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INTRODUCED BY Senate Palmer Conroy B. Baeth  
*W. Baeth* BILL NO. 350

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE DEPARTMENT OF AGING WITHIN THE EXECUTIVE BRANCH OF MONTANA STATE GOVERNMENT; PROVIDING FOR THE FUNCTIONS, POWERS, DUTIES, AND RESPONSIBILITIES OF THE DEPARTMENT; TRANSFERRING FUNCTIONS TO THE DEPARTMENT FROM THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AND THE DEPARTMENT OF INSTITUTIONS; AMENDING SECTIONS 71-1915, 71-1918, 71-2301, 71-2304, 80-2414, 80-2502, 82A-801.1, AND 82A-1901.1, R.C.M. 1947."

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

Section 1. Purpose. Finding that the elderly population of this state plays a major role in the growth and dynamic processes of Montana, the legislature makes it the purpose of this act and the policy of this state to advise, assist, and protect the elderly citizens of the state of Montana to the fullest extent possible.

Section 2. Department of aging -- creation -- head. There is created a department of aging. The department head is a director of aging appointed by the governor in accordance with 82A-106.

Section 3. Functions of department. The department and its units are responsible for administering laws pertaining

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to aged and elderly citizens residing in Montana and the problems of aging which affect the citizens of Montana, including but not limited to:

- (1) age discrimination in employment (in coordination with the Human Rights Commission) (Title 64, chapter 30);
- (2) recreation and other activities for the elderly (Title 71, chapter 17);
- (3) protective services for aged and disabled adults (Title 71, chapter 19);
- (4) problems of aging (Title 71, chapter 23);
- (5) foster homes for the aged (Title 71, chapter 23);
- (6) geriatric patients at Warm Springs state hospital (Title 80, chapter 24);
- (7) the center for the aged (Title 80, chapter 25).

Section 4. Transfer of functions. (1) The functions of the department of social and rehabilitation services contained in 71-1914 through 71-1919 (pertaining to protective services for aged and disabled adults), 71-2301 and 71-2302 (pertaining to problems of aging), and 71-2303 through 71-2307 (pertaining to adult foster family care) are transferred to the department of aging.

(2) The functions of the department of institutions which are contained in 80-2413 and 80-2414 (pertaining to geriatric state hospital patients) and in 80-2501 through 80-2503 (pertaining to the center for the aged) are

1 transferred to the department of aging.

2 (3) All federal programs pertaining to aging or older  
3 citizens which are currently being administered by other  
4 departments of state government are transferred to the  
5 department of aging. The department of aging is the sole  
6 recipient of federal funds for programs pertaining to aging  
7 or elderly citizens in the state.

8 Section 5. General duties and responsibilities of  
9 department. The department of aging shall:

10 (1) coordinate plans, policies, and activities of  
11 governmental and nongovernmental agencies with regard to the  
12 aged;

13 (2) create public awareness and understanding of the  
14 needs and potentials of older persons and promote public  
15 interest in careers in services to the aged;

16 (3) encourage state and local agencies, universities,  
17 and other appropriate organizations and groups involved in  
18 providing services for older persons to conduct research in  
19 the field of aging;

20 (4) appraise the availability, adequacy, and  
21 accessibility of all services and facilities for older  
22 persons within the state;

23 (5) study the policies of state and local governments  
24 responsible for providing services for older persons and  
25 report biennially to the governor and the legislature;

1 (6) provide technical assistance to local governments  
2 in the planning and conduct of services, activities, and  
3 projects;

4 (7) promote the development of services to assist  
5 middle-aged persons to develop skills, attitudes, and  
6 interests to prepare themselves for their later years;

7 (8) maintain contacts with local, state, and federal  
8 officials and agencies concerned with planning for  
9 middle-aged and older persons;

10 (9) cooperate with national groups on aging and  
11 arrange for participation by representatives of the state in  
12 white house conferences and other national conferences from  
13 time to time; and

14 (10) recommend legislative action on behalf of the  
15 elderly and review legislation pertaining to older persons  
16 and appropriations made for services in their behalf in such  
17 fields as health, social welfare, education, employment, and  
18 recreation.

19 Section 6. Rules authorized. The department may adopt  
20 rules necessary for the effective administration of laws and  
21 programs pertaining to and benefiting elderly and aged  
22 citizens in Montana.

