

NORTH
Dakota
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Behavioral Health
HUMAN SERVICES



2021 Legislative Review

Behavioral Health

HB 1012
Department
of Human
Services
Budget





Section 18. 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 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 23. Person-First Language

A new section to chapter 1-02 of the North Dakota Century Code is created and enacted as follows:

Person-first language.

The provisions of this code, unless the context otherwise requires, must be construed in person-first language and any new enactments of this code must be written in person-first language.



Section 27. Behavioral Health Bed Management

A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Behavioral health bed management system.

The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity. Public and private providers of residential or inpatient behavioral health services shall participate in and report daily to the department the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department.



Section 39. Process and Outcome Measures

Providers that receive funding from the department of human services shall submit process and outcome measures, as required by the department, to the department of human services for programs and services supported by state funding during the biennium beginning July 1, 2021 and ending June 30, 2023.



Section 41. Community Behavioral Health Program

Pursuant to section 8 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 for the biennium beginning July 1, 2021, and ending June 30, 2023, as requested by the department of human services. The department may transfer funds for the continuation of the community behavioral health program pursuant to subsection 2 of section 54-23.3-10.

SUD Voucher





Section 24. SUD Voucher System Grants

A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

A licensed substance abuse treatment program, excluding regional human service centers and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award.

CONTINUED...



Section 25. SUD Voucher

Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

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 26. SUD Voucher

Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

4. The department shall allocate funding appropriated for the substance use disorder treatment voucher as follows:
 - a. No more than forty-five percent of the appropriated amount may be allocated for residential substance use disorder services administered by licensed substance abuse treatment programs with more than sixteen beds.
 - b. The remaining appropriation must be allocated for residential programs with sixteen or fewer beds, nonresidential outpatient, and ancillary substance use disorder services administered by licensed substance abuse treatment programs.



Section 62. SUD Voucher – Report to Budget Section

During the 2021-22 interim, the department of human services behavioral health division shall submit quarterly reports to the budget section on the status of the substance use disorder treatment voucher system program, including data on the utilization of the program, data on program expenditures, and an estimate of the number of months of funding remaining in the program.

Exemptions





Section 46. Exemption

The sum of \$200,000 from the general fund appropriated for the department's operating expenses for the school behavioral health program in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the completion of the school behavioral health pilot projects during the biennium beginning July 1, 2021 and ending June 30, 2023.



Section 47. Exemption

The sum of \$150,000 from the general fund appropriated for the department's operating expenses for behavioral health recovery home grants in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be used for behavioral health recovery home grants during the biennium beginning July 1, 2021 and ending June 30, 2023.



Section 48. Exemption

The sum of \$750,000 from the general fund appropriated to the department of human services for the purpose of providing suicide prevention grants in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the suicide prevention grants during the biennium beginning July 1, 2021 and ending June 30, 2023.



Section 49. Exemption

The sum of \$3,000,000 from the general fund appropriated to the department of human services for the purpose of providing a community behavioral health program to provide comprehensive community-based services for individuals who have serious behavioral health conditions in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the community behavioral health program during the biennium beginning July 1, 2021 and ending June 30, 2023.

Legislative Intent





Section 56. LEGISLATIVE INTENT - SUPPORTED EMPLOYMENT FUNDING

It is the intent of the sixty-seventh legislative assembly that funding appropriated from the general fund for supported employment in section 1 of this Act be used to continue contracts with existing evidence-based supported employment providers during the biennium beginning July 1, 2021, and ending June 30, 2023, and that any funding available through the federal Medicaid 1915(i) state plan amendment be utilized before funding appropriated from the general fund.



Section 57. LEGISLATIVE INTENT - CONSULTANTS

It is the intent of the sixty-seventh legislative assembly that the department of human services and state department of health utilize federal funds available to the departments to obtain consulting services to facilitate the merger of the department of human services and state department of health as provided for in House Bill No. 1247 as approved by the sixty-seventh legislative assembly for the biennium beginning July 1, 2021, and ending June 30, 2023.



Section 58. LEGISLATIVE INTENT – PROVIDER RATE INCREASE

Section 1 of this Act includes funding for human service provider inflation increases of two percent the first year and one-quarter of one percent the second year of the biennium beginning July 1, 2021, and ending June 30, 2023. It is the intent of the sixty-seventh legislative assembly that future special sessions of the sixty-seventh legislative assembly consider an additional second year inflationary increase during the 2021-23 biennium based on any extensions of the enhanced federal Medicaid assistance percentage and a review of budget needs of all areas of the department of human services.

Other Bills





SB 2161: Mental Health Program Registry

A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Mental health program registry.

The department shall establish and maintain a registry of mental health programs in the state. A mental health program shall provide the information and documentation necessary to the department at least annually in the form and manner prescribed by the department. The department shall make the registry available to the public on the department's website.



HB 1402: SUD Voucher System

50-06-42. Substance use disorder treatment voucher system.

ADDITION OF LANGUAGE: 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.



