

1 *Senate* BILL NO. *378*
 2 INTRODUCED BY *LYNCH Flynn Downs*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RECODIFY AND REVISE
 5 THE PRESENT CODE GOVERNING FORMULATION OF COMPREHENSIVE
 6 HEALTH CENTERS; REPEALING SECTIONS 80-2401.1, 80-2403,
 7 80-2405, 80-2406, 80-2407, 80-2407.1, 80-2408, 80-2409,
 8 80-2410, AND 80-2411, R.C.M. 1947."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in this act:

12 (1) "Public mental health facility" means any public
 13 service or group of services offering mental health care on
 14 an inpatient or outpatient basis to the mentally ill.

15 (2) "Community comprehensive mental health center"
 16 means a facility, not necessarily encompassed within one (1)
 17 building, offering at least the following six (6) basic
 18 mental health services to the public:

- 19 (a) twenty-four (24) hour inpatient care;
- 20 (b) part-time hospitalization;
- 21 (c) outpatient service;
- 22 (d) emergency service;
- 23 (e) consultation and education in mental health;
- 24 (f) precare and aftercare.

25 (3) "Mental health clinic" means an outpatient

1 facility offering mental health care to the public.

2 (4) "Department" means the department of institutions.

3 Section 2. Duties of department. The department
 4 shall:

5 (1) take cognizance of matters affecting the mental
 6 health of the citizens of the state;

7 (2) initiate preventive mental health activities of
 8 the statewide mental health programs, including, but not
 9 limited to, the implementation of mental health care and
 10 treatment, prevention, and research as can best be
 11 accomplished by community centered services. Such means
 12 shall be utilized to initiate and operate these services in
 13 cooperation with local agencies as established under this
 14 act;

15 (3) make scientific and medical research
 16 investigations relative to the incidence, cause, prevention,
 17 treatment, and care of the mentally ill;

18 (4) collect and disseminate information relating to
 19 mental health;

20 (5) prepare and maintain a comprehensive plan for the
 21 development of public mental health services in the state.
 22 The public mental health services shall include, but not be
 23 limited to, community comprehensive mental health centers,
 24 mental health clinics, traveling service units, consultative
 25 and educational services;

1 (6) provide by regulations for the examination of
 2 persons, who apply for examination or who are admitted
 3 either as inpatients or outpatients into Warm Springs state
 4 hospital or other public mental health facilities;

5 (7) receive from agencies of the United States and
 6 other state agencies, persons or groups of persons,
 7 associations, firms or corporations, grants of money,
 8 receipts from fees, gifts, supplies, materials, and
 9 contributions, for the development of mental health services
 10 within the state;

11 (8) establish standards for public mental health
 12 facilities;

13 (9) evaluate performance of public mental health
 14 facilities in compliance with federal and state standards.

15 Section 3. Departmental contracts with mental health
 16 corporations. (1) The department may enter into contracts
 17 with regional mental health corporations for the purposes of
 18 the prevention, diagnosis, and treatment of mental illness.
 19 Mental health corporations may be provided for directly by
 20 state agencies or indirectly through contract or cooperative
 21 arrangements with other agencies of government, regional or
 22 local, private or public agencies, private professional
 23 persons or hospitals, under rules adopted by the department.

24 (2) State funds specifically appropriated for regional
 25 mental health service contracts shall be on a formula of

1 ninety percent (90%) state funds and ten percent (10%)
 2 county tax levy after United States government grant support
 3 and all other center incomes from preceding years are
 4 subtracted from the total budget requirement; provided
 5 however, that the corporation may maintain a reserve up to
 6 three (3) months of their annual operating cost.
 7 Furthermore, the department may establish a system whereby
 8 funds appropriated to the Warm Springs state hospital for
 9 patient care may be transferred to the community mental
 10 health services used to implement this act. If the patient
 11 load at Warm Springs state hospital is reduced and these
 12 patients become patients of a community mental health
 13 service, a portion of the funds appropriated for Warm
 14 Springs state hospital may be used to supplement the
 15 regional budget. However, if those patients are returned to
 16 Warm Springs state hospital from the community mental health
 17 services, these funds may revert back to the Warm Springs
 18 state hospital. The department may establish rules to
 19 implement this provision.

