

HOUSE BILL NO. 831

INTRODUCED BY J. BROWN  
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS .

IN THE HOUSE

FEBRUARY 13, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 14, 1991	FIRST READING.
FEBRUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 25, 1991	PRINTING REPORT.
FEBRUARY 26, 1991	SECOND READING, DO PASS.  ENGROSSING REPORT.
FEBRUARY 27, 1991	THIRD READING, PASSED. AYES, 98; NOES, 2.  TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.  FIRST READING.
MARCH 19, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1991	SECOND READING, CONCURRED IN.
MARCH 25, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.  RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991	RECEIVED FROM SENATE.  SENT TO ENROLLING.  REPORTED CORRECTLY ENROLLED.
----------------	---

1 HOUSE BILL NO. 831  
 2 INTRODUCED BY J. Brown  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 6 DEPARTMENT OF INSTITUTIONS TO ADOPT STANDARDS GOVERNING THE  
 7 APPROVAL OF CHEMICAL DEPENDENCY TREATMENT PROGRAMS AND RULES  
 8 GOVERNING THE USE OF COUNTYWIDE TREATMENT PLANS IN  
 9 DETERMINING COUNTY NEEDS FOR TREATMENT, REHABILITATION, AND  
 10 PREVENTION OF CHEMICAL DEPENDENCY; AND AMENDING SECTIONS  
 11 53-24-208 AND 53-24-211, MCA."  
 12

13 STATEMENT OF INTENT

14 A statement of intent is required for this bill because  
 15 [section 1] requires the department of institutions to adopt  
 16 standards for approval of chemical dependency treatment  
 17 programs and because [section 2] grants the department the  
 18 authority to adopt rules specifying the use to be made of  
 19 countywide plans for the treatment, rehabilitation, and  
 20 prevention of chemical dependency in the department's  
 21 determination of the needs of the counties. It is the intent  
 22 of the legislature that the department adopt rules  
 23 addressing the content, organization, management, and  
 24 personnel requirements of treatment programs and that the  
 25 rules governing the use of the countywide plans discourage

1 duplication of program services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4 Section 1. Section 53-24-208, MCA, is amended to read:

5 "53-24-208. Facility standards. (1) The department  
 6 shall establish standards for approved treatment facilities  
 7 that must be met for a treatment facility to be approved as  
 8 a public or private treatment facility and fix the fees to  
 9 be charged for the required inspections. The standards shall  
 10 be adopted by rule and may concern only the health standards  
 11 to be met and standards of for the approval of treatment to  
 12 be afforded programs for patients.

13 (2) Facilities applying for approval must demonstrate a  
 14 local need currently exists for proposed services and that  
 15 the proposed services do not duplicate existing local  
 16 services.

17 (3) The department shall periodically inspect approved  
 18 public and private treatment facilities at reasonable times  
 19 and in a reasonable manner.

20 (4) The department shall maintain a list of approved  
 21 public and private treatment facilities.

22 (5) Each approved public and private treatment facility  
 23 shall, on request, file with the department data,  
 24 statistics, schedules, and information the department  
 25 reasonably requires. An approved public or private treatment



-2- INTRODUCED BILL  
 HB 831

1 facility that without good cause fails to furnish any data,  
2 statistics, schedules, or information as requested or files  
3 fraudulent returns thereof shall be removed from the list of  
4 approved treatment facilities.

5 (6) The department, after holding a hearing in  
6 accordance with the Montana Administrative Procedure Act,  
7 may suspend, revoke, limit, or restrict an approval or  
8 refuse to grant an approval for failure to meet its  
9 standards.

10 (7) A district court may restrain any violation of this  
11 section, review any denial, restriction, or revocation of  
12 approval, and grant other relief required to enforce its  
13 provisions.

14 (8) Upon petition of the department and after a hearing  
15 held upon reasonable notice to the facility, a district  
16 court may issue a warrant to the department authorizing it  
17 to enter and inspect at reasonable times and examine the  
18 books and accounts of any approved public or private  
19 treatment facility refusing to consent to inspection or  
20 examination by the department or which the department has  
21 reasonable cause to believe is operating in violation of  
22 this chapter."

23 **Section 2.** Section 53-24-211, MCA, is amended to read:

24 "53-24-211. County plan to be submitted to department.

25 (1) Every 4 years each county shall submit to the department

1 a comprehensive countywide plan for the treatment,  
2 rehabilitation, and prevention of chemical dependency. Each  
3 county shall also submit annual plan updates that include,  
4 at a minimum, allocation to approved programs of revenues  
5 generated by taxation on alcoholic beverages.

