causes of social problems and to define
28 appropriate and effective techniques in providing preventive and rehabilitative
29 services.
- 30 5. To provide for the study, and to promote the well-being, of a child in need of protection,
31 a child in need of services, and delinquent children.

- 1 6. To provide for the placing and supervision of children in need of substitute parental
2 care, subject to the control of any court having jurisdiction and control of any such
3 child.
- 4 7. To recommend appropriate human services related legislation to the legislative
5 assembly.
- 6 8. To direct and supervise human service zone activities and administer a statewide
7 program for state-funded human services, staffing, and administration costs related to
8 the administration of human services.
- 9 9. To secure, hold, and administer for the purpose for which it is established any property
10 and any funds donated to it either by will or deed, or otherwise, or through court order
11 or otherwise available to the department, and to administer those funds or property in
12 accordance with the instructions in the instrument creating them or in accordance with
13 the instructions in the court order or otherwise.
- 14 10. To formulate standards and make appropriate inspections and investigations in
15 accordance with such standards in connection with all licensing activities delegated by
16 law to the department, including early childhood programs, nonmedical adult care
17 facilities and maternity homes, and persons or organizations receiving and placing
18 children, and to require those facilities, persons, and organizations to submit reports
19 and information as the department may determine necessary.
- 20 11. To permit the making of any surveys of human service needs and activities if
21 determined to be necessary.
- 22 12. To issue subpoenas, administer oaths, and compel attendance of witnesses and
23 production of documents or papers whenever necessary in making the investigations
24 provided for herein or in the discharge of its other duties. A subpoena may not be
25 issued to compel the production of documents or papers relating to any private
26 child-caring or child-placing agency or to compel the attendance as a witness of any
27 officer or employee of those facilities except upon the order of a judge of the district
28 court of the judicial district in which the facilities are located.
- 29 13. To provide insofar as staff resources permit appropriate human services, including
30 social histories, social or social-psychological evaluations, individual, group, family,
31 and marital counseling, and related consultation, when referred by self, parent,

guardian, human service zone, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the life skills and transition center, state hospital, or North Dakota youth correctional center.

14. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and aftercare services when requested by the judge of a juvenile court. A court order under section 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.

15. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, and treatment, when requested by the judge in a criminal case. A court order under section 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.

16. To act as the official agency of the state in the administration of the supplemental nutrition assistance program and to direct and supervise human service zone administration of that program. The department with the consent of the legislative assembly or the budget section if the legislative assembly is not in session may terminate the program if the rate of federal financial participation in administrative costs provided under Public Law 93-347 is decreased or limited, or if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act. Any request considered by the budget section must comply with section 54-35-02.9. The department may not deny assistance under the supplemental nutrition assistance program to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)].

- 1 17. To administer, allocate, and distribute any funds made available for the making of
2 direct cash assistance payments, housing stabilization supports, and rental assistance
3 and to promote cooperation and working agreements with public agencies and
4 including the housing finance agency and department of commerce, and private
5 human services agencies.
- 6 18. To act as the official agency of the state in the administration of the home energy
7 assistance program; to direct and supervise human service zone administration of that
8 program; and to take such actions, give such directions, and adopt such rules, subject
9 to review in the courts of this state, as may be necessary or desirable to carry out this
10 subsection. For purposes of the administration of the energy assistance program,
11 funds are obligated at the earlier of the time a written commitment is made to pay a
12 vendor or contractor for services or supplies delivered or to be delivered, or at the time
13 payment is made to a vendor or contractor for services or supplies delivered or to be
14 delivered. The provisions of this subsection concerning obligation of funds apply to
15 payments and commitments made on or after July 1, 1991. The department with the
16 consent of the legislative assembly or the budget section if the legislative assembly is
17 not in session may terminate the program if the rate of federal financial participation in
18 administrative costs is decreased or limited to less than fifty percent of total
19 administrative costs, or if the state or counties become financially responsible for all or
20 a portion of the cost of energy assistance program benefits. Any request considered
21 by the budget section must comply with section 54-35-02.9
- 22 19. To administer, allocate, and distribute any funds made available for the payment of the
23 cost of the special needs of any child under the age of twenty-one years, who is living
24 in an adoptive home and would probably go without adoption except for acceptance by
25 the adopted family, and whose adopted family does not have the economic ability and
26 resources, as established by the department, to take care of the special needs of the
27 child, including legal fees, maintenance costs, medical and dental expenses, travel
28 costs, and other costs incidental to the care of the child.
- 29 20. To exercise and carry out any other powers and duties granted the department under
30 state law.