23 Section 7. Section 71-1915, R.C.M. 1947, is amended to  
24 read as follows:

25 "71-1915. Definitions. As used in this act chapter the

1 following definitions apply:

2 (1) "Department" means the department of ~~social and~~  
3 ~~rehabilitation-services aging.~~

4 (2) "Aged person" means an aged person as defined by  
5 the department.

6 (3) "Disabled adult" means a person ~~eighteen-{18}~~  
7 years of age or over who is defined by the department as  
8 disabled but not developmentally disabled.

9 (4) "Protective services" means assistance to an aged  
10 person or disabled adult in obtaining the services offered  
11 by the department."

12 Section 8. Section 71-1913, R.C.M. 1947, is amended to  
13 read as follows:

14 "71-1913. Departmental authority. The department may  
15 implement a program for protective services by establishing  
16 appropriate rules ~~and regulations~~ which are not inconsistent  
17 with the ~~department-of-social-and-rehabilitation-services~~  
18 ~~department's~~ activities."

19 Section 9. Section 71-2301, R.C.M. 1947, is amended to  
20 read as follows:

21 "71-2301. Functions of ~~state~~ department of aging in  
22 foster care. The ~~state~~ department of ~~social and~~  
23 ~~rehabilitation-services aging~~ shall:

24 (1) Consult with and advise organized efforts by  
25 communities, organizations, associations, and groups that

1 are working toward any forms of assistance to problems of  
2 aging.

3 (2) Study and identify problems of aging.

4 (3) Review existing programs for the aging and make  
5 recommendations to the governor and the legislature for  
6 improvements in such programs.

7 (4) Encourage the sponsorship of community projects  
8 which will seek to make optimum use of the time and talents  
9 of retired persons."

10 Section 10. Section 71-2304, R.C.M. 1947, is amended  
11 to read as follows:

12 "71-2304. Definitions. As used in this ~~act~~ chapter, the  
13 following definitions apply:

14 (1) "Department" means the department of ~~social and~~  
15 ~~rehabilitation-services aging.~~

16 (2) "Adult foster family care homes" means private  
17 homes owned by one or more persons over the age of ~~eighteen~~  
18 {13} which offer light personal care or custodial care to  
19 aged persons or disabled adults who are not related to the  
20 owner by blood or marriage.

21 (3) "Aged person" means a person defined by the  
22 department as aged.

23 (4) "Disabled adult" means a person over the age of  
24 ~~eighteen-{1}~~ defined by the department as disabled.

25 (5) "Light personal care" means assisting the aged

1 person or disabled adult in accomplishing such personal  
2 hygiene tasks as bathing, dressing, hair grooming, and  
3 supervision of prescriptive medicine administration but not  
4 administration of prescriptive medications.

5 (6) "Custodial care" means providing a sheltered  
6 family type setting for an aged person or disabled adult so  
7 as to provide for their basic needs of food, shelter and  
8 having a specific person available to help them meet their  
9 basic needs.

10 (7) "Skilled nursing care" means ~~twenty-four-(24)-hour~~  
11 ~~24-hour~~ care supervised by a registered nurse or a licensed  
12 practical nurse under orders of an attending physician."

13 Section 11. Section 80-2414, R.C.M. 1947, is amended  
14 to read as follows:

15 "80-2414. Duties of department of ~~institutions aging~~  
16 ~~regarding geriatric patients~~. The department of ~~institutions~~  
17 ~~aging~~:

18 (1) shall contract with nonprofit corporations, which  
19 demonstrate expertise in and the capability of providing  
20 rehabilitative and restorative programs for aged citizens,  
21 for the operation and management of nursing homes  
22 established under this act;

23 (2) shall ensure that nursing homes established and  
24 operated under this act are in compliance with all  
25 applicable federal and state regulations;

1 (3) shall adopt rules for staffing requirements and  
2 the admission of patients;

3 (4) shall provide that geriatric residents of Warm  
4 Springs state hospital have first priority for admission to  
5 nursing homes established under this act;

6 (5) may accept grants, bequests, and contributions in  
7 money or property or any other form from individuals,  
8 corporations, associations or federal, state and local  
9 government agencies for the purposes of establishing and  
10 operating nursing homes under this act."

