



2023 Legislative Session Recap

Behavioral Health

NORTH
Dakota
Be Legendary.

Health & Human Services

Policy Bills



HB 1050

...relating to licensure, inspection, suspension, and revocation of a substance abuse treatment program.

23-16-01. Licensure of medical hospitals and state hospitals

...Chiropractic hospitals, sanatoriums, [American society of addiction medicine level 3.7 substance use treatment programs licensed by the department of health and human services that are independent from a medical hospital](#), and hospitals such as those for unmarried mothers maintained and operated by the department of health and human services are not required to obtain a license under this chapter...

50-31-05. Issuance, suspension, and revocation of license

3. Before a license may be suspended or revoked, written notice [by registered mail, personal delivery, or electronic mail](#) must be given to the licenseholder. The licenseholder must be furnished with a copy of the notice by registered mail [or personal delivery](#)...

Several places in code:

Replace "~~substance abuse~~" with "[substance use disorder](#)"

SB 2086

relating to evidence-based alcohol and drug education programs and program certification

50-06-44. Alcohol and drug education program - Rules - Fees.

1. The department shall adopt rules for an evidence-based alcohol and drug education program for individuals ~~under the age of twenty-one~~ who violate section 5-01-08 or 39-08-01, or equivalent ordinances, or subparagraph a of paragraph 1 of subdivision d of subsection 7 of section 19-03.1-23. The rules must allow for the program provider to charge a fee to a participant in the program.
2. The department shall adopt rules for an evidence-based alcohol and drug education program certification.

SB 2248

relating to a special penalty for death or injury through distribution of illegal drugs, and fentanyl reporting...

SECTION 1: New section to chapter 19-03.1 is created

Distribution of illegal drugs - Special penalty for death or injury.

...

SECTION 2: Section 19-03.1-23.6 is created - Fentanyl reporting - Report to legislative management - Fentanyl awareness campaign

1. By November first of each year, the department of health and human services shall submit to the legislative management and the governor a written report summarizing the number of deaths that occurred in the state caused by or related to fentanyl consumption during the preceding calendar year, including the county in which the deaths occurred and the age and gender of the deceased individuals.
2. The department of health and human services shall make the data reported under subsection 1 available to the public by:
 - a) Making the information easily accessible on the department's government website;
 - b) Publishing easily comprehensible printed materials on fentanyl awareness, information, and resources;
 - c) Placing visible billboards in high-traffic areas to inform the public of the dangers of fentanyl; and
 - d) Developing a media and social media campaign to expand statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic occurring within the state

SECTION 3: Department of Health and Human Services – Fentanyl Awareness Expansion.

Best practices relating to fentanyl drug overdose by the department of health and human services as provided in section 3 of House Bill No. 1447, as approved by the sixty-eighth legislative assembly, includes providing and expanding statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic, communication strategies and campaigns, access to naloxone, and other strategies as provided under section 2 of this Act, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SB 2083

relating to the object of the state hospital and the operation of regional human service centers.

25-02-03. Object of state hospital

The state hospital is an institution for mental diseases serving specialized populations ~~of the mentally ill individuals with severe mental illness~~, including ~~persons suffering from drug addiction or alcoholism~~ individuals with a substance use disorder. The state hospital is one component of the North Dakota mental health delivery system and serves as a resource to community-based treatment programs. The state hospital shall, pursuant to rules adopted by the department of health and human services, receive and care for ~~all mentally ill persons eligible individuals with severe mental illness~~, including persons ~~suffering from drug addiction or alcoholism~~ individuals with a substance use disorder, residing within this state in accordance with this title, and ~~shall~~ may furnish to those ~~mentally ill persons~~ individuals all needed food, shelter, treatment, and support ~~that may tend to restore their mental health or to alleviate their illness or suffering~~.

A new section to chapter 25-02

Collaborative care - Consultation services. The state hospital may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

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

...

3. Regional human service centers may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

...

SB 2026

relating to the demolition of state hospital buildings

SECTION 1. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of demolishing unused buildings on the state hospital campus, including the administrative building, employee building, associated tunnels, water tower, pig barn, and water treatment plant buildings, for the period beginning with the effective date of this Act, and ending June 30, 2025. Funding provided in this section is considered a one-time funding item.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

HB 1138

... relating to a mental health court program.

