

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2039

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact section 50-06-06.14 of the North Dakota Century Code,  
2 relating to the placement of children in the least restrictive environment; to amend and reenact  
3 ~~subsection 5 of section 14-09-08.4, subsections 4 and 5 of section 50-01.2-03,~~ sections  
4 50-06-01, 50-06-01.4, ~~50-06-05.1,~~ 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-06.2, and  
5 50-06-06.5, and subsection 1 of section 50-06-20 of the North Dakota Century Code, relating to  
6 the structure and duties of the department of human services with respect to behavioral health;  
7 to repeal chapter 25-10 and sections 25-02-02, 50-06-01.2, and 50-06-23 of the North Dakota  
8 Century Code, relating to mental health services, the additional location for a hospital for the  
9 mentally ill, and the assumption of duties by the department of human services; to provide for  
10 transition; to provide a statement of legislative intent; and to provide an effective date.

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

12 ~~SECTION 1. AMENDMENT. Subsection 5 of section 14-09-08.4 of the North Dakota~~  
13 ~~Century Code is amended and reenacted as follows:—~~

14 ~~5.—A determination that a child who is the subject of a child support order is eligible for~~  
15 ~~benefits furnished under subsection 1716 or 1918 of section 50-06-05.1 or chapter~~  
16 ~~50-09 or 50-24.1, or any substantially similar program operated by any state or tribal~~  
17 ~~government, constitutes a material change of circumstances. The availability of health~~  
18 ~~insurance at reasonable cost to a child who is the subject of a child support order~~  
19 ~~constitutes a material change of circumstances. The need to provide for a child's~~  
20 ~~health care needs, through health insurance or other means, constitutes a material~~  
21 ~~change of circumstances.~~

22 ~~SECTION 2. AMENDMENT. Subsections 4 and 5 of section 50-01.2-03 of the North Dakota~~  
23 ~~Century Code are amended and reenacted as follows:~~

1 ~~4. Subject to subsection 1716 of section 50-06-05.1, administer the supplemental~~  
2 ~~nutrition assistance program in the county under the direction and supervision of the~~  
3 ~~department of human services in conformity with the Food Stamp Act of 1964, as~~  
4 ~~amended, and enter into an agreement for administering the supplemental nutrition~~  
5 ~~assistance program with the department of human services.~~

6 ~~5. Subject to subsection 1918 of section 50-06-05.1, administer the energy~~  
7 ~~assistance program in the county under the direction and supervision of the~~  
8 ~~department of human services and to enter into an agreement for administering the~~  
9 ~~energy assistance program with the department of human services.~~

10 **SECTION 1. AMENDMENT.** Section 50-06-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **50-06-01. Definition.**

13 As used in this chapter, unless the context otherwise requires, "department" means the  
14 department of human services.:

- 15 1. "Behavioral health" means the planning and implementation of preventive,  
16 consultative, diagnostic, treatment, crisis intervention, and rehabilitative services for  
17 individuals with mental, emotional, or substance use disorders, and psychiatric  
18 conditions.
- 19 2. "Behavioral health provider" means any licensed or accredited behavioral health  
20 provider in this state.
- 21 3. "Department" means the department of human services.
- 22 4. "Human services" means services provided to an individual or an individual's family in  
23 need of services to assist the individual or the individual's family in achieving and  
24 maintaining basic self-sufficiency, including physical health, mental health, education,  
25 welfare, food and nutrition, and housing.

26 **SECTION 2. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **50-06-01.4. Structure of the department.**

- 29 1. The department includes the state hospital, the regional human service centers, a  
30 vocational rehabilitation unit, and other units or offices and administrative and fiscal  
31 support services as the executive director determines necessary. The department

1 must be structured to promote efficient and effective operations and, consistent with  
2 fulfilling its prescribed statutory duties, shall act as the official agency of the state in  
3 the discharge of the following functions not otherwise by law made the responsibility of  
4 another state agency:

5 a. Administration of programs for children and families, including adoption services  
6 and the licensure of child-placing agencies, foster care services and the licensure  
7 of foster care arrangements, child protection services, children's trust fund, state  
8 youth authority, licensure of day care homes and facilities, services to unmarried  
9 parents, refugee services, in-home community-based services, and  
10 administration of the interstate compacts on the placement of children and  
11 juveniles.

