

1 House BILL NO. 772
 2 INTRODUCED BY Alusant, Bangton
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 MONTANA DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES
 6 ACT OF 1974; TO BRING THE DEFINITION OF "DEVELOPMENTAL
 7 DISABILITIES" INTO CONFORMITY WITH FEDERAL GUIDELINES; TO
 8 CHANGE THE ADVISORY COUNCIL TO A PLANNING AND ADVISORY
 9 COUNCIL, TO DELINEATE THE TERMS OF ITS MEMBERS, AND TO
 10 AUTHORIZE IT TO ELECT ITS OWN OFFICERS; TO BROADEN THE
 11 DUTIES OF THE DEPARTMENT OF SOCIAL AND REHABILITATION
 12 SERVICES, THE PLANNING AND ADVISORY COUNCIL, AND THE
 13 REGIONAL COUNCILS; TO EXTEND THE PROVISIONS FOR
 14 INTERDEPARTMENTAL COOPERATION AND TRANSFER OF FUNDS WITH
 15 RESPECT TO DEVELOPMENTAL DISABILITY PROGRAMS; TO AMEND
 16 SECTIONS 71-2402, 71-2403, 71-2404, 71-2406, 71-2407, AND
 17 71-2414, R.C.M. 1947; TO REPEAL SECTION 9, CHAPTER 239, LAWS
 18 OF 1975; AND TO PROVIDE EFFECTIVE DATES."
 19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 21 Section 1. Section 71-2402, R.C.M. 1947, is amended to
 22 read as follows:
 23 "71-2402. Definitions. As used in this act chapter,
 24 the following definitions apply:
 25 (1) "Department" means the department of social and

1 rehabilitation services.
 2 (2) "Developmental disabilities" means disabilities
 3 attributable to mental retardation, cerebral palsy,
 4 epilepsy, autism, or any other neurological handicapping
 5 conditions ~~condition~~ closely related to mental retardation
 6 and requiring treatment similar to that required by mentally
 7 retarded individuals; ~~which condition if the disability~~
 8 originated before the person attained age 18, has continued
 9 or can be expected to continue indefinitely, and constitutes
 10 a substantial handicap of ~~such individuals the person.~~
 11 (3) "Developmental disabilities facility" means any
 12 service or group of services offering care to the
 13 developmentally disabled on an inpatient, outpatient,
 14 residential, clinical, or other programmatic basis.
 15 (4) "Comprehensive developmental disability system"
 16 means a system of services including, but not limited to,
 17 the following basic services with the intention of providing
 18 alternatives to institutionalization:
 19 (a) evaluation services;
 20 (b) diagnostic services;
 21 (c) treatment services;
 22 (d) day care services;
 23 (e) training services;
 24 (f) education services;
 25 (g) employment services;

- 1 (h) recreation services;1
- 2 (i) personal care services;1
- 3 (j) domiciliary care services;1
- 4 (k) special living arrangements services;1
- 5 (l) counseling services;1
- 6 (m) information and referral services;1
- 7 (n) follow-along services;1
- 8 (o) protective and other social and sociological
- 9 services;1 and
- 10 (p) transportation services."

11 Section 2. Section 71-2403, R.C.M. 1947, is amended to
 12 read as follows:

13 "71-2403. Responsibilities of department. The
 14 department shall:

- 15 (1) take cognizance of matters affecting the
- 16 developmentally disabled citizens of the state;
- 17 (2) initiate a preventive developmental disabilities
- 18 program which program shall include, but not be limited to,
- 19 the implementation of developmental disabilities care, and
- 20 treatment, and prevention, and research as can best be
- 21 accomplished by community centered services. Every means
- 22 shall be utilized to initiate and operate such the service
- 23 program in cooperation with local agencies, under the
- 24 provisions of sections 71-2405 and 71-2407 of this act,
- 25 chapter.

1 (3) promote scientific and medical research
 2 investigations relative to the incidence, cause, prevention,
 3 and care of developmental disabilities;

4 (4) collect and disseminate information relating to
 5 developmental disabilities;

6 (5) prepare, with the advice assistance of the
 7 planning and advisory council created under section
 8 71-2406, an annual comprehensive plan for the initiation and
 9 maintenance of developmental disabilities services in the
 10 state. Such the services shall include, but not be limited
 11 to, community comprehensive developmental disabilities
 12 services as referred to in section 71-2402;

13 (6) provide to the planning and advisory council a
 14 written quarterly report of planning, program, and fiscal
 15 activities of the department in regard to community-based
 16 services for the developmentally disabled;

17 ~~(6)(7)~~ provide by regulation rule for the evaluation
 18 of persons who apply for services, or persons admitted into
 19 a program at a developmental disability facility;

20 ~~(7)(8)~~ provide state personnel to assist regional
 21 councils provided for in section 71-2407; and

22 ~~(8)(9)~~ receive from agencies of the government of the
 23 United States and other agencies, persons or groups of
 24 persons, associations, firms, or corporations, grants of
 25 money, receipts from fees, gifts, supplies, materials, and

1 contributions to initiate and maintain developmental
2 disabilities services within the state."

3 Section 3. Section 71-2404, R.C.M. 1947, is amended to
4 read as follows:

5 "71-2404. Rules ~~and regulations.~~ (1) The department
6 shall control developmental disabilities programs which
7 receive any state assistance by adopting rules~~v~~ for
8 providing developmental disabilities facilities and
9 services. It shall set minimum standards for programs~~v~~ and
10 establish appropriate qualifications~~s~~ and compensation
11 scales~~s~~ and personnel policies for persons employed in such
12 programs.

13 (2) All developmental disabilities facilities and
14 services shall comply with existing federal guidelines and
15 with requirements which will enable the services and
16 facilities to qualify for available aid funds. However,
17 nothing herein ~~shall imply~~ in this section implies the
18 necessity for facilities serving the developmentally
19 disabled to meet the same or equal standards as licensed
20 medical facilities~~v~~ unless the developmental disabilities
21 facility is providing professional or skilled medical care.

22 (3) The department shall adopt rules in cooperation
23 with the board of nursing under which a properly trained
24 staff member of a facility providing services to
25 developmentally disabled persons under this chapter may

1 assist in the administration of medication to a client of
2 the facility if the medication is normally self-administered
3 and if a physician has prescribed the assistance."

4 Section 4. Section 71-2406, R.C.M. 1947, is amended to
5 read as follows:

6 "71-2406. Advisory Planning and advisory council. (1)
7 The governor shall appoint a developmental disabilities
8 planning and advisory council in accordance with ~~section~~
9 82A-110.

10 (2) The council is composed of ~~twenty-one (21)~~ members
11 ~~appointed or reappointed annually by the governor~~ and
12 consists of the following:

13 (a) the directors of the departments of social and
14 rehabilitation services, health and environmental sciences,
15 and institutions~~v~~ or their designees;

16 (b) the superintendent of public instruction or a
17 designee;

18 (c) one ~~(1)~~ recognized private professional in each
19 discipline of medicine, law, psychology~~s~~ and social work;

20 (d) two members of the state senate;

21 (e) two members of the state house of representatives;

22 (f) four ~~(4)~~ consumers or representatives of consumers
23 or consumer organizations in the discipline of developmental
24 disabilities; and

25 (g) one ~~(1)~~ member of each of the five ~~(5)~~ regional

1 councils provided for in 71-2407, who shall also be
2 consumers or representatives of consumers or consumer
3 organizations in the discipline of developmental
4 disabilities.

5 ~~(3) (a) Each member or his designee who serves on the~~
6 ~~council pursuant to subsections (2)(a) or (2)(b) of this~~
7 ~~section shall serve for a term concurrent with his~~
8 ~~respective term as a director or the superintendent of~~
9 ~~public instruction, as the case may be. Upon his removal~~
10 ~~from office, his or his designee's term as a member of the~~
11 ~~council is automatically terminated and his successor in~~
12 ~~office or his successor's designee is automatically a member~~
13 ~~of the council.~~

14 ~~(b) Each member who serves on the council pursuant to~~
15 ~~subsections (2)(d) or (2)(e) of this section shall be~~
16 ~~appointed or reappointed annually by the governor.~~

17 ~~(c) Seven of the members serving on the council~~
18 ~~pursuant to subsections (2)(c), (2)(f), or (2)(g) of this~~
19 ~~section shall be appointed by the governor to serve for~~
20 ~~terms concurrent with the gubernatorial term and until their~~
21 ~~successors are appointed. The remaining six members serving~~
22 ~~on the council shall be appointed by the governor to serve~~
23 ~~for terms ending on January 1 of the third year of the~~
24 ~~succeeding gubernatorial term and until their successors are~~
25 ~~appointed.~~

1 ~~(4) The council may elect from among its members the~~
2 ~~officers necessary for the proper management of the council.~~

3 ~~(3)(5) The advisory council shall:~~

4 (a) advise the department, other state agencies,
5 councils, local governments, and private organizations on
6 programs for services to the developmentally disabled;

7 (b) develop a plan for a statewide system of community
8 based services for the developmentally disabled; and

9 (c) serve in any capacity required by federal law for
10 the administration of federal programs for services to the
11 developmentally disabled.

