

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *408*
 2 INTRODUCED BY *Healey*
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAWS RELATING TO COMMUNITY MENTAL HEALTH SERVICES; AMENDING
 7 SECTIONS 53-21-124, 53-21-201, 53-21-202, AND 53-21-212,
 8 MCA; AND PROVIDING AN EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 53-21-201, MCA, is amended to read:
 12 "53-21-201. Definitions. As used in this part, the
 13 following definitions apply:
 14 ~~{1}--"Public--mental--health--facility"--means--any--public~~
 15 ~~service--or--group--of--services--offering--mental--health--care--on~~
 16 ~~an--inpatient--or--outpatient--basis--to--the--mentally--ill--~~
 17 ~~{2}(1) "Community comprehensive mental health center"~~
 18 ~~means a facility, not necessarily encompassed within one~~
 19 ~~building, offering that is licensed by the department of~~
 20 ~~health and environmental sciences as a mental health center,~~
 21 ~~as defined in 50-5-101, and that offers comprehensive mental~~
 22 ~~health services that include at least the following six~~
 23 ~~basic--mental--health services to the public:~~
 24 ~~{a)--24-hour--inpatient--care;~~
 25 ~~{b)--part--time--hospitalization;~~

1 ~~{c)--outpatient--service;~~
 2 ~~{d)--emergency--service;~~
 3 {a) outpatient services, including specialized
 4 outpatient services for children, the elderly, individuals
 5 who have serious mental illness, and residents of its
 6 service area who have been discharged from inpatient
 7 treatment at a mental health facility;
 8 {b) 24-hour-a-day emergency care services;
 9 {c) day treatment or other partial hospitalization
 10 services or psychosocial rehabilitation services;
 11 {d) screening for patients being considered for
 12 admission to state mental health facilities to determine the
 13 appropriateness of admission; and
 14 {e) consultation and education in mental health;
 15 {f) precare and aftercare.
 16 ~~{3}--"Mental-health-clinic"--means--an--outpatient--facility~~
 17 ~~offering--mental--health--care--to--the--public.~~
 18 ~~{4}(2) "Department" means the department of~~
 19 ~~institutions."~~

20 **Section 2.** Section 53-21-202, MCA, is amended to read:
 21 "53-21-202. Duties of department. The department shall:
 22 (1) take cognizance of matters affecting the mental
 23 health of the citizens of the state;
 24 (2) initiate preventive-mental-health-activities-of-the
 25 statewide-mental-health-programs--including-but-not--limited



-2- INTRODUCED BILL
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1 to--the--implementation-of mental health care and treatment,
 2 prevention, and research as can best be accomplished by
 3 community-centered services. Such means shall be utilized to
 4 initiate and operate these services in cooperation with
 5 local agencies as established under this part.

6 ~~{3}--make-scientific-and-medical-research-investigations~~
 7 ~~relative-to-the-incidence, cause, prevention, treatment, and~~
 8 ~~care-of-the-mentally-ill;~~

9 {4}{3} collect and disseminate information relating to
 10 mental health;

11 {5}{4} prepare and maintain a comprehensive plan for
 12 the development of public mental health services in the
 13 state; ~~--The-public-mental-health-services-shall-include-but~~
 14 ~~not-be-limited--to--community-comprehensive-mental--health~~
 15 ~~centers, mental-health-clinics, traveling-service-units, and~~
 16 ~~consultative-and-educational-services;~~

17 {6}--provide--by--regulations--for--the--examination--of
 18 persons-who-apply-for-examination-or-who-are-admitted-either
 19 as--inpatients--or-outpatients-to-the-Montana-state-hospital
 20 or-other-public-mental-health-facilities;

21 {7}{5} receive from agencies of the United States and
 22 other state agencies, persons or groups of persons,
 23 associations, firms, or corporations grants of money,
 24 receipts from fees, gifts, supplies, materials, and
 25 contributions for the development of mental health services

1 within the state;

2 {8}{6} establish standards for public mental health
 3 facilities programs that receive funds from the department;
 4 and

5 {9}{7} evaluate performance of ~~public--mental-health~~
 6 facilities programs that receive funds from the department
 7 in compliance with federal and state standards."

8 **Section 3.** Section 53-21-212, MCA, is amended to read:
 9 "53-21-212. Definitions. As used in 53-21-211 through
 10 53-21-214, ~~unless--the--context--requires--otherwise,--the~~
 11 ~~following-definitions-apply:~~

12 {1}--"Community--mental-health-center"--means-a-community
 13 ~~comprehensive-mental-health-center-as-defined-in-53-21-201;~~

14 {2} the term "State state agency" means:

15 {a}{1} the department of health and environmental
 16 sciences provided for in 2-15-2101;

17 {b}{2} the department of social and rehabilitation
 18 services provided for in 2-15-2201;

19 {c}{3} the department of institutions provided for in
 20 2-15-2301; and

21 {d}{4} the mental disabilities board of visitors
 22 provided for in 2-15-211."