20 Section 4. Mental health corporations. (1) Mental
 21 health regions shall be established in the state mental
 22 health plan and shall conform to the mental health regions
 23 as established in the state mental health construction plan
 24 promulgated by the board of health and environmental
 25 sciences under the Federal Community Mental Health Centers

1 Act.

2 (2) The mental health regions shall establish
3 themselves under Title 15, chapter 23, R.C.M. 1947. Upon
4 incorporation, a mental health region may enter into
5 contracts with the department in order to carry out the
6 department's comprehensive plan for mental health. These
7 non-profit corporations shall not be considered agencies of
8 the department or the state of Montana, however, they may
9 retain and enter into retirement programs as established
10 under Title 68, the Public Employees Retirement Act. Upon
11 the establishment of the mental health regions, the county
12 commissioners in each of the various counties in the region
13 shall designate a person from their respective county to
14 serve as a representative of the county on the regional
15 mental health corporation board. The board shall be
16 established under guidelines adopted by the bylaws of the
17 corporation. All appointments to the board shall be for
18 terms of two (2) years, and the department shall be notified
19 in writing of all appointments.

20 (3) The duties of an organized regional mental health
21 corporation board include:

22 (a) annual review and evaluation of mental health
23 needs and services within the region;

24 (b) preparation and submission to the department and
25 to each of the counties in the region of plans and budget

1 proposals to provide and support mental health services
2 within the region;

3 (c) establishment of a recommended proportionate level
4 of financial participation of each of the counties within
5 the region in the provision of mental health service within
6 the limits of this section;

7 (d) receipt and administration of moneys and other
8 support made available for the purposes of providing mental
9 health services by the participating agencies, including
10 grants from the United States government and other agencies,
11 receipts for established fees for services rendered, tax
12 moneys, gifts, donations, and any other type of support or
13 income. All funds received by the board in accordance with
14 this act shall be used to carry out the purposes of this
15 act.

16 (e) supervision of appropriate administrative staff
17 personnel of the operation of community mental health
18 services within the region;

19 (f) keeping all records of the board and making
20 reports required by the department.

21 (4) Regional mental health board members shall be
22 reimbursed from funds of the board for actual and necessary
23 expenses incurred in attending meetings and in the discharge
24 of board duties, when assigned by the board.

25 (5) The board of mental health may submit, prior to

1 May 15 of each year, to the board of county commissioners of
 2 each of the counties within the constituted mental health
 3 region an annual budget, specifying each county's
 4 recommended proportionate share. If the board of county
 5 commissioners includes in the county budget the county's
 6 proportionate share of the regional boards budget, it shall
 7 be designated as a participating county. Funds for each
 8 participating county's proportionate share for the operation
 9 of mental health services within the region shall be derived
 10 from the county's general fund. If the general fund is
 11 insufficient to meet the approved budget, a levy not to
 12 exceed one (1) mill may be made on the taxable valuation of
 13 the county in addition to all other taxes allowed by law to
 14 be levied on such property.

15 (6) The regional board of mental health with the
 16 approval of the department shall establish a schedule of
 17 fees for mental health services. The fees may be received
 18 by the board and used to implement the budget in accordance
 19 with subsection (4)(2).

20 Section 5. Continuation of services. Nothing in this
 21 act shall be construed to prevent the continuation of
 22 existing mental health services or facilities.

23 Section 6. Availability of services. The services of
 24 the department and of the incorporated regional mental
 25 health centers are available without discrimination on the

1 basis of race, color, creed, or ability to pay, and shall
 2 comply with Title VI of the Civil Rights Act of 1964.

3 Section 7. Repealer. Sections 80-2401.1, 80-2403,
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 5 80-2410, and 80-2411, R.C.M. 1947, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 253-75

FISCAL NOTE

Form BD 15

In compliance with a written request received March 10, 1975, 19 _____, there is hereby submitted a Fiscal Note for Senate Bill 378 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 378 recodifies and revises the present code governing formulation of comprehensive mental health centers, provides for state funding and establishes regional mental health corporation boards.