12 ~~(4)(6) The advisory council is allocated to the~~
13 ~~department."~~

14 Section 5. Section 71-2407, R.C.M. 1947, is amended to
15 read as follows:

16 "71-2407. Regional councils. (1) The department shall
17 approve a citizens' organization as a regional council for
18 each of the following five ~~(5)~~ regions:

19 (a) Region one, consisting of Phillips, Valley,
20 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
21 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
22 Powder River, and Carter Counties;

23 (b) Region two, consisting of Glacier, Toole, Liberty,
24 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
25 Counties;

1 (c) Region three, consisting of Judith Basin, Fergus,
2 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
3 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
4 Counties;

5 (d) Region four, consisting of Powell, Lewis and
6 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
7 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
8 Counties; and

9 (e) Region five, consisting of Lincoln, Flathead,
10 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

11 (2) Under guidelines adopted by the department, a
12 citizens' organization approved by the department shall be
13 broadly representative of the region and at least ~~one-third~~
14 ~~{1/3}~~ one-third of its members shall be consumers or
15 representatives of consumers or consumer organizations in
16 the discipline of developmental disabilities.

17 (3) A citizens' organization shall be approved under
18 procedures and rules adopted by the department.

19 (4) A regional council member, who is not a full-time
20 employee of the state or of a county, is entitled to be
21 reimbursed in an amount to be determined by the department,
22 not to exceed ~~twenty-five dollars~~ ~~---{25}~~, for each day
23 actually and necessarily engaged in the performance of board
24 duties, and for travel as provided in section 59-801.

25 (5) A regional council shall:

1 (a) make an annual ~~written~~ review and evaluation of
2 needs and services within the region and provide a copy of
3 the review and evaluation to the planning and advisory
4 council;

5 (b) advise the department, other state agencies,
6 councils, local governments, and private organizations on
7 programs for services to the developmentally disabled within
8 the region; and

9 (c) develop a plan for a system of community based
10 services for the developmentally disabled within the region
11 and provide a copy of the plan to the planning and advisory
12 council."

13 Section 6. Section 71-2414, R.C.M. 1947, is amended to
14 read as follows:

15 "71-2414. Departments to cooperate. (1) The department
16 of institutions, the department of social and rehabilitation
17 services, the department of health and environmental
18 sciences, and offices the office of superintendent of public
19 instruction, shall cooperate on all aspects of each agency's
20 respective programs for the developmentally disabled.

21 (2) Funds appropriated to the department of
22 institutions, and Warm Springs state hospital, Galen state
23 hospital, or Boulder river River school and hospital for
24 programs---for---the---developmentally---disabled may be
25 transferred by budget---amendment---as---provided---in

1 ~~appropriation acts and with the approval of~~ the governor to
2 the department of social and rehabilitation services for
3 comprehensive developmental disability systems, if there is
4 ~~a significant reduction in residents at the Boulder river~~
5 ~~school and hospital which results of any of those~~
6 ~~institutions are transferred to a comprehensive~~
7 ~~developmental disability system resulting in less~~
8 expenditures at that institution than allowed by legislative
9 appropriation.

10 ~~(3) Funds appropriated to the department of social and~~
11 ~~rehabilitation services for comprehensive developmental~~
12 ~~disability systems may be transferred by budget amendment~~
13 ~~as provided in appropriation acts and with the approval of~~
14 ~~the governor to Boulder river school and hospital if the~~
15 ~~number of residents at that institution is not significantly~~
16 ~~reduced by the provision of services by the department under~~
17 ~~this chapter.~~

18 Section 7. Repealer. Section 9, Chapter 239, Laws of
19 1975, is repealed.

20 Section 8. Effective dates. Sections 1 through 6 of
21 this act are effective on July 1, 1977. Section 7 of this
22 act is effective on passage and approval of this act.

-End-

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 772

INTRODUCED BY DUSSAULT, BENGTSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE MONTANA DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES ACT OF 1974; TO BRING THE DEFINITION OF "DEVELOPMENTAL DISABILITIES" INTO CONFORMITY WITH FEDERAL GUIDELINES; TO CHANGE THE ADVISORY COUNCIL TO A PLANNING AND ADVISORY COUNCIL, TO DELINEATE THE TERMS OF ITS MEMBERS, AND TO AUTHORIZE IT TO ELECT ITS OWN OFFICERS; TO BROADEN THE DUTIES OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, THE PLANNING AND ADVISORY COUNCIL, AND THE REGIONAL COUNCILS; TO EXTEND THE PROVISIONS FOR INTERDEPARTMENTAL COOPERATION AND TRANSFER OF FUNDS WITH RESPECT TO DEVELOPMENTAL DISABILITY PROGRAMS; TO AMEND SECTIONS 71-2402, 71-2403, 71-2404, 71-2406, 71-2407, AND 71-2414, R.C.M. 1947; TO REPEAL SECTION 9, CHAPTER 239, LAWS OF 1975; AND TO PROVIDE EFFECTIVE DATES."

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

Section 1. Section 71-2402, R.C.M. 1947, is amended to read as follows:

"71-2402. Definitions. As used in this act ~~chapter,~~ the following definitions apply:

(1) "Department" means the department of social and

rehabilitation services.

(2) "Developmental disabilities" means disabilities attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurological handicapping ~~conditions~~ condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; ~~which condition if the disability originated before the person attained age 18,~~ has continued or can be expected to continue indefinitely, and constitutes a substantial handicap of ~~such individuals~~ the person.

(3) "Developmental disabilities facility" means any service or group of services offering care to the developmentally disabled on an inpatient, outpatient, residential, clinical, or other programmatic basis.

(4) "Comprehensive developmental disability system" means a system of services including, but not limited to, the following basic services with the intention of providing alternatives to institutionalization:

- (a) evaluation services;
- (b) diagnostic services;
- (c) treatment services;
- (d) day care services;
- (e) training services;
- (f) education services;
- (g) employment services;

- 1 (h) recreation services;ⁱ
- 2 (i) personal care services;ⁱ
- 3 (j) domiciliary care services;ⁱ
- 4 (k) special living arrangements services;ⁱ
- 5 (l) counseling services;ⁱ
- 6 (m) information and referral services;ⁱ
- 7 (n) follow-along services;ⁱ
- 8 (o) protective and other social and sociolegal
- 9 services;ⁱ and
- 10 (p) transportation services."

11 Section 2. Section 71-2403, R.C.M. 1947, is amended to
 12 read as follows:

13 "71-2403. Responsibilities of department. The
 14 department shall:

- 15 (1) take cognizance of matters affecting the
- 16 developmentally disabled citizens of the state;
- 17 (2) initiate a preventive developmental disabilities
- 18 program which program shall include, but not be limited to
- 19 the implementation of developmental disabilities care, and
- 20 treatment, and prevention, and research as can best be
- 21 accomplished by community centered services. Every means
- 22 shall be utilized to initiate and operate such the service
- 23 program in cooperation with local agencies, under the
- 24 provisions of sections 71-2405 and 71-2407 of this act
- 25 chapter.

1 (3) promote scientific and medical research
 2 investigations relative to the incidence, cause, prevention,
 3 and care of developmental disabilities;

4 (4) collect and disseminate information relating to
 5 developmental disabilities;

6 (5) prepare, with the ~~advice~~ assistance of the
 7 planning and advisory council created under ~~section~~
 8 71-2406, an annual comprehensive plan for the initiation and
 9 maintenance of developmental disabilities services in the
 10 state. ~~Such the~~ services shall include, but not be limited
 11 to, community comprehensive developmental disabilities
 12 services as referred to in ~~section~~ 71-2407.

13 (6) provide to the planning and advisory council a
 14 written quarterly report of planning, program, and fiscal
 15 activities of the department in regard to community-based
 16 services for the developmentally disabled;

17 ~~(6)(1)~~ provide by regulation rule for the evaluation
 18 of persons who apply for services, or persons admitted into
 19 a program at a developmental disability facility;

20 ~~(7)(8)~~ provide state personnel to assist regional
 21 councils provided for in ~~section~~ 71-2407; and

22 ~~(8)(9)~~ receive from agencies of the government of the
 23 United States and other agencies, persons or groups of
 24 persons, associations, firms, or corporations, grants of
 25 money, receipts from fees, gifts, supplies, materials, and

1 contributions to initiate and maintain developmental
2 disabilities services within the state."