- 1 21. To administer, allocate, and distribute any funds made available for the payment of
2 supervised independent living services, to develop standards regarding a supervised
3 independent living program, to approve supervised independent living services for the
4 purpose of providing foster care placement, and to apply for and administer federal
5 and other funds that may be made available to undertake any of the activities
6 described in this subsection.
- 7 22. With the approval of the governor, to lease or transfer use of any part of the life skills
8 and transition center facilities or properties, located in section thirteen, township one
9 hundred fifty-seven north, range fifty-three west, located in Walsh County, North
10 Dakota, to the federal government, or any public or private agency, organization, or
11 business enterprise, or any worthy undertaking, under the following provisions:
 - 12 a. The department determines that the facility or property is not needed to serve
13 any present or reasonably foreseeable need of the life skills and transition center.
 - 14 b. The transaction is exempt from the provisions of section 50-06-06.6.
 - 15 c. The term of any lease may not exceed ninety-nine years.
 - 16 d. All required legal documents, papers, and instruments in any transaction must be
17 reviewed and approved as to form and legality by the attorney general.
 - 18 e. Any funds realized by any transaction must be deposited in the state's general
19 fund.
- 20 23. To act as a decedent's successor for purposes of collecting amounts due to the
21 department or human service zone, unless otherwise directed or determined by the
22 department. Any affidavit submitted by the department under section 30.1-23-01 must
23 conform to the requirements of that section except that the affidavit may state that
24 twenty days have elapsed since the death of the decedent.
- 25 24. To provide those services necessary for the department and for human service zones
26 to comply with the provisions of any law, rule, order, or regulation of the United States
27 or any federal agency or authority requiring civil service or merit standards or
28 classifications as a condition for providing funds administered by the department.
- 29 25. For purposes of administration of programs, and subject to legislative appropriation,
30 funds are obligated at the time a written commitment is made to pay a vendor or

- 1 contractor for services or supplies either delivered or to be delivered. This subsection
2 applies to payments and commitments made on or after January 1, 1997.
- 3 26. To determine eligibility for medical assistance and children's health insurance program
4 benefits when the department receives a joint application for these benefits.
- 5 27. To develop a system of services and supports to provide behavioral health services
6 and supports in the community for children at risk of or identified as having a
7 behavioral health condition and for the families of these children. This system must
8 include early intervention, treatment, and recovery services and supports and must
9 interface with, but not include, child protective services or juvenile court.
- 10 28. To provide resources on mental health awareness and suicide prevention to the
11 behavioral health resource coordinator at each school. The resources must include
12 information on identifying warning signs, risk factors, and the availability of resources
13 in the community.
- 14 29. To administer, allocate, and distribute any funds made available for kinship care
15 services and payments and services in response to the federal Family First Prevention
16 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 17 30. To contract with another human service zone or any other public or private person to
18 discharge any of the department's duties or exercise any of the department's powers
19 to administer human services.
- 20 31. To act on behalf of the department of public instruction to administer part B,
21 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229
22 Stat. 2647; 20 U.S.C. 1411 et seq.].
- 23 32. In the event of a disruption of operations, to provide meals at a fair value or without a
24 charge to employees of the department at the North Dakota state hospital, life skills
25 and transition center, and ~~regional human service centers~~state-operated behavioral
26 health clinics twenty-four hour staffed residential units as required by the job
27 assignments of the employees.
- 28 33. May pay a stipend, within the limit of legislative appropriation, to a recipient or a
29 provider of a recipient receiving assistance or services under any program
30 administered by or under the supervision and direction of the department to allow the
31 recipient or provider to serve on a council or board.

1 34. Notwithstanding any other requirements, to appeal an order of a judge of the district
2 court or juvenile court that orders the department to perform or provide a function,
3 service, or duty.

4 35. To require providers that receive funding from the department to submit process and
5 outcome measures to the department for programs and services supported by state
6 funding for the department to evaluate the administration of the programs and services
7 using the appropriation for the program or service.

