

**SENATE BILL NO. 2038**

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota  
2 Century Code, relating to the establishment of a task force on children's behavioral health; to  
3 amend and reenact section 15.1-07-34, subsection 1 of section 25-03.1-11, and sections  
4 25-03.1-26 and 50-11.1-02.3 of the North Dakota Century Code, relating to behavioral health  
5 training for educators and early childhood service providers and to emergency hold limitations  
6 for mental health examinations; and to provide for a report to the governor and the legislative  
7 management.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15.1-07-34. Provision of youth ~~mental~~behavioral health training to teachers,**  
12 **administrators, and ancillary staff.**

13 1. ~~Once every~~Every two years, each school district shall provide a minimum of eight  
14 hours of ~~training~~professional development on youth ~~mental~~behavioral health to  
15 ~~prekindergarten, elementary, middle, and high school teachers, paraprofessionals, and~~  
16 administrators. Each school district shall encourage ancillary and support staff to  
17 participate in the ~~training~~professional development.

18 a. Based on the annual needs assessment of the school district, at least two hours  
19 must address the following:

20 (1) Trauma;

21 (2) Social and emotional learning, including resiliency;

22 (3) Suicide prevention; and

23 (4) Bullying.

24 b. The ~~training~~remainder of the professional development must include:

- 1           a. (1) Understanding of the prevalence and impact of youth ~~mental~~behavioral  
2                                    health disorderswellness on family structure, education, juvenile services,  
3                                    law enforcement, and health care and treatment providers;
- 4           b. (2) Knowledge of ~~mental~~behavioral health symptoms, social stigmas, and risks,  
5                                    ~~and protective factors~~ as it relates to depression, anxiety, stress, and  
6                                    substance abuse; and
- 7           e. (3) Awareness of referral sources and evidence-based strategies for  
8                                    appropriate interventions.
- 9           2. Each school district shall report the ~~outcome of the training~~professional development  
10                                   hours to the department of public instruction.
- 11           3. The superintendent of public instruction shall collaborate with regional education  
12                                    associations to disseminate information, training materials, and notice of training  
13                                    opportunities to school districts and nonpublic schools.

14           **SECTION 2. AMENDMENT.** Subsection 1 of section 25-03.1-11 of the North Dakota  
15 Century Code is amended and reenacted as follows:

- 16           1. The respondent must be examined within a reasonable time by an expert examiner as  
17                                    ordered by the court. If the respondent is taken into custody under the emergency  
18                                    treatment provisions of this chapter, the examination must be conducted within  
19                                    ~~twenty-four hours, exclusive of holidays, of custody~~the time limitations set forth in  
20                                    section 25-03.1-26. Any expert examiner conducting an examination under this section  
21                                    may consult with or request participation in the examination by any qualified mental  
22                                    health professional and may include with the written examination report any findings or  
23                                    observations by that mental health professional. This examination report, and that of  
24                                    the independent examiner, if one has been requested, must be filed with the court.  
25                                    The report must contain:
  - 26                                    a. Evaluations of the respondent's physical condition and mental status.
  - 27                                    b. A conclusion as to whether the respondent is a person requiring treatment, with a  
28                                    clear explanation of how that conclusion was derived from the evaluation.
  - 29                                    c. If the report concludes that the respondent is a person requiring treatment, a list  
30                                    of available forms of care and treatment that may serve as alternatives to  
31                                    involuntary hospitalization.

1           d. The signature of the examiner who prepared the report.

2           **SECTION 3. AMENDMENT.** Section 25-03.1-26 of the North Dakota Century Code is  
3 amended and reenacted as follows:

4           **25-03.1-26. Emergency procedure - Acceptance of petition and individual - Notice -**  
5 **Court hearing set.**

6           1. A public treatment facility immediately shall accept and a private treatment facility may  
7 accept on a provisional basis the application and the individual admitted under section  
8 25-03.1-25. The superintendent or director shall require an immediate examination of  
9 the subject and, either within twenty-four hours, exclusive of holidays, after admission  
10 or within seventy-two hours after admission, exclusive of holidays, if the individual is  
11 admitted with a serious physical condition or illness that requires prompt treatment,  
12 shall either release:

13           a. Release the individual if the superintendent or director finds that the subject does  
14 not meet the emergency commitment standards; or file

15           b. File a petition if one has not been filed with the court of the individual's residence  
16 or the court which directed immediate custody under subsection 2 of section  
17 25-03.1-25, giving notice to the court and stating in detail the circumstances and  
18 facts of the case.

