

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to amend and reenact ~~subsection 8 of section 25-03.2-01~~sections 25-03.2-01,
2 25-03.2-03, 25-03.2-07, and 25-03.2-10 of the North Dakota Century Code, relating to ~~the~~
3 ~~definition of a qualified mental health professional~~psychiatric residential treatment facilities for
4 children and rulemaking authority of the department of human services.

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

6 ~~SECTION 1. AMENDMENT.~~ Subsection 8 of section 25-03.2-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

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

13 ~~a. An individual who holds a state license if practicing in a field covered by a state~~
14 ~~licensure law and is a psychiatrist; an advanced practice registered nurse who~~
15 ~~holds a national certification in psychiatric mental health care registered by the~~
16 ~~board of nursing; a physician assistant with a mental health certification~~
17 ~~practicing under the supervision of a psychiatrist; a licensed marriage and family~~
18 ~~therapist; or an individual who holds a doctorate degree in psychology and is~~
19 ~~licensed by the board of psychologist examiners; or~~

20 ~~b. An individual:~~

21 ~~(1) Who holds at least a master's degree in a mental health field, including~~
22 ~~psychology, counseling and guidance, nursing, or social work, or who is an~~
23 ~~advanced practice registered nurse, a physician assistant with a mental~~
24 ~~health certification, or a physician;~~

1 ~~(2) Who holds a state license if practicing in a field covered by a state licensure~~
2 ~~law; and~~

3 ~~(3) Who has at least two years of post-degree clinical~~
4 ~~experience, supervised by another mental health professional, in assessing~~
5 ~~mental health needs and problems and in providing appropriate mental~~
6 ~~health services.~~

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

9 **25-03.2-01. Definitions.**

10 In this chapter, unless the context otherwise requires:

- 11 1. "Child" or "children" means a person or persons under the age of twenty-one.
- 12 2. "Clinical supervision" means the oversight responsibility for individual treatment plans
13 and individual service delivery, ~~provided by qualified mental health professionals.~~
- 14 3. "Department" means the department of human services.
- 15 4. "Diagnostic assessment" means a written summary of the history, diagnosis, and
16 individual treatment needs of a mentally ill person using diagnostic, interview, and
17 other relevant assessment techniques ~~provided by a mental health professional.~~
- 18 5. "Individual treatment plan" means a written plan of intervention, treatment, and
19 services for a mentally ill person that is developed under the clinical supervision of a
20 mental health professional on the basis of a diagnostic assessment.
- 21 6. "Mentally ill person" has the same meaning provided for in section 25-03.1-02.
- 22 7. "Psychiatric residential treatment facility for children" means a facility or a distinct part
23 of a facility that provides to children a total, twenty-four hour, therapeutic environment
24 integrating group living, educational services, and a clinical program based upon a
25 comprehensive, interdisciplinary clinical assessment, and an individualized treatment
26 plan that meets the needs of the child and family. The services are available to
27 children in need of and able to respond to active psychotherapeutic intervention and
28 who cannot be effectively treated in their own family, in another home, or in a less
29 restrictive setting. The facility must meet the requirements of a psychiatric residential
30 treatment facility as set out in title 42, Code of Federal Regulations, part 483.352.

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

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

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

11 **25-03.2-03. Requirements for license.**

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

- 14 1. The premises to be used are in fit, safe, and sanitary condition and properly equipped
15 to provide good care and treatment;
- 16 2. The program director of the facility holds, at a minimum, a master's degree in social
17 work, psychology, or in a related field with at least two years of professional
18 experience in the treatment of children suffering from mental illnesses or emotional
19 disturbances. The executive director of the facility must have, at a minimum, a
20 bachelor's degree in a behavioral science or a bachelor's degree in any field and two
21 years of experience in administration;
- 22 3. The staff employed by the facility is supervised by the program director and qualified
23 by training and experience to provide services to children suffering from mental
24 illnesses or emotional disturbances. The facility annually must provide training to staff
25 which is relevant to the needs of the client population;
- 26 4. The health, safety, and well-being of the children cared for and treated in the facility
27 will be properly safeguarded;
- 28 5. There are sufficient treatment, educational, recreational and leisure, and physical
29 facilities and services available to the children in the facility;
- 30 6. The facility will provide for a medical and psychological examination of each child
31 within seventy-two hours of admission and thereafter as needed by the child;

- 1 7. An interdisciplinary team ~~consisting of at least one qualified mental health professional~~
2 will review each individual treatment plan at least monthly and update or amend the
3 plan to meet the needs of the child;
- 4 8. The facility develops postdischarge plans and coordinates facility services and related
5 community services with partial discharge plans with each child's family, school, and
6 community upon discharge to ensure continuity of care; and
- 7 9. The facility is in compliance with requirements for psychiatric residential treatment
8 facilities under 42 U.S.C. 1396d [Pub. L. 89-97; 79 Stat. 351] and title 42, Code of
9 Federal Regulations, part 441, and with this chapter and rules adopted under this
10 chapter.

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

13 **25-03.2-07. Method of providing service.**

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

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

27 **25-03.2-10. Department may adopt rules.**

28 The department may adopt rules for the conduct of psychiatric residential treatment facilities
29 for children and shall adopt rules defining which professionals may provide clinical supervision
30 and review, and may develop, update, and sign an individual treatment plan within a psychiatric
31 residential treatment -facility for children.