

SENATE BILL 238

IN THE SENATE

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| January 24, 1979 | Introduced and referred to Committee on Public Health, Welfare and Safety. |
| January 25, 1979 | Fiscal note requested. |
| January 31, 1979 | Fiscal note returned. |
| February 19, 1979 | Committee recommend bill, as amended. |
| February 20, 1979 | Printed and placed on members' desks. |
| February 21, 1979 | Second printing, do pass. |
| February 22, 1979 | Considered correctly engrossed. On motion, Senate reconsider its action taken on second reading previous Legislative Day and placed on second reading. Motion failed. |
| February 23, 1979 | Third reading, not passed. |

1 Senate BILL NO. 238
2 INTRODUCED BY Rasmussen

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE COMPETITION
5 BETWEEN THE PRIVATE MENTAL HEALTH SECTOR AND COMMUNITY
6 MENTAL HEALTH CENTERS BY REQUIRING OF CLIENTS WITH THE
7 ABILITY TO PAY A PAYMENT OF THE AVERAGE FEE CHARGED BY THE
8 PRIVATE SECTOR; AND AMENDING SECTIONS 53-21-201 AND
9 53-21-204, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 53-21-201, MCA, is amended to read:
13 "53-21-201. Definitions. As used in this part, the
14 following definitions apply:

- 15 (1) "Public mental health facility" means any public
16 service or group of services offering mental health care on
17 an inpatient or outpatient basis to the mentally ill.
- 18 (2) "Community comprehensive mental health center"
19 means a facility, not necessarily encompassed within one
20 building, offering at least the following six basic mental
21 health services to the public:
 - 22 (a) 24-hour inpatient care;
 - 23 (b) part-time hospitalization;
 - 24 (c) outpatient service;
 - 25 (d) emergency service;

- 1 (c) consultation and education in mental health;
- 2 (f) precare and aftercare.
- 3 (3) "Mental health clinic" means an outpatient
4 facility offering mental health care to the public.
- 5 (4) "Department" means the department of institutions.
- 6 (5) "Client with the ability to pay" means a person
7 whose gross income, as shown on his previous year's income
8 tax form, was greater than the mean income for his locale.
9 The mean income shall be determined by the department of
10 revenue.
- 11 (6) "Private sector fee" for any profession means the
12 arithmetic mean of fees charged by private mental health
13 practitioners in Montana, as determined annually by the
14 director of the department of institutions or his designee."
- 15 Section 2. Section 53-21-204, MCA, is amended to read:
16 "53-21-204. Mental health corporations. (1) Mental
17 health regions shall be established in the state mental
18 health plan and shall conform to the mental health regions
19 as established in the state mental health construction plan
20 promulgated by the board of health and environmental
21 sciences under the federal Community Mental Health Centers
22 Act.
- 23 (2) The mental health regions shall establish
24 themselves under Title 35, chapter 2. Upon incorporation, a
25 mental health region may enter into contracts with the

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INTRODUCED BILL

1 department in order to carry out the department's
 2 comprehensive plan for mental health. These nonprofit
 3 corporations shall not be considered agencies of the
 4 department or the state of Montana; however, they may retain
 5 and enter into retirement programs as established under
 6 Title 19, chapter 3, the ~~the~~ Public Employees' Retirement
 7 System Act. Upon the establishment of the mental health
 8 regions, the county commissioners in each of the various
 9 counties in the region shall designate a person from their
 10 respective county to serve as a representative of the county
 11 on the regional mental health corporation board. The board
 12 shall be established under guidelines adopted by the bylaws
 13 of the corporation. All appointments to the board shall be
 14 for terms of 2 years, and the department shall be notified
 15 in writing of all appointments.