Subsection 1 of section 12.1-32-02:

Every person convicted of an offense who is sentenced by the court must be sentenced to one or a combination of the following alternatives, unless the sentencing alternatives are otherwise specifically provided in the statute defining the offense or sentencing is deferred under subsection 4:

...

I. Mental health court program. A mental health court is a district court supervised treatment program approved by the supreme court which combines judicial supervision with mental health services and treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for mental health court programs.

Further amendments to:

- 19-03.1-23. Prohibited acts - Penalties.
- 39-08-01.5. Partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

SB 2335

relating to establishing an annual day of awareness for fetal alcohol spectrum disorder...

SECTION 1. A new section to chapter 1-03 is created:

Fetal alcohol spectrum disorder awareness day.

To celebrate the life of all affected by fetal alcohol spectrum disorder, reaffirm the dignity and value of every human being, and to create awareness of the number of people affected by the disorder, the ninth day of September of each year is designated and established as fetal alcohol spectrum disorder awareness day for the state of North Dakota.

SECTION 2. AMENDMENT. Subsection 3 of section 25-01.2-01 is amended:

3. "Developmental disability" means a severe, chronic disability of an individual which:
 - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments, including Down syndrome and fetal alcohol spectrum disorders, including fetal alcohol syndrome, partial fetal alcohol syndrome, and alcohol-related neurodevelopmental disorder; ...

SB 2363

*relating to prohibitions on access to a brewer taproom
for an individual under twenty-one years of age*

SECTION 1. AMENDMENT. Subsection 3 of section 5-02-06 is amended:

b. At the discretion of the owner of a brewer taproom licensed under section 5-01-21, an individual under twenty - one years of age may be permitted to enter and remain in the brewer taproom if:

- (1)The brewer taproom is connected to or contracts with an establishment, including a mobile food unit, at which food is prepared and available for purchase to be consumed in the brewer taproom and which is connected to or located at the brewer taproom and receives the majority of its gross sales from the sale of food; and
- (2)The individual:
 - a) Is accompanied by the individual's parent or guardian;
 - b) Is not seated at or within three feet [0.91 meters] of the bar counter; and
 - c) Does not enter or remain in the brewer taproom after ten p.m. or during any time that food is not available for consumption as provided in paragraph 1.

...

d. For purposes of this subsection, "mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable from which a vendor prepares, cooks, sells, or serves food or beverages for immediate consumption.

SB 2077

relating to gambling disorder prevention, awareness, crisis intervention, rehabilitation, and treatment services.

50-06-21. Gambling disorder prevention, awareness, crisis intervention, rehabilitation, and treatment services.

The department shall administer, develop, and implement a gambling disorder prevention, awareness, crisis intervention, rehabilitation, and treatment services program or contract with qualified treatment service providers for the development and implementation of a program for gambling prevention, awareness, crisis intervention, rehabilitation, financial counseling, and mental health treatment services...

HB 1043

relating to licensure of a psychiatric residential treatment facility for children and admission criteria.

25-03.2-01. Definitions

9. "Serious risk of harm" means a substantial likelihood of:

- a. Suicide, as manifested by current suicidal threats, attempts, or significant depression creating immediate risk of suicide;
- b. Killing or inflicting serious bodily harm to self or another person, as manifested by current act; or
- c. Substantial deterioration in physical health or substantial injury, disease, or death based on current poor self-control or judgment.

25-03.2-03. Requirements for license.

2. The program director of the facility holds, at a minimum, a ~~master's~~ bachelor's degree in social work, psychology, or in a related field with ~~at least two years of~~ professional experience ~~in the treatment of~~ working with children suffering from mental illnesses or emotional disturbances. The executive director of the facility must have, at a minimum, a bachelor's degree in a behavioral science or a bachelor's degree in any field and two years of experience in administration;

25-03.2-06. Admission criteria.

A child may be admitted to a psychiatric residential treatment facility for children if, ~~the~~:

1. ~~The~~ child has been diagnosed by a psychiatrist or psychologist as suffering from a mental illness or emotional disturbance ~~and the child is in need of and able to respond to active psychotherapeutic intervention and cannot be effectively treated in the child's family, in another home, or in a~~;
2. ~~The~~ child's situation meets the definition of serious risk of harm; and
3. A less restrictive setting ~~The facility must take into account the age and diagnosis of the child in order to provide an environment that is safe and therapeutic for all children~~ cannot meet the immediate treatment need.

