2025 SENATE HUMAN SERVICES

SB 2113

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
1/8/2025

Certified community behavioral health clinics and the financing of health and human services

1:26 p.m. Chairman Lee called the meeting to order.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Change of language
- Licensing and certification
- Reflection of current practice
- Consolidation of programs
- Statutory exemptions
- Facility capacity

1:26 p.m. Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services, testified in favor and submitted testimony #28226.

1:52 p.m. Denise Harvey, Director of Program Services for Protection & Advocacy, and testified in favor and submitted testimony #28236.

1:53 p.m. Vicki Wegner, President of ND Long Term Care Association, testified in favor and submitted testimony #28193.

2:00 p.m. Amy Kreidt, Administrator at St. Luke's Home in Dickinson, testified in favor and submitted testimony #28194.

2:08 p.m. Bruce Murry, lobbyist for Fraser LTD, testified in favor and submitted testimony #28206.

2:10 p.m. Kristen Dvorak, Executive Director of The Arc of Bismarck, testified in favor.

2:19 p.m. Chairman Lee closed the meeting.

Andrew Ficek, Committee Clerk

Testimony on Amending Behavioral Health Bed Management Reporting Requirements for Geropsychiatric Facilities
Senate Human Services Committee
January 8, 2025
Senate Bill 2113

Chair Judy Lee and members of the Senate Human Services Committee, my name is Nikki Wegner, President of the North Dakota Long Term Care Association. Our association represents North Dakota's three geropsychiatric skilled nursing facilities. Thank you for the opportunity to testify in support of Senate Bill 2113, specifically regarding the proposed amendment starting on page 29 of the bill, section 25. This amendment introduces changes to the North Dakota Century Code 50-06-41.3 to improve reporting requirements within the Behavioral Health Bed Management System. Our geropsychiatric facility members would like to propose an additional amendment to address a critical operational challenge. While the Department is adding language to help allow exceptions, we believe it is essential to include a statutory exemption for our members. This change would ensure that resources in these specialized care facilities are used as effectively as possible to provide the highest quality care to their residents.

Unique Constraints of Geropsychiatric Facilities

Geropsychiatric facilities are a vital component of North Dakota's behavioral health continuum, providing care for residents with skilled nursing needs alongside complex psychiatric and medical conditions. However, the unique operational realities of these facilities make daily reporting of open beds both impractical and unnecessary.

Geropsychiatric facilities consistently operate at high occupancy rates, averaging 98.3% in 2023 and 98% in 2024. There were only 44 openings in the last 24 months, most of which were filled through predetermined placement pathways. This is primarily due to the long-term nature of care, with residents staying an average of 251 days before discharge. Additionally, current standards require prioritizing placements from the North Dakota State Hospital (11 residents). Remaining openings are typically filled by acute care hospitals (11 residents), other nursing homes (7 residents), assisted living (1 resident), private homes (4 resident), and other settings (9 residents).

Challenges with Daily Reporting

The daily reporting requirement imposes significant administrative burdens that do not align with the operational realities of geropsychiatric facilities. Unlike many other facilities, they do not admit residents seven days a week. Social workers or those that coordinate admissions who would be responsible for reporting are typically unavailable on weekends. For example, recently, a staff member encountered technical issues while attempting to submit the report before the Saturday noon deadline. As a result, a nurse who was off-duty and enroute to her child's sports game had to reroute to the facility to complete the report stating no change from the day before. The facility was then required to compensate the nurse for her time, highlighting the inefficiency and burden of this requirement.

The Department's vendor, Bamboo, already allows carryover reporting, where unchanged data remains valid until updated. Given the rarity of openings in these facilities, requiring daily updates adds little value while consuming unnecessary time and resources.

Importance of the Behavioral Health Bed Management System

The Behavioral Health Bed Management System is essential for providers with rapid bed turnover, such as crisis stabilization units and general behavioral health facilities, where frequent updates help match individuals with available resources.

Geropsychiatric facilities, however, differ significantly in their operational realities. Their rare and often preplanned openings do not require the same reporting frequency, making daily updates unnecessary.

Proposed Solution

The amendment proposes to exempt geropsychiatric facilities from the daily reporting requirement, similar to the existing exemption for the Department of Corrections and Rehabilitation. This change would alleviate administrative burdens while maintaining the system's effectiveness for providers with more dynamic bed availability. Facilities could still report openings voluntarily, ensuring critical updates are captured without impractical mandates.

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

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

Budget Neutral Impact

This amendment is budget neutral, with no fiscal impact. It simply adjusts the reporting requirements to better align with the operational needs of geropsychiatric facilities, ensuring an efficient use of resources without additional costs to the state.

Closing

Chair Lee, members of the committee, this amendment is a practical solution that recognizes the unique role of geropsychiatric facilities while preserving the integrity of the Behavioral Health Bed Management System. I urge your support to help these facilities focus on their core mission of delivering specialized care to their residents.

Thank you for your time and consideration, and I am happy to answer any questions.

Nikki Wegner MS, OTR/L, President
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Testimony on Amending Behavioral Health Bed Management Reporting Requirements for Geropsychiatric Facilities
Senate Human Services Committee
January 8, 2025
Senate Bill 2113

Chair Lee and members of the Senate Human Services Committee, my name is Amy Kreidt, and I am the administrator at St. Luke's Home in Dickinson. Thank you for the opportunity to testify in support of Senate Bill 2113 with an amendment.

Our facility has been providing psychiatric services since 2018. Below is an overview of our activity and resident demographics for 2024:

- **Resident Movements in 2024**:
  - 1 resident transitioned to a different facility
  - 2 residents passed away
  - 2 residents moved to our regular nursing home
- **Total Residents Served**: 25 residents, with an average length of stay of **994 days**
- **Current Census**:
  - **Residents**: 19 (Capacity: 20)
  - **Gender**: 6 females and 13 males
  - **Age**:
    - Average age: 67
    - Youngest resident: 32
    - Oldest resident: 87
- **Resident Origins**:
  - Residents come from **9 different counties** in North Dakota

- Most residents are admitted from the State Hospital, with some exceptions from the VA Hospital or medical centers around the state

As a geropsychiatric care provider, I see firsthand the unique challenges we face. Our facility operates at near full capacity year-round, with very few openings, most of which are pre-planned. The daily reporting requirement for the Behavioral Health Bed Management System creates significant administrative burdens that don't reflect our operational reality. For example, my staff have to set an alarm or calendar notification each day, including weekends to log in and update our census. This is an excessive requirement and unnecessary cost when our census does not change very often.

While the North Dakota Department of Health and Human Services is adding language which would allow them to make exemptions, we believe a statutory exemption for geropsychiatric facilities is a more effective and permanent solution. This change would help us focus our resources where they are needed most: providing high-quality, specialized care to our residents.

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

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

Thank you for considering this important amendment. I am happy to answer any questions.

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SB 2113 (2025 LEGISLATIVE ASSEMBLY)
SENATE HUMAN SERVICES COMMITTEE
HONORABLE JUDY LEE, CHAIRMAN
JANUARY 8, 2025
TESTIMONY OF BRUCE MURRY FOR
FRASER, LTD

Greetings, Chairman Lee and members of the Senate Human Services Committee. I am Bruce Murry, registered lobbyist for Fraser LTD (Fraser) of Fargo, North Dakota. Today, I am especially speaking for Fraser's Valley Hope Counseling program, http://fraserltd.org/services/valley-hope-counseling.

The proposal of the Department of Health and Human Services (HHS) to reimagine its Human Services Centers as Certified Community Behavioral Health Clinics (CCBHC) is exciting. We would welcome this infrastructure and process in the Fargo area.

We would most pleased to partner with HHS as they explore this exciting idea to serve North Dakotans with mental illness and substance abuse needs in a wraparound model. Skillfully wrapping the right services at the right time around the individual has a history of success.

Fraser's Valley Hope Counseling program also seeks more support for the education of mental health professionals. We would like to expand our professional staff, and any supports the State can offer reduce the risk of expansion to smaller behavioral health providers.

Thank you for the opportunity to speak to you today and I'd be happy to answer your questions.

Bruce Murry
Lobbyist 330 for Fraser LTD

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NORTH Dakota | Health & Human Services
Be Legendary.

Testimony
Senate Bill No. 2113
Senate Human Services Committee
Senator Lee, Chairman
January 8, 2025

Chairman Lee, and members of the Senate Human Services Committee, I am Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services (Department). I appear before you in support of Senate Bill No. 2113, which was introduced at the request of the Department.

Most of the changes in Senate Bill No. 2113 change the title of regional human service centers to state-operated behavioral health clinics to better align to services provided and to reduce confusion between the regional human service centers and human service zones. The terminology changes are being made in Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 20, 24, 26, 27, 31, 33 (also formatting changes), 34, and 35.

The Department does have an amendment to propose for two sections. I will address those amendments when we approach those two sections. I have handed out the amendment along with my testimony. I will now discuss the other specific changes in Senate Bill No. 2113:

Section 11:

The proposed changes in Section 11 of this Bill amend subdivision b of subsection 1 of section 44-04-18.30 of the North Dakota Century Code updates the language regarding state-operated behavioral health clinics and human service zones.

Section 12:

The proposed changes in Section 12 of this Bill amends section 50-06-01 of the North Dakota Century Code to add a definition of "certified community behavioral health clinic" and "state-operated behavioral health clinic". The definition of "certified community behavioral health clinic" may apply to a private or public behavioral health clinic or a state-operated behavioral health clinic. The definition of "state-operated behavioral health clinic" aligns to services provided and reduces confusion between the regional human service centers and human service zones.

Section 13:

The proposed changes in Section 13 of this Bill amends section 50-06-01.4 of the North Dakota Century Code to update the language regarding state-operated behavioral health clinics and to remove the past dates as to when the Department was to establish or develop a template or process regarding the human service zones.

Section 14:

The proposed changes in Section 14 of this Bill amends section 50-06-01.7 of the North Dakota Century Code to remove outdated information regarding restructuring the behavioral health division and to update the language regarding state-operated behavioral health clinics.

Section 15:

The proposed changes in Section 15 of this Bill amends section 50-06-05.1 of the North Dakota Century Code to:

- Update the language regarding state-operated behavioral health clinics;
- To clarify in subsections 14 and 15 that court orders regarding treatment and services at the North Dakota State Hospital and Life Skills and Transition Center shall comply

with the laws passed by the Legislative Branch that apply to the treatment and services that can be offered by the North Dakota State Hospital and Life Skills and Transition Center;

- To remove an exemption in subsection 28 regarding contracting with an online virtual mental health and suicide prevention simulation-based training program as the vendor is no longer offering that service;
- To add a provision in subsection 33 to allow the Department to pay a stipend to a recipient or a provider to allow the recipient or provider to serve on a council or board. This will increase the number of participants willing to serve on a council or board and will provide for consistency among the Department's various councils and boards;
- To add a provision in subsection 34 to allow the Department to appeal a court order that orders the Department to perform or provide a function, service, or duty. The Department regularly receives court orders that it is not a party to the court action that requires the Department to perform a function, service, or duty. Since the Department is not a party to the court action, it is not able to directly appeal the order that requires the Department to perform a function, service, or duty; and
- To add a provision in subsection 35 to require providers that receive funding from the Department to submit process and outcome measures. This has previously been included in the Department's budget bill for several sessions and this change just codifies the requirement.

