

House Bill 133

In The House

January 9, 1981

Introduced and referred
to Committee on Human
Services.

On motion by Chief Sponsor
Representative Hart was added
as an author to the pre-filed
bill.

January 24, 1981

Committee recommend bill
do not pass.

HOUSE BILL NO. 133

INTRODUCED BY *Stacy Murray, Theresela Jackson, Mercedes*

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE POWERS AND DUTIES OF THE MENTAL DISABILITIES BOARD OF VISITORS; AMENDING SECTION 53-21-104, MCA."

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

Section 1. Section 53-21-104, MCA, is amended to read:

"53-21-104. Powers and duties of mental disabilities board of visitors. (1) The board shall be an independent board of inquiry and review to assure that the treatment of all persons either--voluntarily--or involuntarily admitted committed to a mental facility is humane and decent and meets the requirements set forth in this part.

(2) The board shall review all plans for experimental research involving persons admitted involuntarily committed to a mental health facility to assure that the research project is humane and not unduly hazardous and that it complies with the principles of the statement on the use of human subjects for research of the American association on mental deficiency and with the principles for research involving human subjects required by the United States department of health, education, and welfare. No experimental research project involving persons admitted

involuntarily committed to a mental health facility affected by this part may be commenced unless it is approved by the mental disabilities board of visitors.

(3) The board shall at least annually inspect every mental health facility which is providing treatment and evaluation to any person pursuant to this part. The board shall inspect the physical plant, including residential, recreational, dining, and sanitary facilities. It shall visit all wards and treatment areas. The board shall inquire concerning all treatment programs for individuals involuntarily committed to the facility being implemented by the facility.

(4) The board shall annually insure that a treatment plan exists and is being implemented for each patient admitted-or committed to a mental health facility under this part. The board shall inquire concerning all use of restraints, isolation, or other extraordinary measures.

(5) The board may assist any patient at involuntarily committed to a mental health facility in resolving any grievance he may have concerning his commitment or his course of treatment in the facility.

(6) The board shall employ and be responsible for full-time legal counsel at the state hospital, whose responsibility shall be to act on behalf of all patients at involuntarily committed to the institution. The board shall

1 insure that there is sufficient legal staff and facilities
2 to insure availability to ~~all~~ such patients and shall
3 require that the appointed counsel periodically interview
4 ~~every such patient~~ patients and examine ~~his~~ their files and
5 records. The board may employ additional legal counsel for
6 representation of such patients in a similar manner at any
7 other mental health facility having inpatient capability.

8 (7) If the board believes that any facility is failing
9 to comply with the provisions of this part in regard to its
10 physical facilities or its treatment of ~~any a committed~~
11 patient, it shall report its findings at once to the
12 professional person in charge of the facility and the
13 director of the department, and if appropriate, after
14 waiting a reasonable time for a response from such
15 professional person, the board may notify the next of kin or
16 guardian of any patient involved, the friend of respondent
17 appointed by the court for any patient involved, and the
18 district court which has jurisdiction over the facility.

19 (8) The board shall report annually to the governor
20 and shall report to each session of the legislature
21 concerning the status of the mental health facilities and
22 treatment programs which it has inspected."

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