3 Section 3. Section 71-2404, R.C.M. 1947, is amended to
4 read as follows:

5 "71-2404. Rules and regulations. (1) The department
6 shall control developmental disabilities programs which
7 receive any state assistance by adopting rules for
8 providing developmental disabilities facilities and
9 services. It shall set minimum standards for programs and
10 establish appropriate qualifications and compensation
11 scales and personnel policies for persons employed in such
12 programs.

13 (2) All developmental disabilities facilities and
14 services shall comply with existing federal guidelines and
15 with requirements which will enable the services and
16 facilities to qualify for available aid funds. However,
17 nothing herein ~~shall imply~~ in this section implies the
18 necessity for facilities serving the developmentally
19 disabled to meet the same or equal standards as licensed
20 medical facilities unless the developmental disabilities
21 facility is providing professional or skilled medical care.

22 (3) ~~The department shall adopt rules in cooperation~~
23 ~~with the board of nursing under which a properly trained~~
24 ~~staff member of a facility providing services to~~
25 ~~developmentally disabled persons under this chapter may~~

1 ~~assist in the administration of medication to a client of~~
2 ~~the facility if the medication is normally self-administered~~
3 ~~and if a physician has prescribed the assistance."~~

4 Section 4. Section 71-2406, R.C.M. 1947, is amended to
5 read as follows:

6 "71-2406. Advisory Planning and advisory council. (1)
7 The governor shall appoint a developmental disabilities
8 planning and advisory council in accordance with section
9 82A-110.

10 (2) The council is composed of ~~twenty-one (21)~~ members
11 ~~appointed or reappointed annually by the governor~~ and
12 consists of the following:

13 (a) the directors of the departments of social and
14 rehabilitation services, health and environmental sciences,
15 and institutions or their designees;

16 (b) the superintendent of public instruction or a
17 designee;

18 (c) one ~~(1)~~ recognized private professional in each
19 discipline of medicine, law, psychology, and social work;

20 (d) two members of the state senate;

21 (e) two members of the state house of representatives;

22 (f) four ~~(4)~~ consumers or representatives of consumers
23 or consumer organizations in the discipline of developmental
24 disabilities; and

25 (g) one ~~(1)~~ member of each of the five ~~(5)~~ regional

1 councils provided for in 71-2407, who shall also be
 2 consumers or representatives of consumers or consumer
 3 organizations in the discipline of developmental
 4 disabilities.

5 ~~(3) (a) Each member or his designee who serves on the~~
 6 ~~council pursuant to subsections (2)(a) or (2)(b) of this~~
 7 ~~section shall serve for a term concurrent with his~~
 8 ~~respective term as a director or the superintendent of~~
 9 ~~public instruction, as the case may be. Upon his removal~~
 10 ~~from office, his or his designee's term as a member of the~~
 11 ~~council is automatically terminated and his successor in~~
 12 ~~office or his successor's designee is automatically a member~~
 13 ~~of the council.~~

14 ~~(b) Each member who serves on the council pursuant to~~
 15 ~~subsections (2)(d) or (2)(e) of this section shall be~~
 16 ~~appointed or reappointed annually by the governor.~~

17 ~~(c) Seven of the members serving on the council~~
 18 ~~pursuant to subsections (2)(c), (2)(f), or (2)(g) of this~~
 19 ~~section shall be appointed by the governor to serve for~~
 20 ~~terms concurrent with the gubernatorial term and until their~~
 21 ~~successors are appointed. The remaining six members serving~~
 22 ~~on the council shall be appointed by the governor to serve~~
 23 ~~for terms ending on January 1 of the third year of the~~
 24 ~~succeeding gubernatorial term and until their successors are~~
 25 ~~appointed.~~

1 ~~(4) The council may elect from among its members the~~
 2 ~~officers necessary for the proper management of the council.~~

3 ~~(3)(5) The advisory council shall:~~

4 ~~(a) advise the department, other state agencies,~~
 5 ~~councils, local governments, and private organizations on~~
 6 ~~programs for services to the developmentally disabled;~~

7 ~~(b) develop a plan for a statewide system of community~~
 8 ~~based services for the developmentally disabled; and~~

9 ~~(c) serve in any capacity required by federal law for~~
 10 ~~the administration of federal programs for services to the~~
 11 ~~developmentally disabled.~~

12 ~~(4)(5) The advisory council is allocated to the~~
 13 ~~department."~~

14 Section 5. Section 71-2407, R.C.M. 1947, is amended to
 15 read as follows:

16 "71-2407. Regional councils. (1) The department shall
 17 approve a citizens' organization as a regional council for
 18 each of the following five ~~(5)~~ regions:

19 (a) Region one, consisting of Phillips, Valley,
 20 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
 21 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
 22 Powder River, and Carter Counties;

23 (b) Region two, consisting of Glacier, Toole, Liberty,
 24 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
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1 (c) Region three, consisting of Judith Basin, Fergus,
 2 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
 3 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
 4 Counties;

5 (d) Region four, consisting of Powell, Lewis and
 6 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
 7 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
 8 Counties; and

9 (e) Region five, consisting of Lincoln, Flathead,
 10 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

11 (2) Under guidelines adopted by the department, a
 12 citizens' organization approved by the department shall be
 13 broadly representative of the region and at least ~~one-third~~
 14 ~~(1/3)~~ ~~one-third~~ of its members shall be consumers or
 15 representatives of consumers or consumer organizations in
 16 the discipline of developmental disabilities.

17 (3) A citizens' organization shall be approved under
 18 procedures and rules adopted by the department.

19 (4) A regional council member, who is not a full-time
 20 employee of the state or of a county, is entitled to be
 21 reimbursed in an amount to be determined by the department,
 22 not to exceed ~~twenty-five dollars--(\$25)~~, for each day
 23 actually and necessarily engaged in the performance of board
 24 duties, and for travel as provided in section 59-801.

25 (5) A regional council shall:

1 (a) make an annual written review and evaluation of
 2 needs and services within the region and provide a copy of
 3 the review and evaluation to the planning and advisory
 4 council;

5 (b) advise the department, other state agencies,
 6 councils, local governments, and private organizations on
 7 programs for services to the developmentally disabled within
 8 the region; and

9 (c) develop a plan for a system of community based
 10 services for the developmentally disabled within the region
 11 and provide a copy of the plan to the planning and advisory
 12 council."

13 Section 6. Section 71-2414, R.C.M. 1947, is amended to
 14 read as follows:

15 "71-2414. Departments to cooperate. (1) The department
 16 of institutions, the department of social and rehabilitation
 17 services, ~~the~~ department of health and environmental
 18 sciences, ~~and offices~~ the office of superintendent of public
 19 instruction, shall cooperate on all aspects of each agency's
 20 respective programs for the developmentally disabled.

21 (2) Funds appropriated to the department of
 22 institutions, ~~and Warm Springs state hospital, Galen state~~
 23 ~~hospital, or Boulder river River school and hospital for~~
 24 ~~programs---for---the---developmentally---disabled~~ may be
 25 ~~transferred~~ by budget ~~amendment~~ ~~as~~ ~~provided~~ ~~in~~

1 ~~appropriation acts and with the approval of~~ the governor to
2 the department of social and rehabilitation services for
3 comprehensive developmental disability systems, if there is
4 ~~a significant reduction in~~ residents at ~~the Boulder river~~
5 ~~school and hospital~~ which results of any of those
6 institutions are transferred to a comprehensive
7 developmental disability system resulting in less
8 expenditures at that institution than allowed by legislative
9 appropriation.

10 ~~(3) Funds appropriated to the department of social and~~
11 ~~rehabilitation services for comprehensive developmental~~
12 ~~disability systems may be transferred, by budget amendment~~
13 ~~as provided in appropriation acts and with the approval of~~
14 ~~the governor, to Boulder river school and hospital if the~~
15 ~~number of residents at that institution is not significantly~~
16 ~~reduced by the provision of services by the department under~~
17 ~~this chapter."~~

18 Section 7. Repealer. Section 9, Chapter 239, Laws of
19 1975, is repealed.

20 Section 8. Effective dates. Sections 1 through 6 of
21 this act are effective on July 1, 1977. Section 7 of this
22 act is effective on passage and approval of this act.

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2 INTRODUCED BY DUSSAULT, BENGTSON

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12 SERVICES, THE PLANNING AND ADVISORY COUNCIL, AND THE
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24 the following definitions apply:

25 (1) "Department" means the department of social and

1 rehabilitation services.