Section 16:

The proposed changes in Section 16 of this Bill amends section 50-06-05.2 of the North Dakota Century Code to:

- Update the language regarding state-operated behavioral health clinics;
- Clarify that the state-operated behavioral health clinics provide community-based behavioral health services;
- Update language for the Department to request appropriations and resources sufficient for certification as a certified community behavioral health clinic, in addition to accreditation;
- Update language as the current accreditation vendor updated its name from council on accreditation to social current; and
- Update language regarding the state-operated behavioral health clinics being subject to licensing to being subject to licensing or certification.

The Department is requesting an amendment to subsection 2 of section 50-06-05.2 to reinsert language regarding the Department adopting rules for the operation of the state-operated behavioral health clinics. The amendment proposes to change the mandatory requirement to adopt rules to a may to reflect the future state of the state-operated behavioral health clinics becoming certified community behavioral health clinics.

Section 17:

The proposed changes in Section 17 of this Bill amends section 50-06-05.3 of the North Dakota Century Code to amend the powers and duties of the regional human service centers. This Section:

- Updates the language regarding state-operated behavioral health clinics;

- Updates language regarding the services and assistance that is currently provided;
- Replaces "human services advisory group" and "advisory group" with "behavioral health clinic advisory group"; and
- Removes services, developmental disabilities, and social services that are no longer provided by the human service centers but are provided by the Human Service Division of the Department.

Section 18:

The proposed changes in Section 18 of this Bill amends section 50-06-05.4 of the North Dakota Century Code to replace "human services advisory group" with "behavioral health clinic advisory group"; replace "regional human service center" with "state-operated behavioral health clinics"; and to update language to reflect the services provided are behavioral health services.

Section 19:

The proposed changes in Section 19 of this Bill amends section 50-06-05.5 of the North Dakota Century Code to replace "regional human service center" and "center" with "state-operated behavioral health clinic"; replace "regional director" with "state-operated behavioral health clinic director"; and to remove the requirement that the state-operated behavioral health clinic director be appointed by the Commissioner of the Department to reflect the current hiring process of a behavioral health clinic director.

Section 21:

The proposed changes in Section 21 of this Bill amends section 50-06-06.5 of the North Dakota Century Code to replace "regional human service centers" with "state-operated behavioral health clinics" and to

remove language that access to the continuum must be through regional human service centers as the current language is contradictory, seems to assume all services must be accessed through the regional human service center which could be a barrier for private providers, and the certified community behavioral health clinic certification will create minimum standards for care.

Section 22:

The proposed changes in Section 22 of this Bill amends section 50-06-06.13 of the North Dakota Century Code pertains to the Department program to provide out-of-home treatment services for a Medicaid-eligible child with a serious emotional disorder to add the ability of a legal guardian to obtain treatment services for a child in the guardian's custody.

Section 23:

The proposed changes in Section 23 of this Bill amends section 50-06-15 of the North Dakota Century Code to allow the Department to internally share information to assist with or to provide assistance or services as long as the disclosure is in compliance with federal laws and regulations and to update the definition of "individually identifiable information" pertaining to the Department's records.

Section 25:

The proposed changes in Section 25 of this Bill amends section 50-06-41.3 of the North Dakota Century Code to add "unless other specified" to the behavioral health bed management system based on feedback from providers.

Section 28:

The proposed changes in Section 28 of this Bill amends section 50-06-46 of the North Dakota Century Code to remove the expiration date for the

cross-disability advisory council as work is continuing with the council and to expand who can serve on the council.

Section 29:

The proposed changes in Section 29 of this Bill creates a new section to chapter 50-06 of the North Dakota Century Code to establish the process to become a certified community behavioral health clinic, including requiring the Department to adopt rules, and the Department's ability to deny a request. The Department is requesting an amendment to subsection 1 to insert "certified" before community behavioral health clinic to clarify that the Department does not intend to create additional requirements for private community behavioral health clinics.

Section 30:

The proposed changes in Section 30 of this Bill creates a new section to chapter 50-06 of the North Dakota Century Code to reinsert and update language to reflect current process of a previous section of chapter 50-06 that was repealed at the request of the Department.

Section 32:

The proposed changes in Section 32 of this Bill amends section 50-06.2-02 of the North Dakota Century Code to remove the definition of "human service center" and to add a definition of "state-operated behavioral health clinic".

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2113

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation~~:
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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 certified 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.

Senate Human Services Committee
Senate Bill 2113 – January 8, 2025
Testimony of Denise Harvey, P&A Director of Program Services

I am Denise Harvey, Director of Program Services for Protection & Advocacy (P&A). P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Protection & Advocacy fully supports work of the Department of Health and Human Services in certified community Behavioral health clinics. Efforts to establish these in regions throughout the state are an important step in providing the continuum of care for persons with behavioral health care needs. .

P&A has one comment for Section 15. Amendment #14. (p.12) 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 27-20.309, 27-20.4-08,or 27-20.4-17 or or pursuant to rules adopted by the judicia l 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.,

P&A offers that rather than the court having the option of placing youth in institutional treatment at the state hospital or life skill and transition center that for justice involved youth other options be provided such as individual justice planning, restorative justice and consideration of community service as appropriate. In addition, services may be provided

through state-operated behavioral health clinics or the private sector to include counseling, case management, consideration for medication evaluations, specialized respite care for families and other outpatient services related to the individual needs of the youth.

I am glad to answer any questions.

Denise Harvey, Director of Program Services
Protection & Advocacy

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
1/14/2025

Relating to the powers and duties of the department of health and human services.

11:22 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Clarified bill language and intent
- Collaboration with extension services for county participation
- Exploring funding request opportunities
- Grassroots efforts
- Volunteer efforts

Senator Roers introduced and explained SB 2113.

11:44 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
1/15/2025

Relating to the powers and duties of the department of health and human services.

10:35 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Geropsychiatric facilities
- Sunset clause
- Volunteer participation
- Weekly updates
- Bed management system

10:47 a.m. Nikki Wegner, ND Long Term Care Association, testified in neutral.

10:54 a.m. Senator Roers moved amendment LC#25.8094.01001.

10:54 a.m. Senator Hogan seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	AB
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

10:56 a.m. Motion passed 5-0-1.

10:59 a.m. Senator Clemens moved do pass as amended.

10:59 a.m. Senator Hogan seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	AB
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

11:00 a.m. Motion pass as amended 5-0-1.

11:00 a.m. Senator Hogan will carry the bill.

11:00 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

25.8094.01001
Title.02000

Adopted by the Human Services Committee
January 15, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 and membership of the cross disability advisory council; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

    d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

    e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

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

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

   b. Certification as a certified community behavioral health clinic.

2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers. The department shall adopt rules for the operation of the regional human service centers~~state-operated behavioral health clinics. A ~~regional human service centers~~state-operated behavioral health clinic may not operate without a

license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.
2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

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3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day,

not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional~~

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

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may

consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:
   a. Is created or received by the department; and

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:

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

The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report ~~daily~~weekly and within forty-eight hours of a bed becoming available to the department the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

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

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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

a. Two 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.~~ ;

b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

c. Four individuals representing diverse organizations advocating for individuals with disabilities;

d. One individual who is a provider or representative of developmental disability services;

e. One individual representing an organization and advocating for individuals with behavioral health needs;

f. One individual representing an organization advocating for individuals with fetal spectrum disorder;

g. One individual representing tribal communities, with a focus on disability services;

h. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

i. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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.

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

Financing of health and human services.

1. The powers and duties carried out by the department under this title may be financed out of a special fund within the state treasury to be known as the health and human services operating special fund;
2. The commissioner of the department or the commissioner's designee and the state treasurer shall deposit in the health and human services operating special fund, at such times as they may become available;

a. All moneys received from any of the counties within the state;

b. All moneys received from the United States under the provisions of the Social Security Act;

c. Such moneys as may be periodically required from legislative appropriations for department purposes; and

d. All public moneys received from any other source.

3. Expenditures made under this title must be paid upon vouchers prepared by the office of management and budget drawn on the state treasurer against the health and human services operating special fund and signed by the state auditor and state treasurer after approval by the office of management and budget. Expenditures to be supported by itemized vouchers must be signed by the commissioner of the department or by the commissioner's designee and certified to the office of management and budget.

4. Any funds received from federal agencies must be deposited and disbursed as provided and in accordance with Acts of Congress or the regulations of the federal agencies from which the funds were received.

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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.~~
4. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families

determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

REPORT OF STANDING COMMITTEE
SB 2113

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS (25.8094.01001)** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
1/21/2025

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; and to provide an expiration date.

3:27 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Amendment consolidation
- Bed management

3:28 p.m. Jonathan Alm, Legal Council for ND Department of Health and Human Services, answered committee questions.

3:29 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
1/22/2025

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; and to provide an expiration date.

2:37 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Participation times
- Providers included

2:38 p.m. Johnathan Alm, Attorney with ND Department of Human Health and Services, answered committee's questions.

2:43 p.m. Senator Hogan moved on amendment LC#25.8094.02001.

2:44 p.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

2:44 p.m. Motion passed 6-0-0.

2:45 p.m. Senator Hogan moved Do Pass as amended and rereferral to appropriations.

2:45 p.m. Senator Roers seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Hogan will carry the bill.

2:47 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

25.8094.02001
Title.03000

Adopted by the Human Services Committee
January 22, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

HB 1-22-25

ENGROSSED SENATE BILL NO. 2113

1 of 38

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 and membership of the cross disability advisory council; and to provide an expiration date.

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

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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.

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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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation~~:
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service centers~~state-

operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired

term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's

designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected

health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:

a. Is created or received by the department; and

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

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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:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

   a. Two individuals with a disability, who receive 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.~~;

   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

   c. Four individuals representing diverse organizations advocating for individuals with disabilities;

   d. One individual who is a provider or representative of developmental disability services;

   e. One individual representing an organization and advocating for individuals with behavioral health needs;

   f. One individual representing an organization advocating for individuals with fetal spectrum disorder;

   g. One individual representing tribal communities, with a focus on disability services;

   h. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

i. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 certified 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.

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

Financing of health and human services.

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

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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.~~
4. ~~4.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

REPORT OF STANDING COMMITTEE
ENGROSSED SB 2113

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS (25.8094.02001)** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 SENATE APPROPRIATIONS

SB 2113

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division
Harvest Room, State Capitol

SB 2113
1/28/2025

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; and to provide an expiration date

10:18 a.m. Chairman Dever opened the hearing.

Members Present: Chairman Dever, Senators Cleary, Davison, Magrum and Mathern

Discussion Topics:

- State-Operated Behavior Health Clinics
- Signage
- Provider Stipend
- Fetal Alcohol Spectrum Disorder
- Special Operating Fund
- Cross Disability Advisory Council
- Expiration Date

10:18 a.m. Jonathan Alm, Chief Legal Officer, DHHS, testified in favor.