8 **SECTION 16. AMENDMENT.** Section 50-06-05.2 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **50-06-05.2. Regional human service centersState-operated behavioral health clinics -**
11 **Licensure.**

12 Human

13 1. Community-based behavioral health services must be delivered through ~~regional-~~
14 ~~human service centers~~state-operated behavioral health clinics in the areas designated
15 by the governor's executive order 1978-12 dated October 5, 1978. The department
16 shall request appropriations and resources sufficient for ~~accreditation~~;

17 a. Accreditation and to ensure maintenance of the accreditation for the ~~regional-~~
18 ~~human service centers~~state-operated behavioral health clinics, including
19 associated facilities, by ~~the council on accreditation~~the social current or by a
20 similar national accrediting body accepted by the department; and

21 b. Certification as a certified community behavioral health clinic.

22 2. The ~~regional human service centers~~state-operated behavioral health clinics are
23 subject to licensing or certification by the department. The department may use the
24 accreditation as a basis for licensing in lieu of adopted rules for the operation of the
25 ~~regional human service centers~~. The department shall adopt rules for the operation of
26 ~~the regional human service centers~~state-operated behavioral health clinics. A ~~regional-~~
27 ~~human service center~~state-operated behavioral health clinic may not operate without a
28 license or certification issued in accordance with this section or section 30 of this Act.

29 ~~Regional human service centers~~State-operated behavioral health clinics are
30 authorized to receive federal and other funds available to finance, in whole or in part,
31 the services and operations of the ~~centers~~state-operated behavioral health clinics.

1 **SECTION 17. AMENDMENT.** Section 50-06-05.3 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-06-05.3. ~~Regional human service centers~~State-operated behavioral health clinics -**
4 **~~Powers - Duties - Human service advisory~~Advisory groups.**

- 5 1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide
6 human services and assistance to all eligible individuals and families to ~~help~~
7 ~~individuals and families achieve or maintain~~support individuals in achieving social,
8 emotional, and economic self-sufficiency by providing human services and assistance
9 to:
- 10 a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and
11 independence;
- 12 b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least
13 restrictive environments, reduce the need for institutional care by providing ~~for~~
14 ~~care while institutionalized or providing for~~access to community-based ~~or~~and
15 ~~other forms of less restrictive~~supportive services that span the continuum of care;
- 16 c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized
17 care when needed and coordinate timely referrals and transitions to appropriate
18 levels of care;
- 19 d. Provide outpatient diagnostic and treatment services; and
- 20 e. ~~Provide rehabilitation~~rehabilitative and crisis services ~~for patients with~~support for
21 individuals with mental health, emotional, or substance use ~~disorders, an~~
22 ~~intellectual disability, and other psychiatric conditions, particularly for those~~
23 ~~patients who have received prior treatment in an~~challenges, including those with
24 complex needs, to promote continuity of care and successful reentry from
25 inpatient facilitysettings.
- 26 2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver
27 services in the manner prescribed by the department.
- 28 3. ~~Regional human service centers~~State-operated behavioral health clinics may provide
29 behavioral health collaborative care and consultation services, including psychiatric
30 consultation, with private providers and correctional facility providers.

