

1 *House* BILL NO. *230*
 2 INTRODUCED BY *Pauline Lynch*
 3 *Hammerton* *Scully* *Alley*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INSURE THE HEALTH
 5 AND SAFETY OF INDIVIDUALS RECEIVING CARE IN FOSTER HOMES AND
 6 GROUP HOMES LICENSED BY THE DEPARTMENT OF SOCIAL AND
 7 REHABILITATION SERVICES; TO REQUIRE THE DEPARTMENT OF SOCIAL
 8 AND REHABILITATION SERVICES TO ADOPT FIRE-SAFETY AND HEALTH
 9 STANDARDS NECESSARY FOR THE PROTECTION OF INDIVIDUALS
 10 RECEIVING CARE IN FOSTER AND GROUP HOMES LICENSED BY THE
 11 DEPARTMENT; AND TO PROVIDE FOR INSPECTIONS AND ENFORCEMENT
 12 OF THE FIRE-SAFETY AND HEALTH STANDARDS."

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

15 Section 1. Fire-safety standards to be adopted for
 16 foster and group homes. The department of social and
 17 rehabilitation services shall adopt fire-safety standards
 18 necessary for the protection of individuals receiving care
 19 in foster or group homes licensed by the department.
 20 Standards adopted under this section shall be sufficient to
 21 insure the safety of individuals receiving care but may not
 22 be so restrictive that the provision of foster or group home
 23 care is financially unfeasible. However, the standards may
 24 not be less than the standards adopted by the state fire
 25 marshal for one- and two-family dwellings in the case of

1 foster homes or for lodging or rooming houses in the case of
 2 group homes. The standards adopted under this section apply
 3 to all foster and group homes licensed by the department,
 4 notwithstanding the provisions of 11-7202.1 and 11-7202.2.

5 Section 2. Inspections and enforcement of fire-safety
 6 standards. In order to ascertain compliance with the
 7 fire-safety standards adopted under [section 1], the state
 8 fire marshal shall inspect or cause to be inspected annually
 9 each foster home and group home affected by [section 1].
 10 The state fire marshal shall also inspect or cause to be
 11 inspected the premises where an applicant for a license to
 12 operate a foster or group home plans to operate the home
 13 prior to the granting of the license. The department of
 14 social and rehabilitation services may not grant or renew a
 15 license to operate a foster or group home until the state
 16 fire marshal certifies that the applicant is in compliance
 17 with the fire-safety standards adopted under [section 1].

18 Section 3. Health care standards to be adopted for
 19 foster and group homes. The department of social and
 20 rehabilitation services shall adopt health standards
 21 necessary for the protection of individuals receiving care
 22 in foster or group homes licensed by the department.
 23 Standards adopted under this section shall be sufficient to
 24 protect individuals receiving foster or group home care from
 25 the health hazards of overcrowding, food preparation, and

1 communicable disease but may not be so restrictive that the
2 provision of foster or group home care is financially
3 unfeasible. The standards adopted under this section apply
4 to all foster and group homes licensed by the department,
5 notwithstanding the provisions of 11-2702.1 and 11-2702.2.

6 Section 4. Inspections and enforcement of health
7 standards. In order to ascertain compliance with the health
8 standards adopted under [section 3], the department of
9 health and environmental sciences shall inspect or cause to
10 be inspected annually each foster home and group home
11 affected by [section 3]. The department of health and
12 environmental sciences shall also inspect or cause to be
13 inspected the premises where an applicant for a license to
14 operate a foster or group home plans to operate the home
15 prior to the granting of the license. The department of
16 social and rehabilitation services may not grant or renew a
17 license to operate a foster or group home until the
18 department of health and environmental sciences certifies
19 that the applicant is in compliance with the health
20 standards adopted under [section 3].

-End-

STATE OF MONTANA

REQUEST NO. 471-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 1977, there is hereby submitted a Fiscal Note for House Bill 730 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 to insure the health and safety of persons receiving care in foster homes and group homes licensed by the Department of Social and Rehabilitation Services.

ASSUMPTIONS:

1. The Department of Health will inspect annually 900 homes (group and foster) in FY 78 and 920 in FY 79.
2. SRS will license twenty (20) new foster homes in FY 79.
3. SRS currently issues annual licenses.
4. Smoke alarms and fire extinguishers are required in House Bill 730. The state will pay for the alarms and extinguishers.
5. SRS budget modification and supplemental appropriation requests will be approved which will cover the additional cost to SRS.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional inspection and related costs to Department of Health	\$15,710	\$16,185
Additional cost to SRS to purchase fire alarms and extinguishers	<u>45,000</u>	<u>1,000</u>
Total additional cost of proposed legislation	<u>\$60,710</u>	<u>\$17,185</u>

TECHNICAL NOTE:

Section 1 - "provisions of 11-7202-1 and 11-7202.1" should read 11-2702.1 and 11-2702.2.