6 (2) The plan must have been approved by the board of  
7 county commissioners and must contain information regarding  
8 existing private and public chemical dependency programs  
9 within the county. The plan must also contain information  
10 regarding the current and future needs of the county for the  
11 treatment, rehabilitation, and prevention of chemical  
12 dependency.

13 (3) The department shall approve or disapprove the  
14 countywide plan and annual updates. If the department  
15 disapproves a plan or update, the county may submit another  
16 plan or update to the department. In distributing funds to  
17 approved programs in a county, the department shall give  
18 consideration to the county plan.

19 (4) The department may adopt rules regarding the  
20 submission, submission dates, updates, approval, and  
21 disapproval of plans and the use of plans by the department  
22 in determining the needs of the county for the treatment,  
23 rehabilitation, and prevention of chemical dependency. No  
24 money may be distributed to a county by the department for  
25 the treatment, rehabilitation, and prevention of chemical

LC 1291/01

1 dependency if the county does not comply with these rules."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0831, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

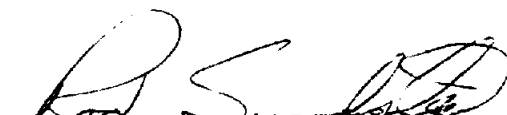
A bill for an act entitled: "An act authorizing the Department of Institutions to adopt standards governing the approval of chemical dependency treatment programs and rules governing the use of countywide treatment plans in determining county needs for treatment, rehabilitation and prevention of chemical dependency; and amending sections 53-24-208 and 53-24-211, MCA."


ASSUMPTIONS:

1. This is simply a clean up bill and will have no fiscal impact on the department.

FISCAL IMPACT:

None

  
ROD SUNDSTED, BUDGET DIRECTOR      2-18-91  
Office of Budget and Program Planning      DATE

  
JAN BROWN, PRIMARY SPONSOR      2/19/91  
Fiscal Note for HB0831, as introduced      DATE  
HB 831

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE BILL NO. 831

INTRODUCED BY J. Blum

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO ADOPT STANDARDS GOVERNING THE APPROVAL OF CHEMICAL DEPENDENCY TREATMENT PROGRAMS AND RULES GOVERNING THE USE OF COUNTYWIDE TREATMENT PLANS IN DETERMINING COUNTY NEEDS FOR TREATMENT, REHABILITATION, AND PREVENTION OF CHEMICAL DEPENDENCY; AND AMENDING SECTIONS 53-24-208 AND 53-24-211, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] requires the department of institutions to adopt standards for approval of chemical dependency treatment programs and because [section 2] grants the department the authority to adopt rules specifying the use to be made of countywide plans for the treatment, rehabilitation, and prevention of chemical dependency in the department's determination of the needs of the counties. It is the intent of the legislature that the department adopt rules addressing the content, organization, management, and personnel requirements of treatment programs and that the rules governing the use of the countywide plans discourage

duplication of program services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-24-208, MCA, is amended to read:

"53-24-208. Facility standards. (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility and fix the fees to be charged for the required inspections. The standards shall be adopted by rule and may concern only the health standards to be met and standards of for the approval of treatment to be afforded programs for patients.

(2) Facilities applying for approval must demonstrate a local need currently exists for proposed services and that the proposed services do not duplicate existing local services.

(3) The department shall periodically inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(4) The department shall maintain a list of approved public and private treatment facilities.

(5) Each approved public and private treatment facility shall, on request, file with the department data, statistics, schedules, and information the department reasonably requires. An approved public or private treatment

1 facility that without good cause fails to furnish any data,  
2 statistics, schedules, or information as requested or files  
3 fraudulent returns thereof shall be removed from the list of  
4 approved treatment facilities.

5 (6) The department, after holding a hearing in  
6 accordance with the Montana Administrative Procedure Act,  
7 may suspend, revoke, limit, or restrict an approval or  
8 refuse to grant an approval for failure to meet its  
9 standards.

10 (7) A district court may restrain any violation of this  
11 section, review any denial, restriction, or revocation of  
12 approval, and grant other relief required to enforce its  
13 provisions.

14 (8) Upon petition of the department and after a hearing  
15 held upon reasonable notice to the facility, a district  
16 court may issue a warrant to the department authorizing it  
17 to enter and inspect at reasonable times and examine the  
18 books and accounts of any approved public or private  
19 treatment facility refusing to consent to inspection or  
20 examination by the department or which the department has  
21 reasonable cause to believe is operating in violation of  
22 this chapter."

23 **Section 2.** Section 53-24-211, MCA, is amended to read:

24 "53-24-211. County plan to be submitted to department.