1 4. Each ~~regional human service center~~state-operated behavioral health clinic must have
2 a ~~human services~~behavioral health clinic advisory group consisting of the human
3 service zone directors of the region served, the public health directors of the region
4 served, two current county commissioners appointed by the commissioner of the
5 department or the commissioner's designee, and five additional members appointed
6 by the commissioner of the department or the commissioner's designee. Each
7 behavioral health clinic advisory group member must be a resident of the region the
8 member is appointed to serve. The term of office for each appointed member is two
9 years and arranged so that the term of three of the appointed members expires at the
10 end of the first year and the term of the remaining four appointed members expires at
11 the end of the second year, except for those first members appointed, three members
12 shall serve a one-year term and four members shall serve a two-year term. The
13 commissioner of the department or the commissioner's designee shall select the
14 appointed members of each ~~human service~~behavioral health clinic advisory group on
15 the basis of population of the counties in the region served by the ~~regional human-~~
16 ~~service center~~state-operated behavioral health clinic. Each county in the region must
17 be represented by at least one member on the ~~human service~~behavioral health clinic
18 advisory group. To the extent possible, appointed membership of the behavioral health
19 clinic advisory group must reflect regional interests in the fields of ~~developmental-~~
20 ~~disabilities, social services,~~ mental health, and substance use disorders. The
21 commissioner of the department or the commissioner's designee shall appoint a
22 chairman for each behavioral health clinic advisory group from the membership of the
23 behavioral health clinic advisory group. The commissioner of the department or the
24 commissioner's designee shall fill a vacancy occurring within ~~an~~ a behavioral health
25 clinic advisory group for other than the expiration of a term in the same manner as
26 original appointments, except that appointments must be made only for the unexpired
27 term. The department shall compensate appointed members of a ~~human-~~
28 ~~service~~behavioral health clinic advisory group at the rate of forty-five dollars per day,
29 not to exceed twenty-five days in any one year. The department also shall pay
30 members for mileage and actual expenses incurred in attending meetings and in the

1 performance of their official duties in the amounts provided by law for other state
2 officers.

3 **SECTION 18. AMENDMENT.** Section 50-06-05.4 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-06-05.4. Duties of ~~human-service~~behavioral health clinic advisory groups.**

6 Each ~~human-service~~behavioral health clinic advisory group of the ~~regional human-service-~~
7 ~~centers~~state-operated behavioral health clinics shall perform the following duties:

- 8 1. Provide information to the department relative to needs assessment and the planning
9 and development of ~~health and social~~ resources for the effective and efficient delivery
10 of high-quality ~~human~~behavioral health services fully accessible to all citizens.
- 11 2. Review services and programs provided by the ~~regional human-service centers~~state-
12 operated behavioral health clinics and make periodic recommendations for
13 improvement in services, programs, or facilities.
- 14 3. Promote cooperation and working agreements with public agencies, including public
15 health and corrections and private ~~human-service~~behavioral health agencies.
- 16 4. Promote local and regional financing from public and private sources.

17 **SECTION 19. AMENDMENT.** Section 50-06-05.5 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-06-05.5. Director of ~~regional-center~~state-operated behavioral health clinic -**
20 **Medical director.**

21 Each ~~regional human-service center~~state-operated behavioral health clinic must be headed
22 by a regional director ~~appointed by the commissioner of the department~~. The ~~regional~~state-
23 operated behavioral health clinic director must be accountable to the commissioner of the
24 department or the commissioner's designee. Each ~~regional~~state-operated behavioral health
25 clinic director may employ the staff necessary to discharge the ~~center's~~state-operated
26 behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic
27 director, subject to the approval of the commissioner of the department or the commissioner's
28 designee, and within the limit of legislative appropriations, may make contractual arrangements
29 with public or private agencies or with individuals and organizations to discharge the ~~regional-~~
30 ~~human-service center's~~state-operated behavioral health clinic's service delivery responsibilities.
31 Each regional director shall hire a qualified medical professional who must be designated as the

1 medical director of the ~~center~~state-operated behavioral health clinic. The medical director is
2 responsible for coordinating mental health and medically related services. The medical
3 director's position may be part time or full time as determined appropriate by the ~~regional~~state-
4 operated behavioral health clinic director, with the concurrence of the commissioner of the
5 department or the commissioner's designee. As used in this section, "qualified medical
6 professional" means a board-eligible or board-certified psychiatrist, when such an individual can
7 be employed, and when this is not possible, an individual possessing at least a medical degree.

8 **SECTION 20. AMENDMENT.** Section 50-06-06.2 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

11 Within the limits of legislative appropriation therefor and in accordance with rules
12 established by the department, the department may defray the costs of preventive diagnostic,
13 therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible
14 individuals by ~~regional human service centers~~state-operated behavioral health clinics or
15 designated behavioral health providers. Within the limits of legislative appropriations and to the
16 extent permitted by state and federal law and regulations established thereunder, it is the intent
17 of the legislative assembly that federal funds available under title XIX of the Social Security Act
18 [42 U.S.C. 1396 et seq.] be utilized to defray the costs of identifiable mental health clinic
19 services furnished eligible individuals in ~~regional human service centers~~state-operated
20 behavioral health clinics and that federal funds available under title XX of the Social Security Act
21 [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable human services furnished
22 to eligible individuals by human service zones and ~~regional human service centers~~state-
23 operated behavioral health clinics.