12 b. Administration of programs for individuals with developmental disabilities,  
13 including licensure of facilities and services, and the design and implementation  
14 of a community-based service system for persons in need of habilitation.

15 c. Administration of aging service programs, including nutrition, transportation,  
16 advocacy, social, ombudsman, recreation, and related services funded under the  
17 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and  
18 community-based services, licensure of adult family care homes, committee on  
19 aging, and the fund matching program for city or county tax levies for senior  
20 citizen activities and services.

21 ~~Administration of mental health programs, including planning and implementing~~  
22 ~~preventive, consultative, diagnostic, treatment, and rehabilitative services for~~  
23 ~~persons with mental or emotional disorders and psychiatric conditions.~~

24 ~~Administration of alcohol and drug abuse programs, including establishing quality~~  
25 ~~assurance standards for the licensure of programs, services, and facilities,~~  
26 ~~planning and coordinating a system of prevention, intervention, and treatment~~  
27 ~~services, providing policy leadership in cooperation with other public and private~~  
28 ~~agencies, and disseminating information to local service providers and the~~  
29 ~~general public.~~Administration of behavioral health programs, including:

30 (1) A policy division responsible for reviewing and identifying service needs and  
31 activities in the state's behavioral health system in an effort to ensure health

1 and safety, access to services, and quality of services; establishing quality  
2 assurance standards for the licensure of substance use disorder program  
3 services and facilities; and providing policy leadership in partnership with  
4 public and private entities; and

5 (2) A service delivery division responsible for providing chronic disease  
6 management, regional intervention services, and twenty-four-hour crisis  
7 services for individuals with behavioral health disorders.

8 f.e. Administration of economic assistance programs, including temporary assistance  
9 for needy families, the supplemental nutrition assistance program, fuel  
10 assistance, child support enforcement, refugee assistance, work experience,  
11 work incentive, and quality control.

12 g.f. Administration of medical service programs, including medical assistance for  
13 needy persons, early and periodic screening, diagnosis and treatment, utilization  
14 control, and claims processing.

15 ~~2. The department of human services shall publish a quarterly report of all behavioral~~  
16 ~~health services provided by or supported by the department. The report must include~~  
17 ~~each type of behavioral health service, the number of clients served for each service,~~  
18 ~~and the amount of state and federal funds budgeted and spent for each service. Data~~  
19 ~~must be identified for behavioral health services by human service region and by~~  
20 ~~mental health services provided to children, mental health services provided to adults,~~  
21 ~~and substance abuse services.~~

22 2.3. The executive director shall consult with and maintain a close working relationship with  
23 the state department of health; with the department of corrections and rehabilitation  
24 and the superintendents of the school for the deaf and the North Dakota vision  
25 services - school for the blind to develop programs for individuals with developmental  
26 disabilities; and with the superintendent of public instruction to maximize the use of  
27 resource persons in regional human service centers in the provision of special  
28 education services. The executive director shall also maintain a close liaison with  
29 county social service agencies.

30 ~~SECTION 5. AMENDMENT. Section 50-06-05.1 of the North Dakota Century Code is~~  
31 ~~amended and reenacted as follows:~~

1 ~~— **50-06-05.1. Powers and duties of the department.**~~

2 ~~— The department has the following powers and duties to be administered by the department~~  
3 ~~through its state office or through regional human service centers or otherwise as directed by it:~~

4 ~~— 1. To act as the official agency of the state in any social welfare or human service activity~~  
5 ~~initiated by the federal government not otherwise by law made the responsibility of~~  
6 ~~another state agency.~~

7 ~~— 2. To administer, allocate, and distribute any state and federal funds that may be made~~  
8 ~~available for the purpose of providing financial assistance, care, and services to~~  
9 ~~eligible persons and families who do not have sufficient income or other resources to~~  
10 ~~provide a reasonable subsistence compatible with decency and health.~~

11 ~~— 3. To provide preventive, rehabilitative, and other human services to help families and~~  
12 ~~individuals to retain or attain capability for independence or self-care.~~