2 (2) "Developmental disabilities" means disabilities
3 attributable to mental retardation, cerebral palsy,
4 epilepsy, autism, or any other neurological handicapping
5 conditions condition closely related to mental retardation
6 and requiring treatment similar to that required by mentally
7 retarded individuals, ~~which condition if the disability~~
8 originated before the person attained age 18, has continued
9 or can be expected to continue indefinitely, and constitutes
10 a substantial handicap of ~~such individuals~~ the person.

11 (3) "Developmental disabilities facility" means any
12 service or group of services offering care to the
13 developmentally disabled on an inpatient, outpatient,
14 residential, clinical, or other programmatic basis.

15 (4) "Comprehensive developmental disability system"
16 means a system of services including, but not limited to,
17 the following basic services with the intention of providing
18 alternatives to institutionalization:

19 (a) evaluation services;

20 (b) diagnostic services;

21 (c) treatment services;

22 (d) day care services;

23 (e) training services;

24 (f) education services;

25 (g) employment services;

THIRD READING

- 1 (h) recreation services;
- 2 (i) personal care services;
- 3 (j) domiciliary care services;
- 4 (k) special living arrangements services;
- 5 (l) counseling services;
- 6 (m) information and referral services;
- 7 (n) follow-along services;
- 8 (o) protective and other social and sociolegal
- 9 services; and
- 10 (p) transportation services."

11 Section 2. Section 71-2403, R.C.M. 1947, is amended to
 12 read as follows:

13 "71-2403. Responsibilities of department. The
 14 department shall:

15 (1) take cognizance of matters affecting the
 16 developmentally disabled citizens of the state;

17 (2) initiate a preventive developmental disabilities
 18 program which program shall include but not be limited to
 19 the implementation of developmental disabilities care and
 20 treatment, and prevention and research as can best be
 21 accomplished by community centered services. Every means
 22 shall be utilized to initiate and operate such the service
 23 program in cooperation with local agencies under the
 24 provisions of sections 71-2405 and 71-2407 of this act;
 25 chapter.

1 (3) promote scientific and medical research
 2 investigations relative to the incidence, cause, prevention
 3 and care of developmental disabilities;

4 (4) collect and disseminate information relating to
 5 developmental disabilities;

6 (5) prepare, with the advice assistance of the
 7 planning and advisory council created under section
 8 71-2406, an annual comprehensive plan for the initiation and
 9 maintenance of developmental disabilities services in the
 10 state. Such the services shall include but not be limited
 11 to community comprehensive developmental disabilities
 12 services as referred to in section 71-2402;

13 ~~(6) provide to the planning and advisory council a~~
 14 ~~written quarterly report of planning, program, and fiscal~~
 15 ~~activities of the department in regard to community-based~~
 16 ~~services for the developmentally disabled;~~

17 ~~(7)~~ provide by regulation rule for the evaluation
 18 of persons who apply for services or persons admitted into
 19 a program at a developmental disability facility;

20 ~~(8)~~ provide state personnel to assist regional
 21 councils provided for in section 71-2407; and

22 ~~(9)~~ receive from agencies of the government of the
 23 United States and other agencies, persons or groups of
 24 persons, associations, firms or corporations grants of
 25 money, receipts from fees, gifts, supplies, materials, and

1 contributions to initiate and maintain developmental
2 disabilities services within the state."

3 Section 3. Section 71-2404, R.C.M. 1947, is amended to
4 read as follows:

5 "71-2404. Rules and regulations. (1) The department
6 shall control developmental disabilities programs which
7 receive any state assistance by adopting rules, for
8 providing developmental disabilities facilities and
9 services. It shall set minimum standards for programs, and
10 establish appropriate qualifications, and compensation
11 scales, and personnel policies for persons employed in such
12 programs.

13 (2) All developmental disabilities facilities and
14 services shall comply with existing federal guidelines and
15 with requirements which will enable the services and
16 facilities to qualify for available aid funds. However,
17 nothing herein shall imply in this section implies the
18 necessity for facilities serving the developmentally
19 disabled to meet the same or equal standards as licensed
20 medical facilities, unless the developmental disabilities
21 facility is providing professional or skilled medical care.

22 (3) The department shall adopt rules in cooperation
23 with the board of nursing under which a properly trained
24 staff member of a facility providing services to
25 developmentally disabled persons under this chapter may

1 assist in the administration of medication to a client of
2 the facility if the medication is normally self-administered
3 and if a physician has prescribed the assistance."

4 Section 4. Section 71-2406, R.C.M. 1947, is amended to
5 read as follows:

6 "71-2406. ~~Advisory Planning and Advisory~~ council. (1)
7 The governor shall appoint a developmental disabilities
8 ~~planning and~~ advisory council in accordance with section
9 82A-110.

10 (2) The council is composed of ~~twenty-one (21)~~ members
11 ~~appointed or reappointed annually by the governor,~~ and
12 consists of the following:

13 (a) the directors of the departments of social and
14 rehabilitation services, health and environmental sciences,
15 and institutions, or their designees;

16 (b) the superintendent of public instruction or a
17 designee;

18 (c) one ~~(1)~~ recognized private professional in each
19 discipline of medicine, law, psychology, and social work;

20 (d) two members of the state senate;

21 (e) two members of the state house of representatives;

22 (f) four ~~(4)~~ consumers or representatives of consumers
23 or consumer organizations in the discipline of developmental
24 disabilities; and

25 (c) one ~~(1)~~ member of each of the five ~~(5)~~ regional

1 councils provided for in 71-2407, who shall also be
2 consumers or representatives of consumers or consumer
3 organizations in the discipline of developmental
4 disabilities.

5 ~~(3) (a) Each member or his designee who serves on the~~
6 ~~council pursuant to subsections (2)(a) or (2)(b) of this~~
7 ~~section shall serve for a term concurrent with his~~
8 ~~respective term as a director or the superintendent of~~
9 ~~public instruction, as the case may be. Upon his removal~~
10 ~~from office, his or his designee's term as a member of the~~
11 ~~council is automatically terminated and his successor in~~
12 ~~office or his successor's designee is automatically a member~~
13 ~~of the council.~~

14 ~~(b) Each member who serves on the council pursuant to~~
15 ~~subsections (2)(d) or (2)(e) of this section shall be~~
16 ~~appointed or reappointed annually by the governor.~~

17 ~~(c) Seven of the members serving on the council~~
18 ~~pursuant to subsections (2)(c), (2)(f), or (2)(g) of this~~
19 ~~section shall be appointed by the governor to serve for~~
20 ~~terms concurrent with the gubernatorial term and until their~~
21 ~~successors are appointed. The remaining six members serving~~
22 ~~on the council shall be appointed by the governor to serve~~
23 ~~for terms ending on January 1 of the third year of the~~
24 ~~succeeding gubernatorial term and until their successors are~~
25 ~~appointed.~~

1 ~~(4) The council may elect from among its members the~~
2 ~~officers necessary for the proper management of the council.~~

3 ~~(3)(5) The advisory council shall:~~

4 (a) advise the department, other state agencies,
5 councils, local governments, and private organizations on
6 programs for services to the developmentally disabled;

7 (b) develop a plan for a statewide system of community
8 based services for the developmentally disabled; and

9 (c) serve in any capacity required by federal law for
10 the administration of federal programs for services to the
11 developmentally disabled.

12 ~~(4)(6) The advisory council is allocated to the~~
13 ~~department."~~

14 Section 5. Section 71-2407, R.C.M. 1947, is amended to
15 read as follows:

16 "71-2407. Regional councils. (1) The department shall
17 approve a citizens' organization as a regional council for
18 each of the following five ~~(5)~~ regions:

19 (a) Region one, consisting of Phillips, Valley,
20 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
21 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
22 Powder River, and Carter Counties;

23 (b) Region two, consisting of Glacier, Toole, Liberty,
24 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
25 Counties;

1 (c) Region three, consisting of Judith Basin, Fergus,
 2 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
 3 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
 4 Counties;

5 (d) Region four, consisting of Powell, Lewis and
 6 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
 7 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
 8 Counties; and

9 (e) Region five, consisting of Lincoln, Flathead,
 10 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

11 (2) Under guidelines adopted by the department, a
 12 citizens' organization approved by the department shall be
 13 broadly representative of the region and at least ~~one-third~~
 14 ~~two-thirds~~ one-third of its members shall be consumers or
 15 representatives of consumers or consumer organizations in
 16 the discipline of developmental disabilities.

17 (3) A citizens' organization shall be approved under
 18 procedures and rules adopted by the department.

19 (4) A regional council member who is not a full-time
 20 employee of the state or of a county is entitled to be
 21 reimbursed in an amount to be determined by the department,
 22 not to exceed ~~twenty-five dollars~~ ~~(\$25)~~, for each day
 23 actually and necessarily engaged in the performance of board
 24 duties, and for travel as provided in section 59-801.