HB 1051

relating to the powers and duties of the department of health and human services.

50-06-05.1. Powers and duties of the department. (Effective through June 30, 2025)

...

14. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, ~~probation,~~ and aftercare services when requested by the judge of a juvenile court.

15. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, and treatment ~~and probation and parole services,~~ when requested by the judge in a criminal case.

...

32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and regional human service centers twenty - four hour staffed residential units as required by the job assignments of the employees.

HB 1165

relating to powers and duties of the department of health and human services public health division

Clean-up language throughout NDCC because of Health and Human Services merge

[Enrolled House Bill No. 1165 - Sixty-eighth Legislative Assembly of North Dakota - LC Number 23.8144.03000 \(ndlegis.gov\)](#)

SCR 4001

relating to terminology describing public institutions.

SECTION 1. AMENDMENT. Section 12 of article IX of the Constitution of North Dakota is amended

- Replaced "~~dumb of North Dakota~~" with "hard of hearing"
- Replaced "~~insane~~" with "care of individuals with mental illness"
- Replaced "~~an institution~~" with "a facility"
- Replaced "~~the feeble minded~~" with "individuals with developmental disabilities"

SECTION 2. AMENDMENT. Section 13 of article IX of the Constitution of North Dakota is amended

- Replaced "~~mentally ill~~" with "care of individuals with mental illness"

[Enrolled Senate Constitution Amendment Concurrent Resolution No. 4001 - Sixty-eighth Legislative Assembly of North Dakota - LC Number 23.3015.03000 \(ndlegis.gov\)](#)

Councils/ Committees

HB 1447

relating to creation of the opioid settlement fund, creation of the opioid settlement advisory committee, and use of opioid settlement funds

SECTION 1. AMENDMENT. Subsection 1 of section 21-10-06 of the North Dakota Century Code is amended

SECTION 2. AMENDMENT. Section 23-01-42 of the North Dakota Century Code is amended

- [Related to Narcan availability over-the-counter](#)

SECTION 3. A new chapter to title 50 of the North Dakota Century Code is created

- [Definitions](#)
- [Opioid settlement fund](#)
- [Opioid settlement advisory committee](#)
- [Department of health and human services - Report to budget section](#)
- [Opioid remediation and abatement spending decisions – Implementation](#)
- [Political subdivisions - Public health units.](#)

SECTION 4. AMENDMENT. Section 5 of chapter 3 of the 2021 Session Laws is amended

SECTION 5. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - OPIOID REMEDIATION AND ABATEMENT. [There is appropriated out of any moneys in the opioid settlement fund in the state treasury, not otherwise appropriated, the sum of \\$8,000,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of opioid remediation and abatement efforts under section 2 of this Act, for the biennium beginning July 1, 2023, and ending June 30, 2025.](#)

SECTION 6. TRANSFER - OFFICE OF MANAGEMENT AND BUDGET - OPIOID SETTLEMENT FUND. [The office of management and budget shall transfer to the opioid settlement fund all funds received by the state and any political subdivision of the state from opioid settlements and litigation during the period beginning March 1, 2021, and the effective date of this Act, and any additional funds received during the period beginning on the effective date of this Act, and ending June 30, 2025.](#)

SECTION 7. APPLICATION. [To initiate staggered terms of the members of the opioid advisory committee, the initial appointments for the positions representing the North Dakota association of counties representative and the North Dakota state association of city and county health officials representative must be for one year.](#)

SECTION 8. EMERGENCY. [This Act is declared to be an emergency measure](#)

HB 1418

relating to the membership of the brain injury advisory council.

SECTION 1. AMENDMENT. Section 50-06.4-10 of the North Dakota Century Code is amended

1. The governor shall appoint at least ~~five~~ **eight**, but no more than ~~nine~~ **thirteen**, voting members to serve on the brain injury advisory council. The governor may make appointments under this subsection so a majority of the total voting members appointed under subsections 1 and 2 are brain injury survivors and family members of brain injury survivors. The members appointed by the governor must consist of the following:
 - a) At least ~~one~~ **two** brain injury ~~survivor~~ **survivors**, nominated by the council;
 - b) At least ~~one~~ **two** family ~~member~~ **members** of a brain injury survivor, nominated by the council;
- ...
3. Each of the following entities shall appoint a representative to serve as a nonvoting member of the council who serves at the pleasure of the appointing entity:
 - ...
 - b) Department, one individual representing injury prevention and, one representative representing emergency medical services and trauma, one individual representing behavioral health, one individual representing Medicaid, **one individual representing the adult and aging population**, and one individual representing vocational rehabilitation; and
 - ...
4. The governor may appoint an individual representing stroke health **and an individual representing a brain injury advocacy organization** to serve as a nonvoting ~~member~~ **members** of the council who ~~serves~~ **serve** at the pleasure of the governor.