13 ~~— 4. To do needed research and study in the causes of social problems and to define~~  
14 ~~appropriate and effective techniques in providing preventive and rehabilitative~~  
15 ~~services.~~

16 ~~— 5. To provide for the study, and to promote the well-being, of deprived, unruly, and~~  
17 ~~delinquent children.~~

18 ~~— 6. To provide for the placing and supervision of children in need of substitute parental~~  
19 ~~care, subject to the control of any court having jurisdiction and control of any such~~  
20 ~~child.~~

21 ~~— 7. To recommend appropriate social legislation to the legislative assembly.~~

22 ~~— 8. To direct and supervise county social service board activities as may be financed in~~  
23 ~~whole or in part by or with funds allocated or distributed by the department.~~

24 ~~— 9. To inform the public as to social conditions and ways of meeting social needs.~~

25 ~~— 10. To secure, hold, and administer for the purpose for which it is established any property~~  
26 ~~and any funds donated to it either by will or deed, or otherwise, or through court order~~  
27 ~~or otherwise available to the department, and to administer those funds or property in~~  
28 ~~accordance with the instructions in the instrument creating them or in accordance with~~  
29 ~~the instructions in the court order or otherwise.~~

30 ~~— 11. To formulate standards and make appropriate inspections and investigations in~~  
31 ~~accordance with such standards in connection with all licensing activities delegated by~~

1 law to the department including child care facilities, nonmedical adult care facilities  
2 and maternity homes, and persons or organizations receiving and placing children,  
3 and to require those facilities, persons, and organizations to submit reports and  
4 information as the department may determine necessary.

5 ~~12.~~ To permit the making of any surveys of human service needs and activities if  
6 determined to be necessary.

7 ~~13.~~ To issue subpoenas, administer oaths, and compel attendance of witnesses and  
8 production of documents or papers whenever necessary in making the investigations  
9 provided for herein or in the discharge of its other duties. A subpoena may not be  
10 issued to compel the production of documents or papers relating to any private  
11 child-caring or child-placing agency or maternity hospital or to compel the attendance  
12 as a witness of any officer or employee of those facilities except upon the order of a  
13 judge of the district court of the judicial district in which the facilities are located.

14 ~~14.~~ To provide insofar as staff resources permit appropriate human services, including  
15 social histories, social or social-psychological evaluations, individual, group, family,  
16 and marital counseling, and related consultation, when referred by self, parent,  
17 guardian, county social service board, court, physician, or other individual or agency,  
18 and when application is made by self (if an adult or emancipated youth), parent,  
19 guardian, or agency having custody; also, on the same basis, to provide human  
20 services to children and adults in relation to their placement in or return from the life  
21 skills and transition center, state hospital, or North Dakota youth correctional center.

22 ~~15.~~ To provide insofar as staff resources permit social services, including  
23 social-psychological evaluations, predisposition reports, treatment, probation, and  
24 aftercare services when requested by the judge of a juvenile court, all reports to be  
25 kept confidential for the use of the judge except as may be disclosed by the judge.

26 ~~16.15.~~ To provide insofar as staff resources permit social services, including  
27 social-psychological evaluations, predisposition reports, treatment, and probation and  
28 parole services, when requested by the judge in a criminal case, all reports to be kept  
29 confidential for use by the judge except as may be disclosed by the judge.

30 ~~17.16.~~ To act as the official agency of the state in the administration of the supplemental  
31 nutrition assistance program and to direct and supervise county administration of that

1           ~~program. Provided, however, that the department with the consent of the budget~~  
2           ~~section of the legislative management may terminate the program if the rate of federal~~  
3           ~~financial participation in administrative costs provided under Public Law 93-347 is~~  
4           ~~decreased or limited, or if the state or counties become financially responsible for all or~~  
5           ~~a portion of the coupon bonus payments under the Food Stamp Act. Unless at least~~  
6           ~~seven years has elapsed since the most recent felony conviction that has as an~~  
7           ~~element the possession, use, or distribution of a controlled substance, the department~~  
8           ~~shall deny assistance under the supplemental nutrition assistance program to any~~  
9           ~~individual who has been convicted of a felony offense that has as an element the~~  
10           ~~possession, use, or distribution of a controlled substance as defined in section 102(6)~~  
11           ~~of the Controlled Substances Act [21 U.S.C. 802(6)].~~

