

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2047

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to amend and reenact sections 25-03.2-01, 25-03.2-03, 25-03.2-07, and
2 25-03.2-10 of the North Dakota Century Code, relating to psychiatric residential treatment
3 facilities for children and rulemaking authority of the department of human services.

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

5 **SECTION 1. AMENDMENT.** Section 25-03.2-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **25-03.2-01. Definitions.**

8 In this chapter, unless the context otherwise requires:

- 9 1. "Child" or "children" means a person or persons under the age of twenty-one.
- 10 2. "Clinical supervision" means the oversight responsibility for individual treatment plans
11 and individual service delivery, ~~provided by qualified mental health professionals.~~
- 12 3. "Department" means the department of human services.
- 13 4. "Diagnostic assessment" means a written summary of the history, diagnosis, and
14 individual treatment needs of a mentally ill person using diagnostic, interview, and
15 other relevant assessment techniques ~~provided by a mental health professional.~~
- 16 5. "Individual treatment plan" means a written plan of intervention, treatment, and
17 services for a mentally ill person that is developed under the clinical supervision of a
18 mental health professional on the basis of a diagnostic assessment.
- 19 6. "Mentally ill person" has the same meaning provided for in section 25-03.1-02.
- 20 7. "Psychiatric residential treatment facility for children" means a facility or a distinct part
21 of a facility that provides to children a total, twenty-four hour, therapeutic environment
22 integrating group living, educational services, and a clinical program based upon a
23 comprehensive, interdisciplinary clinical assessment, and an individualized treatment
24 plan that meets the needs of the child and family. The services are available to

1 children in need of and able to respond to active psychotherapeutic intervention and
2 who cannot be effectively treated in their own family, in another home, or in a less
3 restrictive setting. The facility must meet the requirements of a psychiatric residential
4 treatment facility as set out in title 42, Code of Federal Regulations, part 483.352.

5 8. ~~"Qualified mental health professional" means a licensed physician who is a~~
6 ~~psychiatrist, a licensed clinical psychologist who is qualified for listing on the national~~
7 ~~register of health service providers in psychology, a licensed certified social worker~~
8 ~~who is a board-certified diplomate in clinical social work, or a nurse who holds~~
9 ~~advanced licensure in psychiatric nursing.~~

10 9. "Residential treatment" means a twenty-four hour a day program under the clinical
11 supervision of a mental health professional, in a community residential setting other
12 than an acute care hospital, for the active treatment of mentally ill persons.

13 **SECTION 2. AMENDMENT.** Section 25-03.2-03 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **25-03.2-03. Requirements for license.**

16 The department shall issue a license for the operation of a psychiatric residential treatment
17 facility for children upon a showing that:

- 18 1. The premises to be used are in fit, safe, and sanitary condition and properly equipped
19 to provide good care and treatment;
- 20 2. The program director of the facility holds, at a minimum, a master's degree in social
21 work, psychology, or in a related field with at least two years of professional
22 experience in the treatment of children suffering from mental illnesses or emotional
23 disturbances. The executive director of the facility must have, at a minimum, a
24 bachelor's degree in a behavioral science or a bachelor's degree in any field and two
25 years of experience in administration;
- 26 3. The staff employed by the facility is supervised by the program director and qualified
27 by training and experience to provide services to children suffering from mental
28 illnesses or emotional disturbances. The facility annually must provide training to staff
29 which is relevant to the needs of the client population;
- 30 4. The health, safety, and well-being of the children cared for and treated in the facility
31 will be properly safeguarded;

- 1 5. There are sufficient treatment, educational, recreational and leisure, and physical
- 2 facilities and services available to the children in the facility;
- 3 6. The facility will provide for a medical and psychological examination of each child
- 4 within seventy-two hours of admission and thereafter as needed by the child;
- 5 7. An interdisciplinary team ~~consisting of at least one qualified mental health professional~~
- 6 will review each individual treatment plan at least monthly and update or amend the
- 7 plan to meet the needs of the child;
- 8 8. The facility develops postdischarge plans and coordinates facility services and related
- 9 community services with partial discharge plans with each child's family, school, and
- 10 community upon discharge to ensure continuity of care; and
- 11 9. The facility is in compliance with requirements for psychiatric residential treatment
- 12 facilities under 42 U.S.C. 1396d [Pub. L. 89-97; 79 Stat. 351] and title 42, Code of
- 13 Federal Regulations, part 441, and with this chapter and rules adopted under this
- 14 chapter.

15 **SECTION 3. AMENDMENT.** Section 25-03.2-07 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **25-03.2-07. Method of providing service.**

18 A psychiatric residential treatment facility for children shall provide for the development of
19 an individual treatment plan, based upon a comprehensive interdisciplinary diagnostic
20 assessment, which includes the role of the family, identifies the goals and objectives of the
21 therapeutic activities and treatment, provides a schedule for accomplishing the therapeutic
22 activities and treatment goals and objectives, and identifies the individuals responsible for
23 providing services, consistent with the individual treatment plan, to children. Clinical supervision
24 of the individual treatment plan must be accomplished ~~by full-time or part-time employment of or~~
25 ~~contracts with qualified mental health professionals~~ as set forth by the department in rules.
26 Clinical supervision must be documented ~~by the qualified mental health professionals~~
27 ~~esigning in~~ individual treatment plans and by entries in the child's record regarding supervisory
28 activity.

29 **SECTION 4. AMENDMENT.** Section 25-03.2-10 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **25-03.2-10. Department may adopt rules.**

2 The department may adopt rules for the conduct of psychiatric residential treatment facilities
3 for children and shall adopt rules defining which professionals may provide clinical supervision
4 and review, and may develop, update, and sign an individual treatment plan within a psychiatric
5 residential treatment facility for children.