SB 2034

relating to the children's cabinet

50-06-43.1. Children's cabinet - Membership - Duties – Report

2. The children's cabinet consists of the following members:

...

c. ~~The speaker of the house of representatives, or the speaker's designee~~ A member of the house of representatives from an even-numbered legislative district and a member of the house of representatives from an odd-numbered legislative district appointed by the majority leader of the house of representatives to serve two-year terms;

d. ~~The president pro tempore of the senate, or the president pro tempore's designee~~ A member of the senate from an even-numbered legislative district and a member of the senate from an odd-numbered legislative district appointed by the majority leader of the senate to serve two-year terms

...

g. The commissioner of the department, or the commissioner's designee.

...

4. The children's cabinet shall:

...

i. Provide an annual report to the legislative management and governor regarding the activities and findings of the cabinet.

...

6. *[Reimbursement for mileage & expenses]*

Suicide Prevention

HB 1312

relating to continuation of an evidence-based online virtual mental health and suicide prevention simulation-based training program for schools.

Section 50-06-05.1 is amended:

50-06-05.1. Powers and duties of the department. (Effective through June 30, ~~2025~~ 2027)

Powers and duties of the department. (Effective after June 30, ~~2025~~ 2027)

[Enrolled House Bill No. 1312 - Sixty-eighth Legislative Assembly of North Dakota - LC Number 23.0936.02000 \(ndlegis.gov\)](#)

HB 1326

relating to access to death records.

Subsection 2 of section 23-02.1-27 is amended:

A certified copy of a complete death record may be issued to a relative, an authorized representative, the child fatality review board, a licensed physician, or a genetic sibling for the purposes of researching family medical history, a funeral director reporting the facts of death, [the commissioner of veterans' affairs for a death record of an individual designated as having served in the United States armed forces](#), or a person with personal or real property interests that depend upon information contained in the complete death record or by the order of a court of competent jurisdiction and may include the cause of death and the social security number. A certified copy of the facts of death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a complete death record or to any licensed attorney who requires the copy for a bona fide legal determination. A certified copy of an informational death record may be issued to the general public, but the copy may not contain the cause of death or the social security number.

HB 1390

Relating to the creation of a suicide fatality review commission

SECTION 1: A new section to chapter 23-07 is created:

Suicide fatality review commission

- *Defines membership*
- *Defines goals and scope*
- *Must meet at least twice per year*
- *Must provide HHS Commissioner an annual report from previous calendar year before January 31st*

SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - SUICIDE FATALITY REVIEW COMMISSION.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of funding the activities of the suicide fatality review commission, for the biennium beginning July 1, 2023, and ending June 30, 2025.

Behavioral Health Licensure Boards

SB 2187

relating to licensure of counselors.

SECTION 1. AMENDMENT. Subsection 2 of section 43-47-06 of the North Dakota Century Code is amended

Has two years of supervised experience, at least fifty percent of which must have been under a licensed professional counselor or licensed psychologist, or its equivalent as determined by the board, and the additional supervised experience may have been with other qualified professionals designated by the board which are competent in the area of practice being supervised, if barriers due to geographical location, disability, or other factors determined by the board to create a hardship exist for the applicant.

SECTION 2. Chapter 43-47.1 of the North Dakota Century Code is created

43-47.1-01. Counseling compact

[Senate Bill No. 2187 SENATE BILL NO. 2187 with Conference Committee Amendments - Sixty-eighth Legislative Assembly of North Dakota - LC Number 23.0762.03000 \(ndlegis.gov\)](#)

SB 2205

relating to predoctoral internships and adoption of the psychology interjurisdictional compact.

SECTION 1. A new section to chapter 43-32 of the North Dakota Century Code is created

Predoctoral supervised psychological internship.

The board may adopt rules and standards to establish a predoctoral supervised psychological internship program.