24 **SECTION 21. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **50-06-06.5. Continuum of services for individuals with serious and persistent mental**
27 **illness.**

- 28 1. The department shall develop a plan for an integrated, multidisciplinary continuum of
29 services for individuals with serious and persistent mental illness. The continuum may
30 consist of an array of services provided by private mental health professionals, private
31 agencies, human service zones, ~~regional human service centers~~state-operated

behavioral health clinics, community-based residential care and treatment facilities, and private and public inpatient psychiatric hospitals. ~~When appropriate, access to the continuum must be through regional human service centers.~~ Within the limits of legislative appropriations, the plan for a continuum may include:

- a. Programs, and appropriate related facilities, to provide socialization skills.
- b. Programs, and appropriate related facilities, to provide basic living skills.
- c. Appropriate residential facilities and other housing options.
- d. Appropriate training, placement, and support to enhance potential for employment.
- e. Appropriate delivery and control of necessary medication.
- f. Appropriate economic assistance.
- g. An inpatient facility with appropriate programs to respond to persons who require hospitalization.
- h. Peer and recovery support.
- i. Crisis service that is available twenty-four hours a day seven days a week.

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

SECTION 22. AMENDMENT. Section 50-06-06.13 of the North Dakota Century Code is amended and reenacted as follows:

50-06-06.13. Treatment services for children with serious emotional disorders.

1. The department shall establish a program to provide out-of-home treatment services for a Medicaid-eligible child with a serious emotional disorder. The department may not require a parent or legal guardian to transfer legal custody of the child in order to have the child placed in an out-of-home treatment program if the sole reason for the placement is the need to obtain services for the child's emotional or behavioral problems. With departmental approval, a parent with legal and physical custody or a legal guardian of the child may obtain treatment services for the child through the program. A parent without physical custody of a child, who disagrees with a child's

1 treatment under this section, may request a judicial determination regarding the child's
2 treatment.

3 2. The department may establish a program to prevent out-of-home placement for a
4 Medicaid-eligible child with a behavior health condition as defined in the "Diagnostic
5 and Statistical Manual of Mental Disorders", American psychiatric association, fifth
6 edition, text revision (2013).

7 **SECTION 23. AMENDMENT.** Subsections 1 and 3 of section 50-06-15 of the North Dakota
8 Century Code are amended and reenacted as follows:

9 1. Individually identifiable information concerning an individual applying for or receiving
10 assistance or services under any program administered by or under the supervision
11 and direction of the department is confidential, except that any such information,
12 including an individual's social security number, may be used and disclosed:

- 13 a. In the administration of any such program;
14 b. In accordance with a program's participation in the department's master client
15 index data matching system, unless prohibited by federal law;
16 c. As specifically authorized by the rules of the department; ~~or~~
17 d. As permitted or required by other law; or
18 e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and
19 the department's rules, within and between the department's divisions to assist
20 with or to provide assistance or services under any program administered by or
21 under the supervision and direction of the department. The disclosure of
22 information under this subdivision must comply with applicable federal laws and
23 regulations.

24 3. As used in this section, "individually identifiable information" means information,
25 including an individual's name, address, telephone number, facsimile number, social
26 security number, electronic mail address, program identification number, protected
27 health information, personally identifiable information, or any other unique identifying
28 number, characteristic, or code, as well as demographic information collected from an
29 individual, that:

- 30 a. Is created or received by the department; and
31 b. Relates to:

- (1) The past, present, or future assistance or services applied for or received by an individual under any program administered by or under the supervision and direction of the department that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual; or
- (2) A report, or any other information obtained, concerning an applicant or a provider of or an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department.

SECTION 24. AMENDMENT. Section 50-06-33 of the North Dakota Century Code is amended and reenacted as follows:

50-06-33. Dementia care services.