ASSUMPTIONS:

1. Mental health centers will continue to operate at the current level.
2. Under current law, the cost of mental health centers is funded 50% by the state and 50% by federal funds and local governments. Under the proposed law, the cost of the centers after federal grant support will be funded 90% by the state and 10% by local governments.
3. The federal government grant support will phase out in eight years. Thus, the amount of total cost to be funded 90% - 10% will increase yearly.
4. Mental health centers will continue to bill patients and other entities for services provided.

FISCAL IMPACT:


	FY 76	FY 77
State contribution under current law	\$1,168,972	\$1,302,834
State contribution under proposed law	<u>1,853,683</u>	<u>2,094,637</u>
Increase in state expenditures	<u>\$ 684,711</u>	<u>\$ 791,803</u>

CONCLUSION:

Enactment of Senate Bill 378 will result in estimated additional General Fund expenditure of \$1.5 million during the 1975-77 biennium.

LONG-TERM IMPACT:

In eight years when federal funds are no longer available, the state will contribute 90% of the total cost of the comprehensive mental health centers.


 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: March 11, 1975

Approved by Committee
on Public Health, Welfare
& Safety

SENATE BILL NO. 378

INTRODUCED BY LYNCH, FLYNN, DEVINE

A BILL FOR AN ACT ENTITLED: "AN ACT TO RECODIFY AND REVISE THE PRESENT CODE GOVERNING FORMULATION OF COMPREHENSIVE HEALTH CENTERS; REPEALING SECTIONS 80-2401.1, 80-2403, 80-2405, 80-2406, 80-2407, 80-2407.1, 80-2408, 80-2409, 80-2410, AND 80-2411, R.C.M. 1947."

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(2) initiate preventive mental health activities of the statewide mental health programs, including, but not limited 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 act;

(3) make scientific and medical research investigations relative to the incidence, cause, prevention, treatment, and care of the mentally ill;

(4) collect and disseminate information relating to mental health;

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HOUSE OF REPRESENTATIVES

Date: March 17, 1975

HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY AMENDMENT TO SB 378

1. Amend page 5, section 4, subsection (2), line 2.

Following: "regions"

Strike: "shall"

Insert: "may"

AND AS SO AMENDED

BE CONCURRED IN

WM/gtw

HOUSE OF REPRESENTATIVES

Date: March 20, 1975

HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY AMENDMENTS TO SB 378

1. Amend the committee report on Public Health, Welfare & Safety amendment dated March 17, 1975.

Strike: the amendment no. 1 in its entirety.

2. Amend page 4, section 3, subsection (2), lines 7 through 19.

Strike: these lines in their entirety.

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HOUSE COMMITTEE ON APPROPRIATIONS AMENDMENTS TO SENATE BILL NO. 378

and the House Committee on Public Health, Welfare & Safety Amendments dated March 20, 1975.

1. Amend HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY amendment no. 2.

Strike: amendment no. 2 in its entirety

2. Amend page 3, section 3, line 25.

Strike: "be on a formula of"

Insert: "not exceed"

3. Amend page 4, section 3, line 1 through line 6.

Strike: all of lines 1 through 6 in their entirety

Insert: "fifty percent (50%) of the budget approved by the department of institutions."

4. Amend page 4, section 3, subsection (2), line 18.

Following: "department"

Strike: "may"

Insert: "shall"

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SENATE BILL NO. 378

INTRODUCED BY LYNCH, FLYNN, DEVINE

A BILL FOR AN ACT ENTITLED: "AN ACT TO RECODIFY AND REVISE THE PRESENT CODE GOVERNING FORMULATION OF COMPREHENSIVE HEALTH CENTERS; REPEALING SECTIONS 80-2401.1, 80-2403, 80-2405, 80-2406, 80-2407, 80-2407.1, 80-2408, 80-2409, 80-2410, AND 80-2411, R.C.M. 1947."

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

Section 1. Definitions. As used in this act:

(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) "Community comprehensive mental health center" means a facility, not necessarily encompassed within one (1) building, offering at least the following six (6) basic mental health services to the public:

- (a) twenty-four (24) hour inpatient care;
(b) part-time hospitalization;
(c) outpatient service;
(d) emergency service;
(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) "Department" means the department of institutions.

