SENATE BILL NO. 408

INTRODUCED BY KEATING BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

	IN THE SENATE
FEBRUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
FEBRUARY 21, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 22, 1991	PRINTING REPORT.
FEBRUARY 23, 1991	SECOND READING, DO PASS.
FEBRUARY 25, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
MARCH 15, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 16, 1991	ON MOTION, CONSIDERATION PASSED
MARCH 18, 1991	ON MOTION, CONSIDERATION PASSED
MARCH 19, 1991	SECOND READING, CONCURRED IN.
MARCH 20, 1991	THIRD READING, CONCURRED IN. AYES, 89; NOES, 10.
	RETURNED TO SENATE.
	IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

MARCH 21, 1991

REPORTED CORRECTLY ENROLLED.

1	Since BILL NO. 408	
2	INTRODUCED BY Trating	
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)"Publicmentalhealthfacility"-means-any-public	
15	service-or-group-of-services-offering-mental-health-careon	
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	<pre>tb)part-time-hospitalization;</pre>	

1	{c}outpatient-service;	
2	<pre>td)emergency-service;</pre>	
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 impatient	
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	ff) precare-and-aftercare.	
16	6 (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-notlimited	



INTRODUCED BILL 58 408

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

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- (3)--make-scientific-and-medical-research-investigations relative-to-the-incidence;-cause;-prevention;-treatment;-and care-of-the-mentally-ill;
- 9 (4)(3) collect and disseminate information relating to
 10 mental health;
 - t5)(4) prepare and maintain a comprehensive plan for the development of public mental health services in the state; -- The public mental health services shall include but not be limited -- to -- community -- comprehensive -- mental -- health centers, mental -- health cinics, -- traveling -- service -- units, -- and consultative -- and -- educational -- services:
 - (6)--provide--by--regulations--for--the--examination--of persons-who-apply-for-examination-or-who-are-admitted-either as--inpatients--or-outpatients-to-the-Montana-state-hospital or-other-public-mental-health-facilities;
 - t7)(5) receive from agencies of the United States and other state agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services

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

pending the hearing unless requested by the county attorney
and upon the existence of probable cause for detention.

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

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

- be promptly notified and the respondent must be transferred 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 <u>NEW SECTION.</u> **Section 5.** Effective date. {This act} is 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 DATE

Office of Budget and Program Planning

THOMAS F. KEATING, PRIMARY SPONSOR

Fiscal Note for SB0408, as introduced

SB 408

LC 1286/01 APPROVED BY COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

1	Sinte BILL NO. 408	
2	INTRODUCED BY Kinting	
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	
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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	<pre>fl;*Publicmentalhealthfacility*-means-any-public</pre>	
15	service-or-group-of-services-offering-mental-health-careon	
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 5±x	
23	basic-mental-health services to the public:	
24	(a)24-hour-inpatient-care;	
25	<pre>(b)part-time-hospitalization;</pre>	

1	(C)odepatient-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 impatient	
7	treatment at a mental health facility;	
8	(b) 24-hour-a-day emergency care services;	
9	(c) day treatment or other partial hospitalization	
LO	services or psychosocial rehabilitation services;	
11	(d) screening for patients being considered for	
L 2	admission to state mental health facilities to determine the	
L 3	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	
24	health of the citizens of the state.	

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statewide-mental-health-programs;-including-but-not--limited

(2) initiate preventive-mental-health-activities-of-the

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

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- (3)--make-scientific-and-medical-research-investigations relative-to-the-incidence;-cause;-prevention;-treatment;-and care-of-the-mentally-ill;
- 9 (4)(3) collect and disseminate information relating to
 10 mental health:
 - t5)(4) prepare and maintain a comprehensive plan for the development of public mental health services in the state; r--The-public-mental-health-services-shall-include-but not-be-limited--to--community--comprehensive--mental-health centersy-mental-health-clinicsy-traveling-service-unitsy-and consultative-and-educational-services-
 - (6)--provide--by--regulations--for--the--examination--of persons-who-apply-for-examination-or-who-are-admitted-either as--inpatients--or-outpatients-to-the-Montana-state-hospital or-other-public-mental-health-facilities;
 - t77(5) receive from agencies of the United States and other state agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services

