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Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2274

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.