10:31 a.m. Carl Young, Executive Director, Family Services Network, testified in favor and submitted testimony #32163 and #32224.

10:48 a.m. Chairman Dever closed the hearing.

11:00 a.m. Senator Mathern moved to adopt amendment LC 25.8094.03001 testimony #32880.

11:00 a.m. Senator Magrum seconded.

Roll Call Vote:

Senators	Vote
Senator Dick Dever	Y
Senator Sean Cleary	Y
Senator Kyle Davison	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y

Motion Passed 5-0-0.

11:06 a.m. Senator moved a Do Pass as Amended.

11:06 a.m. Senator Magrum seconded.

Roll Call Vote:

Senators	Vote
Senator Dick Dever	Y
Senator Sean Cleary	Y
Senator Kyle Davison	Y
Senator Jeffrey J. Magrum	Y
Senator Tim Mathern	Y

Motion Passed 5-0-0 and referred to full appropriations.

Senator Mathern will carry the bill.

11:09 a.m. Chairman Dever closed the hearing.

Joan Bares, Committee Clerk

SB 2113
1-29-25

Senate Bill 2113

January 28, 2025

Chairman Lee, Members of the Committee, my name is Carl Young. I am the Executive Director of the Family Services Network here in North Dakota. In my work within the Fetal Alcohol Spectrum Disorder (FASD) space I work with people from every region of the state. I provide parent to parent support, Individualized Education Plan advocacy, and training for social workers and educators.

The Centers for Disease Control and a large number of academic research papers show that the prevalence rate is at least 1 in 20 children. According to the National Center for Education Statistics in our school system, the average classroom size ranges from 19.3 in the self-contained classrooms to 20.4 students in departmentalized classrooms like we would see in middle school or high school levels. This would indicate that FASD affects at least one child in every classroom. Most of these children are undiagnosed. They are typically seen as extreme behaviors, not symptoms of a disorder. What is the cost of care for a child with FASD?

I would ask that you review the information in the charts in my supplemental handout which is available to each of you in the packet of files I gave you. I'll reference those numbers now. I welcome you to turn to page 5 for a brief minute.

During the last legislative session, this Legislature saw fit to place Fetal Alcohol Spectrum Disorder in the state code as a developmental disability. We must ensure this population is served. We don't have special health care clinics like the Autism Pediatric Specialty Clinic.

A bit about my son for those of you who have never heard his story. He was born- substance exposed- right here in Bismarck. He is 23, and yes, I have his permission to talk about his case. By age 3, we began to see some significant behavioral challenges. By age 5 he was on adult doses of some psychotropic medications. At age 7 he first encountered the criminal justice system. At age 8, he had his first Psychiatric Residential Treatment Facility stay. He would have more. He was eventually diagnosed with Autism, where he was able to get some services, but not the correct services for his needs. At age 17, he left home. Since then, he has spent every Christmas and birthday in a detention facility. He has periods where he is free in society. He does not have services or support. He does have a Developmental Disability case manager who checks in with him once a year. His IQ is too high for higher levels of service and support. In jail, he doesn't get support for his disability.

What areas of his life are affected: (this is typical in some way for most of those affected by prenatal alcohol exposure) my son has issues with Executive Function, Adaptive Life Skills, Understanding Cause and Effect, as well as Dysmaturity (while he is 23, developmental maturity is at approximately age 12) He has other symptoms that are too numerous to mention. Our children with FASD deserve a level of basic care.

I am no therapist, clinician or doctor. I am a parent with the lived experience of raising a child with the disorder. A disorder that is severely misunderstood, misdiagnosed, or under diagnosed across the state. Our children deserve a diagnosis as early as possible, they shouldn't have to travel with their families to another state to get that diagnosis.

In the last year, I have worked with more than 50 families across our state, from a family in the southwest to a single parent home in the northeast, from the far corner of the Bakken to near Wahpeton. All are begging for whatever support they can get. For understanding what they, through their child, are living with. Our kids aren't evil. They just need support. Most of the population prenatally exposed to alcohol will experience at least one of the following:

Interaction with the Justice System.
Homelessness
Substance Use Disorder
Domestic Violence

I guarantee that one person in this room has FASD. You can't tell by looking at me that I have the disorder. I was diagnosed last May at the age of 52. It doesn't change who I am, but it explains so much about my life. I am considered an outlier in FASD. Less than 15% of the population is estimated to be able to achieve my level of success. I have multiple college degrees, I have been married for over 30 years. My wife and I have five children and three grandchildren. The rest of the FASD community deserves the same opportunity, to live their best life outside of a prison. With the support necessary to do so.

In the link at the bottom of these pages is a YouTube URL to a video I was interviewed for called "Glimpses of FASD: Meet Carl". I welcome you all to watch the clip.

FASD needs a seat at the table.

As I close, I'd like to call your attention to an error in the language in the Engrossed Bill.

Page 32 line 25

f. One individual representing an organization advocating for individuals with fetal spectrum disorder;

Should read:
f. One individual representing an organization advocating for individuals with fetal alcohol spectrum disorder;

I thank you for your time and will stand for any questions.

Fetal Alcohol Spectrum Disorders (FASD) In North Dakota: A 2025 Fact Sheet

Prevalence of Alcohol Use in Pregnancy		Reference
Early pregnancy alcohol use	42.4%	1,32
Alcohol use at end of pregnancy	8.4%	2,3,4
Women drinking during pregnancy identified by prenatal care providers	Unknown-Likely less than 1 in 10	

Neonatal Risks Associated with Prenatal Alcohol Exposure (PAE)		
Developing FASD among exposed children	1 in 13	5,32
Risk for stillbirth	40% higher	6,7
Drinking at the end of pregnancy and risk of SIDS for siblings of child with FASD	10.2x higher	7,10
Drinking at the end of pregnancy and risk of death from infectious diseases for siblings of child with FASD	13.7x higher	7,10,11
Mortality risk for sibling of a child with FAS	6.3x higher	7,11
Risk of recurrence in families with one affected child (FASD)	35% higher	1,5,10

Fetal Alcohol Spectrum Disorder (FASD)		
Prevalence and Incidence Estimates		
Newborns identified in NICU with FASD each year	< 5 per year	Estimated
New FASD cases per year	1% prevalence = 107 5% prevalence = 535	See Calculation *2
North Dakota FASD population: Children/youth (Birth – 18 yrs)	1% prevalence = 1,926 5% prevalence = 9,630	See Calculation *3
North Dakota FASD population: Adults with FASD (19-64 yrs)	1% prevalence = 4,815 5% prevalence = 24,075	See Calculation *4
North Dakota FASD population: Elderly with FASD (65+)	1% prevalence = 245 5% prevalence = 749	See Calculation *5
Pregnant women's chance of being screened for substance use at an emergency room visit	51% less likely	12,13

FASD and Health and Mental Health Impairments		
Number of comorbid disease conditions associated with FASD	Over 400	14,15

Risk of child or adolescent psychosis	24.5x higher	15
Risk of intellectual disability	23x higher (23%)	15
Risk of ADHD (Attention Deficit Hyperactivity Disorder)	10x higher (52%)	15
Risk of anxiety disorder	11x higher (35%)	15
Risk of FASD if ACEs score: 2-6 (Adverse childhood experiences)	2.1x higher	17
Risk of FASD if ACEs score: 7-10 (Adverse childhood experiences)	8.1x higher	17

Economic Costs For FASD North Dakota		
Annual cost of care per child	$22,810	18
Annual cost of care for children with FASD	1% prevalence= $43,932,060 5% prevalence= $219,660,300	See Calculation *6
Annual cost of care per adult	$24,308	18
Annual cost of care for adults with FASD	1% prevalence= $117,043,020 5% prevalence= $585,215,100	See Calculation *7
Cost of care per diagnosed individual by age 43	Over $1 million	See Calculation *6
Cost to prevent one case of FASD in a mother with a previous birth with FASD	$20,200	18
Cost to prevent one case of FASD in a mother with a previous birth with FASD a using programmatic intervention	$47,615	18
Net savings of lifetime cost per case from prevention	$1,235,800	1,5,18

Special Sub-populations		
Children/youth with FASD in foster care placement	32-40% higher than in general population (18.8%)	33
Children/youth with FASD in special education	10x higher than in general population	19

Children/youth with FASD in Canadian juvenile corrections	16x higher risk of incarceration	20
Diagnosed with FASD in adult prison	.0009%	22
Undiagnosed/misdiagnosed in adult prison	99.9%	22

Mortality Rates		
Individuals with FASD	4.3x higher	Calculated based on 7,10,11
Siblings of individuals with FASD	5.3x higher	7,10
Birth mother of individual with FASD	44.8 x higher	23,25
Sudden Infant Death Syndrome	11.79 x	28
Stillbirth	2.78 x	6

North Dakota Diagnostic Demand and Capacity		
FASD diagnostic demand Annual Birth Cohort	1% prevalence 2/week 5% prevalence 2/day	1
FASD diagnostic capacity: Children/youth	1% prevalence 10/day	1
FASD diagnostic capacity: Juvenile corrections	2/month	1
FASD diagnostic capacity: Adult corrections	4/ month	1
Time to screen using the One Question Screen	1 minute	29
Time to screen using the E-FAST	3 minutes	30
Time to screen using the FASD Mini	3 minutes	31

ADHD: attention deficit hyperactivity disorder
FAS: Fetal Alcohol Syndrome
NICU: neonatal intensive care unit
SIDS: sudden infant death syndrome

*1. 7.6% women who drink in late pregnancy x 10,680 births= 812 women/7=116. Each year in North Dakota 116 women drink on the day they deliver.

*2. 1% Prevalence: 10,680 births x 0.01= 108
5% Prevalence: 10,680 births x 0.05= 535

*3. 1% Prevalence: 10,680 births x 0.01 x 18 years =1,926

5% Prevalence: 10,680 births x 0.05 x 18 years =9,630

*4. 1% Prevalence: 10,680 births x 0.01 x 45 years = 4,815
5% Prevalence: 10,680 births x 0.05 x 45 years =24,075

*5. 1% Prevalence: 10,680 births x 0.01 x 7 years =245
5% Prevalence: 10,680 births x 0.05 x 7 years =749

*6. 1% Prevalence: $22,810 cost per child x 1,926= $43,932,060
5% Prevalence: $22,810 cost per child x 9,630=$219,660,300

*7. 1% Prevalence: $24,308 cost per adult x 4,815=$117,043,020
5% Prevalence: $24,308 cost per adult x 24,075=$585,215,100

*8 Annual cost of care for children and youth = $22,810 (birth through 20) and cost for adults =$24,308 (from 21 and up) [19] ($22,810 x 20 years) + ($24,308 x 23 years) = $1,015,284.

Costs of FASD

Annually: $53,683 per Child and $49,077 per Adult.
Includes $25,993 in unreimbursed costs to family.

329% higher than ADHD

318% higher than autism

20 X higher than asthma

270% higher than diabetes

538% higher than epilepsy

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25.8094.03001
Title.