As used in this section, "dementia" means the condition of an individual involving loss of memory and impairment of cognitive functions severe enough to interfere with the individual's daily life. The department shall contract with a private provider for a dementia care services program in each area of the state served by a ~~regional human service center~~state-operated behavioral health clinic. The dementia care services must include:

1. Identifying available services within the region;
2. Providing information to medical professionals, law enforcement, and the public regarding the symptoms of dementia, the benefits of early detection and treatment, and the services available to individuals with dementia and their caregivers;
3. Assessing the needs of individuals with dementia and their caregivers;
4. Training care providers to manage and provide for the care of individuals with dementia;
5. Providing consultation services to individuals with dementia and their caregivers; and
6. Facilitating the referral of individuals with dementia and their caregivers to appropriate care and support services.

SECTION 25. AMENDMENT. Section 50-06-41.3 of the North Dakota Century Code is amended and reenacted as follows:

1 **50-06-41.3. Behavioral health bed management system.**

2 The department shall establish and maintain a behavioral health bed management system
3 to improve utilization of behavioral health bed capacity. Public and private providers of
4 residential or inpatient behavioral health services, except the department of corrections and
5 rehabilitation, shall participate in and report daily to the department the information and
6 documentation necessary to maintain the behavioral health bed management system in the
7 form and manner prescribed by the department, unless otherwise specified.

8 **SECTION 26. AMENDMENT.** Subsection 1 of section 50-06-42 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. The department shall establish and administer, within the limits of legislative
11 appropriations, a voucher system to address underserved areas and gaps in the
12 state's substance abuse treatment system and to assist in the payment of addiction
13 treatment services provided by licensed substance abuse treatment programs,
14 excluding ~~regional human service centers~~state-operated behavioral health clinics and
15 hospital- or medical clinic-based programs for medical management of withdrawal. An
16 out-of-state licensed substance abuse treatment program located within a bordering
17 state may participate in the voucher program to serve an underserved area of this
18 state pursuant to the rules adopted by the department. The department shall develop
19 rules to include processes and requirements for an out-of-state provider to receive
20 reimbursement only for outpatient and community-based services upon a provider
21 completing an assessment of need and receiving approval from the department.

22 **SECTION 27. AMENDMENT.** Subsection 1 of section 50-06-42.1 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 24 1. A licensed substance abuse treatment program, excluding ~~regional human service-~~
25 ~~centers~~state-operated behavioral health clinics and hospital or medical clinic-based
26 programs for medical management of withdrawal, may apply for a competitive
27 substance use disorder treatment voucher system grant. A licensed substance abuse
28 treatment program is eligible for a one-time grant award. To receive a grant, a licensed
29 substance abuse treatment program shall:
30 a. Submit an application in the form and manner prescribed by the department;
31 b. Enter a grant agreement with the department;

- c. Use grant funds for a licensed substance abuse treatment program with fewer than seventeen beds in an underserved area, as determined by the department, in the state's substance abuse treatment system;
- d. Use the grant funds to support the provision of substance use disorder treatment in underserved areas of the state's substance abuse treatment system;
- e. Provide and disclose information needed to comply with the department's data collection requirements; and
- f. Operate in compliance with grant requirements.

SECTION 28. AMENDMENT. Section 50-06-46 of the North Dakota Century Code is amended and reenacted as follows:

50-06-46. Cross-disability advisory council - Appointment - Duties. (~~Expired effective August 1, 2025~~)

1. The cross-disability advisory council shall participate with and provide feedback to the department regarding the implementation, planning, and design of the cross-disability children's waiver, level of care reform for the comprehensive developmental disabilities Medicaid home and community-based waiver, and a service option that will allow payment to a legally responsible individual who provides extraordinary care to an eligible individual through the Medicaid 1915(c) waivers. This subsection does not apply to the Medicaid 1915(c) home and community-based services aged and disabled waivers.
2. The department shall contract with a qualified, independent third party to facilitate and provide support services to the council. The contracted facilitator shall appoint the cross-disability advisory council members in accordance with subsection 3 and establish the length of member terms and the structure of the cross-disability advisory council. A representative from the contracted facilitator shall serve as the presiding officer of the advisory council.
3. The cross-disability advisory council consists of up to fifteen voting members. A majority of the members of the council must be family members of individuals with a disability, or must be individuals with a disability, who currently receive, or have never received Medicaid home and community-based services. The remaining members of the council must be appointed based on their professional subject matter expertise in

or knowledge of the needs and interests of individuals with disabilities. The council's membership must represent different regions of the state and a broad range of disabilities that pertain to the Medicaid home and community-based services. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

4. The cross-disability advisory council shall meet at least quarterly and may appoint subcommittees to address specific topics or disabilities, which may include autism spectrum disorder, traumatic brain injury, and fetal alcohol spectrum disorder. A majority of the voting members of the council constitutes a quorum.

