

House Bill 686

In The House

February 9, 1981	Introduced and referred to Committee on Human Services.
February 19, 1981	Committee recommend bill do pass as amended.
February 20, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading do pass as amended.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Public Health Welfare and Safety.
March 25, 1981	Committee recommend bill not concurred.

In The House

March 26, 1981	Returned from Senate not concurred.
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1 HOUSE BILL NO. 686
 2 INTRODUCED BY Montana Williams - Edd
 3 BY REQUEST OF Amadei's

4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DEFINITIONS IN
 7 TITLE 50, CHAPTER 51, PART 1, TO ALLOW FOR LICENSURE OF
 8 RESIDENTIAL CARE FACILITIES; AMENDING SECTION 50-51-102,
 9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 50-51-102, MCA, is amended to read:
 13 "50-51-102. Definitions. Unless the context requires
 14 otherwise, in this chapter the following definitions apply:

15 (1) "Board" means board of health and environmental
 16 sciences.

17 (2) "Department" means the department of health and
 18 environmental sciences.

19 (3) "Hotel" or "motel" includes a building or
 20 structure kept, used, maintained as, advertised as, or held
 21 out to the public to be a hotel, motel, inn, motor court,
 22 tourist court, public lodging house, or place where sleeping
 23 accommodations are furnished for a fee to transient guests,
 24 with or without meals.

25 (4) "Person" includes an individual, partnership,

1 corporation, association, county, municipality, cooperative
 2 group, or other entity engaged in the business of operating,
 3 owning, or offering the services of a hotel, motel, tourist
 4 home, retirement home, or roominghouse.

5 (5) "~~Roominghouse~~" ~~or~~ "~~retirement home~~" means
 6 ~~buildings in which separate sleeping rooms are rented~~
 7 ~~providing sleeping accommodations for three or more persons~~
 8 ~~on a weekly, semimonthly, monthly, or permanent basis~~
 9 ~~whether or not meals or central kitchens are provided but~~
 10 ~~without separated cooking facilities or kitchens within each~~
 11 ~~room, and whose occupants do not need professional nursing~~
 12 ~~services on a full-time basis~~ "Residential care" means the
 13 ~~provision of room and board and light personal care as~~
 14 ~~defined in 52-5-302.~~

15 (6) "~~Roominghouse~~" ~~or~~ "~~retirement home~~" means a
 16 ~~building or portion thereof kept, used, maintained,~~
 17 ~~advertised, or held out to the public as a roominghouse or~~
 18 ~~retirement home or a place in which at least three sleeping~~
 19 ~~rooms are rented to provide sleeping accommodations.~~

20 (7) "~~Sleeping accommodations~~" means ~~sleeping quarters,~~
 21 ~~the provision of linen service, and housekeeping services,~~
 22 ~~except that the term does not include linen and housekeeping~~
 23 ~~services if such services are provided by residents under~~
 24 ~~the supervision of the operator in association with a~~
 25 ~~residential care program.~~

 INTRODUCED BILL
 -2- HB 686

LC 1116/01

1 ~~(6)(2)~~ "Tourist home" means an establishment or
2 premises where sleeping accommodations are furnished to
3 transient guests for hire or rent on a daily or weekly
4 rental basis in a private home when the accommodations are
5 offered for hire or rent for the use of the traveling
6 public.

7 ~~(7)(2)~~ "Transient guest" means a guest for only a
8 brief stay, such as the traveling public."

9 Section 2. Saving clause. This act does not affect
10 rights and duties that matured, penalties that were
11 incurred, or proceedings that were begun before the
12 effective date of this act.

13 Section 3. Effective date. This act is effective on
14 passage and approval.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 686

3 House Human Services Committee

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5 A statement of intent is required for House Bill 686
6 because it authorizes the Department of Social and
7 Rehabilitation Services to adopt rules setting forth
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9 may be licensed and their residents continue to be eligible
10 to receive supplemental social security income benefits. It
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12 facilities have standards set for them to insure the safety
13 and health of their residents.

Approved by Comm. On Human Services

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1 ~~{6}{8}~~ "Tourist home" means an establishment or
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4 rental basis in a private home when the accommodations are
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7 ~~{7}{9}~~ "Transient guest" means a guest for only a
8 brief stay, such as the traveling public."