16 (3) The duties of an organized regional mental health
 17 corporation board include:

18 (a) annual review and evaluation of mental health
 19 needs and services within the region;

20 (b) preparation and submission to the department and
 21 to each of the counties in the region of plans and budget
 22 proposals to provide and support mental health services
 23 within the region;

24 (c) establishment of a recommended proportionate level
 25 of financial participation of each of the counties within

1 the region in the provision of mental health services within
 2 the limits of this section;

3 (d) receipt and administration of moneys and other
 4 support made available for the purposes of providing mental
 5 health services by the participating agencies, including
 6 grants from the United States government and other agencies,
 7 receipts for established fees for services rendered, tax
 8 moneys, gifts, donations, and any other type of support or
 9 income. All funds received by the board in accordance with
 10 this part shall be used to carry out the purposes of this
 11 part.

12 (e) supervision of appropriate administrative staff
 13 personnel of the operation of community mental health
 14 services within the region;

15 (f) keeping all records of the board and making
 16 reports required by the department.

17 (4) Regional mental health board members shall be
 18 reimbursed from funds of the board for actual and necessary
 19 expenses incurred in attending meetings and in the discharge
 20 of board duties when assigned by the board.

21 (5) Prior to June 10 of each year, the board of mental
 22 health shall submit to the board of county commissioners of
 23 each of the counties within the constituted mental health
 24 region an annual budget, specifying each county's
 25 recommended proportionate share. If the board of county

1 commissioners includes in the county budget the county's
2 proportionate share of the regional board's budget, it shall
3 be designated as a participating county. Funds for each
4 participating county's proportionate share for the operation
5 of mental health services within the region shall be derived
6 from the county's general fund. If the general fund is
7 insufficient to meet the approved budget, a levy not to
8 exceed 1 mill may be made on the taxable valuation of the
9 county in addition to all other taxes allowed by law to be
10 levied on such property.

11 (6) The regional board of mental health with the
12 approval of the department shall establish a schedule of
13 fees for mental health services. ~~A client with the ability~~
14 ~~to pay receiving inpatient or outpatient care must be~~
15 ~~charged a fee equal to the private sector fee established~~
16 ~~for the profession of the staff member administering the~~
17 ~~care.~~ The fees may be received by the board and used to
18 implement the budget in accordance with 53-21-204(3)(d)."

-End-

SB 213

STATE OF MONTANA

REQUEST NO. 113-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 25, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 238 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:

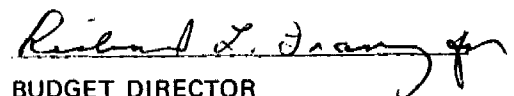
An act to remove competition between the private mental health sector and community mental health centers by requiring of clients with the ability to pay a payment of the average fee charged by the private sector.

ASSUMPTIONS:

1. Mental Health Center Fee Revenue:
FY80 - \$1,732,425
FY81 - \$1,833,042
2. Private Sector Costs are 160% of cost for services from Mental Health Centers.
3. 66% of services provided by Mental Health Centers are not available from the private sector.
4. 1.5% of clients served would be able to pay full cost.

FISCAL IMPACT:

Mental Health Centers will receive approximately \$14,500 in additional revenues, which will result in a reduction in the General Fund support requirement of approximately \$14,500 per year.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/31/79

SENATE BILL NO. 238

INTRODUCED BY RASMUSSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE--COMPETITION EQUALIZE CHARGES BETWEEN THE PRIVATE MENTAL HEALTH SECTOR AND COMMUNITY MENTAL HEALTH CENTERS BY REQUIRING OF CLIENTS WITH THE ABILITY TO PAY A PAYMENT OF THE AVERAGE FEE CHARGED BY THE PRIVATE SECTOR; AND AMENDING SECTIONS 53-21-201 AND 53-21-204, MCA."

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

Section 1. Section 53-21-201, MCA, is amended to read:

"53-21-201. Definitions. As used in this part, the following definitions apply:

(1) "Public mental health facility" means any public service or group of services offering mental health care on an inpatient or outpatient basis to the mentally ill.