12 ~~18.17.~~—~~To administer, allocate, and distribute any funds made available for the making of~~  
13           ~~direct cash assistance payments, housing assistance payments, and rental subsidies~~  
14           ~~under any rental assistance programs initiated by the federal government not~~  
15           ~~otherwise by law made the responsibility of another state agency possessing~~  
16           ~~statewide jurisdiction.~~

17 ~~19.18.~~—~~To act as the official agency of the state in the administration of the energy assistance~~  
18           ~~program; to direct and supervise county administration of that program; and to take~~  
19           ~~such actions, give such directions, and adopt such rules, subject to review in the~~  
20           ~~courts of this state, as may be necessary or desirable to carry out this subsection. For~~  
21           ~~purposes of the administration of the energy assistance program, funds are obligated~~  
22           ~~at the earlier of the time a written commitment is made to pay a vendor or contractor~~  
23           ~~for services or supplies delivered or to be delivered, or at the time payment is made to~~  
24           ~~a vendor or contractor for services or supplies delivered or to be delivered. The~~  
25           ~~provisions of this subsection concerning obligation of funds apply to payments and~~  
26           ~~commitments made on or after July 1, 1991. The department with the consent of the~~  
27           ~~budget section of the legislative management may terminate the program if the rate of~~  
28           ~~federal financial participation in administrative costs is decreased or limited to less~~  
29           ~~than fifty percent of total administrative costs, or if the state or counties become~~  
30           ~~financially responsible for all or a portion of the cost of energy assistance program~~  
31           ~~benefits.~~

1 ~~20.19.~~—To administer, allocate, and distribute any funds made available for the payment of the  
2 cost of the special needs of any child under the age of twenty-one years, who is living  
3 in an adoptive home and would probably go without adoption except for acceptance by  
4 the adopted family, and whose adopted family does not have the economic ability and  
5 resources, as established by the department, to take care of the special needs of the  
6 child, including legal fees, maintenance costs, medical and dental expenses, travel  
7 costs, and other costs incidental to the care of the child.

8 ~~21.20.~~—To exercise and carry out any other powers and duties granted the department under  
9 state law.

10 ~~22.21.~~—To coordinate services for pregnant women.

11 ~~23.22.~~—To administer, allocate, and distribute any funds made available for the payment of  
12 transitional living services, to develop standards and conduct needs assessments  
13 regarding transitional living services, to develop or approve and to evaluate  
14 demonstration projects offering transitional living programs, to approve transitional  
15 living facilities for the purpose of providing foster care, and to apply for and administer  
16 federal and other funds that may be made available to undertake any of the activities  
17 described in this subsection. For purposes of this subsection:

18 ——— a. ——"Transitional living facility" means a specific site, identified by a licensed  
19 child-placing agency and approved by the department, for the provision of  
20 transitional living services.

21 ——— b. ——"Transitional living program" means a program that provides transitional living  
22 services and may include an identified program operations location approved by  
23 the department.

24 ——— c. ——"Transitional living services" may include housing, supervision, and supportive  
25 services intended and designed to assist persons who have received foster care  
26 services and who have reached age seventeen, but who have not reached age  
27 twenty-one, to achieve independence and self-sufficiency.

28 ~~24.23.~~—With the approval of the governor, to lease or transfer use of any part of the life skills  
29 and transition center facilities or properties, located in section thirteen, township one  
30 hundred fifty seven north, range fifty three west, located in Walsh County, North



1           ~~Dakota, to the federal government, or any public or private agency, organization, or~~  
2           ~~business enterprise, or any worthy undertaking, under the following provisions:~~

3           ~~\_\_\_\_\_ a. The department determines that the facility or property is not needed to serve~~  
4           ~~any present or reasonably foreseeable need of the life skills and transition center.~~

5           ~~\_\_\_\_\_ b. The transaction is exempt from the provisions of section 50-06-06.6.~~

6           ~~\_\_\_\_\_ c. The term of any lease may not exceed ninety-nine years.~~