25 (1) Every 4 years each county shall submit to the department

1 a comprehensive countywide plan for the treatment,  
2 rehabilitation, and prevention of chemical dependency. Each  
3 county shall also submit annual plan updates that include,  
4 at a minimum, allocation to approved programs of revenues  
5 generated by taxation on alcoholic beverages.

6 (2) The plan must have been approved by the board of  
7 county commissioners and must contain information regarding  
8 existing private and public chemical dependency programs  
9 within the county. The plan must also contain information  
10 regarding the current and future needs of the county for the  
11 treatment, rehabilitation, and prevention of chemical  
12 dependency.

13 (3) The department shall approve or disapprove the  
14 countywide plan and annual updates. If the department  
15 disapproves a plan or update, the county may submit another  
16 plan or update to the department. In distributing funds to  
17 approved programs in a county, the department shall give  
18 consideration to the county plan.

19 (4) The department may adopt rules regarding the  
20 submission, submission dates, updates, approval, and  
21 disapproval of plans and the use of plans by the department  
22 in determining the needs of the county for the treatment,  
23 rehabilitation, and prevention of chemical dependency. No  
24 money may be distributed to a county by the department for  
25 the treatment, rehabilitation, and prevention of chemical

LC 1291/01

1 dependency if the county does not comply with these rules."

-End-



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*HOUSE* BILL NO. *831*

INTRODUCED BY J. Blouin  
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO ADOPT STANDARDS GOVERNING THE APPROVAL OF CHEMICAL DEPENDENCY TREATMENT PROGRAMS AND RULES GOVERNING THE USE OF COUNTYWIDE TREATMENT PLANS IN DETERMINING COUNTY NEEDS FOR TREATMENT, REHABILITATION, AND PREVENTION OF CHEMICAL DEPENDENCY; AND AMENDING SECTIONS 53-24-208 AND 53-24-211, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] requires the department of institutions to adopt standards for approval of chemical dependency treatment programs and because [section 2] grants the department the authority to adopt rules specifying the use to be made of countywide plans for the treatment, rehabilitation, and prevention of chemical dependency in the department's determination of the needs of the counties. It is the intent of the legislature that the department adopt rules addressing the content, organization, management, and personnel requirements of treatment programs and that the rules governing the use of the countywide plans discourage

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

duplication of program services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-24-208, MCA, is amended to read:

**\*53-24-208. Facility standards.** (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility and fix the fees to be charged for the required inspections. The standards shall be adopted by rule and may concern only the health standards to be met and standards of for the approval of treatment to be afforded programs for patients.

(2) Facilities applying for approval must demonstrate a local need currently exists for proposed services and that the proposed services do not duplicate existing local services.

(3) The department shall periodically inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(4) The department shall maintain a list of approved public and private treatment facilities.

(5) Each approved public and private treatment facility shall, on request, file with the department data, statistics, schedules, and information the department reasonably requires. An approved public or private treatment

1 facility that without good cause fails to furnish any data,  
2 statistics, schedules, or information as requested or files  
3 fraudulent returns thereof shall be removed from the list of  
4 approved treatment facilities.

5 (6) The department, after holding a hearing in  
6 accordance with the Montana Administrative Procedure Act,  
7 may suspend, revoke, limit, or restrict an approval or  
8 refuse to grant an approval for failure to meet its  
9 standards.

10 (7) A district court may restrain any violation of this  
11 section, review any denial, restriction, or revocation of  
12 approval, and grant other relief required to enforce its  
13 provisions.

14 (8) Upon petition of the department and after a hearing  
15 held upon reasonable notice to the facility, a district  
16 court may issue a warrant to the department authorizing it  
17 to enter and inspect at reasonable times and examine the  
18 books and accounts of any approved public or private  
19 treatment facility refusing to consent to inspection or  
20 examination by the department or which the department has  
21 reasonable cause to believe is operating in violation of  
22 this chapter."

23 **Section 2.** Section 53-24-211, MCA, is amended to read:

24 "53-24-211. County plan to be submitted to department.

25 (1) Every 4 years each county shall submit to the department

1 a comprehensive countywide plan for the treatment,  
2 rehabilitation, and prevention of chemical dependency. Each  
3 county shall also submit annual plan updates that include,  
4 at a minimum, allocation to approved programs of revenues  
5 generated by taxation on alcoholic beverages.

6 (2) The plan must have been approved by the board of  
7 county commissioners and must contain information regarding  
8 existing private and public chemical dependency programs  
9 within the county. The plan must also contain information  
10 regarding the current and future needs of the county for the  
11 treatment, rehabilitation, and prevention of chemical  
12 dependency.