(2) "Community comprehensive mental health center" means a facility, not necessarily encompassed within one building, offering at least the following six basic mental health services to the public:

- (a) 24-hour inpatient care;
(b) part-time hospitalization;
(c) outpatient service;
(d) emergency service;

(e) consultation and education in mental health;

(f) precare and aftercare.

(3) "Mental health clinic" means an outpatient facility offering mental health care to the public.

(4) "Department" means the department of institutions.

(5) "Client with the ability to pay" means a person whose gross income as shown on his previous year's income tax-forms DECLARED NET FAMILY INCOME was greater than the mean income for his locale 1.75 TIMES THE AVERAGE MONTANA ADJUSTED GROSS TAXABLE INCOME AS HAS BEEN MOST RECENTLY DETERMINED BY THE DEPARTMENT OF REVENUE. The mean income shall be determined by the department of revenue. THE AVERAGE MONTANA ADJUSTED GROSS TAXABLE INCOME SHALL BE DETERMINED AND PROVIDED BY THE DEPARTMENT OF REVENUE.

(6) "Private sector fee" for any profession means the arithmetic mean of fees charged by FULL TIME private mental health practitioners in Montana THAT MENTAL HEALTH REGION, as determined annually by the director of the department of institutions or his designee."

Section 2. Section 53-21-204, MCA, is amended to read:

"53-21-204. Mental health corporations. (1) Mental health regions shall be established in the state mental health plan and shall conform to the mental health regions as established in the state mental health construction plan promulgated by the board of health and environmental

1 sciences under the federal Community Mental Health Centers
2 Act.

3 (2) The mental health regions shall establish
4 themselves under Title 35, chapter 2. Upon incorporation, a
5 mental health region may enter into contracts with the
6 department in order to carry out the department's
7 comprehensive plan for mental health. These nonprofit
8 corporations shall not be considered agencies of the
9 department or the state of Montana; however, they may retain
10 and enter into retirement programs as established under
11 Title 19, chapter 3, the ~~The~~ Public Employees' Retirement
12 System Act. Upon the establishment of the mental health
13 regions, the county commissioners in each of the various
14 counties in the region shall designate a person from their
15 respective county to serve as a representative of the county
16 on the regional mental health corporation board. The board
17 shall be established under guidelines adopted by the bylaws
18 of the corporation. All appointments to the board shall be
19 for terms of 2 years, and the department shall be notified
20 in writing of all appointments.

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22 corporation board include:

23 (a) annual review and evaluation of mental health
24 needs and services within the region;

25 (b) preparation and submission to the department and

1 to each of the counties in the region of plans and budget
2 proposals to provide and support mental health services
3 within the region;

4 (c) establishment of a recommended proportionate level
5 of financial participation of each of the counties within
6 the region in the provision of mental health services within
7 the limits of this section;

8 (d) receipt and administration of moneys and other
9 support made available for the purposes of providing mental
10 health services by the participating agencies, including
11 grants from the United States government and other agencies,
12 receipts for established fees for services rendered, tax
13 moneys, gifts, donations, and any other type of support or
14 income. All funds received by the board in accordance with
15 this part shall be used to carry out the purposes of this
16 part.

17 (e) supervision of appropriate administrative staff
18 personnel of the operation of community mental health
19 services within the region;

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21 reports required by the department.

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23 reimbursed from funds of the board for actual and necessary
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25 of board duties when assigned by the board.

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2 health shall submit to the board of county commissioners of
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4 region an annual budget, specifying each county's
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6 commissioners includes in the county budget the county's
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8 be designated as a participating county. Funds for each
9 participating county's proportionate share for the operation
10 of mental health services within the region shall be derived
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13 exceed 1 mill may be made on the taxable valuation of the
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18 fees for mental health services. ~~A client with the ability~~
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21 ~~for the profession of the staff member administering the~~
22 ~~care.~~ The fees may be received by the board and used to
23 implement the budget in accordance with 53-21-204(3)(d)."

-End-