

HOUSE BILL 862

Introduced by Bradley, et al.

2/14	Introduced
2/14	Referred to Human Services & Aging
2/15	First Reading
2/15	Fiscal Note Requested
2/20	Fiscal Note Received
2/21	Fiscal Note Printed
2/22	Hearing
2/23	Committee Report--Bill Passed
2/26	2nd Reading Passed
2/27	3rd Reading Passed
	Transmitted to Senate
2/27	Referred to Public Health, Welfare & Safety
3/04	First Reading
3/18	Hearing
4/01	Tabled in Committee

1 Acase BILL NO. 862
 2 INTRODUCED BY Bradley Blaylock
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE REQUIREMENTS
 6 FOR SCREENING VOLUNTARY ADMISSIONS TO THE MONTANA STATE
 7 HOSPITAL; TO REQUIRE ADMITTING PROFESSIONALS TO ASSURE THAT
 8 INDIVIDUALS WHO ARE VOLUNTARILY ADMITTED TO THE STATE
 9 HOSPITAL REQUIRE INPATIENT TREATMENT AND THAT
 10 COMMUNITY-BASED SERVICES CANNOT PROVIDE ADEQUATE EVALUATION
 11 OR TREATMENT; TO GRANT THE DEPARTMENT OF INSTITUTIONS
 12 AUTHORITY TO ADOPT RULES; AMENDING SECTION 53-21-111, MCA;
 13 AND PROVIDING AN EFFECTIVE DATE."

14 STATEMENT OF INTENT

15 A statement of intent is necessary for this bill because
16 it requires the department of institutions to adopt rules to
17 implement the provisions of 53-21-111(2).
18

19 It is the intent of the legislature that rules adopted
20 by the department provide procedures and standards for
21 voluntary admissions to the Montana state hospital.
22 Procedures for voluntary admissions should provide for the
23 designation of "admitting professionals" whose function is
24 to assure that individuals who are voluntarily admitted to
25 the state hospital have a mental disorder that requires

1 inpatient treatment and that available community-based
2 services cannot provide adequate evaluation or treatment.

3 It is also intended that rules address the number,
4 responsibilities, and qualifications of the admitting
5 professionals and their knowledge of the public mental
6 health system, including alternatives to inpatient treatment
7 at the Montana state hospital.

8 Finally, it is intended that rules encourage treatment
9 of mental illness in the least restrictive environment
10 necessary to achieve the purposes of commitment, as required
11 in 53-21-101 and 53-21-142.

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 53-21-111, MCA, is amended to read:

15 "53-21-111. Voluntary admission. (1) Nothing in this
16 part may be construed in any way as limiting the right of
17 any person to make voluntary application for admission at
18 any time to any mental health facility or professional
19 person. An application for admission to a mental health
20 facility shall be in writing on a form prescribed by the
21 facility and approved by the department. It is not valid
22 unless it is approved by a professional person and a copy is
23 given to the person voluntarily admitting himself. A
24 statement of the rights of the person voluntarily applying
25 for admission, as set out in this part, including the right

1 to release, shall be furnished to the patient within 12
2 hours.

3 (2) Any An applicant who wishes to voluntarily apply
4 for admission to the state hospital shall first obtain
5 ~~certification--from-a-professional-person-that-the-applicant~~
6 ~~is-suffering-from-a-mental-disorder--The-professional-person~~
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12 ~~person-shall-obtain-the-confirmation-from-a-community-mental~~
13 ~~health-center-as-required-in-this-section~~ referral from an
14 admitting professional working in the community-based mental
15 health system. Before admission may be approved, the
16 admitting professional making the referral shall consult
17 with the designated admitting professional at the state
18 hospital. A voluntary admission may take place only when
19 there is agreement between the admitting professional making
20 the referral and the admitting professional at the state
21 hospital that the applicant has a mental disorder that
22 requires inpatient treatment and that services available
23 through community-based services cannot provide adequate
24 evaluation or treatment. The department shall adopt rules to
25 implement this subsection.

1 (3) An application for voluntary admission shall give
2 the facility the right to detain the applicant for no more
3 than 5 days, excluding weekends and holidays, past his
4 written request for release. A mental health facility may
5 adopt rules providing for detention of the applicant for
6 less than 5 days. The facility must notify all applicants of
7 such rules and post such rules as provided in 53-21-168.

8 (4) Any person voluntarily entering or remaining in any
9 mental health facility shall enjoy all the rights secured to
10 a person involuntarily committed to the facility."

11 NEW SECTION. Section 2. Effective date. [This act] is
12 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0862, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act to revise requirements for screening voluntary admissions to the Montana State Hospital; to require admitting professionals to assure that individuals who are voluntarily admitted to the state hospital require inpatient treatment and that community-based services cannot provide adequate evaluation or treatment; to grant the Department of Institutions authority to adopt rules; amending section 53-21-111, MCA; and providing an effective date."

ASSUMPTIONS:


1. The screening process will be funded by the current level Mental Health System budget.
2. Screening of potential Montana State Hospital voluntary admissions should tend to decrease the patient population somewhat near the latter part of the biennium; however, the extent of that decrease cannot be projected at this time.

FISCAL IMPACT:

Unknown at this time.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This bill may reduce the population at the Montana State Hospital, which could result in long term savings in the operations budget.



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-19-91



DOROTHY BRADLEY, PRIMARY SPONSOR DATE
2/21/91

Fiscal Note for HB0862, as introduced

HB 862

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

1 Acase BILL NO. 862
2 INTRODUCED BY Bradley Blaylock
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS *Hattery*

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6 health system, including alternatives to inpatient treatment
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