11 Section 12. Section 80-2502, R.C.M. 1947, is amended  
12 to read as follows:

13 "80-2502. Transfer of patients to and from hospitals  
14 -- notice to relatives. With the approval of the department  
15 of ~~institutions aging~~, the Warm Springs state hospital may  
16 transfer a patient to the center or from the center to the  
17 state hospital. With the approval of the department the  
18 state hospital may transfer a patient residing at the center  
19 to Galen state hospital. Unless a medical or psychiatric  
20 emergency exists, ~~fifteen-(15)~~ days prior to the transfer  
21 the department shall notify the patient's parent, guardian,  
22 or spouse, or if none is known, his nearest relative or  
23 friend. In the case of an emergency transfer, the department  
24 shall send notice within ~~seventy-two-(72)~~ hours after the  
25 time of transfer."

1 Section 13. Section 82A-801.1, R.C.M. 1947, is amended  
2 to read as follows:

3 "82A-801.1. Functions of department. The department  
4 and its units are responsible for the administration of laws  
5 relating to institutions, including, but not limited to,  
6 laws pertaining to:

- 7 (1) District youth guidance homes (Title 10, chapter  
8 11);
- 9 (2) Warm Springs state hospital (Title 38, chapter 1);
- 10 (3) Examination and commitment of persons mentally  
11 deranged (Title 38, chapter 2);
- 12 (4) Patient transfers (Title 38, chapter 3);
- 13 (5) Examination of patients and voluntary admissions  
14 (Title 38, chapter 4);
- 15 (6) Convalescent leave of patients (Title 38, chapter  
16 5);
- 17 (7) Voluntary sterilizations (Title 69, chapter 64);
- 18 (8) Juvenile facilities (Title 80, chapter 14);
- 19 (9) Institutional industries (Title 80, chapter 15);
- 20 (10) Payments for care of patients (Title 80, chapter  
21 16);
- 22 (11) Galen state hospital (Title 80, chapter 17);
- 23 (12) Montana veterans' home (Title 80, chapter 18);
- 24 (13) State prison (Title 80, chapter 19);
- 25 (14) Montana childrens center (Title 80, chapter 21);

1 (15) Mountain View school and Pine Hills school (Title  
2 80, chapter 22);

3 (16) Boulder river school and hospital (Title 80,  
4 chapter 23);

5 (17) Mental hygiene services and mental health centers  
6 (Title 80, chapter 24);

7 ~~(18) Montana center for the aged (Title 80, chapter~~  
8 ~~25);~~

9 ~~(19)~~ (18) Mental retardation programs (Title 80, chapter  
10 26);

11 ~~(20)~~ (19) Probation, parole, and clemency (Title 94,  
12 chapter 98);

13 ~~(21)~~ (20) Alcohol and drug dependence (Title 80, chapter  
14 27)."

15 Section 14. Section 82A-1901.1, R.C.M. 1947, is  
16 amended to read as follows:

17 "82A-1901.1. Functions of department. The department  
18 and its units are responsible for administering laws  
19 pertaining to public assistance, including, but not limited  
20 to:

- 21 (1) Dependent and neglected children (Title 10,  
22 chapter 5);
- 23 (2) Child adoption agencies (Title 10, chapter 7);
- 24 (3) Day care facilities for children (Title 10,  
25 chapter 8);

- 1 (4) Adoptions (Title 61, chapter 2);
- 2 (5) County poor (Title 71, chapter 1);
- 3 (6) Department's functions and county departments of
- 4 public welfare (Title 71, chapter 2);
- 5 (7) General relief (Title 71, chapter 3);
- 6 ~~{8}--Old-age-assistance--{Title-71,chapter-4}+~~
- 7 ~~{9}{81}~~ Aid to dependent children (Title 71, chapter
- 8 5);
- 9 ~~{10}{91}~~ Aid to blind (Title 71, chapter 6);
- 10 ~~{11}{101}~~ Child welfare (Title 71, chapter 7);
- 11 ~~{12}{111}~~ Disabled persons (Title 71, chapter 12);
- 12 ~~{13}{121}~~ Services to the blind (Title 71, chapter 14);
- 13 ~~{14}{131}~~ Medical assistance (Title 71, chapter 15);
- 14 ~~{15}{141}~~ Vocational rehabilitation and education (Title
- 15 71, chapter 18);
- 16 ~~{16}{151}~~ Veterans' welfare (Title 71, chapter 19)+
- 17 ~~{17}--Problems-of-aging--{Title-71,chapter-29}."~~

-End-

## STATE OF MONTANA

REQUEST NO. 213-77

## FISCAL NOTE

Form BD-1'

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for House Bill 350 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:

An act creating the Department of Aging within the Executive Branch of Montana state government; providing for the functions, powers, duties, and responsibilities of the department; transferring functions of the department from S.R.S. and Institutions.

