

HOUSE BILL 725

IN THE HOUSE

February 10, 1979

Introduced and referred to
Committee on Human Services.

February 19, 1979

Rereferred to Committee on
Taxation.

Hogan
JLH BILL NO. 725

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INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO TREATMENT OF ALCOHOLISM; AMENDING SECTIONS 53-24-103, 53-24-203, 53-24-204, AND 53-24-207, MCA."

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

Section 1. Section 53-24-103, MCA, is amended to read:

"53-24-103. Definitions. For purposes of this chapter, the following definitions apply:

(1) "Alcoholic" means a person who habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted.

(2) "Approved private treatment facility" means a private agency meeting the standards prescribed in 53-24-208(1) and approved under 53-24-208.

(3) "Approved public treatment facility" means a treatment agency operating under the direction and control of the department or providing treatment under this chapter through a contract with the department and approved under 53-24-208.

(4) "Department" means the department of institutions

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provided for in 2-15-2301.

(5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life has been affected by the actions of the alcoholic and may require treatment.

(6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(7) "Incompetent person" means a person who has been adjudged incompetent by the district court.

(8) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

(9) "Prevention" has meaning on four levels; these are:

(a) education to provide information to the school children and general public relating to alcohol dependence and alcoholism, treatment, and rehabilitative services and to reduce the consequences of life experiences acquired by contact with an alcoholic;

(b) early detection and recovery from the illness before lasting emotional or physical damage, or both, have occurred;

-2- HB 725
INTRODUCED BILL

1 (c) if lasting emotional or physical damage, or both,
2 have occurred, to arrest the illness before full disability
3 has been reached;

4 (d) the provision of facility requirements to meet
5 division program standards and improve public accessibility
6 for services.

7 (10) "Treatment" means the broad range of emergency,
8 outpatient, intermediate, and inpatient services and care,
9 including diagnostic evaluation, medical, psychiatric,
10 psychological, and social service care, vocational
11 rehabilitation, and career counseling, which may be extended
12 to alcoholics, intoxicated persons, and family members."

13 Section 2. Section 53-24-203, MCA, is amended to read:

14 "53-24-203. Duties of department. The department
15 shall:

16 (1) plan, promote, and assist in the support of
17 alcoholism and drug dependence prevention, treatment, and
18 control programs;

19 (2) ~~conduct, sponsor, and support research,~~
20 ~~investigations, and studies, including evaluation,~~
21 ~~evaluations~~ of all phases of alcoholism and drug dependence
22 programs;

23 (3) assist the development of educational and training
24 programs relative to alcoholism and drug dependence and
25 carry-on programs to assist the public and technical and

1 ~~professionist groups~~ in becoming fully informed about
2 alcoholism and drug dependence;

3 (4) promote, develop, and assist, financially and
4 otherwise, alcoholism and drug dependence programs
5 administered by other state agencies, local government
6 agencies, and private nonprofit organizations and agencies;

7 (5) encourage and promote effective use of facilities,
8 resources, and funds in the planning and conduct of programs
9 and activities for prevention, treatment, and control of
10 alcoholism and drug dependence and, in this respect,
11 cooperate with and utilize to the maximum possible extent
12 the resources and services of federal, state, and local
13 agencies;

14 (6) develop, encourage, and foster statewide,
15 regional, and local plans and programs for the prevention of
16 alcoholism and treatment of alcoholics and intoxicated
17 persons in cooperation with public and private agencies,
18 organizations, and individuals and provide technical,
19 assistance and consultation services for these purposes;

20 (7) coordinate the efforts and enlist the assistance
21 of all public and private agencies, organizations, and
22 individuals interested in prevention of alcoholism and
23 treatment of alcoholics and intoxicated persons;

24 (8) cooperate with the board of pardons in
25 establishing and conducting programs to provide treatment

1 for alcoholics and intoxicated persons in or on parole from
2 penal institutions;

3 (9) cooperate with the state board of education, the
4 superintendent of public instruction, schools, police
5 departments, courts, and other public and private agencies,
6 organizations, and individuals in establishing programs for
7 the prevention of alcoholism and treatment of alcoholics and
8 intoxicated persons and preparing curriculum materials
9 thereon for use at all levels of education;

10 (10) ~~prepare~~---publish, evaluate and disseminate
11 educational material dealing with the nature and effects of
12 alcohol;

13 (11) develop and implement, as an integral part of
14 treatment programs, an educational program for use in the
15 treatment of alcoholics and intoxicated persons, which
16 program shall include the dissemination of information
17 concerning the nature and effects of alcohol;

18 ~~(12) organize and foster training programs for all~~
19 ~~persons engaged in treatment of alcoholics and intoxicated~~
20 ~~persons;~~

21 ~~(13) sponsor and encourage research into the causes and~~
22 ~~nature of alcoholism and treatment of alcoholics and~~
23 ~~intoxicated persons and serve as a clearinghouse for~~
24 ~~information relating to alcoholism;~~

25 (14)(12) specify uniform methods for keeping

1 statistical information by public and private agencies,
2 organizations, and individuals and, only as specifically
3 funded, collect and make available relevant statistical
4 information, including number of persons treated, frequency
5 of admission and readmission, and frequency and duration of
6 treatment;