SECTION 2. Chapter 43-32.1 of the North Dakota Century Code is created

43-32.1-01. Psychology interjurisdictional compact.

[Enrolled Senate Bill No. 2205 - Sixty-eighth Legislative Assembly of North Dakota - LC Number 23.0335.03000 \(ndlegis.gov\)](https://ndlegis.gov/bills/2000-2200/2205)

SB 2249

relating to the efficiency of administration of occupational boards...

SECTION 1. A new chapter to title 34 of the North Dakota Century Code is created

Definitions.

1. "Board" means an occupational or professional board established under title 43.
2. "Commissioner" means the labor commissioner

Duties of commissioner.

The commissioner shall gather information regarding the continuing education requirements and the practice of licensing out-of-state practitioners for each board, the education standards and practices board, and the state board of law examiners. The commissioner shall analyze the information to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. As necessary, the commissioner may recommend introduction of legislation to implement this strategy.

SECTION 2. LABOR COMMISSIONER - OCCUPATIONS AND PROFESSIONS - REPORT TO LEGISLATIVE MANAGEMENT

1. During the 2023-24 interim, the labor commissioner shall hold meetings with each occupational board under title 43, the education standards and practices board, and the state board of law examiners. The topics addressed at the meetings must include administration of the boards, continuing education, and the licensure of out-of-state applicants, with a goal of establishing a strategy to license out-of-state practitioners within three business days of application and to revise continuing education requirements to recognize the contributions of employers and the opportunities afforded by evolving technology.
2. During the 2023-24 interim, the labor commissioner shall provide the legislative management with periodic reports on the status of the commissioner's implementation of this section.
3. The labor commissioner may recommend introduction of legislation for the sixty-ninth legislative assembly which provides for streamlining of licensure of out-of-state practitioners, and revision of continuing education requirements.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective August 1, 2023.

Legislative Studies

HB 1195

to provide for a legislative management study regarding a juvenile delinquency offense code.

SECTION 1. JUVENILE JUSTICE STUDY - JUVENILE DELINQUENCY OFFENSE CODE - REPORT.

During the 2023-24 interim, the legislative management, in collaboration with the commission on juvenile justice, shall study the criminal code to ensure equitable application to youths charged with juvenile delinquencies. The study must include consideration of the desirability and feasibility of a separate juvenile delinquency offense code, whether a separate and unique classification of criminal offenses for juveniles should be created, and which criminal offenses should receive a distinct classification for juvenile offenders, if any. In conducting the study, the legislative management and the commission on juvenile justice may seek technical assistance, as appropriate, from the council of state governments' justice center. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

HB 1026

AN ACT to provide for a legislative management study regarding the implementation of behavioral health and acute psychiatric treatment recommendations.

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - IMPLEMENTATION OF BEHAVIORAL HEALTH AND ACUTE PSYCHIATRIC TREATMENT RECOMMENDATIONS. During the 2023-24 interim, the legislative management shall consider studying the implementation of the recommendations of the 2018 North Dakota behavioral health system study conducted by the human services research institute and the 2022 acute psychiatric and residential care needs study conducted by Renee Schulte consulting, LLC. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

HCR 3026

A concurrent resolution directing the Legislative Management to consider studying improving re-entry outcomes for incarcerated adults and youth.

...

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying improving re-entry outcomes for incarcerated adults and youth; and

- BE IT FURTHER RESOLVED, the study include an assessment of current public and private re-entry services, policies, practices, statutes, data, and resource allocation with the goal of identifying opportunities to implement research-based strategies proven to reduce recidivism, improve education and employment outcomes, and maximize resources for the greatest public safety and return on taxpayer dollars; and
- BE IT FURTHER RESOLVED, the assessment include examining re-entry services in the areas of correctional supervision, employment, job training, housing, transportation, support services, and behavioral health services; levels of collaboration across service systems; and current disparities in re-entry outcomes; and
- BE IT FURTHER RESOLVED, that the Legislative Management may develop a working group to oversee the study which includes legislators, representatives from nonprofit organizations that assist with re-entry, community members with re-entry experience, and representatives from the Department of Corrections and Rehabilitation, county jails, the Behavioral Health Division of the Department of Health and Human Services, the Supreme Court, job service or business community, adult and postsecondary education institutions, and tribal nations; and
- BE IT FURTHER RESOLVED, in conducting the study, the Legislative Management may seek technical assistance, as appropriate, from the Council of State Governments' Justice Center or the Crime and Justice Institute; and
- BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-ninth Legislative Assembly.