9 SECTION 1. PURPOSE. IN ORDER TO COMPLY WITH THE KEYS
10 AMENDMENTS TO THE FEDERAL SOCIAL SECURITY ACT FOUND IN
11 SECTION 505(D) OF PUBLIC LAW 94-566, AS IMPLEMENTED BY TITLE
12 45, PART 1397, CODE OF FEDERAL REGULATIONS, IT IS THE INTENT
13 OF THIS [ACT]: TO ENCOURAGE THE DEVELOPMENT OF SAFE AND
14 APPROPRIATE RESIDENTIAL CARE FACILITIES AN AN ALTERNATIVE TO
15 INSTITUTIONAL LIVING FOR APPROPRIATE ELDERLY INDIVIDUALS AND
16 HANDICAPPED CHILDREN AND ADULTS; TO LIMIT THE USE OF
17 SUPPLEMENTAL SOCIAL SECURITY INCOME FUNDS FOR SUBSTANDARD
18 FACILITIES FOR SUCH PERSONS; AND TO PROMULGATE STANDARDS AND
19 ENFORCEMENT PROCEDURES FOR SUCH RESIDENTIAL CARE FACILITIES.

20 Section 2. Saving clause. This act does not affect
21 rights and duties that matured, penalties that were
22 incurred, or proceedings that were begun before the
23 effective date of this act.

24 SECTION 2. DEFINITIONS. AS USED IN THIS [ACT], THE
25 FOLLOWING DEFINITIONS APPLY:

1 {1} "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND
2 REHABILITATION SERVICES PROVIDED FOR IN TITLE 2, CHAPTER 15,
3 PART 22.

4 {2} "PROTECTIVE OVERSIGHT" MEANS 24-HOUR
5 RESPONSIBILITY FOR THE WELFARE OF A RESIDENT OF A FACILITY
6 THAT MAY INCLUDE DAILY AWARENESS OF A RESIDENT'S
7 FUNCTIONING, HIS WHEREABOUTS, THE ABILITY TO INTERVENE IF A
8 CRISIS ARISES FOR A RESIDENT, AND SUPERVISION IN AREAS LIKE
9 NUTRITION AND MEDICATION.

10 {3} "RESIDENTIAL CARE FACILITY" MEANS A FACILITY
11 PROVIDING ROOM AND BOARD AND PROTECTIVE OVERSIGHT, TO THE
12 DEGREE NEEDED, TO RECIPIENTS OF SUPPLEMENTAL SOCIAL SECURITY
13 INCOME BENEFITS.

14 SECTION 3. STANDARDS FOR RESIDENTIAL CARE FACILITIES.

15 {1} THE DEPARTMENT MAY ADOPT RULES ESTABLISHING STANDARDS BY
16 WHICH RESIDENTIAL CARE FACILITIES MAY BE LICENSED. THESE
17 STANDARDS MAY INCLUDE BUT ARE NOT LIMITED TO THOSE FOR:

- 18 {A} ADMISSION POLICIES;
- 19 {B} SAFETY;
- 20 {C} SANITATION;
- 21 {D} PROTECTION OF CIVIL RIGHTS;
- 22 {E} PROVISION OF FACILITIES FOR THE HANDICAPPED
- 23 INCLUDING WIDE HALLWAYS AND GRABRAILS;
- 24 {F} INSPECTIONS;
- 25 {G} LICENSE APPLICATIONS;

1 (H) WARNINGS PRIOR TO LICENSE DENIAL OR REVOCATION;

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3 (1) WAIVER OF STANDARDS.

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6 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE

7 STATE FIRE MARSHAL.

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9 LICENSING LAWS. NOTHING IN THIS [ACT] SHALL BE CONSTRUED TO

10 RELIEVE A PERSON OPERATING A RESIDENTIAL CARE FACILITY FROM

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13 SKILLED AND INTERMEDIATE LONG-TERM CARE FACILITIES AND

14 PERSONAL CARE FACILITIES PROVIDED FOR IN TITLE 50, CHAPTER

15 5, PART 2.

16 Section 5. Effective date. This act is effective on

17 passage and approval.

-End-

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(5) "Roominghouse" or "retirement home" means buildings in which separate sleeping rooms are rented providing sleeping accommodations for three or more persons on a weekly, semi-monthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing services on a full-time basis. "Residential care" means the provision of room and board and light personal care as defined in 53-5-302.

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