## ASSUMPTIONS:

1. The S.R.S. Aging Service Bureau and appropriate staff from Social Services Bureau and support services would be transferred to the Department of Aging.
2. The following shows the positions to be transferred from S.R.S. and Department of Institutions to the Department of Aging.

<u>Existing FTE to be transferred</u>	<u>Additional Needed</u>	<u>Total FTE for Department of Aging</u>
S.R.S. 144.0	35.5	179.5
Dept. of Institutions 111.0	0.	111.0
<u>255.0</u>	<u>35.5</u>	<u>290.5</u>

3. Geriatrics as defined by Warm Springs will be under the new Department and appropriate staff transferred. Centr for the Aged would be transferred to the new Department of Aging as per Executive Budget.

## FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Total operating budget of new department	<u>\$6,458,431</u>	<u>\$6,528,274</u>
Less: Transfers from current budgets		
S.R.S.	4,436,033	4,467,729
Institutions	<u>1,393,543</u>	<u>1,423,639</u>
Total transfers	<u>5,829,576</u>	<u>5,891,368</u>
Additional cost of proposed legislation	<u>\$ 628,855</u>	<u>\$ 636,906</u>

*Richard L. Tracy for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-77

## STATE OF MONTANA

REQUEST NO. 213-77  
*REVISED*

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for House Bill 350 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:

An act creating the Department of Aging within the Executive Branch of Montana State government; providing for the functions, powers, duties, and responsibilities of the department; transferring functions to the department from S.R.S. and Institutions.

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1. The S.R.S. Aging Service Bureau and appropriate staff from Social Services Bureau and support services would be transferred to the Department of Aging.
2. The following shows the positions to be transferred from S.R.S. and Department of Institutions to the Department of Aging.

<u>Existing FTE to be transferred</u>	<u>Additional needed</u>	<u>Total FTE for Department of Aging</u>
S.R.S. 144.0	35.5	179.5
Dept. of Institutions <u>111.0</u>	<u>0.0</u>	<u>111.0</u>
<u>255.0</u>	<u>35.5</u>	<u>290.5</u>

3. Geriatrics, as defined by Warm Springs, will be under the new Department and appropriate staff transferred. Center for the Aged would be transferred to the new Department of Aging as per Executive Budget.

## FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Total operating budget of new department	<u>\$6,458,431</u>	<u>\$6,528,274</u>
Less: Transfers from current budgets		
S.R.S.	3,970,754	3,994,193
Dept. of Institutions	<u>1,393,543</u>	<u>1,423,639</u>
Total transfers	<u>5,364,297</u>	<u>5,417,832</u>
Additional cost of proposed legislation	<u>\$1,094,134</u>	<u>\$1,110,442</u>

## TECHNICAL NOTE:

House Bill 350 does not address the fact that under current statutes, the county poor fund is required to pay 50% of all county welfare employee salaries and benefits. This added the following costs to the proposed legislation:

FY 78 - \$465,279; FY 79 - \$473,536.

*Richard L. Young for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-8-77



Approved by Committee  
on Public Health, Welfare  
& Safety

1  
2 INTRODUCED BY V. H. Bill No. 350  
Kathleen Palmer Conny R. Baeth  
3 W. Baeth

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE DEPARTMENT  
5 OF AGING WITHIN THE EXECUTIVE BRANCH OF MONTANA STATE  
6 GOVERNMENT; PROVIDING FOR THE FUNCTIONS, POWERS, DUTIES, AND  
7 RESPONSIBILITIES OF THE DEPARTMENT; TRANSFERRING FUNCTIONS  
8 TO THE DEPARTMENT FROM THE DEPARTMENT OF SOCIAL AND  
9 REHABILITATION SERVICES AND THE DEPARTMENT OF INSTITUTIONS;  
10 AMENDING SECTIONS 71-1915, 71-1918, 71-2301, 71-2304,  
11 80-2414, 80-2502, 82A-801.1, AND 82A-1901.1, R.C.M. 1947."