SB 2039: Brain Injury Advisory Council Membership Change

Section 50-06.4-10

1. The governor shall appoint at least five, but no more than nine, voting members to serve on the brain injury advisory council ~~as follows~~. **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. ~~One~~ **At least one** brain injury survivor, nominated by the council;
 - b. ~~One~~ **At least one** family member of a brain injury survivor, nominated by the council;
 - c. At least one service provider who provides services to brain injury survivors, nominated by the council, **who may be a brain injury survivor or a family member of a brain injury survivor**;
 - d. An individual representing the Indian affairs commission, nominated by the Indian affairs commission, **who may be a brain injury survivor or a family member of a brain injury survivor**; and
 - e. At least one individual representing a religious, charitable, fraternal, civic, educational, legal, veteran, welfare, or professional group or organization, **who may be a brain injury survivor or a family member of a brain injury survivor**.



SB 2264: Early Intervention

Section 5-01-08. Individuals under twenty-one years of age prohibited from using alcoholic beverages or entering licensed premises - Penalty.

3. A violation of this section is a class B misdemeanor. For a violation of subsection 1 or 2, the court also ~~shall~~ **may** sentence a violator to an evidence-based alcohol and drug education program operated under rules adopted by the department of human services under section 50-06-44. For a second or subsequent violation of subsection 1 or 2, the court also shall sentence a violator to an evidence - based alcohol and drug education program operated under rules adopted by the department of human services under section 50 - 06 - 44.



SB 2264: Early Intervention

A new subsection to section 19-03.1-23 of the North Dakota Century Code is created

ADDITION OF LANGUAGE: If an individual under the age of twenty - one pleads guilty or is found guilty of a first offense regarding possession of one - half ounce [14.175 grams] or less of marijuana, the court also may sentence the individual to an evidence - based alcohol and drug education program operated under rules adopted by the department of human services under section 50-06-44. For a second or subsequent offense regarding possession of one - half ounce [14.175 grams] or less of marijuana, the court also shall sentence the individual to an evidence - based alcohol and drug education program operated under rules adopted by the department of human services under section 50-06-44.



SB 2311: School Behavioral Health Resources

Subsection 28 of section 50-06-05.1

To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each public school and to the designated individual at a nonpublic school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community, and also must include an evidence based, online virtual mental health and suicide prevention simulation-based training program that incorporates hands-on practice, contextual learning, and personalized feedback through interactive role - playing. The provisions of chapter 54 - 44.4 do not apply to the online virtual mental health and suicide prevention simulation-based training program under this subsection.

*This Act is effective through June 30, 2025, and after that date is ineffective.
This Act is declared to be an emergency measure*



HB 1035: Juvenile Court Act



HB 1036: Juvenile Justice Study

SECTION 1. JUVENILE JUSTICE PROCESS - LEGISLATIVE MANAGEMENT STUDY.

During the 2021-22 interim, the legislative management shall consider studying the juvenile justice process and collaborate with the commission on juvenile justice. The study must include a review of the effective intervention, resources, and services for children. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly.



HB 1076: Children's Cabinet

50-06-43.1. Children's cabinet - Membership - Duties. ~~(Effective through July 31, 2025)~~

3. The chairman of legislative management, or a member of the legislative assembly appointed by the chairman of the legislative management, shall serve as the presiding officer of the cabinet. The cabinet shall meet at least quarterly. Additional meetings may be held at the discretion of the presiding officer.



HB 1150: Commission on Juvenile Justice

Section 50-06-43.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The commission on juvenile justice is composed of
 - 3) A representative of a ~~city police department~~ local law enforcement
2. The ~~governor~~ chairman of the legislative management shall designate one of the members of the commission to serve as the presiding officer. The governor's appointees serve at the pleasure of the governor. Excluding ex officio members, the term of a commission member is two years.
4. The commission shall:
 - e. Report to ~~and be subject to the oversight of~~ the children's cabinet;

Section 50-06-43.2 of the North Dakota Century Code is repealed.



HB 1427: Commission on Juvenile Justice & the Children's Cabinet

SECTION 1. COMMISSION ON JUVENILE JUSTICE AND CHILDREN'S CABINET. During the 2021-23 biennium, the commission on juvenile justice shall establish planning committees under the supervision of the commission to research and develop recommendations and strategies to implement best practices for juvenile justice. During the 2021-23 biennium, the children's cabinet and the commission on juvenile justice shall review and approve recommendations made by the planning committees under the supervision of the commission on juvenile justice.

SECTION 2. JUVENILE JUSTICE PLANNING COMMITTEE. 1. During the 2021-23 biennium, a juvenile justice planning committee is created under the supervision of the commission on juvenile justice. The planning committee is created to assess, identify, and develop opportunities to build a service continuum designed to safely maintain youth under system supervision in the community.....



HB 1427: Commission on Juvenile Justice & the Children's Cabinet

SECTION 3. PLANNING COMMITTEE FOR CHILDREN IN NEED OF SERVICES. 1. During the 2021-23 biennium, a planning committee for children in need of services is created under the supervision of the commission on juvenile justice. The planning committee is created to access, guide, and coordinate the transition of children in need of services being referred to the human service zones.....

SECTION 4. PLANNING COMMITTEE FOR ALTERNATIVES TO JUVENILE DETENTION. 1. During the 2021-23 biennium, a planning committee for alternatives to juvenile detention is created under the supervision of the commission on juvenile justice. The planning committee is created to access and develop alternatives to juvenile detention. Community-based alternatives to detention must be based on the principle of using the least-restrictive setting possible and returning a child to the child's home, family, or other responsible adult whenever possible consistent with public safety. Detention must be limited to only those who pose a substantial risk of serious harm to others or themselves or who are a flight risk from prosecution.....



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