

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2083
(State and Local Government Committee)
(At the request of the Department of Health and Human Services)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

25-02-03. Object of state hospital.

The state hospital is an institution for mental diseases serving specialized populations of the ~~mentally ill~~ individuals with severe mental illness, including ~~persons suffering from drug addiction or alcoholism~~ individuals with a substance use disorder. 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 health and human services, receive and care for all ~~mentally ill persons~~ eligible individuals with severe mental illness, including ~~persons suffering from drug addiction or alcoholism~~ individuals with a substance use disorder, residing within this state in accordance with this title, and ~~shall~~ may furnish to those ~~mentally ill persons~~ individuals all needed food, shelter, treatment, and support ~~that may tend to restore their mental health or to alleviate their illness or suffering~~.

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

Collaborative care - Consultation services.

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

SECTION 3. 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 - Licensure.

Human services must be delivered through regional human service centers 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 and to ensure maintenance of the accreditation for the regional human service centers, including associated facilities, by the council on accreditation or by a similar national accrediting body accepted by the department. The regional human service centers are subject to licensing 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. A regional human service center may not operate without a license issued in accordance with this section. Regional human service centers are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the centers.

SECTION 4. 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 - Powers - Duties - Human service advisory groups.

1. Regional human service centers shall provide human services to all eligible individuals and families to help individuals and families achieve or maintain social, emotional, and economic self-sufficiency by providing human services to:
 - a. Prevent, reduce, or eliminate dependency;
 - b. ~~Prevent or remedy the neglect, abuse, or exploitation of children and of adults unable to protect their own interests;~~
 - c. ~~Aid in the preservation, rehabilitation, and reuniting of families;~~
 - d. Prevent or reduce inappropriate institutional care by providing for care while institutionalized or providing for community-based or other forms of less restrictive care;
 - e.c. Secure referral or admission for institutional care;
 - f.d. Provide outpatient diagnostic and treatment services; and
 - g. ~~Provide information concerning guardianship to people interested in becoming or who are guardians; and~~
 - h.e. Provide rehabilitation and crisis services for patients with mental, emotional, or substance use disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in an inpatient facility.
2. Regional human service centers shall deliver services in the manner prescribed by the department.
3. Regional human service centers 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 must have a human services 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 executive director of the department, and five additional members appointed by the executive director of the department. Each 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 director shall select the appointed members of each human service advisory group on the basis of population of the counties in the region served by the regional human service center. Each county in the region must be represented by at least one member on the human service advisory group. To the extent possible, appointed membership of the advisory group must reflect regional interests in the fields of developmental disabilities, social services, mental health, and substance use disorders. The executive director of the department shall appoint a chairman for each advisory group from the membership of the advisory group. The executive director of the department shall fill a vacancy occurring within an 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

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 5. 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, 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 6. EMERGENCY. Sections 2 and 4 of this Act are declared to be an emergency measure.

Tammy Miller
President of the Senate

Dennis Johnson
Speaker of the House

Dwanda Meyer
Secretary of the Senate

Bull J. Reich
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2083 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

Tammy Miller
President of the Senate

Dwanda Meyer
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 86 Nays 6 Absent 2

Dennis Johnson
Speaker of the House

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 9:51 AM on March 14, 2023.

Approved at 5:15 PM on March 14, 2023.

Doug Burgum
Governor

Filed in this office this 15th day of March, 2023,

at 2:58 o'clock P. M.

Michael Howe
Secretary of State