

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2028

Introduced by

Legislative Council

(Budget Committee on Human Services)

(Senators Thane, Lips, O'Connell)
(Representatives Gulleason, Svedjan, Galvin)

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 fetal alcohol syndrome; to amend and reenact sections 15-11-35,
3 23-01-24, and subsection 2 of section 50-06-05.3 of the North Dakota Century Code, relating to
4 fetal alcohol syndrome; and to provide an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 15-11-35 of the 1995 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **15-11-35. Fetal alcohol syndrome center established.** There is established in the
9 department of neuroscience at the university of North Dakota school of medicine a fetal alcohol
10 syndrome center. The center shall act as the lead agency in the state for the purpose of
11 coordinating fetal alcohol syndrome and fetal alcohol effect related activities. The state board
12 of higher education shall appoint a person from the department of neuroscience as director of
13 the fetal alcohol syndrome program and that person shall prepare an annual report on the
14 status of fetal alcohol syndrome in North Dakota. The center shall develop prevention activities
15 in groups that are at high risk for fetal alcohol syndrome. The center may enlist the aid of other
16 agencies, persons, or organizations in its activities. The responsibilities of the program include:

- 17 1. ~~To develop~~ Developing incidence and prevalence data on fetal alcohol syndrome
18 in this state.
- 19 2. ~~To conduct~~ Conducting research on prevention and management of fetal alcohol
20 syndrome and maternal alcohol ingestion during pregnancy.
- 21 3. ~~To develop~~ Developing a center for the evaluation of children with fetal alcohol
22 syndrome from this state in cooperation with the child evaluation and treatment
23 program at the medical center rehabilitation hospital at the university of North
24 Dakota and ~~to operate~~ operating followup clinics as funding allows.

- 1 4. ~~To provide~~ Providing consultation and training across the state on fetal alcohol
- 2 syndrome.
- 3 5. ~~To conduct~~ Conducting other activities as may be directed by a state fetal alcohol
- 4 syndrome task force.
- 5 6. Meeting at least twice each year with the fetal alcohol syndrome task force and
- 6 representatives of each regional human service center.

7 The center shall coordinate a study of the prevalence of fetal alcohol syndrome in school-age
8 children in this state. The study must review the prevalence of fetal alcohol syndrome in both
9 rural and urban North Dakota communities, including North Dakota Indian reservations.

10 **SECTION 2. AMENDMENT.** Section 23-01-24 of the 1995 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

12 **23-01-24. Health care cost and quality review program - Penalty.** The department
13 of health shall conduct a continuous program to review and improve the quality of health care in
14 the state. The department may contract with a qualified person or organization to develop and
15 implement the program. The department shall use the program to compile relevant information
16 about the quality of health care in this state which will allow the department to evaluate the
17 cost, quality, and outcomes of health care. The department shall assist the fetal alcohol
18 syndrome center to complete an annual study of the inpatient and outpatient costs related to
19 fetal alcohol syndrome. The department shall establish and consult a provider advisory
20 committee composed of health care providers regarding the data that is a cost-effective
21 process for collecting and evaluating the information. The state health officer may assess
22 against a provider a penalty of one hundred dollars per day for each day the provider willfully
23 refuses to provide the department with information requested for use with the program, but the
24 penalty may not exceed one thousand dollars for each request. A provider against whom a fee
25 is assessed may appeal that assessment to the state health council. If the provider fails to pay
26 the penalty, the health council may initiate, in the county where the provider's principal place of
27 business is located, ~~initiate~~ a civil action against the provider to collect the penalty. As used in
28 this section, "provider" means a person who is licensed, certified, or otherwise authorized by
29 the law of this state to administer health care in the ordinary course of business or professional
30 practice. The department shall ensure that patient privacy is protected throughout the
31 compilation and use of the information. The department shall evaluate data management

1 capabilities in the state and shall organize its capabilities to provide information about the cost
2 of care on an individual provider basis as well as a collective basis.

3 **SECTION 3. AMENDMENT.** Subsection 2 of section 50-06-05.3 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 2. Regional human service centers shall provide human services to all eligible
6 individuals and families to help them achieve or maintain social, emotional, and
7 economic self-sufficiency; prevent, reduce, or eliminate dependency; prevent or
8 remedy the neglect, abuse, or exploitation of children and of adults unable to
9 protect their own interests; aid in the preservation, rehabilitation, and reuniting of
10 families; prevent or reduce inappropriate institutional care by providing for care
11 while institutionalized or providing for community-based or other forms of less
12 restrictive care; secure referral or admission for institutional care; provide
13 outpatient diagnostic and treatment services; provide an assessment of fetal
14 alcohol syndrome-related services including current and needed services, the best
15 model of service delivery, the anticipated cost of services, and the anticipated cost
16 of departmental or contracted case management services; provide information
17 concerning guardianship to people interested in becoming or who are guardians;
18 and provide rehabilitation services for patients suffering from mental or emotional
19 disorders, mental retardation, fetal alcohol syndrome, and other psychiatric
20 conditions, particularly for those patients who have received prior treatment in an
21 inpatient facility. Regional human service centers shall deliver services in the
22 manner prescribed by the department.

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

25 **Fetal alcohol syndrome task force - Duties.** Each regional human service center
26 shall establish a fetal alcohol syndrome task force. Each regional task force shall:

- 27 1. Develop a plan to screen for fetal alcohol syndrome for the region;
28 2. Complete a needs assessment for fetal alcohol syndrome for the region;
29 3. Develop an appropriate service delivery plan to meet the identified needs for those
30 persons diagnosed with fetal alcohol syndrome;

- 1 4. Conduct, in coordination with the department, an annual evaluation of the services
2 provided to those persons diagnosed with fetal alcohol syndrome, including a
3 determination of the services each person and family is receiving and any
4 additional needed services, a discussion of the best service model, and the
5 anticipated costs of providing those services;
6 5. Coordinate efforts with local health care providers and the fetal alcohol syndrome
7 center to provide diagnostic services for children who are identified by the fetal
8 alcohol screening efforts in the region; and
9 6. Meet at least twice each year with the fetal alcohol syndrome center to coordinate
10 activities.

11 **SECTION 5. APPROPRIATION.** The funds provided in this section, or so much of the
12 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
13 the state treasury, not otherwise appropriated, to the university of North Dakota school of
14 medicine and health sciences for the purpose of defraying the expenses of the fetal alcohol
15 syndrome center, for the biennium beginning July 1, 1997, and ending June 30, 1999, as
16 follows:

17	Salaries and wages	\$122,500
18	Operating expenses	<u>74,000</u>
19	Total general fund appropriation	\$196,500