25 (5) A regional council shall:

1 (a) make an annual written review and evaluation of
 2 needs and services within the region and provide a copy of
 3 the review and evaluation to the planning and advisory
 4 council;

5 (b) advise the department, other state agencies,
 6 councils, local governments, and private organizations on
 7 programs for services to the developmentally disabled within
 8 the region; and

9 (c) develop a plan for a system of community based
 10 services for the developmentally disabled within the region
 11 and provide a copy of the plan to the planning and advisory
 12 council."

13 Section 6. Section 71-2414, R.C.M. 1947, is amended to
 14 read as follows:

15 "71-2414. Departments to cooperate. (1) The department
 16 of institutions, the department of social and rehabilitation
 17 services, ~~the~~ department of health and environmental
 18 sciences, ~~and offices the office~~ of superintendent of public
 19 instruction, shall cooperate on all aspects of each agency's
 20 respective programs for the developmentally disabled.

21 (2) Funds appropriated to the department of
 22 institutions, ~~and Warm Springs state hospital, Galen state~~
 23 ~~hospitals, or Boulder river River school and hospital for~~
 24 ~~programs for the developmentally disabled~~ may be
 25 transferred by budget amendment as provided in

1 ~~appropriation acts and with the approval of~~ BUDGET AMENDMENT
2 AS PROVIDED IN APPROPRIATION ACTS AND WITH THE APPROVAL OF
3 the governor to the department of social and rehabilitation
4 services for comprehensive developmental disability systems,
5 if ~~there is a significant reduction in~~ residents at the
6 ~~Boulder river school and hospital which results of any of~~
7 those institutions are transferred to a comprehensive
8 developmental disability system resulting in less
9 expenditures at that institution than allowed by legislative
10 appropriation.

11 ~~{3} Funds appropriated to the department of social and~~
12 ~~rehabilitation services for comprehensive developmental~~
13 ~~disability systems may be transferred, by budget amendment~~
14 ~~as provided in appropriation acts and with the approval of~~
15 ~~the governor, to Boulder river school and hospital if the~~
16 ~~number of residents at that institution is not significantly~~
17 ~~reduced by the provision of services by the department under~~
18 ~~this chapter."~~

19 Section 7. Repealer. Section 9, Chapter 239, Laws of
20 1975, is repealed.

21 Section 8. Effective dates. Sections 1 through 6 of
22 this act are effective on July 1, 1977. Section 7 of this
23 act is effective on passage and approval of this act.

-End-

April 2, 1977

STANDING COMMITTEE REPORT
Senate Committee on Public Health, Welfare & Safety

That House Bill No. 772 be amended as follows:

1. Amend page 3, section 1, line 11.

Following: line 10

Insert: "(5) "Planning and advisory council" means the developmental disabilities planning and advisory council created in 71-2406."

2. Amend page 5, section 3, lines 5 through 8 and 9.

Following: "(1)"

Strike: "The department shall control developmental disabilities programs which receive any state assistance by adopting rules, for providing developmental disabilities facilities and services."

Insert: "The department may adopt rules necessary for the proper administration of this chapter.

(2) The department may contract for programs for developmental disabilities services. Contracts entered into by the department shall contain specific conditions for performance by the contractor."

Renumber subsequent subsections.

3. Amend page 5, section 3, line 10.

Following: "qualifications"

Strike: ", "

4. Amend page 5, section 3, lines 10 and 11.

Following: "and"

Strike: "compensation scales, and personnel policies"

5. Amend page 5, section 3, line 22.

Following: "rules"

Insert: "in cooperation with the board of nursing"

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

Following: "assist"

Strike: "in the administration of medication to"

Insert: "and supervise"

7. Amend page 6, section 3, line 2.

Following: "facility"

Insert: "in taking medication."

8. Amend page 6, section 3, line 2.

Following: "is"

Strike: "normally"

Insert: "usually"

9. Amend page 6, section 4, line 9.

Following: line 8

Strike: "82A-110"

Insert: "the provisions of this section"

April 2, 1977
Page 2
House Bill No. 772

10. Amend page 6, section 4, line 10.
Following: "twenty-one †"
Strike: "21"
Insert: "22"

11. Amend page 6, section 4, line 19.
Following: "psychology,"
Strike: "and"
Following: "social work"
Insert: ", and special education"

12. Amend page 7, section 4, line 17.
Following: "(c)"
Strike: "Seven"
Insert: "Eight"

April 6, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 772 be amended as follows:

1. Amend page 5, section 3, lines 17 and 18.

Following: "~~imply~~"

Strike: "in this section implies the necessity for"

Insert: "herein requires"

1 HOUSE BILL NO. 772

2 INTRODUCED BY DUSSAULT, BENGTSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 MONTANA DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES
6 ACT OF 1974; TO BRING THE DEFINITION OF "DEVELOPMENTAL
7 DISABILITIES" INTO CONFORMITY WITH FEDERAL GUIDELINES; TO
8 CHANGE THE ADVISORY COUNCIL TO A PLANNING AND ADVISORY
9 COUNCIL, TO DELINEATE THE TERMS OF ITS MEMBERS, AND TO
10 AUTHORIZE IT TO ELECT ITS OWN OFFICERS; TO BROADEN THE
11 DUTIES OF THE DEPARTMENT OF SOCIAL AND REHABILITATION
12 SERVICES, THE PLANNING AND ADVISORY COUNCIL, AND THE
13 REGIONAL COUNCILS; TO EXTEND THE PROVISIONS FOR
14 INTERDEPARTMENTAL COOPERATION AND TRANSFER OF FUNDS WITH
15 RESPECT TO DEVELOPMENTAL DISABILITY PROGRAMS; TO AMEND
16 SECTIONS 71-2402, 71-2403, 71-2404, 71-2406, 71-2407, AND
17 71-2414, R.C.M. 1947; TO REPEAL SECTION 9, CHAPTER 239, LAWS
18 OF 1975; AND TO PROVIDE EFFECTIVE DATES."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:21 Section 1. Section 71-2402, R.C.M. 1947, is amended to
22 read as follows:23 "71-2402. Definitions. As used in this act ~~chapter,~~
24 the following definitions apply:

25 (1) "Department" means the department of social and

1 rehabilitation services.

2 (2) "Developmental disabilities" means disabilities
3 attributable to mental retardation, cerebral palsy,
4 epilepsy, autism, or any other neurological handicapping
5 conditions condition closely related to mental retardation
6 and requiring treatment similar to that required by mentally
7 retarded individuals; ~~which condition if the disability~~
8 originated before the person attained age 18, has continued
9 or can be expected to continue indefinitely, and constitutes
10 a substantial handicap of ~~such individuals~~ the person.

11 (3) "Developmental disabilities facility" means any
12 service or group of services offering care to the
13 developmentally disabled on an inpatient, outpatient,
14 residential, clinical, or other programmatic basis.

15 (4) "Comprehensive developmental disability system"
16 means a system of services including, but not limited to,
17 the following basic services with the intention of providing
18 alternatives to institutionalization:

- 19 (a) evaluation services; _i
20 (b) diagnostic services; _i
21 (c) treatment services; _i
22 (d) day care services; _i
23 (e) training services; _i
24 (f) education services; _i
25 (g) employment services; _i

- 1 (h) recreation services; i
- 2 (i) personal care services; i
- 3 (j) domiciliary care services; i
- 4 (k) special living arrangements services; i
- 5 (l) counseling services; i
- 6 (m) information and referral services; i
- 7 (n) follow-along services; i
- 8 (o) protective and other social and sociolegal
- 9 services; i and
- 10 (p) transportation services.

11 (5) "PLANNING AND ADVISORY COUNCIL" MEANS THE
 12 DEVELOPMENTAL DISABILITIES PLANNING AND ADVISORY COUNCIL
 13 CREATED IN 71-2406."

14 Section 2. Section 71-2403, R.C.M. 1947, is amended to
 15 read as follows:

16 "71-2403. Responsibilities of department. The
 17 department shall:

- 18 (1) take cognizance of matters affecting the
- 19 developmentally disabled citizens of the state;
- 20 (2) initiate a preventive developmental disabilities
- 21 program which program shall include; but not be limited to; i
- 22 the implementation of developmental disabilities care; and
- 23 treatment, and prevention; and research as can best be
- 24 accomplished by community centered services. Every means
- 25 shall be utilized to initiate and operate such the service

1 program in cooperation with local agencies; under the
 2 provisions of sections 71-2405 and 71-2407 of this act;
 3 chapter.