Prepared by the Legislative Council staff for Senate Appropriations - Human Resources Division Committee
January 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED 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 and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

    d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

    e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

    d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

    e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation~~:
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-

operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.
3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.
4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired

term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's

designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected

health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:

a. Is created or received by the department; and

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:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

   a. Two individuals with a disability, who receive 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.~~;

   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

   c. Four individuals representing diverse organizations advocating for individuals with disabilities;

   d. One individual who is a provider or representative of developmental disability services;

   e. One individual representing an organization and advocating for individuals with behavioral health needs;

   f. One individual representing an organization advocating for individuals with fetal alcohol spectrum disorder;

   g. One individual representing tribal communities, with a focus on disability services;

   h. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

i. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 certified 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.

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

Financing of health and human services.

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

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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.~~
4. ~~4.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

SECTION 36. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2113
1/30/2025

Relating to certified community behavioral health clinics and the financing of health and human services, the powers and duties of the department of health and human services and membership of the cross disability advisory council, and to provide an expiration date.

8:49 a.m. Chairman Bekkedahl opened the hearing.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Schaible, Sickler, Sorvaag, Thomas, Wanzek.
Members Absent: Senator Meyer.

Discussion Topics:

- Community Behavioral Health Centers
- Naming Changes

8:50 a.m. Senator Dever introduced the bill, the amendment LC 25.8094.03001 and submitted testimony #33040.

8:54 a.m. Senator Dever moved to adopt the amendment LC 25.8094.03001.

8:54 a.m. Senator Davison seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	A
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 15-0-1.

8:57 a.m. Senator Dever moved a Do Pass as Amended.

8:57 a.m. Senator Davison seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	N
Senator Scott Meyer	A
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 14-1-1.

Senator Dever will carry the bill.

8:58 a.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

25.8094.03001
Title.04000

Prepared by the Legislative Council staff for Senate Appropriations - Human Resources Division Committee
January 28, 2025

1.30.25
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Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED 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 and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

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

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

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section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

   a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

   b. The transaction is exempt from the provisions of section 50-06-06.6.

   c. The term of any lease may not exceed ninety-nine years.

   d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

   e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

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or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation~~:
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-

operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.
3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.
4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired

term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's

designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected

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health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:

a. Is created or received by the department; and

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:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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~~2027)

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.

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2. The department shall contract with a qualified, independent third party to facilitate and provide support services to the council. The contracted facilitator and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

   a. Two individuals with a disability, who receive 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.~~;

   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

   c. Four individuals representing diverse organizations advocating for individuals with disabilities;

   d. One individual who is a provider or representative of developmental disability services;

   e. One individual representing an organization and advocating for individuals with behavioral health needs;

   f. One individual representing an organization advocating for individuals with fetal alcohol spectrum disorder;

   g. One individual representing tribal communities, with a focus on disability services;

   h. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

i. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 certified 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.

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

Financing of health and human services.

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

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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.~~
4. ~~4.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

SECTION 36. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.

REPORT OF STANDING COMMITTEE
REENGROSSED SB 2113

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS (25.8094.03001)** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

SB2113
1-28-25

25.8094.03001
Title.

Prepared by the Legislative Council staff for Senate Appropriations - Human Resources Division Committee
January 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED 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 and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

    d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

    e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

    d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

    e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation~~:
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-

operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.
3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.
4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired

term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's

designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected

health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:

a. Is created or received by the department; and

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:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

   a. Two individuals with a disability, who receive 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.~~;

   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

   c. Four individuals representing diverse organizations advocating for individuals with disabilities;

   d. One individual who is a provider or representative of developmental disability services;

   e. One individual representing an organization and advocating for individuals with behavioral health needs;

   f. One individual representing an organization advocating for individuals with fetal alcohol spectrum disorder;

   g. One individual representing tribal communities, with a focus on disability services;

   h. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

i. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 certified 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.

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

Financing of health and human services.

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

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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.~~
4. ~~4.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

SECTION 36. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.

2025 SENATE HUMAN SERVICES

SB 2113

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
2/3/2025

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

3:21 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Fetal alcohol syndrome
- Residential care facilities
- Personal care needs
- Facility requirements

3:21 p.m. Sarah Aker, Executive Director for ND Department of Health and Human Services, answered committee questions.

3:33 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
2/11/2025
10:28 a.m.

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

10:28 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Fetal Alcohol syndrome
- Medical expertise in policy development
- Board member composition

10:37 a.m. Kirsten Dvorak, Executive Director of The Arc of Bismarck, answered committee questions.

Additional written testimony:
Senator Judy Lee submitted testimony #37073 for consideration.

10:55 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

PROPOSED AMENDMENTS TO REENGROSSED SENTATE BILL NO. 2113
(THIRD ENGROSSMENT)

50-06-46. Cross-disability advisory council - Appointment - Duties. (Expired effective August 1, ~~2025~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:
   a. Two individuals with a disability, who receive 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.~~;

b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services ;

c. ~~Four~~Seven individuals ~~representing diverse organizations advocating for~~ that work with individuals with disabilities~~;~~,

~~d. One individual who is a provider or representative of developmental disability services;~~

~~e.~~ ~~One individual representing an organization and advocating for~~ individuals with behavioral health needs~~;~~

~~f.~~ ~~One individual representing an organization advocating for~~, or individuals with fetal alcohol spectrum disorder;

~~g.~~d. One individual representing tribal communities, with a focus on disability services;

~~h.~~e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

~~i.~~f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
2/11/2025
11:08 A.M.

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

11:08 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Demographic of Advisory board

11:08 a.m. Sarah Aker, Executive Director of the Division of Medical Services, answered committee questions.

11:27 a.m. Senator Hogan moved reconsider.

11:13 a.m. Senator Weston second the motion.

Voice vote - Motion passed.

11:12 a.m. Senator Hogan moved Amendment LC#25.8094.04001.

11:13 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

11:14 a.m. Senator Hogan moved Do Pass as Amended.

11:14 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y

Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Hogan will carry the bill.

11:16 Vice-Chairman Weston closed the hearing.

Andrew Ficek, Committee Clerk

Adopted by the Human Services Committee
February 11, 2025

2-11-25
JB 1 of 36

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO THIRD ENGROSSMENT

REENGROSSED 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 and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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

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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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

    d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

    e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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

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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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation;~~
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-

operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired

term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's

designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.

3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected

health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:

a. Is created or received by the department; and

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:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

   a. Two individuals with a disability, who receive 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.~~;

   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

   c. ~~Four~~Seven individuals ~~representing diverse organizations advocating for~~ that work with individuals with disabilities~~;~~.

   ~~d. One individual who is a provider or representative of developmental disability services;~~

   ~~e. One individual representing an organization and advocating for~~ individuals with behavioral health needs~~;~~. or

   ~~f. One individual representing an organization advocating for~~ individuals with fetal alcohol spectrum disorder;

   ~~g.~~d. One individual representing tribal communities, with a focus on disability services;

   ~~h.~~e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

~~i.~~f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 certified 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.

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

Financing of health and human services.

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

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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:

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

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

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~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

SECTION 36. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.

REPORT OF STANDING COMMITTEE
REENGROSSED SB 2113

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS (25.8094.04001)** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE HUMAN SERVICES

SB 2113

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2113
3/12/2025

Relating to certified community behavioral health clinics and the financing of health and human services; relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

2:30 p.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr
Members Absent: Representative Davis

Discussion Topics:

- Name change update
- Exemptions relating to contracting
- Stipends to serve on council board
- Appeal court orders
- Adoption of rules

2:30 p.m. Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services, testified in favor and submitted testimony, #41089.

2:45 p.m. Nikki Wegner, ND Long Term Care Association, testified in favor and submitted testimony, #40423.

2:49 p.m. Maren Gemar, CEO and Administrator of the SMP Health - St. Raphael, testified in favor and submitted testimony, #40156.

2:53 p.m. Denise Harvey, Protection and Advocacy Director of Program Services, testified in favor.

Additional written testimony:
Amy Kriedt, CEO of St. Luke's Home, submitted testimony in favor, #40174.

2:59 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

Testimony on Amending Behavioral Health Bed Management Reporting

Requirements for Geropsychiatric Facilities

House Human Services Committee

March 12, 2025

Senate Bill 2113

Chairman Ruby and members of the House Human Services Committee, my name is Maren Gemar, and I am the CEO/Administrator of SMP Health-St. Raphael in Valley City, ND. Our facility has been proud to offer geropsychiatric services since 1999 and was the first skilled nursing facility in the state to open a geropsych unit. Today, we provide specialized care to 32 residents. Thank you for the opportunity to testify in support of fourth engrossed Senate Bill 2113. I am specifically referring to the amendment regarding the Bed Management System on page 30, lines 5-17. While we recognize the value of this system in improving transparency of available services, the amendment is necessary to correct an unintended and unnecessary burden. Requiring geropsychiatric skilled nursing facilities to report open beds every 24 hours created a critical challenge, and this change ensures a more practical and effective approach.

Since our geropsych unit opened, our average length of stay is 691 days, so just under 2 years. Residents come to our facility when they are stable from a stay in the ND State Hospital or Acute behavioral setting or when their behavioral health no longer allows them to remain in a traditional skilled nursing setting. There is far less movement for admissions and discharges than in the traditional skilled nursing setting or other behavioral health settings.

Admissions in 2024: 5 (3 external)

2-State Hospital

1-Other ND SNF Facility

2-other part of our facility

Discharges in 2024: 5 (3 external)

3-deaths

2-other part of our facility

As St. Raphael has geropsych unit, memory care unit, and traditional skilled nursing, we understand the challenge of needing to find appropriate placement for someone who is in the wrong setting. The Bed Management system is helpful in knowing where to look for services. However, the current requirement of before noon, daily is creating significant burden and is not useful to individuals or providers looking for services. Our admissions are preplanned to ensure specialty medications and services are in place. If an opening would happen to come on a weekend, there is not yet the capacity to be able to admit to that room same day or that same weekend.

The current software system allows the ability for carryover reporting. So, updates we make on Friday (or the day before a weekend), would show as accurate for the next day until a change would be made. By updating report weekly and within forty - eight hours of a bed becoming available, it would free up some of the administrative burden, allowing us to better utilize support staff and focus on care for the residents while still maintaining accurate information in the Bed Management system for providers to refer for services.

Thank you for considering this important proposed amendment. We are proud of the behavioral long term care services we provide at St. Raphael every day and look forward to continuing to meet this need in North Dakota.

Maren Gemar, MBA, LNHA
CEO/Administrator
SMP Health-St. Raphael
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Valley City, ND 58072
701-845-8210
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Testimony on Amending Behavioral Health Bed Management Reporting Requirements for Geropsychiatric Facilities
House Human Services Committee
March 12, 2025
Senate Bill 2113

Chairman Ruby and members of the House Human Services Committee, my name is Amy Kreidt, and I am the administrator at St. Luke's Home in Dickinson. Thank you for the opportunity to testify in support of Senate Bill 2113, specifically regarding the amendment starting on page 30 of the bill, section 25. This amendment introduces changes to the North Dakota Century Code 50-06-41.3 to improve reporting requirements within the Behavioral Health Bed Management System. We believe it is essential to include this amendment for our facility as well as other geripsychiatric skilled nursing facilities.