5. The cross-disability advisory council shall:

- a. Discuss strategies to address gaps or needs regarding individuals with disabilities and Medicaid home and community-based services, including eligibility of legally responsible individuals;
- b. Provide for the active participation of stakeholders, including consumers and providers; and
- c. Receive information from the department and its consultants.

6. The cross-disability advisory council members, excluding the contracted facilitator, are entitled to reimbursement from the department for travel and lodging at the same rate as provided for state officers and employees.

SECTION 29. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Certified community behavioral health clinics - Rules.

1. To operate in this state, a community behavioral health clinic must be certified by the department.
2. The department shall adopt rules for the certification of community behavioral health clinics, including assessment of need in the proposed location.
3. The department may deny a request to become or revoke a certified community behavioral health clinic's certification based on failure to comply with the rules adopted by the department or deny a request to become a certified community behavioral health clinic based on the assessment of need determination.

1 **SECTION 30.** A new section to chapter 50-06 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Financing of health and human services.**

- 4 1. The powers and duties carried out by the department under this title may be financed
5 out of a special fund within the state treasury to be known as the health and human
6 services operating special fund;
- 7 2. The commissioner of the department or the commissioner's designee and the state
8 treasurer shall deposit in the health and human services operating special fund, at
9 such times as they may become available;
- 10 a. All moneys received from any of the counties within the state;
11 b. All moneys received from the United States under the provisions of the Social
12 Security Act;
- 13 c. Such moneys as may be periodically required from legislative appropriations for
14 department purposes; and
- 15 d. All public moneys received from any other source.
- 16 3. Expenditures made under this title must be paid upon vouchers prepared by the office
17 of management and budget drawn on the state treasurer against the health and
18 human services operating special fund and signed by the state auditor and state
19 treasurer after approval by the office of management and budget. Expenditures to be
20 supported by itemized vouchers must be signed by the commissioner of the
21 department or by the commissioner's designee and certified to the office of
22 management and budget.
- 23 4. Any funds received from federal agencies must be deposited and disbursed as
24 provided and in accordance with Acts of Congress or the regulations of the federal
25 agencies from which the funds were received.

26 **SECTION 31. AMENDMENT.** Section 50-06.2-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-06.2-01. Purpose - Interpretation.**

29 It is the purpose of this chapter to establish a system for planning, coordinating, and
30 providing comprehensive human services administered by human service zones and human-

~~service centers~~state-operated behavioral health clinics. This chapter must be construed to effectuate the following public purposes:

1. To help individuals or their families to achieve, maintain, or support the highest attainable level of personal independence and economic self-sufficiency.
2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults unable to protect their own interests.
3. To provide a continuum of community-based services adequate to appropriately sustain individuals in their homes and in their communities and to delay or prevent institutional care.
4. To preserve, rehabilitate, and reunite families.
5. To assist in securing referral or admission of individuals to institutional care when other forms of care are not appropriate.

SECTION 32. AMENDMENT. Section 50-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-02. Definitions.

As used in this chapter:

1. "Comprehensive human services" means services included in the comprehensive human services plan published by the state agency and human services required by state law or state agency regulation or federal law or regulation as a condition for the receipt of federal financial participation in programs administered under the provisions of this title.
2. "Family home care" means the provision of room, board, supervisory care, and personal services to an eligible elderly or disabled person by the spouse or by one of the following relatives, or the current or former spouse of one of the following relatives, of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult grandchild, adult niece, or adult nephew. The family home care provider need not be present in the home on a twenty-four-hour basis if the welfare and safety of the client is maintained.
3. ~~"Human service center" means a regional center established under section 50-06-05.3.~~

1 4. "Human service zone" means a county or consolidated group of counties
2 administering human services within a designated area in accordance with an
3 agreement or plan approved by the state agency.

4 5.4. "Human service zone plan" means the human service zone plan required by section
5 50-06.2-04.

