

CHAPTER 75-05-01
ADMINISTRATION AND CENTER MANAGEMENT

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75-05-01-01. Definitions. As used in this article:

1. "Acute treatment services" means a group of core services designed to address the needs of vulnerable children, adolescents, adults, elderly, and families who have problems.
2. "Addiction evaluation" means an assessment by an addiction counselor to determine the nature or extent of possible alcohol abuse, drug abuse, or chemical dependency.
3. "Admission process" means an initial face-to-face contact with the consumer intended to define and evaluate the presenting problem and make disposition for appropriate services.
4. "Adult diagnosed with a serious mental illness" means an adult that meets the definition of "chronically mentally ill" as defined in North Dakota Century Code section 57-38-01.
5. "Adult family foster care licensure services" means the technical assistance provided by a human service center to a county social service board or adult family foster care provider to implement the adult family foster care law, rules, and policies and procedures and authorization to operate an adult family foster care home through issuance of a license.
6. "Aftercare services" means activities provided for an individual who is in an inpatient facility or an intensive outpatient program and ready for discharge. These services assist an individual in gaining access to needed social, psychiatric, psychological, medical, vocational, housing, and other services in the community.

7. "Case management" means services which will provide or assist an individual in gaining access to needed social, psychiatric, psychological, medical, vocational, housing, and other services in the community.
8. "Client" or "consumer" means an individual who receives services from the human service center and for whom a client or consumer record is maintained.
9. "Client record" or "consumer record" means a compilation of those events and processes that describe and document the evaluation, care, treatment, and service of the client or consumer.
10. "Clinical services" means a variety of services, including acute treatment services, emergency services, extended care services, medications, community consultation and education, psychological services, and regional intervention services to meet the care and treatment needs of consumers.
11. "Community home counselor" means an individual who provides care, supervision, and training for an individual with serious mental illness or serious emotional disturbance in a community residential care facility and assists a resident in reorientation to the community.
12. "Community living supervisor" means a professional who is responsible for the planning and implementation of training and treatment in a community residential care facility for an individual with serious mental illness.
13. "Community residential service" means a variety of residential options which may include transitional living, supported living, crisis residential, in-home residential services, and other residential services necessary to assist an individual in becoming successful and satisfied in the individual's living environment.
14. "Core services" means a minimum set of services that all human service centers provide.
15. "Crisis residential services" means temporary housing to provide crisis intervention, treatment, and other supportive services necessary for an individual to remain in the community.
16. "Department" means the department of human services.
17. "Diagnosis" means the process of identifying specific mental or physical disorders based on standard diagnostic criteria.
18. "Educational programs" means planned, time-limited educational programs, including child management or parenting courses.

19. "Emergency services" means a service that is available at all times to handle crisis situations.
20. "Evidence-based practice" is defined as an intervention that has been demonstrated, by scientific methods and peer review, to be an effective treatment strategy for the individual, family, or group being served.
21. "Extended care services" means services provided to an individual with serious mental illness to maintain or promote social, emotional, and physical well-being through opportunities for socialization, work participation, education, and other self-enhancement activities. Extended care services include community residential services, work skills development, community supportive care services, case management and aftercare services, and psychosocial rehabilitation centers.
22. "Extended services" means a federally mandated [34 CFR part 363.50(a)(2)] component designed to provide employment-related, ongoing support for an individual in supported employment. Extended services may include job development, replacement in the event job loss occurs, and, except for an individual with serious mental illness, must include a minimum of two onsite job skills training contacts per month and other support services as needed to maintain employment. It may also mean providing other support services at or away from the worksite.
23. "Family therapy" means a form of treatment in which the family is treated as a whole.
24. "Group counseling" or "group therapy" means a form of treatment in which a group of consumers, with similar problems, meet with a counselor or therapist to discuss difficulties, provide support for each other, gain insight into problems, and develop better methods of problem solving.
25. "Human service center" means a facility established in accordance with North Dakota Century Code section 50-06-05.3.
26. "Human service council" means a group appointed in accordance with North Dakota Century Code section 50-06-05.3.
27. "Individual counseling" or "individual therapy" means a form of treatment in which a counselor or therapist works with a consumer on a one-to-one basis.
28. "Individual plan" means a document which describes an individual plan of treatment or service for each consumer, including a description of the consumer's problems and goals for treatment and the individuals responsible for initiating and implementing the plan.