Richard L. Drang
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77

Approved by Committee
on Public Health, Welfare
& Safety

1 HOUSE BILL NO. 730
2 INTRODUCED BY QUILICI, LYNCH, MELOY, HARRINGTON, SCULLY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INSURE THE HEALTH
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6 GROUP HOMES LICENSED BY THE DEPARTMENT OF SOCIAL AND
7 REHABILITATION SERVICES; TO REQUIRE THE DEPARTMENT OF SOCIAL
8 AND REHABILITATION SERVICES TO ADOPT FIRE-SAFETY AND HEALTH
9 STANDARDS NECESSARY FOR THE PROTECTION OF INDIVIDUALS
10 RECEIVING CARE IN FOSTER AND GROUP HOMES LICENSED BY THE
11 DEPARTMENT; AND TO PROVIDE FOR INSPECTIONS AND ENFORCEMENT
12 OF THE FIRE-SAFETY AND HEALTH STANDARDS."
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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16 foster and group homes. The department of social and
17 rehabilitation services shall adopt fire-safety standards
18 necessary for the protection of individuals receiving care
19 in foster or group homes licensed by the department.
20 Standards adopted under this section shall be sufficient to
21 insure the safety of individuals receiving care but may not
22 be so restrictive that the provision of foster or group home
23 care is financially unfeasible. However, the standards may
24 ~~not be less than the standards adopted by the state fire~~
25 ~~marshal for one and two family dwellings in the case of~~

1 ~~foster homes or for lodging or rooming houses in the case of~~
2 ~~group homes MUST BE APPROVED BY THE STATE FIRE MARSHAL.~~ The
3 standards adopted under this section apply to all foster and
4 group homes licensed by the department, notwithstanding the
5 provisions of ~~11-7202+1 11-2702.1~~ and ~~11-7202+2 11-2702.2~~.
6 Section 2. Inspections and enforcement of fire-safety
7 standards. In order to ascertain compliance with the
8 fire-safety standards adopted under [section 1], the state
9 fire marshal shall inspect or cause to be inspected annually
10 each foster home and group home affected by [section 1].
11 The state fire marshal shall also inspect or cause to be
12 inspected the premises where an applicant for a license to
13 operate a foster or group home plans to operate the home
14 prior to the granting of the license. The department of
15 social and rehabilitation services may not grant or renew a
16 license to operate a foster or group home until the state
17 fire marshal certifies that the applicant is in compliance
18 with the fire-safety standards adopted under [section 1].
19 Section 3. Health care standards to be adopted for
20 foster and group homes. The department of social and
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22 necessary for the protection of individuals receiving care
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24 Standards adopted under this section shall be sufficient to
25 protect individuals receiving foster or group home care from

SECOND READING

1 the health hazards of overcrowding, food preparation, and
 2 communicable disease but may not be so restrictive that the
 3 provision of foster or group home care is financially
 4 unfeasible. The standards adopted under this section apply
 5 to all foster and group homes licensed by the department,
 6 notwithstanding the provisions of 11-2702.1 and 11-2702.2.

7 Section 4. Inspections and enforcement of health
 8 standards. In order to ascertain compliance with the health
 9 standards adopted under [section 3], the department of
 10 health and environmental sciences shall inspect or cause to
 11 be inspected annually each foster home and group home
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 13 environmental sciences shall also inspect or cause to be
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 15 operate a foster or group home plans to operate the home
 16 prior to the granting of the license. The department of
 17 social and rehabilitation services may not grant or renew a
 18 license to operate a foster or group home until the
 19 department of health and environmental sciences certifies
 20 that the applicant is in compliance with the health
 21 standards adopted under [section 3].

22 SECTION 5. TEMPORARY LICENSE. NOTHING IN THIS ACT
 23 PRECLUDES THE DEPARTMENT OF SOCIAL AND REHABILITATION
 24 SERVICES FROM ISSUING OR RENEWING A TEMPORARY LICENSE TO
 25 OPERATE A FOSTER OR GROUP HOME IF THE INSPECTIONS REQUIRED

1 UNDER [SECTIONS 2 AND 4] ARE NOT PERFORMED WITHIN 30 DAYS OF
 2 A WRITTEN REQUEST FROM THE DEPARTMENT OF SOCIAL AND
 3 REHABILITATION SERVICES, WHICH LICENSE IS EFFECTIVE FOR 60
 4 DAYS OR UNTIL SUCH INSPECTION IS MADE, WHICHEVER OCCURS
 5 FIRST.

-End-

HOUSE BILL NO. 730

INTRODUCED BY QUILICI, LYNCH, MELOY, HARRINGTON, SCULLY

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Section 2. Inspections and enforcement of fire-safety standards. In order to ascertain compliance with the fire-safety standards adopted under [section 1], the state fire marshal shall inspect or cause to be inspected annually each foster home and group home affected by [section 1]. The state fire marshal shall also inspect or cause to be inspected the premises where an applicant for a license to operate a foster or group home plans to operate the home prior to the granting of the license. The department of social and rehabilitation services may not grant or renew a license to operate a foster or group home until the state fire marshal certifies that the applicant is in compliance with the fire-safety standards adopted under [section 1].

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 4 DAYS OR UNTIL SUCH INSPECTION IS MADE, WHICHEVER OCCURS
 5 FIRST.

-End-

March 26, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Public Health, Welfare and Safety

That House Bill No. 730, third reading, be amended as follows:

1. Amend page 1, Section 1, line 17.

Following: "adopt"

Insert: "operational"