7           ~~\_\_\_\_\_ d. All required legal documents, papers, and instruments in any transaction must be~~  
8           ~~reviewed and approved as to form and legality by the attorney general.~~

9           ~~\_\_\_\_\_ e. Any funds realized by any transaction must be deposited in the state's general~~  
10           ~~fund.~~

11 ~~25.24. To act as a decedent's successor for purposes of collecting amounts due to the~~  
12           ~~department. Any affidavit submitted by the department under section 30.1-23-01 must~~  
13           ~~conform to the requirements of that section except that the affidavit may state that~~  
14           ~~twenty days have elapsed since the death of the decedent.~~

15 ~~26.25. To provide those services necessary for the department and for county social service~~  
16           ~~boards to comply with the provisions of any law, rule, order, or regulation of the United~~  
17           ~~States or any federal agency or authority requiring civil service or merit standards or~~  
18           ~~classifications as a condition for providing funds administered by the department.~~

19 ~~27.26. For purposes of administration of programs, and subject to legislative appropriation,~~  
20           ~~funds are obligated at the time a written commitment is made to pay a vendor or~~  
21           ~~contractor for services or supplies either delivered or to be delivered. This subsection~~  
22           ~~applies to payments and commitments made on or after January 1, 1997.~~

23 ~~28.27. Notwithstanding section 50-01.2-00.1, to determine eligibility for medical assistance~~  
24           ~~and children's health insurance program benefits when the department receives a joint~~  
25           ~~application for these benefits.~~

27           **SECTION 3. AMENDMENT.** Section 50-06-05.2 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1           **50-06-05.2. Regional human service centers - Licensure - Collocation with county**  
2 **social service boards.**

3           Human services must be delivered through regional human service centers in the areas  
4 designated by the governor's executive order 1978-12 dated October 5, 1978. ~~Services~~  
5 ~~provided by regional human service centers must include those services formerly provided by~~  
6 ~~mental health and retardation service units and area social service centers.~~ The regional human  
7 service centers must be accredited by a national accrediting body and are subject to licensing  
8 by the department. The department shall adopt rules ~~and standards for the licensing and for the~~  
9 operation of the regional human service centers. ~~No~~ human service center may not operate  
10 without a license issued hereunder in accordance with this section. Regional human service  
11 centers are authorized to receive federal and other funds available to finance, in whole or in  
12 part, the services and operations of the centers. Any county social service board collocating its  
13 offices with a regional human service center must, within the limits of legislative appropriations,  
14 be reimbursed up to fifty percent of the amount expended for space costs in excess of the  
15 amount provided by the federal government.

16           **SECTION 4. AMENDMENT.** Section 50-06-05.3 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **50-06-05.3. Regional human service centers - Powers - Duties - Human service**  
19 **advisory groups.**

- 20           1. ~~Regional human service centers organized under this chapter are those centers~~  
21 ~~established to provide human services as authorized by law. The term "human~~  
22 ~~service" means service provided to individuals or their families in need thereof to help~~  
23 ~~them achieve, maintain, or support the highest level of personal independence and~~  
24 ~~economic self-sufficiency, including health, mental health, education, manpower,~~  
25 ~~social, food and nutrition, and housing service. Regional human service centers shall~~  
26 ~~function as regional administrative units established, within the multicounty areas~~  
27 ~~designated by the governor's executive order 1978-12 dated October 5, 1978, to~~  
28 ~~provide for the planning and delivery of human services.~~
- 29           2. Regional human service centers shall provide human services to all eligible individuals  
30 and families to help ~~them~~ individuals and families achieve or maintain social,  
31 emotional, and economic self-sufficiency; ~~prevent,~~ by providing human services to:

- 1           a. Prevent, reduce, or eliminate dependency; ~~prevent~~
- 2           b. Prevent or remedy the neglect, abuse, or exploitation of children and of adults
- 3                 unable to protect their own interests; ~~aid~~
- 4           c. Aid in the preservation, rehabilitation, and reuniting of families; ~~prevent~~
- 5           d. Prevent or reduce inappropriate institutional care by providing for care while
- 6                 institutionalized or providing for community-based or other forms of less
- 7                 restrictive care; ~~secure~~
- 8           e. Secure referral or admission for institutional care; ~~provide~~
- 9           f. Provide outpatient diagnostic and treatment services; ~~provide~~
- 10          g. Provide information concerning guardianship to people interested in becoming or
- 11                 who are guardians; and ~~provide~~
- 12          h. Provide rehabilitation and crisis services for patients with mental or, emotional, or
- 13                 substance use disorders, an intellectual disability, and other psychiatric
- 14                 conditions, particularly for those patients who have received prior treatment in an
- 15                 inpatient facility.
- 16          2. Regional human service centers shall deliver services in the manner prescribed by the
- 17                 department.
- 18          3. ~~The director shall appoint a human service advisory group for each human service-~~
- 19                 ~~center consisting of up to thirteen members~~Each human service center shall~~must~~ have
- 20                 a human services advisory group consisting of the county social service ~~and~~directors
- 21                 of the region served, the public health directors of the region served. ~~The regional-~~
- 22                 ~~director shall appoint, two current county commissioners appointed by the executive~~
- 23                 ~~director of the department, and five additional members to the advisory~~
- 24                 ~~group~~appointed by the executive director of the department. Each advisory group
- 25                 member must be a resident of the region the member is appointed to serve. ~~The-~~
- 26                 ~~director shall appoint two current county commissioners and one current county social~~
- 27                 ~~service board member to serve as members of a human service advisory group. The-~~
- 28                 ~~director may appoint an additional current commissioner to serve in lieu of the current~~
- 29                 ~~county social service board member. The term~~term ~~of office must be~~for each
- 30                 appointed member is two years and arranged so that the term of ~~one-half~~two~~three~~ of
- 31                 the appointed members expires at the end of the first year and the term of the

1 remaining ~~threefour~~ appointed members expires at the end of the second year, except  
2 for those first members appointed, ~~twethree~~ members shall serve a one-year term and  
3 ~~threefour~~ members shall serve a two-year term. The director shall select the appointed  
4 members of each human service advisory group on the basis of population of the  
5 counties in the region served by the human service center. Each county in the region  
6 must be represented by at least one member on the human service advisory group. To  
7 the extent possible, appointed membership of the advisory group must reflect regional  
8 interests in the fields of developmental disabilities, social services, mental health, and  
9 ~~alcoholism and drug abusesubstance use disorders.~~ The executive director of the  
10 department shall appoint a chairman for each advisory group from the membership of  
11 the advisory group. The executive director of the department shall fill a vacancy  
12 occurring within an advisory group for other than the expiration of a term in the same  
13 manner as original appointments, except that appointments must be made only for the  
14 unexpired term. The department shall compensate appointed members of a human  
15 service advisory group at the rate of forty-five dollars per day, not to exceed  
16 twenty-five days in any one year. The department also shall pay members for mileage  
17 and actual expenses incurred in attending meetings and in the performance of their  
18 official duties in the amounts provided by law for other state officers.

19 **SECTION 5. AMENDMENT.** Section 50-06-05.4 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **50-06-05.4. Duties of human service advisory groups.**

22 Each human service advisory group of the regional human service centers shall perform the  
23 following duties:

- 24 1. Provide information to the department relative to needs assessment and the planning  
25 and development of health and social resources for the effective and efficient delivery  
26 of high-quality human services fully accessible to all citizens.
- 27 2. Review services and programs provided by the regional human service centers and  
28 make periodic recommendations ~~the advisory group may have~~ for improvement in  
29 services, programs, or facilities.
- 30 3. Promote cooperation and working agreements with public agencies, including public  
31 health and corrections and private human service agencies.

1 4. Promote local and regional financing from public and private sources.

2 **SECTION 6. AMENDMENT.** Section 50-06-06.2 of the North Dakota Century Code is  
3 amended and reenacted as follows:

4 **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

5 Within the limits of legislative appropriation therefor and in accordance with rules  
6 established by the department, the department may defray the costs of preventive diagnostic,  
7 therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible  
8 individuals by regional human service centers or designated behavioral health providers. Within  
9 the limits of legislative appropriations and to the extent permitted by state and federal law and  
10 regulations established thereunder, it is the intent of the legislative assembly that federal funds  
11 available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray  
12 the costs of identifiable mental health clinic services furnished eligible individuals in regional  
13 human service centers and that federal funds available under title XX of the Social Security Act  
14 [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable social services furnished  
15 eligible individuals by county social service boards and regional human service centers.