29. "Individual service plan (ISP)" means an individual plan that identifies service needs of the eligible consumer and the services to be provided, and which is developed by the mental retardation-development disabilities case manager and the consumer or that consumer's legal representative, or both, considering all relevant input.
30. "Individualized plan for employment (IPE)" means a statement of a consumer's employment goal and a detailed outline of the program to be followed in achieving the goal. The individualized plan for employment is not a contract, but rather a tool in the rehabilitation process used for informational, planning, and assessment purposes. Participatory planning by the counselor and the consumer is required to establish communication and a mutual understanding of the goals and the objectives.
31. "Long-term care ombudsman program" means a program that advocates for the rights and interests of residents in long-term care and tenants in assisted living facilities.
32. "Medication review" means prescription monitoring and consultation, with a consumer, performed by a prescribing professional, regarding the consumer's use of medication. A prescribing professional is one whose license allows the professional to prescribe medications.
33. "Mental retardation-developmental disabilities case management" means services which will assist an individual with mental retardation and related conditions in gaining access to needed medical, social, educational, vocational, and other services, review of consumer outcomes and satisfactions, monitoring and evaluation of services, and includes related paperwork, collateral contacts with significant others and other agencies, phone contacts, and consultation with other staff, supervisors, and peers.
34. "Mental retardation-developmental disabilities case manager" means a qualified mental retardation professional who is responsible for providing a single point of entry, program coordination, monitoring, and review for assigned consumers.
35. "Mental status" means an evaluation of an individual's appearance, posture, mood, affect, attitude toward assessment, orientation, speech, recent and remote memory, abstract reasoning, insight, judgments, preoccupations, hallucinations, delusions, and suicidal or homicidal ideation.
36. "Minorities" means all individuals who are ethnic black, hispanic, Asian or Pacific islander, American Indian, or Alaskan native.
37. "Multidisciplinary team" means at least three staff members representing two different professions, disciplines, or services. At

least one of the three must be a psychiatrist or psychologist. As determined appropriate by the human service center, a clinical nurse specialist may substitute for a psychiatrist if neither a psychiatrist nor a psychologist can be in attendance. The exception must be noted on the multidisciplinary case conference note prepared at the time of staffing.

38. "National family caregiver support program" means a multifaceted system of support services for family caregivers of older adults, and for grandparents or relative caregivers of children not more than eighteen years of age as required in title III-E of the Older Americans Act [42 U.S.C. 3030s].
39. "Older Americans Act" means Public Law 89-73, first enacted in 1965, to improve the lives of America's older individuals, particularly in relation to income, health, housing, employment, long-term care, retirement, and community services.
40. "Outreach" means the provision of services, including direct services, and information and referral, to areas outside of the main office of a regional human service center.
41. "Program" means an organized system of services designed to meet the service needs of consumers.
42. "Progress notes" means the documentation in the consumer's record which describes the consumer's progress or lack of progress as it relates to the approved treatment plan.
43. "Psychiatric evaluation" means a psychiatric diagnostic interview examination, including a history, mental status, and a disposition, and may include communication with family members or other sources.
44. "Psychiatrist" means a physician, with three years of approved residency training in psychiatry, who is American board of psychiatry and neurology eligible, and who is licensed to practice medicine in the state of North Dakota.
45. "Psychological evaluation" means the assessment or evaluation of a consumer by or under the supervision of a licensed psychologist.
46. "Psychologist" means a professional who holds a doctor's degree in psychology and who is licensed by the state of North Dakota or who qualifies as a psychologist under North Dakota Century Code section 43-32-30.
47. "Psychosocial rehabilitation center" means a facility whose staff provides socialization, social skill building, information and referral, and community awareness for the purpose of enhancing the ability

of an individual diagnosed with serious mental illness to live in the community.

48. "Qualitative and quantitative indicator" means an expected standard of care or outcome that can be measured.
49. "Regional aging services program administrator" means an individual responsible for regional planning and development of aging programs, monitoring and assessment of regional Older Americans Act title III programs, management and supervision of regional vulnerable adult protective services activities, management and supervision of the regional family caregiver support program activities, management and supervision of the regional long-term care ombudsman program activities, and advocacy activities on behalf of older individuals, and may include supervision of regional adult family foster care licensure services.
50. "Regional director" means the human service professional who is appointed by the executive director of the department to be responsible for the overall management and administration of the human service center.
51. "Regional intervention service" means a service unit within a human service center which provides crisis intervention and support services in a community as an alternative to state hospital admission.
52. "Regional mental retardation-developmental disabilities program administrator" means a professional designated by the regional director who is responsible for the overall management and administration of the mental retardation-developmental disabilities case management system.
53. "Regional representative of county social services programs" means an individual, designated by the regional director of the human service center, to whom is delegated the responsibility of supervising and assisting with county social service board programs as assigned.
54. "Semi-independent living arrangement" means an arrangement that, through the use of intensive, in-home support services, gives a consumer the ability to reside in the consumer's own home.
55. "Seriously mentally ill (SMI) group care" means the provision of meals and lodging-related services to an individual in a twenty-four-hour per day community-based living environment established for an individual who does not need the protection offered in an institutional setting, but is not yet ready for independent living.
56. "Supervision of county social services" means the activities of supervision, consultation, evaluation, licensure, certification of various

county social service programs, program planning, implementation, monitoring, receiving and reviewing reports, generation of statistical reports, staff development, and inservice training of county social service board staff and board members.

