

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 Adminis- tration.
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.
----------------	--

1 House BILL NO. 755
 2 INTRODUCED BY Dussane
 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 ~~(3) promote scientific and medical research~~
 3 ~~investigations relative to the incidence, cause, prevention,~~
 4 ~~and care of developmental disabilities;~~
 5 ~~(4)(3)~~ collect and disseminate information relating to
 6 developmental disabilities;
 7 ~~(5)(4)~~ 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 ~~(6)(5)~~ 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)(6)~~ 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 ~~(8)(7)~~ provide state personnel to assist regional
 21 councils provided for in 53-20-207; and
 22 ~~(9)(8)~~ 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 ~~(9) 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 "53-20-205. Community services. (1) The department may
9 establish and administer community comprehensive services,
10 programs, clinics, or other facilities throughout the state
11 for the purpose of aiding in the prevention, diagnosis,
12 amelioration, or treatment of developmental disabilities.
13 Programs, clinics, or other services may be provided
14 directly by state agencies; indirectly through contract or
15 cooperative arrangements with other agencies of government,
16 regional or local, private or public agencies, or private
17 professional persons; or in accredited health or long-term
18 care facilities.

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

25 (3) All developmental disabilities facilities and

1 services shall comply with existing federal guidelines and
2 with requirements which will enable the services and
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
6 as licensed medical facilities unless the developmental
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.

14 ~~(5) The department may promote scientific and medical~~
15 ~~research investigations relative to the incidence, cause,~~
16 ~~prevention, and care of persons with developmental~~
17 ~~disabilities."~~

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

19 "53-20-207. Regional councils. (1) The department
20 shall approve a citizens' organization as a regional council
21 for each of the following five regions:

22 (a) region one, consisting of Phillips, Valley,
23 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
24 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
25 Powder River, and Carter Counties;

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

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

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

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

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

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

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

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

(5) A regional council shall:

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

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

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

-End-

HB 755

1 House BILL NO. 755
2 INTRODUCED BY Dussault
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 ~~(3) promote scientific and medical research~~
3 ~~investigations relative to the incidence, cause, prevention~~
4 ~~and care of developmental disabilities;~~
5 ~~(4)(3)~~ collect and disseminate information relating to
6 developmental disabilities;
7 ~~(5)(4)~~ 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 ~~(6)(5)~~ 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)(6)~~ 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 ~~(8)(7)~~ provide state personnel to assist regional
21 councils provided for in 53-20-207; and
22 ~~(9)(8)~~ 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 ~~(9) 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 "53-20-205. Community services. (1) The department may
9 establish and administer community comprehensive services,
10 programs, clinics, or other facilities throughout the state
11 for the purpose of aiding in the prevention, diagnosis,
12 amelioration, or treatment of developmental disabilities.
13 Programs, clinics, or other services may be provided
14 directly by state agencies; indirectly through contract or
15 cooperative arrangements with other agencies of government,
16 regional or local, private or public agencies, or private
17 professional persons; or in accredited health or long-term
18 care facilities.

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

25 (3) All developmental disabilities facilities and

1 services shall comply with existing federal guidelines and
2 with requirements which will enable the services and
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
6 as licensed medical facilities unless the developmental
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.

14 ~~(5) The department may promote scientific and medical~~
15 ~~research investigations relative to the incidence, cause,~~
16 ~~prevention, and care of persons with developmental~~
17 ~~disabilities."~~

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

19 "53-20-207. Regional councils. (1) The department
20 shall approve a citizens' organization as a regional council
21 for each of the following five regions:

22 (a) region one, consisting of Phillips, Valley,
23 Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland,
24 Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon,
25 Powder River, and Carter Counties;

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

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

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

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

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

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

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

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

(5) A regional council shall:

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

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

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

-End-

HOUSE BILL NO. 755

INTRODUCED BY DUSSAULT

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

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

Section 1. Section 53-20-203, MCA, is amended to read:

"53-20-203. Responsibilities of department. The department shall:

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

(2) initiate a preventive developmental disabilities program which shall include but not be limited to the implementation of developmental disabilities care, treatment, prevention, and research as can best be accomplished by community-centered services. Every means shall be utilized to initiate and operate the service program in cooperation with local agencies under the

provisions of 53-20-205 and 53-20-207.

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

~~(4)(13)~~ collect and disseminate information relating to developmental disabilities;

~~(5)(14)~~ prepare, with the assistance of the planning and advisory council, an annual comprehensive plan for the initiation and maintenance of developmental disabilities services in the state. The services shall include but not be limited to community comprehensive developmental disabilities services as referred to in 53-20-202.

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

~~(7)(16)~~ provide by rule for the evaluation of persons who apply for services or persons admitted into a program at a developmental disability facility;

~~(8)(17)~~ provide state personnel to assist regional councils provided for in 53-20-207; and

~~(9)(18)~~ receive from agencies of the government of the United States and other agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and

contributions to initiate and maintain developmental disabilities services within the state; and

~~(9) require that habilitation plans be developed, implemented, and continuously maintained for all developmentally disabled persons who are served through a community-based program funded by the state."~~

Section 2. Section 53-20-205, MCA, is amended to read:

"53-20-205. Community services. (1) The department may establish and administer community comprehensive services, programs, clinics, or other facilities throughout the state for the purpose of aiding in the prevention, diagnosis, amelioration, or treatment of developmental disabilities. Programs, clinics, or other services may be provided directly by state agencies; indirectly through contract or cooperative arrangements with other agencies of government, regional or local, private or public agencies, or private professional persons; or in accredited health or long-term care facilities.

(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. It shall set minimum standards for programs and establish appropriate qualifications for persons employed in such programs.

(3) All developmental disabilities facilities and

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

(4) Comprehensive services, programs, clinics, or other facilities established or provided by the department under this part shall conform as nearly as possible to the plans of the advisory council created under 2-19-2204 and the regional councils provided for in 53-20-207.

~~(5) The department may promote scientific and medical research, investigations relative to the incidence, causes, prevention, and care of persons with developmental disabilities."~~

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

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

(a) region one, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland, Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon, 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, Flathead,
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-