Our facility has been providing psychiatric services since 2018. Below is an overview of our activity and resident demographics for 2024:

- **Resident Movements in 2024**:
  - 1 resident transitioned to a different facility
  - 2 residents passed away
  - 2 residents moved to our regular nursing home
- **Total Residents Served**: 25 residents, with an average length of stay of **994 days**
- **Current Census**:
  - **Residents**: 19 (Capacity: 20)
  - **Gender**: 6 females and 13 males
  - **Age**:
    - Average age: 67
    - Youngest resident: 32
    - Oldest resident: 87
- **Resident Origins**:
  - Residents come from **9 different counties** in North Dakota
  - Most residents are admitted from the State Hospital, with some exceptions from the VA Hospital or medical centers around the state

As a geropsychiatric care provider, I see firsthand the unique challenges we face. Our facility operates at near full capacity year-round, with very few openings, most of which are pre-planned. The current daily reporting requirement for the Behavioral Health Bed

Management System creates significant administrative burdens that don't reflect our operational reality. For example, my staff have to set an alarm or calendar notification each day, including weekends to log in and update our census. This is an excessive requirement and unnecessary cost when our census does not change very often.

We are grateful for the collaboration between the North Dakota Department of Health and Human Services and the Senate for the amendment in section 25 that reads, "Geropsychiatric facilities shall participate in and report weekly and within forty - eight hours of a bed becoming available." This change would help us focus our resources where they are needed most: providing high-quality, specialized care to our residents.

Thank you for considering this important, proposed amendment.

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Testimony on Amending Behavioral Health Bed Management Reporting Requirements for Geropsychiatric Facilities
House Human Services Committee
March 12, 2025
Senate Bill 2113

Chairman Ruby and Members of the House Human Services Committee, my name is Nikki Wegner, President of the North Dakota Long Term Care Association. Our association represents North Dakota's three geropsychiatric skilled nursing facilities. Thank you for the opportunity to testify in support of Senate Bill 2113, specifically regarding the proposed amendment starting on page 30 of the bill, section 25. This amendment introduces changes to the North Dakota Century Code 50-06-41.3 to improve reporting requirements within the Behavioral Health Bed Management System. The current daily reporting requirement imposes significant administrative burdens that do not align with the operational realities of geropsychiatric facilities. This change would ensure that resources in these specialized care facilities are used as effectively as possible to provide the highest quality care to their residents.

Unique Constraints of Geropsychiatric Facilities

Geropsychiatric facilities are a vital component of North Dakota's behavioral health continuum, providing care for residents with skilled nursing needs alongside complex psychiatric and medical conditions.

Geropsychiatric facilities consistently operate at high occupancy rates, averaging 98.3% in 2023 and 98% in 2024. There were only 44 openings in the last 24 months, most of which were filled through predetermined placement pathways. This is primarily due to the long-term nature of care, with residents staying an average of 251 days before discharge. Additionally, current standards require prioritizing placements from the North Dakota State Hospital (11 residents). Remaining openings are typically filled by acute care hospitals (11 residents), other nursing homes (7 residents), assisted living (1 resident), private homes (4 resident), and other settings (9 residents).

The unique care model and admission process of these facilities make daily reporting of open beds both impractical and unnecessary. Unlike many other facilities, they do not admit residents seven days a week. Admissions are carefully planned due to the complexity of care needs and required medications. Additionally, even if an unplanned opening occurs over a weekend, the current system lacks the capacity to facilitate rapid admissions during that time.

Importance of the Behavioral Health Bed Management System

The Behavioral Health Bed Management System is essential for providers with rapid bed turnover, such as crisis stabilization units and general behavioral health facilities, where frequent updates help match individuals with available resources.

Geropsychiatric facilities, however, differ significantly. Their rare and often preplanned openings do not require the same reporting frequency, requiring daily updates adds little value while consuming unnecessary staff time and resources. Furthermore, the Department's vendor, Bamboo, already allows carryover reporting, where unchanged data remains valid until updated.

The proposed amendment addresses the uniqueness of geropsychiatric facilities and provides flexibility from the daily reporting requirement. This change alleviates administrative burdens while maintaining the system's effectiveness for providers with more dynamic bed availability.

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

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

This amendment is budget neutral, with no fiscal impact. It simply adjusts the reporting requirements to better align with the operational needs of geropsychiatric facilities, ensuring an efficient use of resources without additional costs to the state.

Closing

Chairman Ruby, Members of the Committee, this amendment is a practical solution that recognizes the unique role of geropsychiatric facilities while preserving the integrity of the Behavioral Health Bed Management System.

Thank you for your time and consideration, and I am happy to answer any questions.

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NORTH Dakota | Health & Human Services
Be Legendary.

Testimony
Reengrossed Senate Bill No. 2113
House Human Services Committee
Representative Ruby, Chairman
March 12, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services (Department). I appear before you in support of Reengrossed Senate Bill No. 2113, which was introduced at the request of the Department.

Most of the changes in Reengrossed Senate Bill No. 2113 change the title of regional human service centers to state-operated behavioral health clinics to better align to services provided and to reduce confusion between the regional human service centers and human service zones. The terminology changes are being made in Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 20, 24, 26, 27, 31, 33 (also formatting changes), 34, and 35.

I will now discuss the other specific changes in Reengrossed Senate Bill No. 2113.

Section 11:

The proposed changes in Section 11 of this Bill amend subdivision b of subsection 1 of section 44-04-18.30 of the North Dakota Century Code to update the language regarding state-operated behavioral health clinics and human service zones.

Section 12:

The proposed changes in Section 12 of this Bill amends section 50-06-01 of the North Dakota Century Code to add a definition of "certified

community behavioral health clinic" and "state-operated behavioral health clinic". The definition of "certified community behavioral health clinic" may apply to a private or public behavioral health clinic or a state-operated behavioral health clinic. The definition of "state-operated behavioral health clinic" aligns to services provided and reduces confusion between the regional human service centers and human service zones.

Section 13:

The proposed changes in Section 13 of this Bill amends section 50-06-01.4 of the North Dakota Century Code to update the language regarding state-operated behavioral health clinics and to remove the past dates as to when the Department was to establish or develop a template or process regarding the human service zones.

Section 14:

The proposed changes in Section 14 of this Bill amends section 50-06-01.7 of the North Dakota Century Code to remove outdated information regarding restructuring the behavioral health division and to update the language regarding state-operated behavioral health clinics.

Section 15:

The proposed changes in Section 15 of this Bill amends section 50-06-05.1 of the North Dakota Century Code to:

- Update the language regarding state-operated behavioral health clinics;
- To clarify in subsections 14 and 15 that court orders regarding treatment and services at the North Dakota State Hospital and Life Skills and Transition Center shall comply with the laws passed by the Legislative Branch that apply to the treatment and services that can be offered by the North Dakota State Hospital and Life Skills and Transition Center;
- To remove an exemption in subsection 28 regarding

contracting with an online virtual mental health and suicide prevention simulation-based training program as the vendor is no longer offering that service;

- To add a provision in subsection 33 to allow the Department to pay a stipend to a recipient or a provider to allow the recipient or provider to serve on a council or board. This will increase the number of participants willing to serve on a council or board and will provide for consistency among the Department's various councils and boards;
- To add a provision in subsection 34 to allow the Department to appeal a court order that orders the Department to perform or provide a function, service, or duty. The Department regularly receives court orders that it is not a party to the court action that requires the Department to perform a function, service, or duty. Since the Department is not a party to the court action, it is not able to directly appeal the order that requires the Department to perform a function, service, or duty; and
- To add a provision in subsection 35 to require providers that receive funding from the Department to submit process and outcome measures. This has previously been included in the Department's budget bill for several sessions and this change just codifies the requirement.

Section 16:

The proposed changes in Section 16 of this Bill amends section 50-06-05.2 of the North Dakota Century Code to:

- Update the language regarding state-operated behavioral health clinics;
- Clarify that the state-operated behavioral health clinics

provide community-based behavioral health services;

- Update language for the Department to request appropriations and resources sufficient for certification as a certified community behavioral health clinic, in addition to accreditation;
- Update language as the current accreditation vendor updated its name from council on accreditation to social current;
- Update language regarding the state-operated behavioral health clinics being subject to licensing to being subject to licensing or certification; and
- Change the mandatory requirement to adopt rules to a may to reflect the future state of the state-operated behavioral health clinics becoming certified community behavioral health clinics.

Section 17:

The proposed changes in Section 17 of this Bill amends section 50-06-05.3 of the North Dakota Century Code to amend the powers and duties of the regional human service centers. This Section:

- Updates the language regarding state-operated behavioral health clinics;
- Updates language regarding the services and assistance that is currently provided;
- Replaces "human services advisory group" and "advisory group" with "behavioral health clinic advisory group"; and
- Removes services, developmental disabilities, and social services that are no longer provided by the human service centers but are provided by the Human Service Division of the Department.

Section 18:

The proposed changes in Section 18 of this Bill amends section 50-06-05.4 of the North Dakota Century Code to replace "human services advisory group" with "behavioral health clinic advisory group"; replace "regional human service center" with "state-operated behavioral health clinics"; and to update language to reflect the services provided are behavioral health services.

Section 19:

The proposed changes in Section 19 of this Bill amends section 50-06-05.5 of the North Dakota Century Code to replace "regional human service center" and "center" with "state-operated behavioral health clinic"; replace "regional director" with "state-operated behavioral health clinic director"; and to remove the requirement that the state-operated behavioral health clinic director be appointed by the Commissioner of the Department to reflect the current hiring process of a behavioral health clinic director.

Section 21:

The proposed changes in Section 21 of this Bill amends section 50-06-06.5 of the North Dakota Century Code to replace "regional human service centers" with "state-operated behavioral health clinics" and to remove language that access to the continuum must be through regional human service centers as the current language is contradictory, seems to assume all services must be accessed through the regional human service center which could be a barrier for private providers, and the certified community behavioral health clinic certification will create minimum standards for care.

Section 22:

The proposed changes in Section 22 of this Bill amends section 50-06-06.13 of the North Dakota Century Code pertains to the Department

program to provide out-of-home treatment services for a Medicaid-eligible child with a serious emotional disorder to add the ability of a legal guardian to obtain treatment services for a child in the guardian's custody.

Section 23:

The proposed changes in Section 23 of this Bill amends section 50-06-15 of the North Dakota Century Code to allow the Department to internally share information to assist with or to provide assistance or services as long as the disclosure is in compliance with federal laws and regulations and to update the definition of "individually identifiable information" pertaining to the Department's records.

Section 25:

The proposed changes in Section 25 of this Bill amends section 50-06-41.3 of the North Dakota Century Code to include amendments adopted by the Senate. The proposed changes add an exclusion for geropsychiatric facilities from participating and reporting daily, changing the requirement to weekly and within forty-eight hours; restructure the section to accommodate the geropsychiatric facility exclusion; and to add "unless other specified" to the behavioral health bed management system based on feedback from providers.