- 1 within the state;
- 2 (8)(6) establish standards for public mental health
- 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 (t)--"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 te)(3) the department of institutions provided for in
- 20 2-15-2301; and
- 21 fd)(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

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- pending the hearing unless requested by the county attorney 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 facility center shall identify an appropriate placement for 19 20 the respondent, in accordance with the requirements of 53-21-120. Until a placement is identified, the community 21 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

 $\ensuremath{\mathtt{1}}$ be promptly notified and the respondent must be transferred

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 <u>NEW SECTION.</u> **Section 5.** Effective date. [This act] is 9 effective July 1, 1991.

-End-

1	Sente BILL NO. 408	
2	INTRODUCED BY Dealing	
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	
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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)"Publicmentalhealthfacility"-means-any-public	
15	service-or-group-of-services-offering-mental-health-careon	
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	tb;part-time-hospitalization;	

1	<pre>fc?outpatient-service;</pre>
2	<pre>{d}emergency-service;</pre>
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
0	services or psychosocial rehabilitation services;
1	(d) screening for patients being considered for
. 2	admission to state mental health facilities to determine the
. 3	appropriateness of admission; and
. 4	(e) consultation and education in mental health;
15	(f) precare-and-aftercare.
16	(3)Mental-health-clinicmeans-an-outpatient-facility
17	offering-mental-health-care-to-the-public:
.8	(4)(2) "Department" means the department of
9	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 menta
23	health of the citizens of the state;
2.4	(2) initiate preventive-mental-health-activities-of-th
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statewide-mental-health-programs,-including-but-not--limited

THIRD READING

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- (3)--make-scientific-and-medical-research-investigations relative-to-the-incidence,-cause,-prevention,-treatment,-and care-of-the-mentally-ill;
- 9 (4)(3) collect and disseminate information relating to
 10 mental health:
 - t5)(4) prepare and maintain a comprehensive plan for the development of public mental health services in the state; --The-public-mental-health-services-shall-include-but not-be-limited--to--community--comprehensive--mental--health centers; mental-health-clinics; -traveling-service-units; -and consultative-and-educational-services;
 - t6}--provide--by--regulations--for--the--examination--of
 persons-who-apply-for-examination-or-who-are-admitted-either
 as--inpatients--or-outpatients-to-the-Montana-state-hospital
 or-other-public-mental-health-facilities;
 - t77(5) receive from agencies of the United States and other state agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services

- 1 within the state;
- and 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."
- 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 ta)(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."
- 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

pending the hearing unless requested by the county attorney
and upon the existence of probable cause for detention.

Counsel shall be orally notified immediately. Counsel for
the respondent may then request a detention hearing, which
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(2) In the event of detention, the respondent shall be detained in the least restrictive setting necessary to assure his presence and assure his safety and the safety of others as provided in 53-21-120. A respondent may be detained in a jail or other correctional facility only if no appropriate mental health facility is immediately available for placement. When the respondent is detained in a jail or other correctional facility, the jail or other facility shall immediately notify the regional central office of the nearest community mental health facility center, as defined in 53-21-201, that a person detained in the jail or correctional facility is in need of an appropriate placement. Upon notification, the community mental health facility center shall identify an appropriate placement for the respondent, in accordance with the requirements of 53-21-120. Until a placement is identified, the community mental health facility center shall report on the status of the placement to the jail or correctional facility within every 12-hour period, including weekends and holidays. When an appropriate placement has been identified, the court must

- 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 <u>NEW SECTION.</u> Section 5. Effective date. (This act) is 9 effective July 1, 1991.