[Enrolled House Concurrent Resolution No. 3026 - Sixty-eighth Legislative Assembly of North Dakota - LC Number 23.3082.02000 \(ndlegis.gov\)](#)

SB 2012 HHS Budget



Section 1. Appropriation

		BASE LEVEL	ADJUSTMENTS OR ENHANCEMENTS	APPROPRIATION
MANAGEMENT	Salaries and wages block grant	0	456,750,493	456,750,493
PROGRAM AND POLICY	Opioid prevention	0	2,000,000	2,000,000
FIELD SERVICES	Human service centers	163,213,829	(115,810,747)	47,403,082
FIELD SERVICES	Institutions	130,383,428	(69,570,994)	60,812,434
FIELD SERVICES	Less estimated income	114,273,300	(84,296,246)	29,997,054
TOTAL SECTION 1	GRAND TOTAL ALL FUNDS	4,450,096,002	858,594,778	5,308,690,780

Section 2. One-time funding

	2021-23	2023-25
Human service center projects	724,000	735,154
Opioid settlement funding	2,000,000	0
State Hospital design	0	12,500,000
Behavioral health facility grants	0	1,950,000
Pregnant and parenting residential	0	1,000,000
Law enforcement telehealth	0	2,650,000

Section 7. Full-time equivalent position block grant program - Report

Subdivision 1 of section 1 of this Act includes funding for a full-time equivalent position block grant program.

- This funding, along with salaries and wages funding appropriated in House Bill No. 1004, as approved by the sixty-eighth legislative assembly, is available to fund full-time equivalent positions as determined by the department of health and human services.
- Notwithstanding any other provision of law, the department is authorized to increase or decrease authorized full-time equivalent positions subject to the availability of funds and the provisions of this section.
- The department may not increase full-time equivalent positions for the purpose of transferring human service zone employees to state employment. Pursuant to section 5 of this Act, the department is authorized to transfer funding to and from the salaries and wages block grant line item. The department shall report to the office of management and budget and legislative council any adjustments to full-time equivalent positions. The department shall provide reports to the legislative management regarding the use of funding for the program.

Section 10. Estimated income – Community health trust fund

...

The sum of **\$1,867,500** for the **988 crisis hotline program;**

...

Section 12. Estimated income – Federal state fiscal recovery fund

...

The sum of **\$2,650,000** to implement a **virtual behavioral health crisis care program for rural law enforcement**;

...

Section 13. Estimated income – Charitable gaming operating fund

Notwithstanding section 53-06.1-11.2, the estimated income line item in subdivision 2 of section 1 of this Act includes the sum of **\$500,000 from the charitable gaming operating fund for costs of gambling disorder prevention services.**

Section 14. Estimated income – Strategic investment and improvements fund

The estimated income line item in subdivision 5 of section 1 of this Act includes the sum of \$25,235,154 from the strategic investment and improvements fund for the following purposes:

1. The sum of \$11,000,000 for the procurement and grants management system;
2. The sum of **\$12,500,000** for the **design of a new state hospital**;
3. The sum of **\$1,000,000** for **pregnant and parenting women** residential facilities; and
4. The sum of **\$735,154** for **projects at the southeast human service center**.

Section 15. Behavioral health facility grants

Section 1 of this Act includes the sum of **\$1,950,000** from the general fund for the purpose of providing a **one-time behavioral health facility grant to establish a behavioral health facility in the northwest human service center region**, for the biennium beginning July 1, 2023, and ending June 30, 2025.

The department of health and human services shall provide a grant as follows:

1. The grant recipient must provide matching funds of \$1,750,000 to establish the facility.
2. The grant term must be for five years.
3. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

Section 15. CONTINUED

4. To receive the grant, the behavioral health facility shall:
 - a) Submit an application in the form and manner prescribed by the department;
 - b) Enter a grant agreement with the department;
 - c) Use grant funds to support the provision of behavioral health in the grant award service areas;
 - d) Provide and disclose information needed to comply with the department's data collection requirements; and
 - e) Operate in compliance with grant requirements.
5. The department may recapture grant funds distributed to a grant recipient found by the department to be out of compliance with the requirements established by the grant program, including ending or reducing the operation of the behavioral health facility in the service area.
6. The department may not collect property, equipment, or supplies purchased with grant funds from the grant recipient after successful completion of the terms of the grant.

