

HOUSE BILL NO. 1470

Introduced by

Representatives Buffalo, Dobervich, Heinert, Ista, J. Nelson, Schneider

Senator Mathern

1 A BILL for an Act to ~~amend and reenact section 12-44.1-33 of the North Dakota Century Code,~~
2 ~~relating to continuation of behavioral health care for inmates; and to~~ provide for a legislative
3 management study relating to the behavioral health needs of inmates.

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

5 ~~— **SECTION 1. AMENDMENT.** Section 12-44.1-33 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~— **12-44.1-33. Inmate medical care costs – Continuation of care.**~~

8 ~~— 1. An inmate is financially responsible for the costs of medical or health care, except for~~
9 ~~an intake health care assessment and related testing for an examination of the inmate~~
10 ~~made at the request of the facility. The correctional facility may seek reimbursement~~
11 ~~from the inmate up to the total amount of incurred medical or health care costs. If the~~
12 ~~inmate has health insurance coverage, a medical or health care provider shall file a~~
13 ~~claim for reimbursement from the health insurance provider. If the inmate does not~~
14 ~~have health insurance coverage and the inmate's medical or health care costs are the~~
15 ~~responsibility of the correctional facility, the correctional facility's responsibility may not~~
16 ~~exceed the rates paid under the federal Medicare program. If elective medical or~~
17 ~~health care is allowed by a correctional facility policy, the inmate must arrange~~
18 ~~payment for elective medical or health care before receiving care.~~

19 ~~— 2. A public behavioral health provider shall continue to provide treatment to an individual~~
20 ~~who is an inmate if:~~

21 ~~— a. The inmate consents;~~

22 ~~— b. Treatment is medically necessary; and~~

23 ~~— c. The inmate was actively receiving treatment from the public behavioral~~
24 ~~health provider before incarceration.~~

1 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - BEHAVIORAL HEALTH NEEDS OF**

2 **INMATES.** During the 2021-22 interim, the legislative management shall consider studying the
3 behavioral health needs of incarcerated adults. The study must consider the behavioral health
4 needs of incarcerated adults, including access, availability, and delivery of services. The study
5 also must include input from stakeholders, including representatives of law enforcement, social
6 and clinical service providers, educators, medical providers, mental health advocacy
7 organizations, emergency medical service providers, tribal government, ~~and~~ state and local
8 agencies and institutions, and family members. The legislative management shall report its
9 findings and recommendations, together with any legislation required to implement the
10 recommendations, to the sixty-eighth legislative assembly.