Section 28:

The proposed changes in Section 28 of this Bill amends section 50-06-46 of the North Dakota Century Code to incorporate amendments adopted by the Senate. The expiration date was changed to 2027 and the membership of the cross-disability advisory council was updated to fifteen members and updates were made as to whom may serve on the council.

Section 29:

The proposed changes in Section 29 of this Bill creates a new section to chapter 50-06 of the North Dakota Century Code to establish the process

to become a certified community behavioral health clinic, including requiring the Department to adopt rules, and the Department's ability to deny a request.

Section 30:

The proposed changes in Section 30 of this Bill creates a new section to chapter 50-06 of the North Dakota Century Code to reinsert and update language to reflect current process of a previous section of chapter 50-06 that was repealed at the request of the Department.

Section 32:

The proposed changes in Section 32 of this Bill amends section 50-06.2-02 of the North Dakota Century Code to remove the definition of "human service center" and to add a definition of "state-operated behavioral health clinic".

Section 36:

The proposed changes in Section 36 of this Bill adds an appropriation of $150,000 for the Department to update signage. This section was added by the Senate.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2113
3/19/2025

Relating to the powers and duties of the department of health and human services and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

9:27 a.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Dobervich, Fegley, Holle, Kiefert, Rohr
Members Absent: Representatives Davis, Hendrix, Rios

Discussion Topics:

- Committee action

9:28 a.m. Representative Dobervich moved a Do Pass and rerefer to appropriations.

9:28 a.m. Representative K. Anderson seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	AB
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	AB
Representative Karen Rohr	Y

9:29 a.m. Motion passed 10-0-3.

Representative Dobervich will carry the bill.

9:29 a.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

REPORT OF STANDING COMMITTEE
REENGROSSED SB 2113 (25.8094.05000)

Human Services Committee (Rep. M. Ruby, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2113 was rereferred to the **Appropriations Committee**.

2025 HOUSE APPROPRIATIONS

SB 2113

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2113
3/27/2025

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 and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

8:58 a.m. Chairman Vigesaa opened the meeting.

Members present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

Discussion Topics:

- Committee Action

8:58 a.m. Representative M. Ruby introduced the bill.

9:02 a.m. Representative Murphy moved to Amend to remove Section 36.

9:02 a.m. Representative Fisher seconded the motion.

9:03 a.m. Jonathan Alm, Chief Legal Officer, ND Department of Health and Human Services, answered questions.

9:04 a.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y

Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	Y
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	Y

9:04 a.m. Motion passed 23-0-0.

9:05 a.m. Representative Kempenich moved Do Pass as Amended.

9:05 a.m. Representative Meier seconded the motion.

9:08 a.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	Y
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	Y

Representative Steve Swiontek	Y
Representative Scott Wagner	Y

9:08 a.m. Motion passed 23-0-0.

9:08 a.m. Representative Dobervich will carry.

9:09 a.m. Chairman Vigesaa closed the meeting.

Krystal Eberle, Committee Clerk

25.8094.05001
Title.06000

Prepared by the Legislative Council staff for House Appropriations Committee
March 27, 2025

CO 3/27/25 10+38

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FOURTH ENGROSSMENT

REENGROSSED 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 and membership of the cross-disability advisory council~~; to provide an appropriation~~; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

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

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under

section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

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

b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided

under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

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

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

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

9. A person that provides medications, other than by the parenteral route:

a. Within a correctional facility, in compliance with section 12-44.1-29;

b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;

c. Within a treatment or care center for individuals with developmental disabilities 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
   a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
   b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
   c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
   d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention

services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.

4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

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

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

   a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

   b. The transaction is exempt from the provisions of section 50-06-06.6.

   c. The term of any lease may not exceed ninety-nine years.

   d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

   e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.

4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any

officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the

child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States

or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

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

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

   b. Certification as a certified community behavioral health clinic.

2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-

operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 30 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:
   a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
   b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;
   c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
   d. Provide outpatient diagnostic and treatment services; and
   e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful re-entry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service centers~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service centers~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired

term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

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

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

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

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

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

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's

designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

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

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

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

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected

health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:

a. Is created or received by the department; and

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:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

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

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

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

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

   a. Two individuals with a disability, who receive 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.~~;

   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

   c. Seven individuals that work with individuals with disabilities, individuals with behavioral health needs, or individuals with fetal alcohol spectrum disorder;

   d. One individual representing tribal communities, with a focus on disability services;

   e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

   f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 certified 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.

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

Financing of health and human services.

1. The powers and duties carried out by the department under this title may be financed out of a special fund within the state treasury to be known as the health and human services operating special fund;

2. The commissioner of the department or the commissioner's designee and the state treasurer shall deposit in the health and human services operating special fund, at such times as they may become available:
   a. All moneys received from any of the counties within the state;
   b. All moneys received from the United States under the provisions of the Social Security Act;
   c. Such moneys as may be periodically required from legislative appropriations for department purposes; and
   d. All public moneys received from any other source.
3. Expenditures made under this title must be paid upon vouchers prepared by the office of management and budget drawn on the state treasurer against the health and human services operating special fund and signed by the state auditor and state treasurer after approval by the office of management and budget. Expenditures to be supported by itemized vouchers must be signed by the commissioner of the department or by the commissioner's designee and certified to the office of management and budget.
4. Any funds received from federal agencies must be deposited and disbursed as provided and in accordance with Acts of Congress or the regulations of the federal agencies from which the funds were received.

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

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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.~~
4. ~~4.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.
5. ~~5.~~4. "Human service zone plan" means the human service zone plan required by section 50-06.2-04.
6. ~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

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

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

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

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

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

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

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.

~~**SECTION 36. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.~~

REPORT OF STANDING COMMITTEE
REENGROSSED SB 2113

Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS (25.8094.05001)** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar.

2025 CONFERENCE COMMITTEE

SB 2113

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
4/22/2025
Conference Committee

Relating to the powers and duties of the department of health and human services and membership of the cross-disability advisory council; and to provide an expiration date.

9:32 a.m. Chairman Weston opened the hearing.

Members Present: Chairman Weston, Senator Van Oosting, Senator Hogan, Representative Stemen, Representative Wagner, Representative Holle.

Discussion Topics:

- Hearing schedule
- Opioid Settlement Fund
- Court Process

9:33 a.m. Senator Hogan opened committee discussion, explained proposed amendment and submitted testimony #45117.

9:37 a.m. Jonathan Alm, Chief Legal Officer with the Department of Health and Human Services, answered committee questions.

9:40 a.m. Sara Behrens, Attorney with State Court Administrator's Office, answered committee questions.

9:43 a.m. Lacee Anderson, CEO and Founder of The Birch Group, answered committee questions.

9:47 a.m. Laura Anderson, Policy Director at North Dakota Department of Health and Human Services' Behavioral Health Division, answered committee questions.

9:51 a.m. Chairman Weston closed the hearing.

Andrew Ficek, Committee Clerk

25.8094.05003
Title.

Prepared by the Legislative Council staff for Senator Mathern
April 14, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FOURTH ENGROSSMENT

REENGROSSED SENATE BILL NO. 2113

Introduced by

Human Services Committee

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

In place of the amendments (25.8094.05001) adopted by the House, Reengrossed Senate Bill No. 2113 is amended by amendment (25.8094.05003) as follows:

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, subsection 3 of section 25-03.1-11, subsection 1 of section 25-03.1-19, subsection 2 of section 25-03.1-26, 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, treatment hearing timelines, and membership of the cross disability advisory council; to provide an appropriation; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

A treating facility or mental health professional may disclose individually identifiable health information to a court, ~~regional human service center~~state-operated behavioral health clinic, state's attorney, appointed counsel, retained counsel, or other mental health professional, including an expert examiner, and the disclosure is a disclosure for treatment, including the

provision, coordination, and management of health care and to carry out the purposes of this chapter.

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the

respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

SECTION 7. AMENDMENT. Subsection 3 of section 25-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

3. If the expert examiner concludes the respondent is not a person requiring treatment, the court may without taking any other additional action terminate the proceedings and dismiss the petition. If the expert examiner concludes the respondent is a person requiring treatment, or makes no conclusion whether the respondent is a person requiring treatment, the court shall set a date for hearing and shall give notice of hearing to the persons designated in section 25-03.1-12. If the respondent is in custody and is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, the preliminary hearing date must be within ~~four~~five days, exclusive of weekends and holidays, of the date the respondent was taken into custody through emergency commitment under section 25-03.1-25 unless a delay or continuance is concurred in by the respondent or unless extended by the magistrate for good cause shown. If a preliminary hearing is not required, the treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served.

SECTION 8. AMENDMENT. Subsection 1 of section 25-03.1-19 of the North Dakota Century Code is amended and reenacted as follows:

1. The involuntary treatment hearing, unless waived by the respondent or the respondent has been released as a person not requiring treatment, must be held within fourteen days of the preliminary hearing. If the preliminary hearing is not required, the involuntary treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served. The court may extend the time for hearing for good cause. The respondent has the right to an examination by an independent expert examiner if so requested. If the respondent is indigent, the county of residence of the respondent shall pay for the cost of the examination and the respondent may choose an independent expert examiner.

SECTION 9. AMENDMENT. Subsection 2 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of the petition and notice of the emergency detention, the magistrate shall set a date for a preliminary hearing, if the respondent is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, or a treatment hearing, if the respondent is alleged to be a person who has a substance use disorder, to be held no later than ~~four~~five days, exclusive of weekends and holidays, after detention unless the person has been released as a person not requiring treatment, has been voluntarily admitted for treatment, has requested or agreed to a continuance, or unless the hearing has been extended by the magistrate for good cause shown. The magistrate shall appoint counsel if one has not been retained by the respondent.

SECTION 10. AMENDMENT. Subdivision b of subsection 2 of section 26.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. AMENDMENT. Subdivisions c and d of subsection 2 of section 26.1-36-09 of the North Dakota Century Code are amended and reenacted as follows:

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service~~

~~centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

SECTION 12. AMENDMENT. Subsection 9 of section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

9. A person that provides medications, other than by the parenteral route:
   a. Within a correctional facility, in compliance with section 12-44.1-29;
   b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
   c. Within a treatment or care center for individuals with developmental disabilities 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 13. 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 14. 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 15. 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 16. 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:

a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee

services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.

b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.

c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.

d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.
3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.
4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

SECTION 17. AMENDMENT. Section 50-06-01.7 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health

division and must be used to defray the cost of administering and enforcing licensing and certification activities.

SECTION 18. AMENDMENT. Section 50-06-05.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.

9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject

to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North

Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

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

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.

9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this

subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North

Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.
b. The transaction is exempt from the provisions of section 50-06-06.6.
c. The term of any lease may not exceed ninety-nine years.
d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.
24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.
25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.
26. To determine eligibility for medical assistance and children's health insurance program benefits when the department receives a joint application for these benefits.
27. To develop a system of services and supports to provide behavioral health services and supports in the community for children at risk of or identified as having a behavioral health condition and for the families of these children. This system must include early intervention, treatment, and recovery services and supports and must interface with, but not include, child protective services or juvenile court.

