

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-25.1-03.1 and subsection 3 of section
2 50-25.1-05 of the North Dakota Century Code, relating to the disclosure of patient records
3 relevant to an assessment of reported child abuse or neglect.

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

5 **SECTION 1. AMENDMENT.** Section 50-25.1-03.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-25.1-03.1. Photographs - X-rays - Medical tests.**

8 Any person or official required to report under this chapter may cause to be taken color
9 photographs of the areas of trauma visible on a child who the person or official has knowledge
10 or reasonable cause to suspect is an abused or neglected child and, if indicated by medical
11 consultation, cause to be performed imaging studies, laboratory tests, colposcopies, and other
12 medical tests of the child without the consent of the child's parents or guardian. All photographs
13 and other visual images taken pursuant to this section must be taken by law enforcement
14 officials, physicians, or medical facility professionals upon the request of any person or official
15 required to report under this chapter. Photographs and visual images, or copies of them, must
16 be sent to the department or the department's designee at the time the initial report of child
17 abuse or neglect is made or as soon thereafter as possible. ~~Imaging studies or copies of the~~
18 ~~studies and copies of results of other tests conducted under this section must be provided to the~~
19 ~~department or the department's designee upon request.~~

20 **SECTION 2. AMENDMENT.** Subsection 3 of section 50-25.1-05 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 3. Except as prohibited under title 42, Code of Federal Regulations, part 2, a ~~regional-~~
23 ~~human service center~~ medical, dental, or mental health professional, hospital, medical
24 or mental health facility, or health care clinic shall disclose to the department or the

1 department's authorized agent, upon request, the records of a patient or client which
2 are ~~deemed~~ relevant, ~~by the department or the department's authorized agent~~, to an
3 assessment of reported child abuse or neglect ~~or to a services required decision~~. The
4 department, or the department's authorized agent, shall limit the request for records to
5 the minimum amount of records necessary to enable a determination to be made or to
6 support a determination of whether services are required to provide for the protection
7 and treatment of an abused or neglected child.