4 (3) promote scientific and medical research
 5 investigations relative to the incidence, cause, prevention;
 6 and care of developmental disabilities;

7 (4) collect and disseminate information relating to
 8 developmental disabilities;

9 (5) prepare, with the advice assistance of the
 10 planning and advisory council; created under section
 11 71-2406, an annual comprehensive plan for the initiation and
 12 maintenance of developmental disabilities services in the
 13 state. Such the services shall include; but not be limited
 14 to; community comprehensive developmental disabilities
 15 services as referred to in section 71-2402f.

16 (6) provide to the planning and advisory council a
 17 written quarterly report of planning, program, and fiscal
 18 activities of the department in regard to community-based
 19 services for the developmentally disabled;

20 ~~(6)~~(7) provide by regulation rule for the evaluation
 21 of persons who apply for services; or persons admitted into
 22 a program at a developmental disability facility;

23 ~~(7)~~(8) provide state personnel to assist regional
 24 councils provided for in section 71-2407; and

25 ~~(8)~~(9) receive from agencies of the government of the

1 United States and other agencies, persons or groups of
 2 persons, associations, firms, or corporations, grants of
 3 money, receipts from fees, gifts, supplies, materials, and
 4 contributions to initiate and maintain developmental
 5 disabilities services within the state."

6 Section 3. Section 71-2404, R.C.M. 1947, is amended to
 7 read as follows:

8 "71-2404. Rules and regulations. (1) ~~The department~~
 9 ~~shall control developmental disabilities programs which~~
 10 ~~receive any state assistance by adopting rules for~~
 11 ~~providing developmental disabilities facilities and~~
 12 ~~services. THE DEPARTMENT MAY ADOPT RULES NECESSARY FOR THE~~
 13 PROPER ADMINISTRATION OF THIS CHAPTER.

14 (2) THE DEPARTMENT MAY CONTRACT FOR PROGRAMS FOR
 15 DEVELOPMENTAL DISABILITIES SERVICES. CONTRACTS ENTERED INTO
 16 BY THE DEPARTMENT SHALL CONTAIN SPECIFIC CONDITIONS FOR
 17 PERFORMANCE BY THE CONTRACTOR. It shall set minimum
 18 standards for programs, and establish appropriate
 19 qualifications, and compensation scales, and personnel
 20 policies for persons employed in such programs.

21 ~~(3)~~ All developmental disabilities facilities and
 22 services shall comply with existing federal guidelines and
 23 with requirements which will enable the services and
 24 facilities to qualify for available aid funds. However,
 25 nothing herein shall imply ~~in this section implies~~ the

1 necessity--for HEREIN REQUIRES facilities serving the
 2 developmentally disabled to meet the same or equal standards
 3 as licensed medical facilities, unless the developmental
 4 disabilities facility is providing professional or skilled
 5 medical care.

6 ~~(3)(4) The department shall adopt rules IN COOPERATION~~
 7 ~~WITH THE BOARD OF NURSING in cooperation with the board of~~
 8 ~~nursing under which a properly trained staff member of a~~
 9 ~~facility providing services to developmentally disabled~~
 10 ~~persons under this chapter may assist in the administration~~
 11 ~~of medication to AND SUPERVISE a client of the facility IN~~
 12 ~~TAKING MEDICATION if the medication is normally USUALLY~~
 13 ~~self-administered and if a physician has prescribed the~~
 14 ~~assistance."~~

15 Section 4. Section 71-2406, R.C.M. 1947, is amended to
 16 read as follows:

17 "71-2406. Advisory Planning and advisory council. (1)
 18 The governor shall appoint a developmental disabilities
 19 planning and advisory council in accordance with section
 20 ~~82A-110~~ THE PROVISIONS OF THIS SECTION.

21 (2) The council is composed of ~~twenty-one (21)~~ 22
 22 members ~~appointed or reappointed annually by the governor~~
 23 and consists of the following:

24 (a) the directors of the departments of social and
 25 rehabilitation services, health and environmental sciences,

1 and institutions, or their designees;

2 (b) the superintendent of public instruction or a
3 designee;

4 (c) one ~~††~~ recognized private professional in each
5 discipline of medicine, law, psychology, and social work,
6 AND SPECIAL EDUCATION;

7 (d) two members of the state senate;

8 (e) two members of the state house of representatives;

9 (f) four ~~††~~ consumers or representatives of consumers
10 or consumer organizations in the discipline of developmental
11 disabilities; and

12 (g) one ~~††~~ member of each of the five ~~††~~ regional
13 councils provided for in 71-2407, who shall also be
14 consumers or representatives of consumers or consumer
15 organizations in the discipline of developmental
16 disabilities.

17 (3) (a) Each member or his designee who serves on the
18 council pursuant to subsections (2)(a) or (2)(b) of this
19 section shall serve for a term concurrent with his
20 respective term as a director or the superintendent of
21 public instruction, as the case may be. Upon his removal
22 from office, his or his designee's term as a member of the
23 council is automatically terminated and his successor in
24 office or his successor's designee is automatically a member
25 of the council.

1 (b) Each member who serves on the council pursuant to
2 subsections (2)(d) or (2)(e) of this section shall be
3 appointed or reappointed annually by the governor.

4 (c) Seven EIGHT of the members serving on the council
5 pursuant to subsections (2)(c), (2)(f), or (2)(g) of this
6 section shall be appointed by the governor to serve for
7 terms concurrent with the gubernatorial term and until their
8 successors are appointed. The remaining six members serving
9 on the council shall be appointed by the governor to serve
10 for terms ending on January 1 of the third year of the
11 succeeding gubernatorial term and until their successors are
12 appointed.

13 (4) The council may elect from among its members the
14 officers necessary for the proper management of the council.

15 ~~††~~(5) The advisory council shall:

16 (a) advise the department, other state agencies,
17 councils, local governments, and private organizations on
18 programs for services to the developmentally disabled;

19 (b) develop a plan for a statewide system of community
20 based services for the developmentally disabled; and

21 (c) serve in any capacity required by federal law for
22 the administration of federal programs for services to the
23 developmentally disabled.

24 ~~††~~(6) The advisory council is allocated to the
25 department."

1 Section 5. Section 71-2407, R.C.M. 1947, is amended to
2 read as follows:

3 *71-2407. Regional councils. (1) The department shall
4 approve a citizens' organization as a regional council for
5 each of the following five ~~(5)~~ regions:

6 (a) Region one, consisting of Phillips, Valley,
7 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
8 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
9 Powder River, and Carter Counties;

10 (b) Region two, consisting of Glacier, Toole, Liberty,
11 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
12 Counties;

13 (c) Region three, consisting of Judith Basin, Fergus,
14 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
15 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
16 Counties;

17 (d) Region four, consisting of Powell, Lewis and
18 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
19 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
20 Counties; and

21 (e) Region five, consisting of Lincoln, Flathead,
22 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

23 (2) Under guidelines adopted by the department, a
24 citizens' organization approved by the department shall be
25 broadly representative of the region and at least ~~one-third~~

1 ~~(1/3)~~ ~~one-third~~ of its members shall be consumers or
2 representatives of consumers or consumer organizations in
3 the discipline of developmental disabilities.

4 (3) A citizens' organization shall be approved under
5 procedures and rules adopted by the department.

6 (4) A regional council member, who is not a full-time
7 employee of the state or of a county, is entitled to be
8 reimbursed in an amount to be determined by the department,
9 not to exceed ~~twenty-five dollars--(\$25)~~, for each day
10 actually and necessarily engaged in the performance of board
11 duties, and for travel as provided in ~~section 59-801~~.

12 (5) A regional council shall:

13 (a) make an annual written review and evaluation of
14 needs and services within the region and provide a copy of
15 the review and evaluation to the planning and advisory
16 council;

17 (b) advise the department, other state agencies,
18 councils, local governments, and private organizations on
19 programs for services to the developmentally disabled within
20 the region; and

21 (c) develop a plan for a system of community based
22 services for the developmentally disabled within the region
23 and provide a copy of the plan to the planning and advisory
24 council."

25 Section 6. Section 71-2414, R.C.M. 1947, is amended to

1 read as follows:

2 "71-2414. Departments to cooperate. (1) The department
3 of institutions, the department of social and rehabilitation
4 services, the department of health and environmental
5 sciences, and offices the office of superintendent of public
6 instruction shall cooperate on all aspects of each agency's
7 respective programs for the developmentally disabled.