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

SECTION 19. AMENDMENT. Section 50-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for ~~accreditation:~~
   a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
   b. Certification as a certified community behavioral health clinic.
2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section ~~30~~32 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social,

emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:

a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;

b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;

c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;

d. Provide outpatient diagnostic and treatment services; and

e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two

years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

SECTION 21. AMENDMENT. Section 50-06-05.4 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

SECTION 22. AMENDMENT. Section 50-06-05.5 of the North Dakota Century Code is amended and reenacted as follows:

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

SECTION 23. AMENDMENT. Section 50-06-06.2 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 25. 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 treatment under this section, may request a judicial determination regarding the child's treatment.

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

SECTION 26. AMENDMENT. Subsections 1 and 3 of section 50-06-15 of the North Dakota Century Code are amended and reenacted as follows:

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~
   d. As permitted or required by other law; or
   e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.

3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:
   a. Is created or received by the department; and
   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 27. 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 28. AMENDMENT. Section 50-06-41.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.

4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

SECTION 29. AMENDMENT. Subsection 1 of section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 30. AMENDMENT. Subsection 1 of section 50-06-42.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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 31. 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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:

a. Two individuals with a disability, who receive 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.~~;

b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;

c. Seven individuals that work with individuals with disabilities, individuals with behavioral health needs, or individuals with fetal alcohol spectrum disorder;

d. One individual representing tribal communities, with a focus on disability services;

e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 32. 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 certified 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.

SECTION 33. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Financing of health and human services.

1. The powers and duties carried out by the department under this title may be financed out of a special fund within the state treasury to be known as the health and human services operating special fund;
2. The commissioner of the department or the commissioner's designee and the state treasurer shall deposit in the health and human services operating special fund, at such times as they may become available;
   a. All moneys received from any of the counties within the state;
   b. All moneys received from the United States under the provisions of the Social Security Act;
   c. Such moneys as may be periodically required from legislative appropriations for department purposes; and
   d. All public moneys received from any other source.
3. Expenditures made under this title must be paid upon vouchers prepared by the office of management and budget drawn on the state treasurer against the health and

human services operating special fund and signed by the state auditor and state treasurer after approval by the office of management and budget. Expenditures to be supported by itemized vouchers must be signed by the commissioner of the department or by the commissioner's designee and certified to the office of management and budget.

4. Any funds received from federal agencies must be deposited and disbursed as provided and in accordance with Acts of Congress or the regulations of the federal agencies from which the funds were received.

SECTION 34. AMENDMENT. Section 50-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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 35. 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.~~

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

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

SECTION 36. AMENDMENT. Section 50-06.2-03 of the North Dakota Century Code is amended and reenacted as follows:

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for

services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

SECTION 37. AMENDMENT. Section 50-06.3-02 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 38. AMENDMENT. Section 50-06.3-04 of the North Dakota Century Code is amended and reenacted as follows:

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.

SECTION 39. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. ~~This funding~~The appropriation in this section is considered a one-time funding item.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2113
4/24/2025
Conference Committee

Relating to the powers and duties of the department of health and human services and membership of the cross-disability advisory council; and to provide an expiration date."Click here to type Bill or Resolution title"

10:00 a.m. Chairman Lee opened the hearing.

Members Present: Vice-Chairman Weston, Senator Van Oosting, Senator Hogan, Representative Stemen, Representative Wagner, Representative Holle

Discussion Topics:

- Technical corrections

10:00 a.m. Senator Hogan opened discussion on submitted testimony #45161.

10:03 a.m. Senator Hogan moved Amendment LC#25.8094.05004 In Place Of LC#25.8094.05001.

10:03 a.m. Representative Stemen seconded the motion.

Motion passed 6-0-0.

Senator Hogan will carry the bill.

Representative Stemen will carry the bill.

10:04 a.m. Chairman Weston adjourned the meeting.

Andrew Ficek, Committee Clerk

25.8094.05004
Title.07000

Prepared by the Legislative Council staff for Senator Hogan
April 22, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FOURTH ENGROSSMENT

VC 4/24/25
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REENGROSSED SENATE BILL NO. 2113

Introduced by

Human Services Committee

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

In place of amendment (25.8094.05001) adopted by the House, Reengrossed Senate Bill No. 2113 is amended by amendment (25.8094.05004) as follows:

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, subsection 3 of section 25-03.1-11, subsection 1 of section 25-03.1-19, subsection 2 of section 25-03.1-26, 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, treatment hearing timelines, and membership of the cross disability advisory council; to provide ~~an appropriation~~for a legislative management study; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

A treating facility or mental health professional may disclose individually identifiable health information to a court, ~~regional human service center~~state-operated behavioral health clinic, state's attorney, appointed counsel, retained counsel, or other mental health professional, including an expert examiner, and the disclosure is a disclosure for treatment, including the

provision, coordination, and management of health care and to carry out the purposes of this chapter.

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the

respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

SECTION 7. AMENDMENT. Subsection 3 of section 25-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

3. If the expert examiner concludes the respondent is not a person requiring treatment, the court may without taking any other additional action terminate the proceedings and dismiss the petition. If the expert examiner concludes the respondent is a person requiring treatment, or makes no conclusion whether the respondent is a person requiring treatment, the court shall set a date for hearing and shall give notice of hearing to the persons designated in section 25-03.1-12. If the respondent is in custody and is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, the preliminary hearing date must be within ~~four~~five days, exclusive of weekends and holidays, of the date the respondent was taken into custody through emergency commitment under section 25-03.1-25 unless a delay or continuance is concurred in by the respondent or unless extended by the magistrate for good cause shown. If a preliminary hearing is not required, the treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served.

SECTION 8. AMENDMENT. Subsection 1 of section 25-03.1-19 of the North Dakota Century Code is amended and reenacted as follows:

1. The involuntary treatment hearing, unless waived by the respondent or the respondent has been released as a person not requiring treatment, must be held within fourteen days of the preliminary hearing. If the preliminary hearing is not required, the involuntary treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served. The court may extend the time for hearing for good cause. The respondent has the right to an examination by an independent expert examiner if so requested. If the respondent is indigent, the county of residence of the respondent shall pay for the cost of the examination and the respondent may choose an independent expert examiner.

SECTION 9. AMENDMENT. Subsection 2 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of the petition and notice of the emergency detention, the magistrate shall set a date for a preliminary hearing, if the respondent is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, or a treatment hearing, if the respondent is alleged to be a person who has a substance use disorder, to be held no later than ~~four~~five days, exclusive of weekends and holidays, after detention unless the person has been released as a person not requiring treatment, has been voluntarily admitted for treatment, has requested or agreed to a continuance, or unless the hearing has been extended by the magistrate for good cause shown. The magistrate shall appoint counsel if one has not been retained by the respondent.

SECTION 10. AMENDMENT. Subdivision b of subsection 2 of section 26.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. AMENDMENT. Subdivisions c and d of subsection 2 of section 26.1-36-09 of the North Dakota Century Code are amended and reenacted as follows:

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

SECTION 12. AMENDMENT. Subsection 9 of section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

9. A person that provides medications, other than by the parenteral route:
   a. Within a correctional facility, in compliance with section 12-44.1-29;
   b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
   c. Within a treatment or care center for individuals with developmental disabilities 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 13. 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 14. 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 15. 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.

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~~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 16. 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:

a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.

b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.

c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.

d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and

rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.
4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

SECTION 17. AMENDMENT. Section 50-06-01.7 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

SECTION 18. AMENDMENT. Section 50-06-05.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in

accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.

11. To permit the making of any surveys of human service needs and activities if determined to be necessary.

12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program,

funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

b. The transaction is exempt from the provisions of section 50-06-06.6.

c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each public school and to the designated individual at a nonpublic school. The resources must include information on identifying

warning signs, risk factors, and the availability of resources in the community~~, and also must include an evidence-based, online virtual mental health and suicide prevention simulation-based training program that incorporates hands-on practice, contextual learning, and personalized feedback through interactive role-playing. The provisions of chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention simulation-based training program under this subsection~~.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to

payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

SECTION 19. AMENDMENT. Section 50-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

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

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

b. Certification as a certified community behavioral health clinic.

2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section ~~30~~32 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:

a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;

b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;

c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;

d. Provide outpatient diagnostic and treatment services; and

e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must

be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

SECTION 21. AMENDMENT. Section 50-06-05.4 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

SECTION 22. AMENDMENT. Section 50-06-05.5 of the North Dakota Century Code is amended and reenacted as follows:

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

SECTION 23. AMENDMENT. Section 50-06-06.2 of the North Dakota Century Code is amended and reenacted as follows:

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

Within the limits of legislative appropriation therefor and in accordance with rules established by the department, the department may defray the costs of preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible individuals by ~~regional human service centers~~state-operated behavioral health clinics or designated behavioral health providers. Within the limits of legislative appropriations and to the extent permitted by state and federal law and regulations established thereunder, it is the intent

of the legislative assembly that federal funds available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray the costs of identifiable mental health clinic services furnished eligible individuals in ~~regional human service centers~~state-operated behavioral health clinics and that federal funds available under title XX of the Social Security Act [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable human services furnished to eligible individuals by human service zones and ~~regional human service centers~~state-operated behavioral health clinics.

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 25. 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 treatment under this section, may request a judicial determination regarding the child's treatment.
2. The department may establish a program to prevent out-of-home placement for a Medicaid-eligible child with a behavior health condition as defined in the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).

SECTION 26. AMENDMENT. Subsections 1 and 3 of section 50-06-15 of the North Dakota Century Code are amended and reenacted as follows:

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~

d. As permitted or required by other law; or

e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.

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

a. Is created or received by the department; and

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

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

SECTION 29. AMENDMENT. Subsection 1 of section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the

state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital- or medical clinic-based programs for medical management of withdrawal. An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.

SECTION 30. AMENDMENT. Subsection 1 of section 50-06-42.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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 31. 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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:
   a. Two individuals with a disability, who receive 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.~~;
   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;
   c. Seven individuals that work with individuals with disabilities, individuals with behavioral health needs, or individuals with fetal alcohol spectrum disorder;

d. One individual representing tribal communities, with a focus on disability services;

e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 32. 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 certified 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.

SECTION 33. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Financing of health and human services.

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

SECTION 34. AMENDMENT. Section 50-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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 35. 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.~~

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

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

SECTION 36. AMENDMENT. Section 50-06.2-03 of the North Dakota Century Code is amended and reenacted as follows:

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

SECTION 37. AMENDMENT. Section 50-06.3-02 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 38. AMENDMENT. Section 50-06.3-04 of the North Dakota Century Code is amended and reenacted as follows:

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.

~~**SECTION 39. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing~~

~~behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.~~

SECTION 39. LEGISLATIVE MANAGEMENT STUDY - NON-OPIOID TREATMENT OPTIONS TO REDUCE PAIN. During the 2025-26 interim, the legislative management shall consider studying options to help patients with moderate to severe pain reduce pain while safely improving functional outcomes and quality of care. The study may include an examination of non-opioid pharmacological treatment options and existing opioid settlement funds, and explore options to use those funds to develop and implement an education and awareness campaign on non-opioid treatment options. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement its recommendations, to the seventieth legislative assembly.