16 **SECTION 7. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **50-06-06.5. Continuum of services for ~~chronically mentally ill~~ individuals with serious**  
19 **and persistent mental illness.**

20 1. The department of human services shall develop a plan for an integrated,  
21 multidisciplinary continuum of services for ~~chronically mentally ill~~ individuals with  
22 serious and persistent mental illness. The continuum may consist of an array of  
23 services provided by private mental health professionals, private agencies, county  
24 social service agencies, human service centers, community-based residential care  
25 and treatment facilities, and private and public inpatient psychiatric hospitals. ~~To the~~  
26 ~~extent feasible~~ When appropriate, access to the continuum must be through human  
27 service centers. Within the limits of legislative appropriations, the plan for a continuum  
28 may include:

- 29 1. a. Programs, and appropriate related facilities, to provide socialization skills.  
30 2. b. Programs, and appropriate related facilities, to provide basic living skills.  
31 3. c. Appropriate residential facilities and other housing options.

- 1       4. d. Appropriate training, placement, and support to enhance potential for
- 2             employment.
- 3       ~~5.~~ e. Appropriate delivery and control of necessary medication.
- 4       ~~6.~~ f. Appropriate economic assistance.
- 5       ~~7.~~ g. An inpatient facility with appropriate programs to respond to persons who require
- 6             hospitalization.
- 7             h. Peer and recovery support.
- 8             i. Crisis service that is available twenty-four hours a day seven days a week.
- 9       2. The continuum of care must provide that a person requiring treatment be submitted to
- 10            the least restrictive available conditions necessary to achieve the purposes of
- 11            treatment. The department shall ensure appropriate cooperation with county social
- 12            service agencies and private providers in achieving the continuum of care.

13       **SECTION 8.** Section 50-06-06.14 of the North Dakota Century Code is created and enacted  
14 as follows:

15       **50-06-06.14. Placement of children - Least restrictive care.**

16       The department and county social service boards shall explore the option of kinship care  
17 when a child is unable to return home due to safety concerns. Absent kinship options, the  
18 department and county social service boards shall provide permanency options that are in the  
19 least restrictive care and near the family's home as required by the federal Adoption and Safe  
20 Family Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C. 671].

21       **SECTION 9. AMENDMENT.** Subsection 1 of section 50-06-20 of the North Dakota Century  
22 Code is amended and reenacted as follows:

- 23       1. The state shall bear the cost, in excess of the amount provided by the federal
- 24             government, of:
  - 25             a. As provided in section 50-24.1-14, medical assistance services provided under
  - 26             chapter 50-24.1;
  - 27             b. Energy assistance program benefits provided under subsection ~~4918~~ of section
  - 28             50-06-05.1;
  - 29             c. Supplements provided under chapter 50-24.5 as basic care services;
  - 30             d. Services, programs, and costs listed in section 50-09-27;
  - 31             e. Welfare fraud detection programs; and

1           f. Special projects approved by the department and agreed to by any affected  
2           county social service board.

3           **SECTION 10. REPEAL.** Chapter 25-10 and sections 25-02-02, 50-06-01.2, and 50-06-23 of  
4 the North Dakota Century Code are repealed.

5           **SECTION 11. TRANSITION.** All unexpired terms of members of a human service advisory  
6 group under section 50-06-05.3 are deemed expired as of July 31, 2017. An individual who is a  
7 member of a human service advisory group as of July 31, 2017, who is otherwise qualified, may  
8 be reappointed to the human service advisory group on which the individual previously served.

9           **SECTION 12. LEGISLATIVE INTENT.** It is the intent of the sixty-fifth legislative assembly  
10 that the sixty-sixth legislative assembly appropriate funds to the department of human services  
11 to help defray the cost of the accreditation of regional human services centers required under  
12 section 3 of this Act.

13           **SECTION 13. EFFECTIVE DATE.** Section ~~63~~ of this Act becomes effective on August 1,  
14 2021.