8 (2) Funds appropriated to the department of
9 institutions, and Warm Springs state hospital, Galen state
10 hospital, or Boulder river River school and hospital for
11 ~~programs for the developmentally disabled~~ may be
12 transferred by budget ~~amendment as provided in~~
13 ~~appropriation acts and with the approval of~~ BUDGET AMENDMENT
14 AS PROVIDED IN APPROPRIATION ACTS AND WITH THE APPROVAL OF
15 the governor to the department of social and rehabilitation
16 services for comprehensive developmental disability systems
17 ~~if there is a significant reduction in residents at the~~
18 ~~Boulder river school and hospital which results of any of~~
19 those institutions are transferred to a comprehensive
20 developmental disability system resulting in less
21 expenditures at that institution than allowed by legislative
22 appropriation.

23 ~~(3) Funds appropriated to the department of social and~~
24 ~~rehabilitation services for comprehensive developmental~~
25 ~~disability systems may be transferred by budget amendment~~

1 ~~as provided in appropriation acts and with the approval of~~
2 ~~the governor to Boulder river school and hospital if the~~
3 ~~number of residents at that institution is not significantly~~
4 ~~reduced by the provision of services by the department under~~
5 ~~this chapter.~~

6 Section 7. Repealer. Section 9, Chapter 239, Laws of
7 1975, is repealed.

8 Section 8. Effective dates. Sections 1 through 6 of
9 this act are effective on July 1, 1977. Section 7 of this
10 act is effective on passage and approval of this act.

-End-

1 HOUSE BILL NO. 772

2 INTRODUCED BY DUSSAULT, BENGTSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 MONTANA DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES
6 ACT OF 1974; TO BRING THE DEFINITION OF "DEVELOPMENTAL
7 DISABILITIES" INTO CONFORMITY WITH FEDERAL GUIDELINES; TO
8 CHANGE THE ADVISORY COUNCIL TO A PLANNING AND ADVISORY
9 COUNCIL, TO DELINEATE THE TERMS OF ITS MEMBERS, AND TO
10 AUTHORIZE IT TO ELECT ITS OWN OFFICERS; TO BROADEN THE
11 DUTIES OF THE DEPARTMENT OF SOCIAL AND REHABILITATION
12 SERVICES, THE PLANNING AND ADVISORY COUNCIL, AND THE
13 REGIONAL COUNCILS; TO EXTEND THE PROVISIONS FOR
14 INTERDEPARTMENTAL COOPERATION AND TRANSFER OF FUNDS WITH
15 RESPECT TO DEVELOPMENTAL DISABILITY PROGRAMS; TO AMEND
16 SECTIONS 71-2402, 71-2403, 71-2404, 71-2406, 71-2407, AND
17 71-2414, R.C.M. 1947; TO REPEAL SECTION 9, CHAPTER 239, LAWS
18 OF 1975; AND TO PROVIDE EFFECTIVE DATES."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:21 Section 1. Section 71-2402, R.C.M. 1947, is amended to
22 read as follows:23 "71-2402. Definitions. As used in this act ~~chapter,~~
24 the following definitions apply:

25 (1) "Department" means the department of social and

1 rehabilitation services.

2 (2) "Developmental disabilities" means disabilities
3 attributable to mental retardation, cerebral palsy,
4 epilepsy, autism, or any other neurological handicapping
5 conditions condition closely related to mental retardation
6 and requiring treatment similar to that required by mentally
7 retarded individuals~~st~~ which condition if the disability
8 originated before the person attained age 18, has continued
9 or can be expected to continue indefinitely, and constitutes
10 a substantial handicap of ~~such individuals~~ the person.

11 (3) "Developmental disabilities facility" means any
12 service or group of services offering care to the
13 developmentally disabled on an inpatient, outpatient,
14 residential, clinical, or other programmatic basis.

15 (4) "Comprehensive developmental disability system"
16 means a system of services including, but not limited to,
17 the following basic services with the intention of providing
18 alternatives to institutionalization:

19 (a) evaluation services~~;~~20 (b) diagnostic services~~;~~21 (c) treatment services~~;~~22 (d) day care services~~;~~23 (e) training services~~;~~24 (f) education services~~;~~25 (g) employment services~~;~~FINAL PRINTINGADOPTED BY
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- 1 (h) recreation services;1
- 2 (i) personal care services;1
- 3 (j) domiciliary care services;1
- 4 (k) special living arrangements services;1.
- 5 (l) counseling services;1
- 6 (m) information and referral services;1
- 7 (n) follow-along services;1
- 8 (o) protective and other social and sociolegal
- 9 services;1 and
- 10 (p) transportation services.

11 ~~(5) "PLANNING AND ADVISORY COUNCIL" MEANS THE~~
 12 ~~DEVELOPMENTAL DISABILITIES PLANNING AND ADVISORY COUNCIL~~
 13 ~~CREATED IN 71-2406."~~

14 Section 2. Section 71-2403, R.C.M. 1947, is amended to
 15 read as follows:

16 "71-2403. Responsibilities of department. The
 17 department shall:

- 18 (1) take cognizance of matters affecting the
- 19 developmentally disabled citizens of the state;
- 20 (2) initiate a preventive developmental disabilities
- 21 program which program shall include, but not be limited to,
- 22 the implementation of developmental disabilities care, and
- 23 treatment, and prevention, and research as can best be
- 24 accomplished by community centered services. Every means
- 25 shall be utilized to initiate and operate such the service

1 program in cooperation with local agencies, under the
 2 provisions of sections 71-2405 and 71-2407 of this act
 3 chapter.

4 (3) promote scientific and medical research
 5 investigations relative to the incidence, cause, prevention,
 6 and care of developmental disabilities;

7 (4) collect and disseminate information relating to
 8 developmental disabilities;

9 (5) prepare, with the advice assistance of the
 10 planning and advisory council, created under section
 11 71-2406, an annual comprehensive plan for the initiation and
 12 maintenance of developmental disabilities services in the
 13 state. Such the services shall include, but not be limited
 14 to, community comprehensive developmental disabilities
 15 services as referred to in section 71-2402;

16 (6) provide to the planning and advisory council a
 17 written quarterly report of planning, program, and fiscal
 18 activities of the department in regard to community-based
 19 services for the developmentally disabled;

20 (6)(7) provide by regulation rule for the evaluation
 21 of persons who apply for services, or persons admitted into
 22 a program at a developmental disability facility;

23 (7)(8) provide state personnel to assist regional
 24 councils provided for in section 71-2407; and

25 (8)(9) receive from agencies of the government of the

1 United States and other agencies, persons or groups of
 2 persons, associations, firms, or corporations, grants of
 3 money, receipts from fees, gifts, supplies, materials, and
 4 contributions to initiate and maintain developmental
 5 disabilities services within the state."

6 Section 3. Section 71-2404, R.C.M. 1947, is amended to
 7 read as follows:

8 "71-2404. Rules and regulations. (1) ~~The department~~
 9 ~~shall control developmental disabilities programs which~~
 10 ~~receive any state assistance by adopting rules for~~
 11 ~~providing developmental disabilities facilities and~~
 12 ~~services, THE DEPARTMENT MAY ADOPT RULES NECESSARY FOR THE~~
 13 ~~PROPER ADMINISTRATION OF THIS CHAPTER.~~

14 (2) THE DEPARTMENT MAY CONTRACT FOR PROGRAMS FOR
 15 DEVELOPMENTAL DISABILITIES SERVICES. CONTRACTS ENTERED INTO
 16 BY THE DEPARTMENT SHALL CONTAIN SPECIFIC CONDITIONS FOR
 17 PERFORMANCE BY THE CONTRACTOR. It shall set minimum
 18 standards for programs and establish appropriate
 19 qualifications and compensation ~~scales~~ and ~~personnel~~
 20 policies for persons employed in such programs.

21 ~~(2)(3)~~ All developmental disabilities facilities and
 22 services shall comply with existing federal guidelines and
 23 with requirements which will enable the services and
 24 facilities to qualify for available aid funds. However,
 25 nothing herein ~~shall imply in this section implies~~ the

1 ~~necessity~~ for HEREIN REQUIRES facilities serving the
 2 developmentally disabled to meet the same or equal standards
 3 as licensed medical facilities, unless the developmental
 4 disabilities facility is providing professional or skilled
 5 medical care.

6 ~~(3)(4) The department shall adopt rules IN COOPERATION~~
 7 ~~WITH THE BOARD OF NURSING in cooperation with the board of~~
 8 ~~nursing under which a properly trained staff member of a~~
 9 ~~facility providing services to developmentally disabled~~
 10 ~~persons under this chapter may assist in the administration~~
 11 ~~of medication to AND SUPERVISE a client of the facility IN~~
 12 ~~TAking MEDICATION if the medication is normally USUALLY~~
 13 ~~self-administered and if a physician has prescribed the~~
 14 ~~assistance."~~

15 Section 4. Section 71-2406, R.C.M. 1947, is amended to
 16 read as follows:

17 "71-2406. Advisory Planning and advisory council. (1)
 18 The governor shall appoint a developmental disabilities
 19 planning and advisory council in accordance with ~~section~~
 20 ~~02A-110~~ THE PROVISIONS OF THIS SECTION.

