

1 H BILL NO. 480A
 2 INTRODUCED BY Bentley Dussault Deke Doyle Kay
 3 Felipe Barnett Klein William Walden
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 LAWS CONCERNING COMMUNITY MENTAL HEALTH CENTERS; AMENDING
 6 SECTIONS 80-2801 THROUGH 80-2804, R.C.M. 1947."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 80-2801, R.C.M. 1947, is amended to
 10 read as follows:
 11 "80-2801. 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 ~~(f)~~
 17 building, offering ~~at least the following six (6)~~ basic
 18 mental health services ~~to the public as mandated by federal~~
 19 ~~and state law and other appropriate mental health practices.~~
 20 ~~(a) twenty-four (24)-hour inpatient care;~~
 21 ~~(b) part-time hospitalization;~~
 22 ~~(c) outpatient services;~~
 23 ~~(d) emergency services;~~
 24 ~~(e) consultation and education in mental health;~~
 25 ~~(f) pre-care and aftercare.~~

1 ~~(3) "Mental health clinic" means an outpatient~~
 2 ~~facility offering mental health care to the public.~~
 3 ~~(4) (3) "Department" means the department of~~
 4 ~~institutions."~~
 5 Section 2. Section 80-2802, R.C.M. 1947, is amended to
 6 read as follows:
 7 "80-2802. Duties of department. The department shall:
 8 (1) take cognizance of matters affecting the mental
 9 health of the citizens of the state;
 10 (2) initiate preventive mental health activities of
 11 the statewide mental health programs, including, but not
 12 limited to, the implementation of mental health care and
 13 treatment, prevention, and research as can best be
 14 accomplished by community centered services. Such means
 15 shall be utilized to initiate and operate these services in
 16 cooperation with local agencies as established under this
 17 act;
 18 (3) make scientific and medical research
 19 investigations relative to the incidence, cause, prevention,
 20 treatment, and care of the mentally ill;
 21 (4) collect and disseminate information relating to
 22 mental health;
 23 (5) prepare and maintain a comprehensive plan for the
 24 development of public mental health services in the state.
 25 The public mental health services shall include, but not be

1 limited to community comprehensive mental health centers,
2 mental--health--clinics, traveling service units, and
3 consultative and educational services;

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

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

14 (8) establish standards for public mental health
15 facilities; and

16 (9) evaluate performance of public mental health
17 facilities in compliance with federal and state standards."

18 Section 3. Section 80-2803, R.C.M. 1947, is amended to
19 read as follows:

20 "80-2803. Departmental contracts with mental health
21 corporations. (1) The department may enter into contracts
22 with regional mental health corporations for the purposes of
23 the prevention, diagnosis, and treatment of mental illness.
24 Mental health corporations may be provided for directly by
25 state agencies or indirectly through contract or cooperative

1 arrangements with other agencies of government, regional or
2 local, private or public agencies, private professional
3 persons or hospitals, under rules adopted by the department.

4 (2) State funds specifically appropriated for regional
5 mental health service contracts shall ~~may~~ not exceed fifty
6 percent--(50%) 90% of the budget approved by the department
7 of institutions. Furthermore, the department may establish a
8 system whereby funds appropriated to the Warm Springs state
9 hospital for patient care may be transferred to the
10 community mental health services used to implement this act.
11 If the patient load at Warm Springs state hospital is
12 reduced and these patients become patients of a community
13 mental health service, a portion of the funds appropriated
14 for Warm Springs state hospital may be used to supplement
15 the regional budget. However, if those patients are
16 returned to Warm Springs state hospital from the community
17 mental health services, these funds may revert back to the
18 Warm Springs state hospital. The department shall establish
19 rules to implement this provision."

20 Section 4. Section 80-2804, R.C.M. 1947, is amended to
21 read as follows:

22 "80-2804. Mental health corporations. (1) Mental
23 health regions shall be established in the state mental
24 health plan and shall conform to the mental health regions
25 as established in the state mental health construction plan

1 promulgated by the board of health and environmental
2 sciences under the Federal Community Mental Health Centers
3 Act.

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

22 (3) The duties of an organized a regional mental
23 health corporation board include:

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

1 (b) preparation and submission to the department and
2 to each of the counties in the region of plans and budget
3 proposals to provide and support mental health services
4 within the region;

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

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

18 (e) ~~employment~~ and supervision of appropriate
19 ~~administrative staff personnel~~ the chief executive officer
20 of the operation of community mental health services within
21 the region; and

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

24 (4) Regional mental health board members shall be
25 reimbursed from funds of the board for actual and necessary

1 expenses incurred in attending meetings and in the discharge
2 of board duties, when assigned by the board.