-End-

1	SENATE BILL NO. 408	1	<pre>tc)outpatient-service;</pre>
2	INTRODUCED BY KEATING	2	<pre>{d}emergency-service;</pre>
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS	3	(a) outpatient services, including specialized
4		4	outpatient services for children, the elderly, individuals
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	5	who have serious mental illness, and residents of its
6	LAWS RELATING TO COMMUNITY MENTAL HEALTH SERVICES; AMENDING	6	service area who have been discharged from inpatient
7	SECTIONS 53-21-124, 53-21-201, 53-21-202, AND 53-21-212,	7	treatment at a mental health facility;
8	MCA; AND PROVIDING AN EFFECTIVE DATE."	8	(b) 24-hour-a-day emergency care services;
9		9	(c) day treatment or other partial hospitalization
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	services or psychosocial rehabilitation services;
11	Section 1. Section 53-21-201, MCA, is amended to read:	11	(d) screening for patients being considered for
12	"53-21-201. Definitions. As used in this part, the	12	admission to state mental health facilities to determine the
13	following definitions apply:	13	appropriateness of admission; and
14	(1)"Publicmentalhealthfacility"-means-any-public	14	(e) consultation and education in mental health;
15	service-or-group-of-services-offering-mental-health-careon	15	(f) precare-and-aftercare.
16	an-inpatient-or-outpatient-basis-to-the-montally-ill-	16	(3)"Mental-health-clinic"-means-an-outpatient-facility
17	(2)(1) "Community comprehensive mental health center"	17	offering-mental-health-care-to-the-public:
18	means a facility, not necessarily encompassed within one	18	(4)(2) "Department" means the department of
19	building, offering that is licensed by the department of	19	institutions."
20	health and environmental sciences as a mental health center,	20	Section 2. Section 53-21-202, MCA, is amended to read:
21	as defined in 50-5-101, and that offers comprehensive mental	21	"53-21-202. Duties of department. The department shall:
22	health services that include at least the following six	22	(1) take cognizance of matters affecting the mental
23	basic-mental-health services to the public:	23	health of the citizens of the state;
24	(a)24-hour-impatient-care;	24	(2) initiate preventive-mental-health-activities-of-the
25	(b)part-time-hospitalization;	25	statewide-mental-health-programs;-including-but-notlimited

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(4)(3) collect and disseminate information relating to
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(5) prepare and maintain a comprehensive plan for
the development of public mental health services in the
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centers,-mental-health-clinics,-traveling-service-units,-and
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(6)providebyregulationsfortheexaminationof
persons-who-apply-for-examination-or-who-are-admitted-either
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(7)(5) receive from agencies of the United States and
other state agencies, persons or groups of persons,
associations, firms, or corporations grants of money,

receipts from fees, gifts, supplies, materials, and

-3-

within the state;
<pre>f0)(6) establish standards for public mental health</pre>
facilities programs that receive funds from the department;
and
t97(7) evaluate performance of publicmental-health
facilities programs that receive funds from the department
in compliance with federal and state standards."
Section 3. Section 53-21-212, MCA, is amended to read:
"53-21-212. Definitions. As used in 53-21-211 through
53-21-214, unlessthecontextrequiresotherwise,the
following-definitions-apply:
(1)"Communitymental-health-center"-means-a-community
comprehensive-mensal-health-center-as-defined-in-53-21-201-
(2) the term "State state agency" means:
(a)(1) the department of health and environmental
sciences provided for in 2-15-2101;
(b)(2) the department of social and rehabilitation
services provided for in 2-15-2201;
(c)(3) the department of institutions provided for in
2-15-2301; and
(d)(4) the mental disabilities board of visitors
provided for in 2-15-211."
Section 4. Section 53-21-124, MCA, is amended to read:

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pending the hearing unless requested by the county attorney
and upon the existence of probable cause for detention.

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

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

- be promptly notified and the respondent must be transferred to that facility as soon as reasonably practical.
- (3) If the respondent is detained, he shall have the right to be examined additionally by a professional person of his choice. Unless objection is made by counsel for the respondent, he shall continue to be evaluated and treated by the professional person pending the hearing."
- 8 <u>NEW SECTION.</u> **Section 5.** Effective date. [This act] is 9 effective July 1, 1991.

-End-

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