CHAPTER 25-02
STATE HOSPITAL

25-02-01. State hospital for the mentally ill - Location - Title - Administration and control.

An institution for the care of the mentally ill must be maintained at the city of Jamestown and must be known as the state hospital. The department of health and human services shall administer and control the state hospital.

25-02-01.1. Maintenance of state hospital accreditation - Governing body membership - Authority.

1. The department of health and human services shall seek appropriations and resources sufficient to ensure maintenance of the state hospital's accreditation by the joint commission and certification by the centers for Medicare and Medicaid services or by similar accrediting and certifying organizations and agencies possessing hospital standards recognized by the health care industry and accepted by the department.
2. The department, in consultation with the state hospital, shall create a state hospital governing body and shall by rules, policies, or bylaws describe the powers and duties of the governing body. The department shall compensate members not employed by the department in the amount of one hundred dollars per day and reimburse members for expenses incurred in attending meetings in the amounts provided by sections 44-08-04 and 54-06-09.
3. The governing body must be composed of the commissioner of the department of health and human services or designee; the director of the division of behavioral health of the department or designee, who shall serve as chairman of the governing body; the state hospital superintendent; the state hospital medical director; a representative of the department's fiscal administration division; a behavioral health consumer selected by the mental health association; and a legislator selected by the legislative management. The governing body may include other persons as appointed by the governing body.

25-02-02. Additional hospital for mentally ill located at Rugby.

Repealed by S.L. 2017, ch. 353, § 10.

25-02-03. Object of state hospital.

The state hospital is an institution for mental diseases serving specialized populations of individuals with severe mental illness, including individuals with a substance use disorder. The state hospital is one component of the North Dakota mental health delivery system and serves as a resource to community-based treatment programs. The state hospital shall, pursuant to rules or policies adopted by the department of health and human services, receive and care for all eligible individuals with severe mental illness, including individuals with a substance use disorder, residing within this state in accordance with this title, and may furnish to those individuals all needed food, shelter, treatment, and support.

25-02-03.1. Collaborative care - Consultation services.

The state hospital may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.

25-02-04. Superintendent to possess certain qualifications - Medical director - Employees.

The superintendent of the state hospital must be a skilled health care administrator with professional training and experience relating to the management of facilities for mentally ill and chemically dependent persons and relating to the needs of the mentally ill and chemically dependent persons. The medical director, who must be a licensed physician and board-certified

psychiatrist, shall recommend appointment of all physicians and clinical staff, define their qualifications and duties, and have final authority for the organization and delivery of all medical and clinical services delivered to patients at the state hospital. The state hospital governing body has final approval of all physician and clinical staff appointments to the state hospital. The superintendent shall appoint the medical director in consultation with the supervising officer and with the approval of the governing body. If the superintendent is not a licensed physician and board-certified psychiatrist, the medical director, or a qualified designee of the medical director, shall act as the superintendent's designee in all matters in which the superintendent's opinion on medical or clinical treatment is required by law. Every physician on the professional staff must have a license issued by the North Dakota board of medicine.

25-02-05. Superintendent to furnish forms and bylaws to county mental health boards.

Repealed by S.L. 1977, ch. 239, § 48.

25-02-05.1. Specialists.

Repealed by S.L. 1957, ch. 196, § 22.

25-02-06. Nonresidents admitted to state hospital.

A resident of another state or territory may be admitted to the state hospital upon payment of the full cost of treatment of such nonresident, but no resident of another state or territory may be received for treatment to the exclusion of any resident of this state.

25-02-06.1. Disposition of nonresidents - Exceptions - Reciprocal agreements.

If a person who has no legal residence in this state or whose residence is unknown is found to be a person requiring treatment in the state hospital, the person must be sent to the state hospital in the same manner, and accompanied by the same documents, as in the case of a resident of this state. The supervising department shall immediately inquire as to the residence of the person, and, if the residence is found to be in another state or country, the supervising department may arrange for transportation of the person to the place of legal residence or legal settlement. The supervising department may enter into reciprocal agreements with other states regarding the mutual exchange, return, and transportation of persons requiring treatment who are within one state but have legal residence or legal settlement in another state. The agreements may not contain any provision conflicting with any law of this state.

25-02-07. Disposition of mentally ill nonresident.

Repealed by S.L. 1961, ch. 211, § 9.

25-02-08. Expense for care of patient.

Repealed by S.L. 1961, ch. 211, § 9.

25-02-09. Care of patients to be impartial.

All patients at the state hospital must be provided with equal care and treatment in accordance with the different degrees or conditions of mental and physical health.

25-02-10. Attorney general to bring action against county.

Repealed by S.L. 1961, ch. 211, § 9.

25-02-11. County mental health board - Members, appointment, term, quorum.

Repealed by S.L. 1977, ch. 239, § 48.

25-02-12. Oath required of appointive members.

Repealed by S.L. 1977, ch. 239, § 48.

25-02-13. Meetings of county mental health board.
Repealed by S.L. 1977, ch. 239, § 48.

25-02-14. Duties of chairman of county mental health board.
Repealed by S.L. 1977, ch. 239, § 48.

25-02-15. Absence of member of county mental health board - Substitute.
Repealed by S.L. 1977, ch. 239, § 48.

25-02-16. Powers of county mental health board.
Repealed by S.L. 1977, ch. 239, § 48.

25-02-17. Compensation and expenses of county mental health board.
Repealed by S.L. 1977, ch. 239, § 48.

25-02-18. Nonliability of certain officers for detention of mentally ill persons.
Repealed by S.L. 1977, ch. 239, § 48.