Section 2. 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 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 act;

(3) make scientific and medical research investigations relative to the incidence, cause, prevention, treatment, and care of the mentally ill;

(4) collect and disseminate information relating to mental health;

(5) 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, consultative and educational services;

1 (6) provide by regulations for the examination of
2 persons, who apply for examination or who are admitted
3 either as inpatients or outpatients into Warm Springs state
4 hospital or other public mental health facilities;

5 (7) receive from agencies of the United States and
6 other state agencies, persons or groups of persons,
7 associations, firms or corporations, grants of money,
8 receipts from fees, gifts, supplies, materials, and
9 contributions, for the development of mental health services
10 within the state;

11 (8) establish standards for public mental health
12 facilities;

13 (9) evaluate performance of public mental health
14 facilities in compliance with federal and state standards.

15 Section 3. Departmental contracts with mental health
16 corporations. (1) The department may enter into contracts
17 with regional mental health corporations for the purposes of
18 the prevention, diagnosis, and treatment of mental illness.
19 Mental health corporations may be provided for directly by
20 state agencies or indirectly through contract or cooperative
21 arrangements with other agencies of government, regional or
22 local, private or public agencies, private professional
23 persons or hospitals, under rules adopted by the department.

24 (2) State funds specifically appropriated for regional
25 mental health service contracts shall ~~be on a formula of~~ NOT

1 ~~EXCEED~~ ninety-percent-(90%)--state--funds--and--ten--percent
2 ~~(10%)--county--tax--levy--after--United--States--government--grant~~
3 ~~support--and--all--other--center--incomes--from--preceding--years~~
4 ~~are--subtracted--from--the--total--budget--requirement,--provided~~
5 ~~however,--that--the--corporation--may--maintain--a--reserve--up--to~~
6 ~~three--(3)--months--of--their--annual--operating--cost, FIFTY~~
7 ~~PERCENT (50%) OF THE BUDGET APPROVED BY THE DEPARTMENT OF~~
8 ~~INSTITUTIONS. Furthermore--the--department--may--establish--a~~
9 ~~system--whereby--funds--appropriated--to--the--Warm--Springs--state~~
10 ~~hospital---for--patient--care--may--be--transferred--to--the~~
11 ~~community--mental--health--services--used--to--implement--this--act,~~
12 ~~if--the--patient--load--at--Warm--Springs--state--hospital--is~~
13 ~~reduced--and--these--patients--become--patients--of--a--community~~
14 ~~mental--health--service,--a--portion--of--the--funds--appropriated~~
15 ~~for--Warm--Springs--state--hospital--may--be--used--to--supplement~~
16 ~~the--regional--budget.---However,--if--those--patients---are~~
17 ~~returned--to--Warm--Springs--state--hospital--from--the--community~~
18 ~~mental--health--services,--these--funds--may--revert--back--to--the~~
19 ~~Warm--Springs--state--hospital.---The--department--may--establish~~
20 ~~rules--to--implement--this---provision: FURTHERMORE, THE~~
21 ~~DEPARTMENT MAY ESTABLISH A SYSTEM WHEREBY FUNDS APPROPRIATED~~
22 ~~TO THE WARM SPRINGS STATE HOSPITAL FOR PATIENT CARE MAY BE~~
23 ~~TRANSFERRED TO THE COMMUNITY MENTAL HEALTH SERVICES USED TO~~
24 ~~IMPLEMENT THIS ACT. IF THE PATIENT LOAD AT WARM SPRINGS~~
25 ~~STATE HOSPITAL IS REDUCED AND THESE PATIENTS BECOME PATIENTS~~

1 OF A COMMUNITY MENTAL HEALTH SERVICE, A PORTION OF THE FUNDS
 2 APPROPRIATED FOR WARM SPRINGS STATE HOSPITAL MAY BE USED TO
 3 SUPPLEMENT THE REGIONAL BUDGET. HOWEVER, IF THOSE PATIENTS
 4 ARE RETURNED TO WARM SPRINGS STATE HOSPITAL FROM THE
 5 COMMUNITY MENTAL HEALTH SERVICES, THESE FUNDS MAY REVERT
 6 BACK TO THE WARM SPRINGS STATE HOSPITAL. THE DEPARTMENT ~~MAY~~
 7 SHALL ESTABLISH RULES TO IMPLEMENT THIS PROVISION.

