

SENATE BILL NO. 137

INTRODUCED BY JOHNSON

BY REQUEST OF
THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

IN THE SENATE

January 15, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety. Fiscal note requested.
January 19, 1981	Fiscal note returned.
February 13, 1981	Committee recommend bill do pass as amended. Report adopted. Statement of intent attached.
February 14, 1981	Bill printed and placed on members' desks.
February 16, 1981	Second reading, do pass as amended.
February 17, 1981	Correctly engrossed.
February 18, 1981	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 19, 1981	Introduced and referred to Committee on Human Services.
March 16, 1981	Committee recommend bill be concurred in. Report adopted.
March 18, 1981	Second reading, pass consideration.
March 19, 1981	Second reading, concurred in. Segregated.

March 20, 1981

Second reading, concurred in
as amended.

March 23, 1981

Third reading, concurred in
as amended. Ayes, 98; Noes, 0.

IN THE SENATE

March 23, 1981

Returned from House with
amendments.

March 24, 1981

Second reading, amendments
concurred in.

March 26, 1981

Third reading, amendments
concurred in. Ayes, 47;
Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 137
 2 INTRODUCED BY *James Johnson*
 3 BY REQUEST OF
 4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 7 LICENSING OF COMMUNITY GROUP HOMES FOR THE DEVELOPMENTALLY
 8 DISABLED AND TO ALLOW FOR THE ADOPTION OF RULES RELATING TO
 9 THAT LICENSING; AMENDING SECTIONS 53-20-305 AND 53-20-307,
 10 MCA."

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

13 Section 1. Section 53-20-305, MCA, is amended to read:

14 "53-20-305. ~~Local control of homes subject to~~
 15 ~~departmental rules~~ Control and licensing of community homes.

16 (1) Community homes for the developmentally disabled may be
 17 under local control, and the nonprofit corporations or
 18 associations operating said community homes are authorized
 19 to establish homes and programs they believe in the best
 20 interest of their homes. ~~The director of the department of~~
 21 ~~social and rehabilitation services shall adopt reasonable~~
 22 ~~rules and standards to carry out the administration and~~
 23 ~~purposes of this part.~~

24 (2) A community home for the developmentally disabled
 25 may not operate unless it is licensed by the department of

1 social and rehabilitation services.

2 (3) The department for the purpose of licensing shall
 3 adopt standards and rules concerning the administration and
 4 operation of community homes for the developmentally
 5 disabled.

6 (4) The department may not license a community home
 7 that has not been certified by both the state fire marshal
 8 and the proper health authority as provided in 53-20-307."

9 Section 2. Section 53-20-307, MCA, is amended to read:

10 "53-20-307. Standards and rules for licensing.

11 (1) (a) ~~The department of health and environmental sciences~~
 12 ~~state fire marshal's bureau~~ shall promulgate--and adopt
 13 standards and--rules for the licensing fire safety
 14 certification of community homes for the developmentally
 15 disabled to insure the health and safety of the residents of
 16 such homes.

17 (b) ~~Community homes must be certified for fire safety~~
 18 ~~by the state fire marshal.~~

19 (c) The state fire marshal shall notify the department
 20 of social and rehabilitation services as to whether a
 21 community home has been certified.

22 (2) (a) The department of health and environmental
 23 services shall adopt standards and rules to insure the
 24 health and safety of the residents of community homes.

25 (b) Local, county, or district health officers.

LC 0305/01

1 sanitarians, or other authorized representatives shall
2 certify those community homes that are in compliance with
3 health and safety standards and rules adopted by the
4 department of health and environmental standards under this
5 part.

6 (c) Such authorities exercising certification
7 authority over certifying community homes for health shall
8 notify the department of social and rehabilitation services
9 as to whether a community home has been certified."

-End-

STATE OF MONTANA

REQUEST NO. 109-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 16, 1981, there is hereby submitted a Fiscal Note for Senate Bill 137 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 provide for licensing of community group homes for the developmentally disabled.

Assumptions

1. Inspections will be performed by local, county, or district health department personnel.
2. The number of Community Homes for the Developmentally Disabled licensed will not change drastically enough to require modification of local health department programs.
3. The department will, in addition to promulgating standards, advise local, county, or district health departments in the operation of the program.
4. To aid in the promulgation of standards, the department would enlist the help of a task force consisting of six representatives of the department and six representatives of the general public including providers of Community Homes for the Developmentally Disabled services. No additional FTEs would be needed.
5. Inflation will continue at a rate of 15% per year.

Fiscal Impact

The Montana Department of Health and Environmental Sciences shall bear costs relative to the adoption of standards and rules.

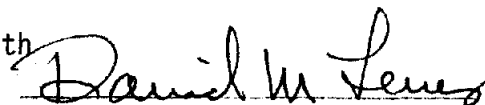
A 12 member advisory unit will be formed from:

- 6 agency staff (including nutritionists, sanitarians, doctors, inspectors, etc.)
- 6 lay members (to include at least one local health officer)

The costs are for travel of the lay members to a three-day workshop to develop the standards for a total of \$1,200. The legal costs for preparations, hearings, printing, and distribution would be \$2,370. Total cost to the state if this measure passes is \$3,570.