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

14 Section 1. Purpose. Finding that the elderly  
15 population of this state plays a major role in the growth  
16 and dynamic processes of Montana, the legislature makes it  
17 the purpose of this act and the policy of this state to  
18 advise, assist, and protect the elderly citizens of the  
19 state of Montana to the fullest extent possible.

20 Section 2. Department of aging -- creation -- need.  
21 There is created a department of aging. The department head  
22 is a director of aging appointed by the governor in  
23 accordance with 82A-106.

24 Section 3. Functions of department. The department and  
25 its units are responsible for administering laws pertaining

1 to aged and elderly citizens residing in Montana and the  
2 problems of aging which affect the citizens of Montana,  
3 including but not limited to:

- 4 (1) age discrimination in employment (in coordination  
5 with the Human Rights Commission) (Title 84, chapter 30);
- 6 (2) recreation and other activities for the elderly  
7 (Title 71, chapter 17);
- 8 (3) protective services for aged and disabled adults  
9 (Title 71, chapter 19);
- 10 (4) problems of aging (Title 71, chapter 23);
- 11 (5) foster homes for the aged (Title 71, chapter 23);
- 12 (6) geriatric patients at Warm Springs state hospital  
13 (Title 80, chapter 24);
- 14 (7) the center for the aged (Title 80, chapter 25).

15 Section 4. Transfer of functions. (1) The functions of  
16 the department of social and rehabilitation services  
17 contained in 71-1914 through 71-1919 (pertaining to  
18 protective services for aged and disabled adults), 71-2301  
19 and 71-2302 (pertaining to problems of aging), and 71-2303  
20 through 71-2307 (pertaining to adult foster family care) are  
21 transferred to the department of aging.

22 (2) The functions of the department of institutions  
23 which are contained in 80-2413 and 80-2414 (pertaining to  
24 geriatric state hospital patients) and in 80-2501 through  
25 80-2503 (pertaining to the center for the aged) are

1 transferred to the department of aging.

2 (3) All federal programs pertaining to aging or older  
3 citizens which are currently being administered by other  
4 departments of state government are transferred to the  
5 department of aging. The department of aging is the sole  
6 recipient of federal funds for programs pertaining to aging  
7 or elderly citizens in the state.

8 Section 5. General duties and responsibilities of  
9 department. The department of aging shall:

10 (1) coordinate plans, policies, and activities of  
11 governmental and nongovernmental agencies with regard to the  
12 aged;

13 (2) create public awareness and understanding of the  
14 needs and potentials of older persons and promote public  
15 interest in careers in services to the aged;

16 (3) encourage state and local agencies, universities,  
17 and other appropriate organizations and groups involved in  
18 providing services for older persons to conduct research in  
19 the field of aging;

20 (4) appraise the availability, adequacy, and  
21 accessibility of all services and facilities for older  
22 persons within the state;

23 (5) study the policies of state and local governments  
24 responsible for providing services for older persons and  
25 report biennially to the governor and the legislature;

1 (6) provide technical assistance to local governments  
2 in the planning and conduct of services, activities, and  
3 projects;

4 (7) promote the development of services to assist  
5 middle-aged persons to develop skills, attitudes, and  
6 interests to prepare themselves for their later years;

7 (8) maintain contacts with local, state, and federal  
8 officials and agencies concerned with planning for  
9 middle-aged and older persons;

10 (9) cooperate with national groups on aging and  
11 arrange for participation by representatives of the state in  
12 white house conferences and other national conferences from  
13 time to time; and

14 (10) recommend legislative action on behalf of the  
15 elderly and review legislation pertaining to older persons  
16 and appropriations made for services in their behalf in such  
17 fields as health, social welfare, education, employment, and  
18 recreation.

19 Section 6. Rules authorized. The department may adopt  
20 rules necessary for the effective administration of laws and  
21 programs pertaining to and benefiting elderly and aged  
22 citizens in Montana.

23 Section 7. Section 71-1915, R.C.M. 1947, is amended to  
24 read as follows:

25 \*71-1915. Definitions. As used in this act chapter the

1 following definitions apply:

2 (1) "Department" means the department of ~~social and~~  
3 ~~rehabilitation-services~~ aging.

