



North Dakota Legislative Council

Prepared for Senator Hogan
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STATUTORY AND CONSTITUTIONAL ROLE OF THE STATE HOSPITAL

INTRODUCTION

The Constitution of North Dakota and the North Dakota Century Code provide for the State Hospital and the role of the State Hospital.

CONSTITUTION OF NORTH DAKOTA

Constitutional Citation	Text Summarized
Article IX, Section 12	Provides for the State Hospital for the insane at Jamestown.
Article IX, Section 13	Provides for a state hospital for the mentally ill at a legislatively established location.

NORTH DAKOTA CENTURY CODE

Statutory Citation	Text Summarized
11-15-24	Allows a county sheriff to transport patients to the State Hospital.
12-59-14	Allows the State Parole Board to transfer a parolee to the State Hospital.
12-59-15	Allows a hearing officer to transfer a parolee to the State Hospital.
12.1-04-06	Allows a court to transfer a juvenile to the State Hospital.
12.1-34-01	Provides the State Hospital custodial authority to which a defendant may be sentenced or referred.
15.1-32-21	Allows the State Hospital to apply for, receive, and administer federal vision services aid.
23-16-01	Provides the State Hospital is licensed as a hospital.
25-01-02	Allows the Executive Director of the Department of Human Services to transfer patients between facilities.
25-01-06	Requires the Superintendent of the State Hospital to notify the Executive Director of the Department of Human Services if there is a question regarding the propriety of commitment or detention.
25-02-01	Creates the State Hospital at Jamestown, administered by the Department of Human Services.
25-02-01.1	Creates the State Hospital governing body.
25-02-03	Provides "[t]he state hospital is an institution for mental diseases serving specialized populations of the mentally ill, including persons suffering from drug addiction or alcoholism. The state hospital is one component of the North Dakota mental health delivery system and serves as a resource to community-based treatment programs. The state hospital shall, pursuant to rules adopted by the department of human services, receive and care for all mentally ill persons, including persons suffering from drug addiction or alcoholism, residing within this state in accordance with this title, and shall furnish to those mentally ill persons all needed food, shelter, treatment, and support that may tend to restore their mental health or to alleviate their illness or suffering."
25-02-04	Sets out the qualifications and powers of the Superintendent of the State Hospital.
25-02-06	Provides for State Hospital treatment of out-of-state residents.
25-02-09	Provides for impartial care of State Hospital patients.
25-03.1	Provides the commitment procedures for hospitals and the State Hospital.

25-03.3	Provides the commitment procedure for individuals who are sexually dangerous for hospitals and the State Hospital.
27-21-11	Allows the Department of Corrections and Rehabilitation Division of Juvenile Services to transfer juveniles to the State Hospital.
50-06-01.4	Provides the structure of the Department of Human Services.
50-06-01.7(1)	Provides "[t]he department of human services 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, the state hospital, and contracted services are in accordance with the state plan."
50-06-05.1(13)	Provides the duties of the Department of Human Services include "[t]o 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."
50-06-06.6	Provides the State Hospital may lease real and personal property.
50-06-30	Allows for interagency agreements between the State Hospital and the Department of Corrections and Rehabilitation.
50-06.3	Provides for the fees and expenses chargeable by the State Hospital.
50-24.4-29	Provides for geropsychiatric services by the State Hospital.