57. "Utilization review" means a program designed to ensure optimal use of center resources to determine if professionally recognized standards are being practiced for service utilization.
58. "Vocational adjustment counseling" means assisting the individual and the individual's family to understand and accept any physical or mental limitations placed on activities because of a disability. This includes working with the consumer, teacher, trainer, and employer to help the consumer learn adaptive behavior or techniques to attain the vocational objective and function appropriately in the family and community.
59. "Vocational assessment diagnosis and evaluation" means acquisition and analysis of medical, psychological, vocational, educational, and social information to determine the effect of a disability on preparing for or obtaining employment. This also includes the medical and psychological consultations, as well as consultations with social workers, teachers, and employers, on behalf of a specific consumer.
60. "Vocational rehabilitation administrator" means the professional responsible for the overall management and implementation of all vocational rehabilitation services within a region.
61. "Vocational rehabilitation counselor" means the qualified rehabilitation professional who provides vocational counseling and guidance, and placement services, and who assists an individual with physical or mental disabilities.
62. "Vulnerable adult protective services" means remedial, social, legal, health, mental health, and referral services provided for prevention, correction, or discontinuation of abuse or neglect which are necessary and appropriate under the circumstances to protect an abused or neglected vulnerable adult, ensure that the least restrictive alternative is provided, prevent further abuse or neglect, and promote self-care and independent living.
63. "Work skills development" means a range of services designed to assess consumers' vocational strengths and weaknesses, provide prevocational skills training, job exploration, and followup.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996; January 1, 2009.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-02. Administration. Repealed effective January 1, 2009.

75-05-01-03. Human service council.

1. The human service center shall have a human service council appointed in accordance with North Dakota Century Code section 50-06-05.3.
2. The regional director shall maintain an accurate list of all human service council members, together with council members' addresses and telephone numbers.
3. The human service council shall meet at least quarterly.
4. The human service council shall develop bylaws to govern its activities.
5. The human service council shall keep minutes of all meetings and, when the minutes have been approved, a copy must be sent to the executive director of the department.

History: Effective November 1, 1987; amended effective February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-04. Fiscal management. Repealed effective January 1, 2009.

75-05-01-05. Personnel policies and procedures. Repealed effective December 1, 1991.

75-05-01-06. Staff orientation and inservice training. Repealed effective January 1, 2009.

75-05-01-07. Quality assurance. Repealed effective February 1, 1996.

75-05-01-08. Utilization review.

1. The human service centers shall comply with the requirements of the department's data collection system.
2. The human service center shall implement a utilization review program to assess quality client care, which reviews appropriateness of admissions, services provided, duration of service, underutilization and overutilization of personnel and financial resources, and outcome or followup studies.
3. The regional director shall designate committees or individuals to provide a client record review program of individual treatment and services provided as outlined in chapter 75-05-04. The client record

review program must include both qualitative and quantitative indicators as defined by departmental policy.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-09. Emergency management.

1. The regional director shall adopt and maintain a written emergency management plan which provides crisis counseling for disaster emergencies in counties within the center's catchment area. The emergency management plan must be available on the premises. Clients must be instructed in the plan's implementation unless the instruction would be injurious to the client's well-being. The emergency management plan must be coordinated with the local office of emergency management.
2. The regional director shall adopt and maintain a written emergency management plan within the human service center and other facilities operated by the center.
3. Evacuation drills at the human service center must be conducted and documented annually. Evacuation drills at the residential facilities operated by the center must be conducted and documented at least every six months.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-10. Consumers' rights.

1. Individuals responsible for admissions shall provide all human service center consumers, and the consumers' families or guardians, as appropriate, with a written statement regarding the exercise and protection of the consumers' civil rights. The statement must include the assurance of civil rights for all consumers of the human service center regardless of the consumers' race, color, religion, national origin, sex, age, political beliefs, or disability in accordance with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act, the Americans with Disabilities Act of 1990, and the North Dakota Human Rights Act (North Dakota Century Code chapter 14-02.4).
2. The consumers, and families, custodians, or guardians, as appropriate, must receive written information concerning their rights under each

program within the human service center from which the consumer is receiving services.

3. Each consumer, and family or guardian, as appropriate, will receive written information describing:
 - a. The conditions under which a decision, action, or inaction may be appealed;
 - b. The method of filing the appeal;
 - c. The various steps in the appeal; and
 - d. The assistance which can be furnished in the preparation and submission of the appeal.
4. The human service center shall provide assistance in obtaining protective or advocacy services, if necessary.
5. Consumers' rights may not be limited, unless the limitation is essential to protect the consumers' safety, the safety of others, or is determined to be of therapeutic value. The restriction must follow the limitations and restrictions of the patient's rights according to North Dakota Century Code section 25-03.1-41.
6. This article may not be construed as creating, for the benefit of a consumer, or a consumer's family or guardian, any civil right or other right.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996; January 1, 2009.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-11. Risk, safety, and security management. Repealed effective January 1, 2009.