4 (2) "Aged person" means an aged person as defined by  
5 the department.

6 (3) "Disabled adult" means a person ~~eighteen-18}~~  
7 years of age or over who is defined by the department as  
8 disabled but not developmentally disabled.

9 (4) "Protective services" means assistance to an aged  
10 person or disabled adult in obtaining the services offered  
11 by the department."

12 Section 8. Section 71-1918, R.C.M. 1947, is amended to  
13 read as follows:

14 "71-1918. Departmental authority. The department may  
15 implement a program for protective services by establishing  
16 appropriate rules ~~and regulations~~ which are not inconsistent  
17 with the ~~department of social and rehabilitation-services~~  
18 ~~department's~~ activities."

19 Section 9. Section 71-2301, R.C.M. 1947, is amended to  
20 read as follows:

21 "71-2301. Functions of state department of aging in  
22 foster care. The state department of ~~social and~~  
23 ~~rehabilitation-services~~ aging shall:

24 (1) Consult with and advise organized efforts by  
25 communities, organizations, associations, and groups that

1 are working toward any forms of assistance to problems of  
2 aging.

3 (2) Study and identify problems of aging.

4 (3) Review existing programs for the aging and make  
5 recommendations to the governor and the legislature for  
6 improvements in such programs.

7 (4) Encourage the sponsorship of community projects  
8 which will seek to make optimum use of the time and talents  
9 of retired persons."

10 Section 10. Section 71-2304, R.C.M. 1947, is amended  
11 to read as follows:

12 "71-2304. Definitions. As used in this act ~~chapter the~~  
13 following definitions apply:

14 (1) "Department" means the department of ~~social and~~  
15 ~~rehabilitation-services~~ aging.

16 (2) "Adult foster family care homes" means private  
17 homes owned by one or more persons over the age of ~~eighteen~~  
18 ~~13}~~ which offer light personal care or custodial care to  
19 aged persons or disabled adults who are not related to the  
20 owner by blood or marriage.

21 (3) "Aged person" means a person defined by the  
22 department as aged.

23 (4) "Disabled adult" means a person over the age of  
24 ~~eighteen-13}~~ defined by the department as disabled.

25 (5) "Light personal care" means assisting the aged

1 person or disabled adult in accomplishing such personal  
2 hygiene tasks as bathing, dressing, hair grooming, and  
3 supervision of prescriptive medicine administration but not  
4 administration of prescriptive medications.

5 (6) "Custodial care" means providing a sheltered  
6 family type setting for an aged person or disabled adult so  
7 as to provide for their basic needs of food, shelter and  
8 having a specific person available to help them meet their  
9 basic needs.

10 (7) "Skilled nursing care" means ~~twenty-four-(24)-hour~~  
11 ~~24-hour~~ care supervised by a registered nurse or a licensed  
12 practical nurse under orders of an attending physician."

13 Section 11. Section 80-2414, R.C.M. 1947, is amended  
14 to read as follows:

15 "80-2414. Duties of department of ~~institutions aging~~  
16 ~~regarding geriatric patients~~. The department of ~~institutions~~  
17 ~~aging~~:

18 (1) shall contract with nonprofit corporations, which  
19 demonstrate expertise in and the capability of providing  
20 rehabilitative and restorative programs for aged citizens,  
21 for the operation and management of nursing homes  
22 established under this act;

23 (2) shall ensure that nursing homes established and  
24 operated under this act are in compliance with all  
25 applicable federal and state regulations;

1 (3) shall adopt rules for staffing requirements and  
2 the admission of patients;

3 (4) shall provide that geriatric residents of Warm  
4 Springs state hospital have first priority for admission to  
5 nursing homes established under this act;

6 (5) may accept grants, bequests, and contributions in  
7 money or property or any other form from individuals,  
8 corporations, associations or federal, state and local  
9 government agencies for the purposes of establishing and  
10 operating nursing homes under this act."

