

CHAPTER NO. 414

HOUSE BILL NO. 755

INTRODUCED BY DUSSAULT

IN THE HOUSE

February 12, 1979	Introduced and referred to Committee on Human Services.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on State Administration.
March 21, 1979	Committee recommend bill be concurred in. Report adopted.
March 23, 1979	Second reading, concurred in.
March 26, 1979	Third reading, concurred in.

IN THE HOUSE

March 27, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. 755

1 2 INTRODUCED BY Duane

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
5 COMPENSATION OF PERSONS WHO SERVE ON REGIONAL COUNCILS FOR
6 THE DEVELOPMENTALLY DISABLED; REQUIRING THE DEVELOPMENT AND
7 CONTINUOUS MAINTENANCE OF HABILITATION PLANS FOR THE
8 DEVELOPMENTALLY DISABLED; AND ELIMINATING THE REQUIREMENT
9 THAT THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
10 PROMOTE RESEARCH RELATING TO DEVELOPMENTAL DISABILITIES;
11 AMENDING SECTIONS 53-20-203, 53-20-205, AND 53-20-207, MCA."

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

14 Section 1. Section 53-20-203, MCA, is amended to read:
15 "53-20-203. Responsibilities of department. The
16 department shall:

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

1 provisions of 53-20-205 and 53-20-207.
2 ~~to promote scientific and medical research~~
3 investigations relative to the incidence, cause, prevention,
4 and care of developmental disabilities
5 ~~to collect and disseminate information relating to~~
6 developmental disabilities;
7 ~~to prepare, with the assistance of the planning~~
8 and advisory council, an annual comprehensive plan for the
9 initiation and maintenance of developmental disabilities
10 services in the state. The services shall include but not
11 be limited to community comprehensive developmental
12 disabilities services as referred to in 53-20-202.
13 ~~to 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 ~~to provide by rule for the evaluation of persons~~
18 who apply for services or persons admitted into a program at
19 a developmental disability facility;
20 ~~to provide state personnel to assist regional~~
21 councils provided for in 53-20-207; and
22 ~~to 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; and
 3 191 require that habilitation plans be developed
 4 implemented and continuously maintained for all
 5 developmentally disabled persons who are served through a
 6 community-based program funded by the state."

7 Section 2. Section 53-20-205, MCA, is amended to read:
 8
 9 "53-20-205. Community services. (1) The department may
 10 establish and administer community comprehensive services,
 11 programs, clinics, or other facilities throughout the state
 12 for the purpose of aiding in the prevention, diagnosis,
 13 amelioration, or treatment of developmental disabilities.
 14 Programs, clinics, or other services may be provided
 15 directly by state agencies; indirectly through contract or
 16 cooperative arrangements with other agencies of government,
 17 regional or local, private or public agencies, or private
 18 professional persons; or in accredited health or long-term
 19 care facilities.

20
 21 (2) The department may contract for programs for
 22 developmental disabilities services. Contracts entered into
 23 by the department shall contain specific conditions for
 24 performance by the contractor. It shall set minimum
 25 standards for programs and establish appropriate
 26 qualifications for persons employed in such programs.

27
 28 (3) All developmental disabilities facilities and

29
 30 services shall comply with existing federal guidelines and
 31 with requirements which will enable the services and
 32 facilities to qualify for available aid funds. However,
 33 nothing herein requires facilities serving the
 34 developmentally disabled to meet the same or equal standards
 35 as licensed medical facilities unless the developmental
 36 disabilities facility is providing professional or skilled
 37 medical care.

38
 39 (4) Comprehensive services, programs, clinics, or
 40 other facilities established or provided by the department
 41 under this part shall conform as nearly as possible to the
 42 plans of the advisory council created under 2-15-2204 and
 43 the regional councils provided for in 53-20-207.

44
 45 151 The department may promote scientific and medical
 46 research investigations relative to the incidence, cause,
 47 prevention, and care of persons with developmental
 48 disabilities."

49 Section 3. Section 53-20-207, MCA, is amended to read:

50
 51 "53-20-207. Regional councils. (1) The department
 52 shall approve a citizens' organization as a regional council
 53 for each of the following five regions:

54
 55 (a) region one, consisting of Phillips, Valley,
 56 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
 57 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
 58 Powder River, and Carter Counties;

1 (b) region two, consisting of Glacier, Toole, Liberty,
 2 Hill, Blaine, Pondera, Teton, Chouteau, and Cascade
 3 Counties;

4 (c) region three, consisting of Judith Basin, Fergus,
 5 Petroleum, Wheatland, Golden Valley, Musselshell, Sweet
 6 Grass, Stillwater, Yellowstone, Big Horn, and Carbon
 7 Counties;

8 (d) region four, consisting of Powell, Lewis and
 9 Clark, Granite, Deer Lodge, Silver Bow, Jefferson,
 10 Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park
 11 Counties; and

12 (e) region five, consisting of Lincoln, Flatheads,
 13 Sanders, Lake, Mineral, Missoula, and Ravalli Counties.

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

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

22 (4) A regional council member who is not a full-time
 23 employee of the state or of a county is entitled to be
 24 reimbursed in an amount to be determined by the department,
 25 not to exceed \$25, for each day actually and necessarily

1 engaged in the performance of board council duties and for
 2 travel expenses as provided in 2-18-501 through 2-18-503. A
 3 council member who is a full-time state or county employee
 4 may not be compensated for service as a member of a regional
 5 council but shall be reimbursed for expenses as provided for
 6 in 2-18-501 through 2-18-503.

7 (5) A regional council shall:

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

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

16 (c) develop a plan for a system of community-based
 17 services for the developmentally disabled within the region
 18 and provide a copy of the plan to the planning and advisory
 19 council.*

-End-

HB 755

House BILL NO. 255

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21 implementation of developmental disabilities care,
22 treatment, prevention, and research as can best be
23 accomplished by community-centered services. Every means
24 shall be utilized to initiate and operate the service
25 program in cooperation with local agencies under the

1 provisions of 53-20-205 and 53-20-207.
2 ~~to promote, investigate, and conduct research~~
3 investigations relative to the incidence, causes, prevention,
4 and care of developmental disabilities
5 ~~to collect and disseminate information relating to~~
6 developmental disabilities;
7 ~~to prepare, with the assistance of the planning~~
8 and advisory council, an annual comprehensive plan for the
9 initiation and maintenance of developmental disabilities
10 services in the state. The services shall include but not
11 be limited to community comprehensive developmental
12 disabilities services as referred to in 53-20-202.
13 ~~to provide to the planning and advisory council a~~
14 written quarterly report of planning, programs, and fiscal
15 activities of the department in regard to community-based
16 services for the developmentally disabled;
17 ~~to provide by rule for the evaluation of persons~~
18 who apply for services or persons admitted into a program at
19 a developmental disability facility;
20 ~~to provide state personnel to assist regional~~
21 councils provided for in 53-20-207; and
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24 persons, associations, firms, or corporations grants of
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 3 facilities to qualify for available aid funds. However,
 4 nothing herein requires facilities serving the
 5 developmentally disabled to meet the same or equal standards
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 7 disabilities facility is providing professional or skilled
 8 medical care.

9 (4) Comprehensive services, programs, clinics, or
 10 other facilities established or provided by the department
 11 under this part shall conform as nearly as possible to the
 12 plans of the advisory council created under 2-15-2204 and
 13 the regional councils provided for in 53-20-207.

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 15 research investigations relative to the incidence, causes,
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23 employee of the state or of a county is entitled to be
24 reimbursed in an amount to be determined by the department,
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