6 6.5. "Human services" means:

7 a. A service or assistance provided to an individual or an individual's family in need
8 of services or assistance, including child welfare services, economic assistance
9 programs, medical service programs, and aging service programs, to assist the
10 individual or the individual's family in achieving and maintaining basic
11 self-sufficiency, including physical health, mental health, education, welfare, food
12 and nutrition, and housing.

13 b. A service or assistance provided, administered, or supervised by the department
14 in accordance with chapter 50-06.

15 c. Licensing duties as administered or supervised by the department or delegated
16 by the department to a human service zone.

17 7.6. "Qualified service provider" means a human service zone or independent contractor
18 which agrees to meet standards for service and operations established by the state
19 agency.

20 8.7. "State agency" means the department of health and human services.

21 8. "State-operated behavioral health clinic" means a department-operated behavioral
22 health clinic established under section 50-06-05.2.

23 **SECTION 33. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **50-06.2-03. Powers and duties of the state agency.**

26 1. The state agency has the following powers or duties under this chapter:

27 4. a. To act as the official agency of the state in the administration of the human
28 services for individuals and families in conformity with state and federal
29 requirements.

30 2. b. To prepare, at least biennially, a comprehensive human services plan which
31 must:

- 1 a. (1) Include human services determined essential in effectuating the purposes of
2 this chapter.
- 3 b. (2) Detail the human services identified by the state agency for provision by
4 human service centers and the services which the human service zones
5 make available in approved human service zone plans as a condition for the
6 receipt of any funds allocated or distributed by the state agency.
- 7 3. c. To make available, through human service zone or ~~human service centers~~state-
8 operated behavioral health clinics, any or all of the services set out in the
9 comprehensive human services plan on behalf of those individuals and families
0 determined to be eligible for those services under criteria established by the state
1 agency.
- 2 4. d. To supervise and direct the comprehensive human services administered by
3 human service zone and ~~human service centers~~state-operated behavioral health
4 clinics through standard-setting, technical assistance, approval of human service
5 zone and regional plans, preparation of the comprehensive human services plan,
6 evaluation of comprehensive human services, and distribution of public money
7 for services.
- 8 5. e. Within the limits of legislative appropriations and at rates determined payable by
9 the state agency, to pay qualified service providers, which meet standards for
0 services and operations, for the provision of the following services as defined in
1 the comprehensive human services plan which are provided to individuals who,
2 on the basis of functional assessments, income, and resources, are determined
3 eligible for the services in accordance with rules adopted by the state agency:
- 4 a. (1) Homemaker services;
- 5 b. (2) Chore services;
- 6 c. (3) Respite care;
- 7 d. (4) Home health aide services;
- 8 e. (5) Case management;
- 9 f. (6) Family home care;
- 0 g. (7) Personal attendant care;
- 1 h. (8) Adult family foster care; and

1 i. (9) Such other services as the state agency determines to be essential and
2 appropriate to sustain individuals in their homes and in their communities
3 and to delay or prevent institutional care.

4 6. f. To take actions, give directions, and adopt rules as necessary to carry out the
5 provisions of this chapter.

6 2. For purposes of this chapter, resources do not include the individual's primary home
7 and the first fifty thousand dollars of liquid assets.

8 **SECTION 34. AMENDMENT.** Section 50-06.3-02 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **50-06.3-02. Fees for services at regional centers.**

11 The department may charge and collect fees and expenses for services provided through
12 its ~~regional human service centers~~state-operated behavioral health clinics, and may authorize
13 charging of fees for child support services. The department may establish fee scales which
14 recognize the service recipient's or responsible relative's ability to pay. The department shall
15 adopt such rules as are necessary to implement this chapter and to define terms used in this
16 chapter.

17 **SECTION 35. AMENDMENT.** Section 50-06.3-04 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-06.3-04. Liability for payment.**

The recipient, patient, recipient's or patient's estate, and recipient's or patient's spouse are liable for fees and expenses for services rendered by the department, through its regional-
~~human service centers~~state-operated behavioral health clinics, and for care and treatment expenses charged at the state hospital. The parents of a recipient or patient are responsible for services, care, and treatment provided prior to the eighteenth birthday of the recipient or patient.