

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 health
24 provider before incarceration.

1 **SECTION 2. 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. The legislative management shall report its findings and
9 recommendations, together with any legislation required to implement the recommendations, to
10 the sixty-eighth legislative assembly.