21 (2) The council is composed of ~~twenty-one (21)~~ 22
 22 members ~~appointed or reappointed annually by the governor~~
 23 and consists of the following:

24 (a) the directors of the departments of social and
 25 rehabilitation services, health and environmental sciences,

1 and institutions, or their designees;

2 (b) the superintendent of public instruction or a
3 designee;

4 (c) one ~~(1)~~ recognized private professional in each
5 discipline of medicine, law, psychology, and social work,
6 AND SPECIAL EDUCATION;

7 (d) two members of the state senate;

8 (e) two members of the state house of representatives;

9 (f) four ~~(4)~~ consumers or representatives of consumers
10 or consumer organizations in the discipline of developmental
11 disabilities; and

12 (g) one ~~(1)~~ member of each of the five ~~(5)~~ regional
13 councils provided for in 71-2407, who shall also be
14 consumers or representatives of consumers or consumer
15 organizations in the discipline of developmental
16 disabilities.

17 (2) (a) Each member or his designee who serves on the
18 council pursuant to subsections (2)(a) or (2)(b) of this
19 section shall serve for a term concurrent with his
20 respective term as a director or the superintendent of
21 public instruction, as the case may be. Upon his removal
22 from office, his or his designee's term as a member of the
23 council is automatically terminated and his successor in
24 office or his successor's designee is automatically a member
25 of the council.

1 (b) Each member who serves on the council pursuant to
2 subsections (2)(d) or (2)(e) of this section shall be
3 appointed or reappointed annually by the governor.

4 (c) ~~Seven~~ EIGHT of the members serving on the council
5 pursuant to subsections (2)(c), (2)(f), or (2)(g) of this
6 section shall be appointed by the governor to serve for
7 terms concurrent with the gubernatorial term and until their
8 successors are appointed. The remaining six members serving
9 on the council shall be appointed by the governor to serve
10 for terms ending on January 1 of the third year of the
11 succeeding gubernatorial term and until their successors are
12 appointed.

13 (4) The council may elect from among its members the
14 officers necessary for the proper management of the council.

15 (5) THE COUNCIL MAY ADOPT RULES GOVERNING ITS OWN
16 ORGANIZATION AND PROCEDURES.

17 (6) A MAJORITY OF THE MEMBERS OF THE COUNCIL
18 CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

19 (7) THE COUNCIL MAY EMPLOY AND FIX THE COMPENSATION
20 AND DUTIES OF NECESSARY STAFF.

21 (8) A COUNCIL MEMBER, UNLESS HE IS A FULL-TIME
22 SALARIED OFFICER OR EMPLOYEE OF THIS STATE OR ANY OF THE
23 POLITICAL SUBDIVISIONS OF THIS STATE, IS ENTITLED TO BE PAID
24 IN AN AMOUNT TO BE DETERMINED BY THE COUNCIL, NOT TO EXCEED
25 \$25 FOR EACH DAY IN WHICH HE IS ACTUALLY AND NECESSARILY

1 ENGAGED IN THE PERFORMANCE OF COUNCIL DUTIES, A COUNCIL
 2 MEMBER IS ALSO ENTITLED TO BE REIMBURSED FOR TRAVEL EXPENSES
 3 INCURRED WHILE IN THE PERFORMANCE OF COUNCIL DUTIES, AS
 4 PROVIDED FOR IN 59-538, 59-539, AND 59-801. MEMBERS WHO ARE
 5 FULL-TIME SALARIED OFFICERS OR EMPLOYEES OF THIS STATE OR
 6 ANY POLITICAL SUBDIVISIONS OF THIS STATE ARE NOT ENTITLED TO
 7 BE COMPENSATED FOR THEIR SERVICE AS MEMBERS BUT ARE ENTITLED
 8 TO BE REIMBURSED FOR TRAVEL EXPENSES, AS PROVIDED FOR IN
 9 59-538, 59-539, AND 59-801.

10 ~~(3)(5)(9)~~ The advisory council shall:

11 (a) advise the department, other state agencies,
 12 councils, local governments, and private organizations on
 13 programs for services to the developmentally disabled;

14 (b) develop a plan for a statewide system of community
 15 based services for the developmentally disabled; and

16 (c) serve in any capacity required by federal law for
 17 the administration of federal programs for services to the
 18 developmentally disabled.

19 ~~(4)(6)(10)~~ The advisory council is allocated to the
 20 department FOR ADMINISTRATIVE PURPOSES ONLY AND, UNLESS
 21 INCONSISTENT WITH THE PROVISIONS OF THIS SECTION, THE
 22 PROVISIONS OF 82A-108 APPLY."

23 Section 5. Section 71-2407, R.C.M. 1947, is amended to
 24 read as follows:

25 "71-2407. Regional councils. (1) The department shall

1 approve a citizens' organization as a regional council for
 2 each of the following five ~~(5)~~ regions:

3 (a) Region one, consisting of Phillips, Valley,
 4 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
 5 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
 6 Powder River, and Carter Counties;

7 (b) Region two, consisting of Glacier, Toole, Liberty,
 8 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
 9 Counties;

10 (c) Region three, consisting of Judith Basin, Fergus,
 11 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
 12 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
 13 Counties;

14 (d) Region four, consisting of Powell, Lewis and
 15 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
 16 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
 17 Counties; and

18 (e) Region five, consisting of Lincoln, Flathead,
 19 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

20 (2) Under guidelines adopted by the department, a
 21 citizens' organization approved by the department shall be
 22 broadly representative of the region and at least ~~one-third~~
 23 ~~(1/3)~~ one-third of its members shall be consumers or
 24 representatives of consumers or consumer organizations in
 25 the discipline of developmental disabilities.

1 (3) A citizens' organization shall be approved under
2 procedures and rules adopted by the department.

3 (4) A regional council member who is not a full-time
4 employee of the state or of a county is entitled to be
5 reimbursed in an amount to be determined by the department,
6 not to exceed ~~twenty-five dollars--(\$25)~~, for each day
7 actually and necessarily engaged in the performance of board
8 duties and for travel as provided in section 59-801.

9 (5) A regional council shall:

10 (a) make an annual written review and evaluation of
11 needs and services within the region and provide a copy of
12 the review and evaluation to the planning and advisory
13 council;

14 (b) advise the department, other state agencies,
15 councils, local governments, and private organizations on
16 programs for services to the developmentally disabled within
17 the region; and

18 (c) develop a plan for a system of community based
19 services for the developmentally disabled within the region
20 and provide a copy of the plan to the planning and advisory
21 council."

22 Section 6. Section 71-2414, R.C.M. 1947, is amended to
23 read as follows:

24 "71-2414. Departments to cooperate. (1) The department
25 of institutions, the department of social and rehabilitation

1 services, ~~the~~ department of health and environmental
2 sciences, ~~and offices the office~~ of superintendent of public
3 instruction shall cooperate on all aspects of each agency's
4 respective programs for the developmentally disabled.

5 (2) Funds appropriated to the department of
6 institutions, ~~and Warm Springs state hospital, Galen state~~
7 ~~hospital, or Boulder river River~~ school and hospital for
8 programs ~~for the developmentally disabled~~ may be
9 transferred by budget ~~amendment as provided in~~
10 ~~appropriation acts and with the approval of~~ BUDGET AMENDMENT
11 AS PROVIDED IN APPROPRIATION ACTS AND WITH THE APPROVAL OF
12 the governor to the department of social and rehabilitation
13 services for comprehensive developmental disability systems
14 if ~~there is a significant reduction in~~ residents at ~~the~~
15 ~~Boulder river school and hospital which results of any of~~
16 those institutions are transferred to a comprehensive
17 developmental disability system resulting in less
18 expenditures at that institution than allowed by legislative
19 appropriation.

20 ~~(3) Funds appropriated to the department of social and~~
21 ~~rehabilitation services for comprehensive developmental~~
22 ~~disability systems may be transferred by budget amendment~~
23 ~~as provided in appropriation acts and with the approval of~~
24 ~~the governor to Boulder river school and hospital if the~~
25 ~~number of residents at that institution is not significantly~~

1 ~~reduced-by-the-provision-of-services-by-the-department-under~~
2 ~~this-chapter."~~

3 Section 7. Repealer. Section 9, Chapter 239, Laws of
4 1975, is repealed.

5 Section 8. Effective dates. Sections 1 through 6 of
6 this act are effective on July 1, 1977. Section 7 of this
7 act is effective on passage and approval of this act.

-End-