13 (3) The department shall approve or disapprove the  
14 countywide plan and annual updates. If the department  
15 disapproves a plan or update, the county may submit another  
16 plan or update to the department. In distributing funds to  
17 approved programs in a county, the department shall give  
18 consideration to the county plan.

19 (4) The department may adopt rules regarding the  
20 submission, submission dates, updates, approval, and  
21 disapproval of plans and the use of plans by the department  
22 in determining the needs of the county for the treatment,  
23 rehabilitation, and prevention of chemical dependency. No  
24 money may be distributed to a county by the department for  
25 the treatment, rehabilitation, and prevention of chemical

LC 1291/01

1 dependency if the county does not comply with these rules."

-End-

HOUSE BILL NO. 831

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO ADOPT STANDARDS GOVERNING THE APPROVAL OF CHEMICAL DEPENDENCY TREATMENT PROGRAMS AND RULES GOVERNING THE USE OF COUNTYWIDE TREATMENT PLANS IN DETERMINING COUNTY NEEDS FOR TREATMENT, REHABILITATION, AND PREVENTION OF CHEMICAL DEPENDENCY; AND AMENDING SECTIONS 53-24-208 AND 53-24-211, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 1] requires the department of institutions to adopt standards for approval of chemical dependency treatment programs and because [section 2] grants the department the authority to adopt rules specifying the use to be made of countywide plans for the treatment, rehabilitation, and prevention of chemical dependency in the department's determination of the needs of the counties. It is the intent of the legislature that the department adopt rules addressing the content, organization, management, and personnel requirements of treatment programs and that the rules governing the use of the countywide plans discourage

duplication of program services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-24-208, MCA, is amended to read:

"53-24-208. Facility standards. (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility and fix the fees to be charged for the required inspections. The standards shall be adopted by rule and may concern only the health standards to be met and standards of for the approval of treatment to be afforded programs for patients.

(2) Facilities applying for approval must demonstrate a local need currently exists for proposed services and that the proposed services do not duplicate existing local services.

(3) The department shall periodically inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(4) The department shall maintain a list of approved public and private treatment facilities.

(5) Each approved public and private treatment facility shall, on request, file with the department data, statistics, schedules, and information the department reasonably requires. An approved public or private treatment

1 facility that without good cause fails to furnish any data,  
2 statistics, schedules, or information as requested or files  
3 fraudulent returns thereof shall be removed from the list of  
4 approved treatment facilities.

5 (6) The department, after holding a hearing in  
6 accordance with the Montana Administrative Procedure Act,  
7 may suspend, revoke, limit, or restrict an approval or  
8 refuse to grant an approval for failure to meet its  
9 standards.

10 (7) A district court may restrain any violation of this  
11 section, review any denial, restriction, or revocation of  
12 approval, and grant other relief required to enforce its  
13 provisions.

14 (8) Upon petition of the department and after a hearing  
15 held upon reasonable notice to the facility, a district  
16 court may issue a warrant to the department authorizing it  
17 to enter and inspect at reasonable times and examine the  
18 books and accounts of any approved public or private  
19 treatment facility refusing to consent to inspection or  
20 examination by the department or which the department has  
21 reasonable cause to believe is operating in violation of  
22 this chapter."

23 **Section 2.** Section 53-24-211, MCA, is amended to read:

24 "53-24-211. County plan to be submitted to department.

25 (1) Every 4 years each county shall submit to the department

1 a comprehensive countywide plan for the treatment,  
2 rehabilitation, and prevention of chemical dependency. Each  
3 county shall also submit annual plan updates that include,  
4 at a minimum, allocation to approved programs of revenues  
5 generated by taxation on alcoholic beverages.

6 (2) The plan must have been approved by the board of  
7 county commissioners and must contain information regarding  
8 existing private and public chemical dependency programs  
9 within the county. The plan must also contain information  
10 regarding the current and future needs of the county for the  
11 treatment, rehabilitation, and prevention of chemical  
12 dependency.

13 (3) The department shall approve or disapprove the  
14 countywide plan and annual updates. If the department  
15 disapproves a plan or update, the county may submit another  
16 plan or update to the department. In distributing funds to  
17 approved programs in a county, the department shall give  
18 consideration to the county plan.

19 (4) The department may adopt rules regarding the  
20 submission, submission dates, updates, approval, and  
21 disapproval of plans and the use of plans by the department  
22 in determining the needs of the county for the treatment,  
23 rehabilitation, and prevention of chemical dependency. No  
24 money may be distributed to a county by the department for  
25 the treatment, rehabilitation, and prevention of chemical

HB 0831/02

1 dependency if the county does not comply with these rules."

-End-