Section 16. Health care task force – Appropriation - Report

Subdivision 1 of section 1 of this Act includes the sum of **\$750,000** from the community health trust fund for expenses of the **health care task force and for the purpose of facilitating the task force**. The task force may seek funding from outside sources and any funds received are appropriated to the department of health and human services for activities of the task force for the biennium beginning July 1, 2023, and ending June 30, 2025.

The purpose of the task force is to understand and create transparency around health care costs and the drivers of cost growth with the goal of lessening the impact of rising health care costs to citizens, businesses, and government.

- The task force shall take a holistic view to include the full payor mix, including the uninsured and charity care.
- The task force shall collect and analyze health care spending data to create meaningful actions to slow spending growth and improve health care access and quality.
- The task force shall meet at least once each quarter and may request, obtain, review, and analyze information relating to North Dakota health care, including data, reports, audits, and other information as requested by the task force.

Section 18. Capital projects – Emergency commission approval

During the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and human services is **authorized to proceed with the demolition of the administrative building and employee building and associated tunnels at the state hospital.**

Pursuant to section 5 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly.

The department may transfer funds for the demolition of the identified buildings and associated tunnels and for emergency capital projects. **Notwithstanding section 54-27-12, the department of health and human services may spend up to \$5,000,000 for emergency projects under this section and may seek emergency commission approval to spend more than \$5,000,000 under this section.**

Section 20. Permanent supportive housing grants

Subdivision 2 of section 1 of this Act includes the sum of **\$4,672,536** from the general fund for **permanent supportive housing grants**. The department of health and human services shall develop a funding methodology to distribute the funding to qualified entities that utilize best practices for permanent supportive housing, provide recovery-oriented and person-centered services, submit process and outcome measures to the department, and authorize the department to conduct onsite visits to review program operations.

Section 21. State hospital project – Community acute psychiatry

Subdivision 3 of section 1 of this Act includes the sum of **\$12,500,000** from the strategic investment and improvements fund as identified in section 14 of this Act for the **design of a new state hospital**.

As part of the design process, the department of health and human services shall consider statewide acute psychiatric needs, including the establishment of acute psychiatric facilities in Dickinson, Williston, Minot, Devils Lake, and Grand Forks and shall consider collaborating and entering partnerships with local mental health and substance use disorder providers.

The department shall present a report to the sixty-ninth legislative assembly regarding options for a new state hospital. The requirements of chapter 54-44.7 do not apply to the selection of a vendor, the procurement award, or payments made under this section regarding the design process and design of the new state hospital.

Section 22. Expenditures may not exceed appropriation – Medical assistance expansion program - Application

3. ...The managed care organization shall reimburse all North Dakota substance use providers of American society of addiction medicine level 2.5 at consistent levels and with consistent methodology. The managed care organization may consider urban and rural providers as different provider types.

4. ... human service centers may not be paid less than one hundred percent of the current traditional Medicaid rate. Behavioral health services involving partial hospitalization, intensive outpatient, professional services, and residential behavioral health services provided in facilities that are not institutions for mental diseases are not subject to the provisions in subsection 6.

Section 25. Amendment - subsection 2 of section 12.1-04-07 of the North Dakota Century Code is amended and reenacted as follows:

An examination must occur within fifteen days from receipt of material necessary to examine the fitness of the individual and notice of entry of the order served upon the tier 1a mental health professional. Attorneys shall disclose any materials necessary to examine the fitness of the individual to the tier 1a examiner contemporaneously with the order. For good cause shown, the court may grant an extension allowing an additional seven days to complete the examination.

Section 27. Amendment - Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows: 50-06-42. Substance use disorder treatment voucher system

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding regional human service centers, and hospital- or medical clinic-based programs for medical management of withdrawal, ~~and any institution for mental diseases in accordance with subsection 2.~~ An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.
- ~~2. The department shall deny a licensed substance abuse treatment program's substance use disorder treatment voucher system application and deny reimbursement by the substance use disorder treatment voucher system if the licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.~~

Section 28. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows: North Dakota legislative health care task force - Duties - Membership - Legislative management report.

There is created a North Dakota **legislative health care task force**.

The task force shall meet at least once each quarter and may request, obtain, review, and analyze information relating to North Dakota health care, including data, reports, audits, and other information as requested by the task force. The department of health and human services shall provide staff services for the task force.