SB 2113 042425 1003 AM Roll Call Vote

Final Recommendation

SB 2113
Date Submitted: April 24, 2025, 10:03 a.m.
Recommendation: In Place Of
Amendment LC #: 25.8094.05004
Engrossed LC #: N/A
Description:
Motioned By: Hogan, Kathy
Seconded By: Stemen, Gregory
House Carrier: Stemen, Gregory
Senate Carrier: Hogan, Kathy
Emergency Clause: None
Vote Results: 6 - 0 - 0

Sen. Weston, Kent	Yea
Sen. Hogan, Kathy	Yea
Sen. Van Oosting, Desiree	Yea
Rep. Stemen, Gregory	Yea
Rep. Wagner, Scott	Yea
Rep. Holle, Dawson	Yea

Insert LC: 25.8094.05004 Title: 07000
Senate Carrier: Hogan
House Carrier: Stemen

REPORT OF CONFERENCE COMMITTEE
REENGROSSED SB 2113

Your conference committee (Sens. Weston, Hogan, Van Oosting and Reps. Stemen, Wagner, Holle) recommends that in place of amendment 25.8094.05001 adopted by the House, Reengrossed SB 2113 is amended by amendment 25.8094.05004.

Reengrossed SB 2113 was placed on the Seventh order of business on the calendar.

25.8094.05004
Title.

Prepared by the Legislative Council staff for Senator Hogan
April 22, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FOURTH ENGROSSMENT

REENGROSSED SENATE BILL NO. 2113

Introduced by

Human Services Committee

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

In place of amendment (25.8094.05001) adopted by the House, Reengrossed Senate Bill No. 2113 is amended by amendment (25.8094.05004) as follows:

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, subsection 3 of section 25-03.1-11, subsection 1 of section 25-03.1-19, subsection 2 of section 25-03.1-26, 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, treatment hearing timelines, and membership of the cross disability advisory council; to provide ~~an appropriation~~for a legislative management study; and to provide an expiration date.

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

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

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

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

25-03.1-03.1. Disclosure of health information.

A treating facility or mental health professional may disclose individually identifiable health information to a court, ~~regional human service center~~state-operated behavioral health clinic, state's attorney, appointed counsel, retained counsel, or other mental health professional, including an expert examiner, and the disclosure is a disclosure for treatment, including the

provision, coordination, and management of health care and to carry out the purposes of this chapter.

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

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

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

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

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the

respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

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

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

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

SECTION 7. AMENDMENT. Subsection 3 of section 25-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

3. If the expert examiner concludes the respondent is not a person requiring treatment, the court may without taking any other additional action terminate the proceedings and dismiss the petition. If the expert examiner concludes the respondent is a person requiring treatment, or makes no conclusion whether the respondent is a person requiring treatment, the court shall set a date for hearing and shall give notice of hearing to the persons designated in section 25-03.1-12. If the respondent is in custody and is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, the preliminary hearing date must be within ~~four~~five days, exclusive of weekends and holidays, of the date the respondent was taken into custody through emergency commitment under section 25-03.1-25 unless a delay or continuance is concurred in by the respondent or unless extended by the magistrate for good cause shown. If a preliminary hearing is not required, the treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served.

SECTION 8. AMENDMENT. Subsection 1 of section 25-03.1-19 of the North Dakota Century Code is amended and reenacted as follows:

1. The involuntary treatment hearing, unless waived by the respondent or the respondent has been released as a person not requiring treatment, must be held within fourteen days of the preliminary hearing. If the preliminary hearing is not required, the involuntary treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served. The court may extend the time for hearing for good cause. The respondent has the right to an examination by an independent expert examiner if so requested. If the respondent is indigent, the county of residence of the respondent shall pay for the cost of the examination and the respondent may choose an independent expert examiner.

SECTION 9. AMENDMENT. Subsection 2 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of the petition and notice of the emergency detention, the magistrate shall set a date for a preliminary hearing, if the respondent is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, or a treatment hearing, if the respondent is alleged to be a person who has a substance use disorder, to be held no later than ~~four~~five days, exclusive of weekends and holidays, after detention unless the person has been released as a person not requiring treatment, has been voluntarily admitted for treatment, has requested or agreed to a continuance, or unless the hearing has been extended by the magistrate for good cause shown. The magistrate shall appoint counsel if one has not been retained by the respondent.

SECTION 10. AMENDMENT. Subdivision b of subsection 2 of section 26.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 11. AMENDMENT. Subdivisions c and d of subsection 2 of section 26.1-36-09 of the North Dakota Century Code are amended and reenacted as follows:

c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year. Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

SECTION 12. AMENDMENT. Subsection 9 of section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

9. A person that provides medications, other than by the parenteral route:
   a. Within a correctional facility, in compliance with section 12-44.1-29;
   b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
   c. Within a treatment or care center for individuals with developmental disabilities 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 13. 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 14. 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 15. 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 16. 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 structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:

a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.

b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.

c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.

d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.

e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.

f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

g. Administration of general assistance.

h. Administration of child support.

i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.

2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and

rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.

3. ~~By August 1, 2019, the~~The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.
4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019~~.

SECTION 17. AMENDMENT. Section 50-06-01.7 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

SECTION 18. AMENDMENT. Section 50-06-05.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in

accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.

11. To permit the making of any surveys of human service needs and activities if determined to be necessary.

12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.

13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program,

funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.
b. The transaction is exempt from the provisions of section 50-06-06.6.
c. The term of any lease may not exceed ninety-nine years.
d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each public school and to the designated individual at a nonpublic school. The resources must include information on identifying

warning signs, risk factors, and the availability of resources in the community~~, and also must include an evidence-based, online virtual mental health and suicide prevention simulation-based training program that incorporates hands-on practice, contextual learning, and personalized feedback through interactive role-playing. The provisions of chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention simulation-based training program under this subsection~~.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

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

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, 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)].

17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to

payments and commitments made on or after July 1, 1991. 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 is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.

19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.

21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.

22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:

    a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.

    b. The transaction is exempt from the provisions of section 50-06-06.6.

    c. The term of any lease may not exceed ninety-nine years.

d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.

e. Any funds realized by any transaction must be deposited in the state's general fund.

23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.

24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.

25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

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

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

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.

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

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

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

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.

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

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

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

SECTION 19. AMENDMENT. Section 50-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

~~Human~~

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

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

b. Certification as a certified community behavioral health clinic.

2. The ~~regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service centers~~state-operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section ~~30~~32 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

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

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

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide ~~human~~ services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human~~ services and assistance to:

a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;

b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing ~~for care while institutionalized or providing for~~access to community-based ~~or~~and other ~~forms of less restrictive~~supportive services that span the continuum of care;

c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;

d. Provide outpatient diagnostic and treatment services; and

e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with~~support for individuals with mental health, emotional, or substance use ~~disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient ~~facility~~settings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.

3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human services~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must

be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health~~,~~ and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

SECTION 21. AMENDMENT. Section 50-06-05.4 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

SECTION 22. AMENDMENT. Section 50-06-05.5 of the North Dakota Century Code is amended and reenacted as follows:

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

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

SECTION 23. AMENDMENT. Section 50-06-06.2 of the North Dakota Century Code is amended and reenacted as follows:

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

Within the limits of legislative appropriation therefor and in accordance with rules established by the department, the department may defray the costs of preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible individuals by ~~regional human service centers~~state-operated behavioral health clinics or designated behavioral health providers. Within the limits of legislative appropriations and to the extent permitted by state and federal law and regulations established thereunder, it is the intent

of the legislative assembly that federal funds available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray the costs of identifiable mental health clinic services furnished eligible individuals in ~~regional human service centers~~state-operated behavioral health clinics and that federal funds available under title XX of the Social Security Act [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable human services furnished to eligible individuals by human service zones and ~~regional human service centers~~state-operated behavioral health clinics.

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

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

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private 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 25. 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 treatment under this section, may request a judicial determination regarding the child's treatment.
2. The department may establish a program to prevent out-of-home placement for a Medicaid-eligible child with a behavior health condition as defined in the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).

SECTION 26. AMENDMENT. Subsections 1 and 3 of section 50-06-15 of the North Dakota Century Code are amended and reenacted as follows:

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
   a. In the administration of any such program;
   b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
   c. As specifically authorized by the rules of the department; ~~or~~

d. As permitted or required by other law; or

e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.

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

a. Is created or received by the department; and

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

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

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

SECTION 29. AMENDMENT. Subsection 1 of section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the

state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital- or medical clinic-based programs for medical management of withdrawal. An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.

SECTION 30. AMENDMENT. Subsection 1 of section 50-06-42.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
   a. Submit an application in the form and manner prescribed by the department;
   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 31. 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~~2027)

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 and the department 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~~ who represent a broad range of disabilities and regions of the state. The members are:
   a. Two individuals with a disability, who receive 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.~~;
   b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;
   c. Seven individuals that work with individuals with disabilities, individuals with behavioral health needs, or individuals with fetal alcohol spectrum disorder;

d. One individual representing tribal communities, with a focus on disability services;

e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and

f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.

4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.

~~4.~~5. 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.~~6. 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.~~7. 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 32. 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 certified 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.

SECTION 33. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Financing of health and human services.

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

SECTION 34. AMENDMENT. Section 50-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and 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 35. 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.~~

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

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

~~6.~~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 service programs, and aging service 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.

~~7.~~6. "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.

~~8.~~7. "State agency" means the department of health and human services.

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

SECTION 36. AMENDMENT. Section 50-06.2-03 of the North Dakota Century Code is amended and reenacted as follows:

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

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

~~1.~~ a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.

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

~~a.~~ (1) Include human services determined essential in effectuating the purposes of this chapter.

~~b.~~ (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

~~3.~~ c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

~~4.~~ d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.

~~5.~~ e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

~~a.~~ (1) Homemaker services;

~~b.~~ (2) Chore services;

~~c.~~ (3) Respite care;

~~d.~~ (4) Home health aide services;

~~e.~~ (5) Case management;

~~f.~~ (6) Family home care;

~~g.~~ (7) Personal attendant care;

~~h.~~ (8) Adult family foster care; and

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

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

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

SECTION 37. AMENDMENT. Section 50-06.3-02 of the North Dakota Century Code is amended and reenacted as follows:

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

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

SECTION 38. AMENDMENT. Section 50-06.3-04 of the North Dakota Century Code is amended and reenacted as follows:

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.

~~**SECTION 39. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $150,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of constructing~~

~~behavioral health clinic signage, for the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item.~~

SECTION 39. LEGISLATIVE MANAGEMENT STUDY - NON-OPIOID TREATMENT OPTIONS TO REDUCE PAIN. During the 2025-26 interim, the legislative management shall consider studying options to help patients with moderate to severe pain reduce pain while safely improving functional outcomes and quality of care. The study may include an examination of non-opioid pharmacological treatment options and existing opioid settlement funds, and explore options to use those funds to develop and implement an education and awareness campaign on non-opioid treatment options. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement its recommendations, to the seventieth legislative assembly.