23 **Section 4.** Section 53-21-124, MCA, is amended to read:
 24 "53-21-124. Detention of respondent pending hearing or
 25 trial. (1) The court may not order detention of respondent

1 pending the hearing unless requested by the county attorney
 2 and upon the existence of probable cause for detention.
 3 Counsel shall be orally notified immediately. Counsel for
 4 the respondent may then request a detention hearing, which
 5 shall be held forthwith.

6 (2) In the event of detention, the respondent shall be
 7 detained in the least restrictive setting necessary to
 8 assure his presence and assure his safety and the safety of
 9 others as provided in 53-21-120. A respondent may be
 10 detained in a jail or other correctional facility only if no
 11 appropriate mental health facility is immediately available
 12 for placement. When the respondent is detained in a jail or
 13 other correctional facility, the jail or other facility
 14 shall immediately notify the regional ~~central~~ office of the
 15 nearest community mental health ~~facility~~ center, as defined
 16 in 53-21-201, that a person detained in the jail or
 17 correctional facility is in need of an appropriate
 18 placement. Upon notification, the community mental health
 19 ~~facility~~ center shall identify an appropriate placement for
 20 the respondent, in accordance with the requirements of
 21 53-21-120. Until a placement is identified, the community
 22 mental health ~~facility~~ center shall report on the status of
 23 the placement to the jail or correctional facility within
 24 every 12-hour period, including weekends and holidays. When
 25 an appropriate placement has been identified, the court must

1 be promptly notified and the respondent must be transferred
 2 to that facility as soon as reasonably practical.

3 (3) If the respondent is detained, he shall have the
 4 right to be examined additionally by a professional person
 5 of his choice. Unless objection is made by counsel for the
 6 respondent, he shall continue to be evaluated and treated by
 7 the professional person pending the hearing."

8 NEW SECTION. Section 5. Effective date. [This act] is
 9 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 SB0408, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act to generally revise the laws relating to community mental health services; amending Sections 53-21-124, 53-21-201, 53-21-202, and 53-21-212, MCA; and providing an effective date.

ASSUMPTIONS:

1. This is a bill to revise the laws relating to community mental health services.
2. This is a "clean up" language bill.

FISCAL IMPACT:

None.


ROD SUNDSTED, BUDGET DIRECTOR 2-21-91 DATE
Office of Budget and Program Planning


THOMAS F. KEATING, PRIMARY SPONSOR 2/22/91 DATE
Fiscal Note for SB0408, as introduced SB 408

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

Senate BILL NO. *408*

INTRODUCED BY *Hating*
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO COMMUNITY MENTAL HEALTH SERVICES; AMENDING SECTIONS 53-21-124, 53-21-201, 53-21-202, AND 53-21-212, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 53-21-201, MCA, is amended to read:

"53-21-201. Definitions. As used in this part, the following definitions apply:

~~{1}--"Public--mental--health--facility"--means--any--public--service--or--group--of--services--offering--mental--health--care--on--an--inpatient--or--outpatient--basis--to--the--mentally--ill--~~

{2}{1} "Community comprehensive mental health center" means a facility, not necessarily encompassed within one building, offering that is licensed by the department of health and environmental sciences as a mental health center, as defined in 50-5-101, and that offers comprehensive mental health services that include at least the following six basic-mental-health services to the public:

- {a}--24-hour-inpatient-care;
- {b}--part-time-hospitalization;

- {c}--outpatient-service;
- {d}--emergency-service;
- {a} outpatient services, including specialized outpatient services for children, the elderly, individuals who have serious mental illness, and residents of its service area who have been discharged from inpatient treatment at a mental health facility;
- {b} 24-hour-a-day emergency care services;
- {c} day treatment or other partial hospitalization services or psychosocial rehabilitation services;
- {d} screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission; and
- {e} consultation and education in mental health;
- {f} precare-and-aftercare.
- ~~{3}--"Mental-health-clinic"--means--an--outpatient--facility--offering--mental--health--care--to--the--public--~~
- ~~{4}{2} "Department" means the department of institutions."~~

Section 2. Section 53-21-202, MCA, is amended to read:

"53-21-202. Duties of department. The department shall:

- {1} take cognizance of matters affecting the mental health of the citizens of the state;
- {2} initiate ~~preventive-mental-health-activities-of-the statewide-mental-health-programs, including-but-not--limited~~



-2- SECOND READING
SB 408

1 to--the--implementation-of mental health care and treatment,
 2 prevention, and research as can best be accomplished by
 3 community-centered services. Such means shall be utilized to
 4 initiate and operate these services in cooperation with
 5 local agencies as established under this part.