The task force shall submit a report of its activities and any recommendations to improve health care in the state to the legislative management by October first of each year. The chairman of the task force must be a member of the legislative assembly appointed by the chairman of the legislative management. The chairman of the task force may invite guests to participate in task force activities.

Section 41. Lease of land – State hospital

The department of health and human services and national guard may enter an agreement to lease up to twenty acres of real property associated with the state hospital for the national guard to construct a new training and storage facility.

Section 42. Provider process and outcome measures

Providers that receive funding from the department of health and human services **shall submit process and outcome measures**, as required by the department, to the department for programs and services supported by state funding during the biennium beginning July 1, 2023, and ending June 30, 2025, for the department to evaluate the administration of the programs and services using the appropriation for the program or service.

Section 43. Human service centers – Certified community behavioral health clinics – Full-time equivalent positions – Report - Exemptions

1. The department of health and human services shall **select at least one human service center to begin the process of becoming a certified community behavioral health clinic** to provide continuous community-based behavioral health services for children and adults. The department shall pursue additional federal funding as available. Subject to the availability of generated income, the department may add full-time equivalent positions for field services to provide direct services for the period beginning with the effective date of this Act and ending June 30, 2025. The department shall report to the office of management and budget and legislative council each time a position is added.

Section 43. CONTINUED

2. The department may consider the inclusion of providers of integrated, wraparound crisis services to young adults, who are at risk of being homeless or experiencing serious adverse life events, into the creation of any certified community behavioral health clinic.
3. The \$15,000,000 from the general fund appropriated to the department of health and human services for the substance use disorder treatment voucher system in chapter 12 of the 2021 Session Laws is not subject to the provisions of section 54-44.1-11, and any unexpended funds of up to \$4,150,000 from this appropriation may be continued and spent for defraying the expenses of additional human service centers to begin the process of becoming a certified community behavioral health clinic to provide continuous community-based behavioral health services for children and adults during the biennium beginning July 1, 2023, and ending June 30, 2025.

Section 44. Exemption – Unexpended appropriations

1. The sum of \$750,000 appropriated from the general fund for suicide prevention grants in chapter 37 of the 2019 Session Laws;

...

6. Any amounts appropriated to the department of health and human services in chapter 550 of the 2021 Special Session Session Laws;

...

9. The sum of \$2,000,000 appropriated for substance use disorder voucher system grants in chapter 12 of the 2021 Session Laws which may be continued and spent pursuant to section 50-06-42.1

Section 46. Exemption – Purchase of consumables.

The requirements of chapter 54-44.4 do not apply to the purchase of consumables at the department of health and human services continuously staffed residential units during low-census time periods for the biennium beginning July 1, 2023, and ending June 30, 2025.

Section 52. Legislative management study – Social work licensure compact

During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of the legislative assembly enacting the social work licensure compact. The study may include consideration of whether the public and the social work community support enactment and whether the North Dakota board of social work examiners has the capacity to participate in the compact. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

Section 55. Supreme court study – Wellness court – Report to legislative management

During the 2023-24 interim, the supreme court, in consultation with the department of corrections and rehabilitation, the department of health and human services, and the attorney general, shall study and identify those provisions of the North Dakota Century Code which pertain to drug court and assess whether the term wellness court should be adopted to replace drug court. The supreme court shall report its findings and recommendations, together with any legislation required to implement the statutory change of drug court to wellness court, to the legislative management by June 1, 2024.

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SECTION 7. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - DEPARTMENT OF HEALTH AND HUMAN SERVICES - DEPARTMENT OF CAREER AND TECHNICAL EDUCATION - ONE-TIME FUNDING - LEGISLATIVE MANAGEMENT REPORT.

1. **\$8,250,000** to the department of health and human services for the purpose of providing a **behavioral health facility grant**. The department of health and human services shall provide the grant as follows:
 - a) A grant of \$8,250,000 must be provided to establish a behavioral health facility in the **badlands human service center service region**. The grant recipient must provide matching funds of \$1,950,000 to establish the facility.
 - b) The department shall require an entity receiving funding under this subsection to operate the facility for a period of at least ten years and require the grant amount to be repaid if the entity does not operate the facility for at least ten years. C
 - c) The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this subsection. D
 - d) The funding provided under this subsection is a one-time funding item



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