19           2. Upon receipt of the petition and notice of the emergency detention, the magistrate  
20 shall set a date for a preliminary hearing, if the respondent is alleged to be a person  
21 who is mentally ill or a person who is both mentally ill and chemically dependent, or a  
22 treatment hearing, if the respondent is alleged to be a person who is chemically  
23 dependent, to be held no later than four days, exclusive of weekends and holidays,  
24 after detention unless the person has been released as a person not requiring  
25 treatment, has been voluntarily admitted for treatment, has requested or agreed to a  
26 continuance, or unless the hearing has been extended by the magistrate for good  
27 cause shown. The magistrate shall appoint counsel if one has not been retained by  
28 the respondent.

29           **SECTION 4.** A new section to chapter 50-06 of the North Dakota Century Code is created  
30 and enacted as follows:

1        **Task force on children's behavioral health - Membership - Duties - Reports to**  
2 **governor and legislative management.**

- 3        1. The task force on children's behavioral health is created for the purpose of assessing  
4        and guiding efforts within the children's behavioral health system to ensure a full  
5        continuum of care is available in the state.
- 6        2. The task force consists of the following members:
- 7        a. The superintendent of public instruction, or the superintendent's designee;  
8        b. The executive director of the department of human services, or the executive  
9        director's designee;  
10       c. The state health officer, or the state health officer's designee;  
11       d. The director of the department of corrections and rehabilitation, or the director's  
12       designee;  
13       e. The executive director of the Indian affairs commission, or the executive  
14       director's designee;  
15       f. The director of the committee on protection and advocacy, or the director's  
16       designee;  
17       g. A member of the senate, appointed by the legislative management;  
18       h. A member of the house of representatives, appointed by the legislative  
19       management;  
20       i. A representative of the North Dakota medical association;  
21       j. Four enrolled tribal members representing tribes located in the state, appointed  
22       by the Indian affairs commission;  
23       k. A representative of law enforcement, appointed by the attorney general;  
24       l. A representative of the department of public instruction with expertise in safe and  
25       healthy schools, appointed by the superintendent of public instruction;  
26       m. A representative of the department of public instruction with expertise in special  
27       education, appointed by the superintendent of public instruction;  
28       n. A representative of an elementary school, appointed by the superintendent of  
29       public instruction from a list of recommendations submitted by the North Dakota  
30       school boards association, regional education associations, teacher groups, and  
31       school administrators;

- 1           o. A representative of a secondary school, appointed by the superintendent of  
2           public instruction from a list of recommendations submitted by the North Dakota  
3           school boards association, regional education associations, teacher groups, and  
4           school administrators;
- 5           p. A representative of the state department of health with expertise in maternal child  
6           health, appointed by the state health officer;
- 7           q. A representative of the foster care community, appointed by the executive  
8           director of the department of human services from a list of recommendations  
9           submitted by organizations that provide foster care;
- 10          r. A county social services director, appointed by the executive director of the  
11          department of human services from a list of recommendations submitted by the  
12          North Dakota association of counties;
- 13          s. A representative of the department of human services with expertise in children's  
14          behavioral health, appointed by the executive director of the department of  
15          human services;
- 16          t. A representative of early childhood services, appointed by the executive director  
17          of the department of human services from a list of recommendations submitted  
18          by organizations that provide early childhood services;
- 19          u. A representative of early intervention behavioral health, appointed by the  
20          executive director of the department of human services from a list of  
21          recommendations submitted by organizations that provide early intervention  
22          behavioral health services;
- 23          v. A representative with expertise of medicaid, appointed by the executive director  
24          of the department of human services;
- 25          w. A representative of a public behavioral health facility, appointed by the executive  
26          director of the department of human services from a list of recommendations  
27          submitted by nonprofit or charitable organizations that provide behavioral health  
28          services;
- 29          x. A representative of a private behavioral health facility, appointed by the executive  
30          director of the department of human services from a list of recommendations  
31          submitted by for-profit organizations that provide behavioral health services;