6 ~~{3}--make-scientific-and-medical-research-investigations~~
 7 ~~relative-to-the-incidence, cause, prevention, treatment, and~~
 8 ~~care-of-the-mentally-ill;~~

9 {4}{3} collect and disseminate information relating to
 10 mental health;

11 {5}{4} prepare and maintain a comprehensive plan for
 12 the development of public mental health services in the
 13 state; ~~---The-public-mental-health-services-shall-include-but~~
 14 ~~not-be-limited--to--community--comprehensive--mental--health~~
 15 ~~centers, mental-health-clinics, traveling-service-units, and~~
 16 ~~consultative-and-educational-services;~~

17 ~~{6}--provide--by--regulations--for--the--examination--of~~
 18 ~~persons-who-apply-for-examination-or-who-are-admitted-either~~
 19 ~~as--inpatients--or-outpatients-to-the-Montana-state-hospital~~
 20 ~~or-other-public-mental-health-facilities;~~

21 {7}{5} receive from agencies of the United States and
 22 other state agencies, persons or groups of persons,
 23 associations, firms, or corporations grants of money,
 24 receipts from fees, gifts, supplies, materials, and
 25 contributions for the development of mental health services

1 within the state;

2 {8}{6} establish standards for public mental health
 3 facilities programs that receive funds from the department;
 4 and

5 {9}{7} evaluate performance of public--mental-health
 6 facilities programs that receive funds from the department
 7 in compliance with federal and state standards."

8 **Section 3.** Section 53-21-212, MCA, is amended to read:

9 "53-21-212. Definitions. As used in 53-21-211 through
 10 53-21-214, ~~unless--the--context--requires--otherwise,---the~~
 11 ~~following-definitions-apply:~~

12 {1}--"Community--mental-health-center"--means-a-community
 13 ~~comprehensive-mental-health-center-as-defined-in-53-21-201;~~

14 {2} the term "State state agency" means:

15 {a}{1} the department of health and environmental
 16 sciences provided for in 2-15-2101;

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 18 services provided for in 2-15-2201;

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 20 2-15-2301; and

21 {d}{4} the mental disabilities board of visitors
 22 provided for in 2-15-211."

23 **Section 4.** Section 53-21-124, MCA, is amended to read:

24 "53-21-124. Detention of respondent pending hearing or
 25 trial. (1) The court may not order detention of respondent

1 pending the hearing unless requested by the county attorney
 2 and upon the existence of probable cause for detention.
 3 Counsel shall be orally notified immediately. Counsel for
 4 the respondent may then request a detention hearing, which
 5 shall be held forthwith.

6 (2) In the event of detention, the respondent shall be
 7 detained in the least restrictive setting necessary to
 8 assure his presence and assure his safety and the safety of
 9 others as provided in 53-21-120. A respondent may be
 10 detained in a jail or other correctional facility only if no
 11 appropriate mental health facility is immediately available
 12 for placement. When the respondent is detained in a jail or
 13 other correctional facility, the jail or other facility
 14 shall immediately notify the regional central office of the
 15 nearest community mental health facility center, as defined
 16 in 53-21-201, that a person detained in the jail or
 17 correctional facility is in need of an appropriate
 18 placement. Upon notification, the community mental health
 19 facility center shall identify an appropriate placement for
 20 the respondent, in accordance with the requirements of
 21 53-21-120. Until a placement is identified, the community
 22 mental health facility center shall report on the status of
 23 the placement to the jail or correctional facility within
 24 every 12-hour period, including weekends and holidays. When
 25 an appropriate placement has been identified, the court must

1 be promptly notified and the respondent must be transferred
 2 to that facility as soon as reasonably practical.

3 (3) If the respondent is detained, he shall have the
 4 right to be examined additionally by a professional person
 5 of his choice. Unless objection is made by counsel for the
 6 respondent, he shall continue to be evaluated and treated by
 7 the professional person pending the hearing."

8 NEW SECTION. Section 5. Effective date. [This act] is
 9 effective July 1, 1991.

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 22 health services that include at least the following ~~six~~
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- 19 institutions."

20 **Section 2.** Section 53-21-202, MCA, is amended to read:
 21 "53-21-202. Duties of department. The department shall:
 22 (1) take cognizance of matters affecting the mental
 23 health of the citizens of the state;
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 25 ~~statewide-mental-health-programs,-including-but-not--limited~~

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23 **Section 4.** Section 53-21-124, MCA, is amended to read:

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 25 **trial.** (1) The court may not order detention of respondent

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 3 Counsel shall be orally notified immediately. Counsel for
 4 the respondent may then request a detention hearing, which
 5 shall be held forthwith.

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 7 detained in the least restrictive setting necessary to
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 22 mental health facility center shall report on the status of
 23 the placement to the jail or correctional facility within
 24 every 12-hour period, including weekends and holidays. When
 25 an appropriate placement has been identified, the court must

1 be promptly notified and the respondent must be transferred
 2 to that facility as soon as reasonably practical.

3 (3) If the respondent is detained, he shall have the
 4 right to be examined additionally by a professional person
 5 of his choice. Unless objection is made by counsel for the
 6 respondent, he shall continue to be evaluated and treated by
 7 the professional person pending the hearing."

8 NEW SECTION. Section 5. Effective date. [This act] is
 9 effective July 1, 1991.

-End-