7 (15)(13) advise the governor in the preparation of a
8 comprehensive plan for treatment of alcoholics and
9 intoxicated persons for inclusion in the state's
10 comprehensive health plan;

11 (16)(14) review all state health, welfare, and
12 treatment plans to be submitted for federal funding under
13 federal legislation and advise the governor on provisions to
14 be included relating to alcoholism and intoxicated persons;

15 (17)(15) ~~assist in the development of~~ and cooperate
16 with alcohol education and treatment programs for employees
17 of state ~~and local governments, businesses, and industries~~
18 ~~in the state~~ GOVERNMENT;

19 (18) ~~utilize the support and assistance of interested~~
20 ~~persons in the community, particularly recovered alcoholics,~~
21 ~~to encourage alcoholics to voluntarily undergo treatment;~~

22 (19)(16) cooperate with the department of justice in
23 establishing and conducting programs designed to deal with
24 the problem of persons operating motor vehicles while
25 intoxicated;

1 ~~(20)(17)~~ encourage ~~advise~~ general hospitals and other
 2 appropriate health facilities to admit without
 3 discrimination alcoholics and intoxicated persons and to
 4 provide them with adequate and appropriate treatment ~~as~~
 5 provided in P.L. 91-616 (Sec. 321) and P.L. 91-282;

6 ~~(21)(18)~~ encourage all health and disability insurance
 7 programs to include alcoholism as a covered illness; and

8 ~~(22)(19)~~ submit to the governor an annual report
 9 covering the activities of the department."

10 Section 3. Section 53-24-204, MCA, is amended to read:

11 "53-24-204. Powers of department. To carry out this
 12 chapter, the department may:

13 (1) accept gifts, grants, and donations of money and
 14 property from public and private sources;

15 (2) enter into contracts;

16 (3) acquire ~~and dispose of~~ property;

17 (4) plan, establish, ~~assist,~~ and maintain treatment
 18 programs as necessary ~~or desirable;~~

19 (5) coordinate its activities and cooperate with
 20 alcoholism programs in this and other states and make
 21 contracts and other joint or cooperative arrangements with
 22 state, local, or private agencies in this and other states
 23 for the treatment of alcoholics and intoxicated persons and
 24 for the common advancement of alcoholism programs;

25 (b) do other acts and things necessary or convenient

1 to execute the authority expressly granted to it; and

2 (7) provide treatment facilities for alcoholics,
 3 intoxicated persons, and family members."

4 Section 4. Section 53-24-207, MCA, is amended to read:

5 "53-24-207. Comprehensive program for treatment. (1)
 6 The department shall establish a state comprehensive and
 7 coordinated program for the treatment of alcoholics,
 8 intoxicated persons, and family members.

9 (2) The program shall include:

10 ~~(a)--emergency--treatment--provided---by---a---facility~~
 11 ~~affiliated---with---or---part---of---the---medical---service---of---a---general~~
 12 ~~hospital;~~

13 ~~(b)(a)~~ inpatient treatment;

14 ~~(c)(b)~~ intermediate treatment; and

15 ~~(d)(c)~~ outpatient and follow-up treatment.

16 (3) The department shall provide for adequate and
 17 appropriate treatment for alcoholics and intoxicated persons
 18 admitted under 53-24-301 through 53-24-304. Treatment ~~m~~
 19 not be provided at a correctional institution except for
 20 inmates.

21 (4) All appropriate public and private resources shall
 22 be coordinated with and utilized in the program if possible.

23 (5) The department shall prepare, publish, and
 24 distribute annually a list of all approved public and
 25 private treatment facilities."

STATE OF MONTANA

Request No. 411-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 20, 1979, there is hereby submitted a Fiscal Note for House Bill 725 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 generally revise the laws relating to treatment of alcoholism.

ASSUMPTIONS:

1. The training function of the Alcohol and Drug Abuse Division will be eliminated.
2. Alcohol Programs (38) will have to go outside of state for training (Salt Lake City nearest place.) Length of training time two weeks. State Earmarked Funds will be able to absorb \$27,190 in FY 80 and \$28,209 in FY 81. The balance will have to come from county alcohol monies.
3. Educational material on alcoholism will not be prepared by ADAD.
4. Programs would have to apply for and obtain the Federal Alcohol Incentive Grant in the amount of \$151,500 to maintain Detox treatment. If the grant is not picked up, the counties would have to pick up the expense to maintain Detox.

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
State Alcohol Funds		
Personal Services	(\$16,270)	(\$17,084)
Operating Expense	(10,920)	(11,125)
Grants	<u>27,190</u>	<u>28,209</u>
Total	<u>0</u>	<u>0</u>

LOCAL IMPACT:

Counties would incur the following additional costs:

Training Costs	\$ 45,010	\$ 43,991
Detox Treatment	<u>151,500</u>	<u>151,500</u>
Total	<u>\$196,510</u>	<u>\$195,491</u>

Training costs would be funded from county alcohol funds and Detox treatment would be funded with federal funds.

Richard L. Drayton
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/27/79