- 1           y. A representative of family and consumer services, appointed by the executive  
2           director of the department of human services from a list of recommendations  
3           submitted by organizations that provide family and consumer services;
- 4           z. A representative of a psychiatric residential treatment facility, appointed by the  
5           executive director of the department of human services from a list of  
6           recommendations submitted by organizations that provide psychiatric residential  
7           treatment;
- 8           aa. A representative of a residential child care facility, appointed by the executive  
9           director of the department of human services from a list of recommendations  
10          submitted by organizations that provide residential child care;
- 11          bb. A representative of the university of North Dakota children and family services  
12          training center, appointed by the executive director of the department of human  
13          services from a list of recommendations submitted by the chair of the university  
14          of North Dakota department of social work;
- 15          cc. A representative of the department of corrections and rehabilitation with expertise  
16          in juvenile services, appointed by the director of the department of corrections  
17          and rehabilitation;
- 18          dd. A representative of a juvenile court, appointed by the chief justice; and
- 19          ee. A pediatrician, appointed by the North Dakota academy of pediatrics.
- 20          3. The executive director of the department of human services, or the executive director's  
21          designee, shall serve as the chairman of the task force. The task force shall meet at  
22          least quarterly. Additional meetings may be held at the discretion of the chairman.
- 23          4. The task force may request appropriate staff services from the department of human  
24          services.
- 25          5. The members of the task force who are not state employees or members of the  
26          legislative assembly are entitled to mileage and expense reimbursement as provided  
27          by law for state officers and employees. Unless otherwise provided in this subsection,  
28          the expenses of appointed members must be paid by the department of human  
29          services. A state employee who is a member of the task force is entitled to receive that  
30          employee's regular salary and is entitled to mileage and expenses, to be paid by the  
31          employing agency. The members of the task force who are members of the legislative

1 assembly are entitled to compensation from the legislative council for attendance at  
2 task force meetings at the rate provided for members of the legislative assembly for  
3 attendance at interim committee meetings and are entitled to reimbursement for  
4 expenses incurred in attending the meetings in the amounts provided by law for other  
5 state officers.

6 6. The task force shall:

7 a. Collect and organize data that addresses screening and assessment processes,  
8 early intervention services, and transitions and coordination between services for  
9 youth;

10 b. Identify available federal, state, and local programs that provide children  
11 behavioral health services and evaluate those programs and services to  
12 determine if gaps in programs or ineffective policies exist;

13 c. Make recommendations to ensure the children's behavioral health services are  
14 seamless, efficient, and not duplicative; and

15 d. Evaluate methods that support a full continuum of services for youth to ensure  
16 health and safety, access to services, and quality of services.

17 7. a. The task force shall develop a state children's behavioral health services plan.

18 b. After the development of the initial state children's behavioral health services  
19 plan, the task force shall continue to review and periodically update or otherwise  
20 amend the state plan so it best serves the needs of children with behavioral  
21 health issues.

22 c. By July first of each even-numbered year, the task force shall provide a report to  
23 the governor and the legislative management regarding the status of the  
24 children's behavioral health services plan.

25 **SECTION 5. AMENDMENT.** Section 50-11.1-02.3 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **50-11.1-02.3. Early childhood services providers - Training on infant safe sleep**  
28 **practices and behavioral health issues.**

29 The department shall adopt rules to require an early childhood service provider and the  
30 provider's staff members who are responsible for the care or teaching of children under:

- 1        1. Under the age of one to annually complete annually a department approved sudden
- 2                infant death syndrome prevention training course; and
- 3        2. To complete annually a minimum of two hours of department approved training relating
- 4                to behavioral health issues of children.

5        **SECTION 6. REPORT TO GOVERNOR AND LEGISLATIVE MANAGEMENT.** Before

6 July 1, 2018, the task force on children's behavioral health shall:

- 7                1. Report its findings and recommendations and any proposed legislation necessary to
- 8                implement the recommendations to the legislative management; and
- 9                2. Present to the governor and the legislative management the state children's
- 10                behavioral health services plan developed under subsection 7 of section 4 of this Act.