

Introduced by

Senators J. Lee, Armstrong, Dever

Representatives K. Koppelman, Weisz, Hogan

1 A BILL for an Act to create and enact a new section to chapter 54-23.3 of the North Dakota
2 Century Code, relating to a community behavioral health plan as a term of parole or an
3 alternative to incarceration; to provide for a legislative management study; and to provide an
4 appropriation.

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

6 **SECTION 1.** A new section to chapter 54-23.3 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Community behavioral health program - Reports to legislative management and**
9 **governor.**

- 10 1. The department of corrections and rehabilitation shall establish and implement a
11 community behavioral health program to provide comprehensive community-based
12 services for individuals who have serious behavioral health conditions, as a term and
13 condition of parole under chapter 12-59, and as a sentencing alternative under section
14 12.1-32-02.
- 15 2. In developing the program under this section, the department of corrections and
16 rehabilitation shall collaborate with the department of human services to:
- 17 a. Establish a referral and evaluation process for access to the program.
- 18 b. Establish eligibility criteria that includes consideration of recidivism risk and
19 behavioral health condition severity.
- 20 c. Establish discharge criteria and processes, with a goal of establishing a
21 seamless transition to postprogram services in order to decrease recidivism.
- 22 d. Develop program oversight, auditing, and evaluation processes that must
23 include:

- 1 (1) Oversight of case management services through the department of human
2 services;
3 (2) Outcome and provider reporting metrics; and
4 (3) Annual reports to the legislative management and the governor on the
5 status of the program.
6 e. Establish a system through which:
7 (1) The department of human services:
8 (a) Contracts with and pays behavioral health service providers; and
9 (b) Supervises, supports, and monitors referral caseloads and the
10 provision of services by contract behavioral health service providers.
11 (2) Contract behavioral health service providers accept all eligible referrals,
12 provide individualized care delivered through integrated multidisciplinary
13 care teams, and continue services on an ongoing basis until discharge
14 criteria are met.
15 (3) Contract behavioral health service providers receive payments on a per-
16 month per-referral basis. The payment schedule must be based on a pay-
17 for-performance model that includes consideration of identified outcomes
18 and the level of services required.
19 (4) Contract behavioral health service providers bill third-parties for services
20 and direct payment to the general fund.
21 3. The department of human services may adopt rules as necessary to implement this
22 program.

23 **SECTION 2. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND**

24 **REHABILITATION.** There is appropriated out of any moneys in the general fund in the state
25 treasury, not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be
26 necessary, to the department of corrections and rehabilitation for the purposes of developing
27 and implementing the community behavioral health program for the biennium beginning July 1,
28 2017, and ending June 30, 2019. The department is authorized one full-time equivalent position
29 to establish and implement the community behavioral health program.

30 **SECTION 3. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.** There is
31 appropriated from special funds derived from federal funds and other income, the sum of

1 \$7,000,000, or so much of the sum as may be necessary, to the department of human services
2 for the purposes of implementing the community behavioral health program, for the biennium
3 beginning July 1, 2017, and ending June 30, 2019. The department is authorized six full-time
4 equivalent positions to implement the community behavioral health program.

5 **SECTION 4. APPROPRIATION - REPORT TO LEGISLATIVE MANAGEMENT -**
6 **DEPARTMENT OF HUMAN SERVICES.**

- 7 1. There is appropriated out of any moneys in the general fund in the state treasury, not
8 otherwise appropriated, the sum of \$500,000, or so much of the sum as may be
9 necessary, to the department of human services for the purposes of contracting with a
10 public or private entity to create and initiate and facilitate the implementation of a
11 strategic plan to increase the availability of all types of behavioral health services in all
12 regions of the state, for the biennium beginning July 1, 2017, and ending June 30,
13 2019.
- 14 2. During the 2017-18 interim, the department of human services and the contracting
15 entity shall make annual reports to the legislative management on the status of the
16 creation and implementation of this strategic plan, including recommendations
17 regarding legislation needed for full implementation.

18 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - CRIMINAL JUSTICE SYSTEM**
19 **BEHAVIORAL HEALTH NEEDS.** During the 2017-18 interim, the legislative management shall
20 consider continuing its study of alternatives to incarceration, with a focus on the behavioral
21 health needs of individuals in the criminal justice system. The study must include receipt of
22 reports on the status, effectiveness, and sustainability of the community behavioral health
23 program for individuals in the criminal justice system which must include caseload data, any
24 recognized savings to the department of corrections and rehabilitation, an overview of the
25 training requirements for contract behavioral health service providers, and recommendations.
26 The legislative management shall report its findings and recommendations, together with any
27 legislation required to implement the recommendations, to the sixty-sixth legislative assembly.