8 Section 4. Mental health corporations. (1) Mental
 9 health regions shall be established in the state mental
 10 health plan and shall conform to the mental health regions
 11 as established in the state mental health construction plan
 12 promulgated by the board of health and environmental
 13 sciences under the Federal Community Mental Health Centers
 14 Act.

15 (2) The mental health regions ~~shall~~ MAY SHALL
 16 establish themselves under Title 15, chapter 23, R.C.M.
 17 1947. Upon incorporation, a mental health region may enter
 18 into contracts with the department in order to carry out the
 19 department's comprehensive plan for mental health. These
 20 nonprofit corporations shall not be considered agencies of
 21 the department or the state of Montana, however, they may
 22 retain and enter into retirement programs as established
 23 under Title 68, the Public Employees Retirement Act. Upon
 24 the establishment of the mental health regions, the county
 25 commissioners in each of the various counties in the region

1 shall designate a person from their respective county to
 2 serve as a representative of the county on the regional
 3 mental health corporation board. The board shall be
 4 established under guidelines adopted by the bylaws of the
 5 corporation. All appointments to the board shall be for
 6 terms of two (2) years, and the department shall be notified
 7 in writing of all appointments.

8 (3) The duties of an organized regional mental health
 9 corporation board include:

10 (a) annual review and evaluation of mental health
 11 needs and services within the region;

12 (b) preparation and submission to the department and
 13 to each of the counties in the region of plans and budget
 14 proposals to provide and support mental health services
 15 within the region;

16 (c) establishment of a recommended proportionate level
 17 of financial participation of each of the counties within
 18 the region in the provision of mental health service within
 19 the limits of this section;

20 (d) receipt and administration of moneys and other
 21 support made available for the purposes of providing mental
 22 health services by the participating agencies, including
 23 grants from the United States government and other agencies,
 24 receipts for established fees for services rendered, tax
 25 moneys, gifts, donations, and any other type of support or

1 income. All funds received by the board in accordance with
2 this act shall be used to carry out the purposes of this
3 act.

4 (e) supervision of appropriate administrative staff
5 personnel of the operation of community mental health
6 services within the region;

7 (f) keeping all records of the board and making
8 reports required by the department.

9 (4) Regional mental health board members shall be
10 reimbursed from funds of the board for actual and necessary
11 expenses incurred in attending meetings and in the discharge
12 of board duties, when assigned by the board.

13 (5) The board of mental health ~~may~~ SHALL submit, prior
14 to ~~May-15~~ JUNE 10 of each year, to the board of county
15 commissioners of each of the counties within the constituted
16 mental health region an annual budget, specifying each
17 county's recommended proportionate share. ~~If the~~ THE IF THE
18 board of county commissioners ~~includes~~ SHALL---INCLUDE
19 INCLUDES in the county budget the county's proportionate
20 share of the regional boards budget, ~~it shall be designated~~
21 ~~as--a--participating--county,~~ IT SHALL BE DESIGNATED AS A
22 PARTICIPATING COUNTY. Funds for each ~~participating~~
23 PARTICIPATING county's proportionate share for the operation
24 of mental health services within the region shall be derived
25 from the county's general fund. If the general fund is

1 insufficient to meet the approved budget, a levy not to
2 exceed one (1) mill may be made on the taxable valuation of
3 the county in addition to all other taxes allowed by law to
4 be levied on such property.

5 (6) The regional board of mental health with the
6 approval of the department shall establish a schedule of
7 fees for mental health services. The fees may be received
8 by the board and used to implement the budget in accordance
9 with subsection (4)(2).

10 Section 5. Continuation of services. Nothing in this
11 act shall be construed to prevent the continuation of
12 existing mental health services or facilities.

13 Section 6. Availability of services. The services of
14 the department and of the incorporated regional mental
15 health centers are available without discrimination on the
16 basis of race, color, creed, or ability to pay, and shall
17 comply with Title VI of the Civil Rights Act of 1964.

18 Section 7. Repealer. Sections 80-2401.1, 80-2403,
19 80-2405, 80-2406, 80-2407, 80-2407.1, 80-2408, 80-2409,
20 80-2410, and 80-2411, R.C.M. 1947, are repealed.

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