11 Section 12. Section 80-2502, R.C.M. 1947, is amended  
12 to read as follows:

13 "80-2502. Transfer of patients to and from hospitals  
14 -- notice to relatives, with the approval of the department  
15 of ~~institutions aging~~, the Warm Springs state hospital may  
16 transfer a patient to the center or from the center to the  
17 state hospital. With the approval of the department the  
18 state hospital may transfer a patient residing at the center  
19 to Galen state hospital. Unless a medical or psychiatric  
20 emergency exists, ~~fifteen-(15)~~ days prior to the transfer  
21 the department shall notify the patient's parent, guardian,  
22 or spouse, or if none is known, his nearest relative or  
23 friend. In the case of an emergency transfer, the department  
24 shall send notice within ~~seventy-two-(72)~~ hours after the  
25 time of transfer."

1 Section 13. Section 82A-801.1, R.C.M. 1947, is amended  
2 to read as follows:

3 "82A-801.1. Functions of department. The department  
4 and its units are responsible for the administration of laws  
5 relating to institutions, including, but not limited to,  
6 laws pertaining to:

- 7 (1) District youth guidance homes (Title 10, chapter  
8 11);
- 9 (2) Warm Springs state hospital (Title 38, chapter 1);
- 10 (3) Examination and commitment of persons mentally  
11 deranged (Title 38, chapter 2);
- 12 (4) Patient transfers (Title 38, chapter 3);
- 13 (5) Examination of patients and voluntary admissions  
14 (Title 38, chapter 4);
- 15 (6) Convalescent leave of patients (Title 38, chapter  
16 5);
- 17 (7) Voluntary sterilizations (Title 69, chapter 64);
- 18 (8) Juvenile facilities (Title 80, chapter 14);
- 19 (9) Institutional industries (Title 80, chapter 15);
- 20 (10) Payments for care of patients (Title 80, chapter  
21 16);
- 22 (11) Galen state hospital (Title 80, chapter 17);
- 23 (12) Montana veterans' home (Title 80, chapter 18);
- 24 (13) State prison (Title 80, chapter 19);
- 25 (14) Montana childrens center (Title 80, chapter 21);

1 (15) Mountain View school and Pine Hills school (Title  
2 80, chapter 22);

3 (16) Boulder river school and hospital (Title 80,  
4 chapter 23);

5 (17) Mental hygiene services and mental health centers  
6 (Title 80, chapter 24);

7 ~~{18} Montana center for the aged (Title 80, chapter~~  
8 ~~25);~~

9 ~~{19}~~ {18} Mental retardation programs (Title 80, chapter  
10 26);

11 ~~{20}~~ {19} Probation, parole, and clemency (Title 94,  
12 chapter 98);

13 ~~{21}~~ {20} Alcohol and drug dependence (Title 80, chapter  
14 27)."

15 Section 14. Section 82A-1901.1, R.C.M. 1947, is  
16 amended to read as follows:

17 "82A-1901.1. Functions of department. The department  
18 and its units are responsible for administering laws  
19 pertaining to public assistance, including, but not limited  
20 to:

- 21 (1) Dependent and neglected children (Title 10,  
22 chapter 5);
- 23 (2) Child adoption agencies (Title 10, chapter 7);
- 24 (3) Day care facilities for children (Title 10,  
25 chapter 8);

- 1 (4) Adoptions (Title 61, chapter 2);
- 2 (5) County poor (Title 71, chapter 1);
- 3 (6) Department's functions and county departments of
- 4 public welfare (Title 71, chapter 2);
- 5 (7) General relief (Title 71, chapter 3);
- 6 ~~(8) --Old-age-assistance--(Title-71,chapter-4)†~~
- 7 ~~(9)†(8)~~ Aid to dependent children (Title 71, chapter
- 8 5);
- 9 ~~(10)†(9)~~ Aid to blind (Title 71, chapter 6);
- 10 ~~(11)†(10)~~ Child welfare (Title 71, chapter 7);
- 11 ~~(12)†(11)~~ Disabled persons (Title 71, chapter 12);
- 12 ~~(13)†(12)~~ Services to the blind (Title 71, chapter 14);
- 13 ~~(14)†(13)~~ Medical assistance (Title 71, chapter 15);
- 14 ~~(15)†(14)~~ Vocational rehabilitation and education (Title
- 15 71, chapter 18);
- 16 ~~(16)†(15)~~ Veterans' welfare (Title 71, chapter 19)†
- 17 ~~(17) --Problems-of-aging--(Title-71,chapter-20)."~~

-End-