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

18 (6) The regional board of mental health with the
19 approval of the department shall establish a schedule of
20 fees for mental health services. The fees may be received
21 by the board and used to implement the budget in accordance
22 with section 80-2804 (3)(d).*

-End-

Public Health, Welfare & Safety

HOUSE BILL NO. 480

INTRODUCED BY BENGTSON, DUSSAULT, GERKE, DAY,
PADRESA, HARPER, BAKRETTI, KIMBLE, WILLIAMS, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
LAWS CONCERNING COMMUNITY MENTAL HEALTH CENTERS; AMENDING
SECTIONS 80-2801 THROUGH 80-2804, R.C.M. 1947."

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

Section 1. Section 80-2801, R.C.M. 1947, is amended to
read as follows:

"80-2801. 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: as mandated by federal
and state law and other appropriate mental health practices.

- (a) twenty-four (24) hour inpatient care;
(b) part-time hospitalization;
(c) outpatient services;
(d) emergency services;
(e) consultation and education in mental health.

SECOND READING

~~(f) pre-care and after-care~~

~~(3) "Mental health clinic" means an outpatient
facility offering mental health care to the public.~~

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

Section 2. Section 80-2802, R.C.M. 1947, is amended to
read as follows:

"80-2802. 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.

1 The public mental health services shall include, but not be
2 limited to, community comprehensive mental health centers,
3 ~~mental-health-clinics,~~ traveling service units, and
4 consultative and educational services;

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

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

15 (8) establish standards for public mental health
16 facilities; and

17 (9) evaluate performance of public mental health
18 facilities in compliance with federal and state standards."

19 Section 3. Section 80-2803, R.C.M. 1947, is amended to
20 read as follows:

21 "80-2803. Departmental contracts with mental health
22 corporations. (1) The department may enter into contracts
23 with regional mental health corporations for the purposes of
24 the prevention, diagnosis, and treatment of mental illness.
25 Mental health corporations may be provided for directly by

1 state agencies or indirectly through contract or cooperative
2 arrangements with other agencies of government, regional or
3 local, private or public agencies, private professional
4 persons or hospitals, under rules adopted by the department.

5 (2) State funds specifically appropriated for regional
6 mental health service contracts ~~shall~~ may not exceed fifty
7 percent ~~(50%)~~ 90% of the budget approved by the department
8 of 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 shall establish
20 rules to implement this provision."

21 Section 4. Section 80-2804, R.C.M. 1947, is amended to
22 read as follows:

23 "80-2804. Mental health corporations. (1) Mental
24 health regions shall be established in the state mental
25 health plan and shall conform to the mental health regions

1 as established in the state mental health construction plan
 2 promulgated ~~by the board of health and environmental~~
 3 ~~sciences under the Federal Community Mental Health Centers~~
 4 ~~Act.~~

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

23 (3) The duties of ~~an organized~~ a regional mental
 24 health corporation board include:

25 (a) annual review and evaluation of mental health

1 needs and services within the region;

2 (b) preparation and submission to the department and
 3 to each of the counties in the region of plans and budget
 4 proposals to provide and support mental health services
 5 within the region;

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

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

19 (e) employment and supervision of appropriate
 20 administrative staff personnel the chief executive officer
 21 of the operation of community mental health services within
 22 the region; and

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

25 (4) Regional mental health board members shall be

1 reimbursed from funds of the board for actual and necessary
 2 expenses incurred in attending meetings and in the discharge
 3 of board duties, when assigned by the board.

4 (5) The board of mental health shall submit, prior to
 5 June 10 of each year, to the board of county commissioners
 6 of each of the counties within the constituted mental health
 7 region an annual budget, specifying each county's
 8 recommended proportionate share. ~~if the~~ the board of county
 9 commissioners ~~includes~~ ~~shall~~ MAY include in the county
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 12 county. Funds for each participating county's
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 16 to meet the approved budget, a levy not to exceed ~~one (1)~~
 17 mill may be made on the taxable valuation of the county in
 18 addition to all other taxes allowed by law to be levied on
 19 such property.

20 (6) The regional board of mental health with the
 21 approval of the department shall establish a schedule of
 22 fees for mental health services. The fees may be received
 23 by the board and used to implement the budget in accordance
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 3 to each of the counties in the region of plans and budget
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 5 within the region;

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 7 of financial participation of each of the counties within
 8 the region in the provision of mental health service within
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 17 this act shall be used to carry out the purposes of this
 18 act.

19 (e) ~~employment~~ and supervision of ~~appropriate~~
 20 ~~administrative staff personnel~~ the chief executive officer
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 9 commissioners ~~includes~~ ~~shall~~ ~~may~~ ~~shall~~ include in the county
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 14 services within the region shall be derived from the
 15 county's general fund. If the general fund is insufficient
 16 to meet the approved budget, a levy not to exceed ~~one~~ ~~(1)~~
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 18 addition to all other taxes allowed by law to be levied on
 19 such property.

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 21 approval of the department shall establish a schedule of
 22 fees for mental health services. The fees may be received
 23 by the board and used to implement the budget in accordance
 24 with section 90-2804 (3)(d)."

-End-