Technical Notes

The Department of Health and Environmental Sciences has some concern relative to the wordage of Section 2, Paragraph 2b, regarding the "or other authorized representatives". The department feels that more clarification is needed here in order to remove the inference that the Department of Health might be included.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-19-81

1 STATEMENT OF INTENT

2 SENATE BILL 137

3 Senate Public Health, Welfare and Safety Committee

4
5 A statement of intent is required for this bill because
6 it amends 53-20-305, MCA, and 53-20-307, MCA, to give the
7 department of social and rehabilitation services the
8 authority for the purposes of Title 53, chapter 20, part 3,
9 to license community group homes and for rulemaking in
10 relation to that licensing.

11 Title 53, chapter 20, part 3, provides for community
12 homes for developmentally disabled persons. It was the
13 intent of part 3 to provide for the regulation of community
14 homes by the department of social and rehabilitation
15 services and the department of health and environmental
16 sciences. The department of social and rehabilitation
17 services was given authority to adopt reasonable rules and
18 standards to carry out the administration and purposes of
19 part 3. The department of health and environmental sciences
20 was given the authority to license community homes to insure
21 the sanitation and safety of the residents. The authority
22 was given the department of social and rehabilitation
23 services to license community homes in order to insure the
24 quality of services provided. The authority to adopt rules
25 relating to that licensing was not explicitly provided. The

1 department of social and rehabilitation services has had to
2 act under implied authority in licensing community group
3 homes and adopting rules relating to licensing.

4 This bill provides the department of social and
5 rehabilitation services with explicit authority for the
6 licensing of community group homes and for adopting rules
7 relating to that licensing.

8 Among the areas that the rules relating to licensing
9 will address are the following: facility acquisition,
10 facility design, group home staffing, staff training,
11 service goals and design, quality of services, client
12 placement procedure, client rights and privileges, client
13 grievance procedure, provider grievance procedure, and
14 accounting procedures including accounting of client
15 financial resources. Rules dealing with health and safety
16 will be developed with the assistance of the department of
17 health and environmental sciences, including water and waste
18 disposal, food service, laundry, and safety standards which
19 are compatible with the residential character of the
20 facility.

21 The physical well-being and safety of the clients is
22 provided for in that the group homes are to be certified for
23 fire and life safety by the state fire marshal who shall
24 adopt standards and notify the department upon certification
25 of a community home as complying with those standards.

SB 137

- 1 First adopted by the Senate Public Health, Welfare and
- 2 Safety Committee on February 11, 1981.

Approved by Comm. on
Public Health, Safety and Welfare

SENATE BILL NO. 137

INTRODUCED BY JOHNSON

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE LICENSING OF COMMUNITY GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND TO ALLOW FOR THE ADOPTION OF RULES RELATING TO THAT LICENSING; AMENDING SECTIONS 53-20-305 AND 53-20-307, MCA."

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

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

SECTION 1. SECTION 53-20-305, MCA, IS AMENDED TO READ:

"53-20-305. Local control of homes subject to departmental rules. Community homes for the developmentally disabled may be under local control and the nonprofit corporations or associations operating said community homes are authorized to establish homes and programs they believe in the best interest of their homes. The director of the department of social and rehabilitation services shall adopt reasonable rules and standards to carry out the administration and purposes of this part. (1) A community home for the developmentally disabled shall be licensed

annually by the department of social and rehabilitation services.

(2) One temporary license may be issued for no longer than 60 days if there are unavoidable delays in the certification process.

(3) (a) The department for the purpose of licensing shall adopt standards and rules concerning the administration, operation, health, and safety of community homes for the developmentally disabled.

(b) The department of health and environmental sciences shall provide advice and recommendations to the department of social and rehabilitation services concerning the standards for health and safety."

SECTION 2. SECTION 53-20-307, MCA, IS AMENDED TO READ:

"53-20-307. Standards and rules. Health and safety standards for licensing. The department of health and environmental sciences shall promulgate and adopt standards and rules for the licensing of community homes for the developmentally disabled to insure the health and safety of the residents of such homes. (1) (a) After initial certification by the state fire marshal, community homes must be certified annually for fire and life safety by the state fire marshal.

(b) The state fire marshal shall notify the department of social and rehabilitation services when a community home

SB 0137/02

1 has been certified.

2 (2) (a) Local health officers shall certify community
3 homes for compliance with health and safety standards. If
4 for any reason the local authority cannot complete the
5 certification in a timely manner, the department of health
6 and environmental sciences is authorized to make the
7 determination on certification.

8 (b) A reasonable fee may be charged to authorized
9 parties as defined in 53-20-303 for the health and safety
10 certification."

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 137

3 Senate Public Health, Welfare and Safety Committee

4
5 A statement of intent is required for this bill because
6 it amends 53-20-305, MCA, and 53-20-307, MCA, to give the
7 department of social and rehabilitation services the
8 authority for the purposes of Title 53, chapter 20, part 3,
9 to license community group homes and for rulemaking in
10 relation to that licensing.

11 Title 53, chapter 20, part 3, provides for community
12 homes for developmentally disabled persons. It was the
13 intent of part 3 to provide for the regulation of community
14 homes by the department of social and rehabilitation
15 services and the department of health and environmental
16 sciences. The department of social and rehabilitation
17 services was given authority to adopt reasonable rules and
18 standards to carry out the administration and purposes of
19 part 3. The department of health and environmental sciences
20 was given the authority to license community homes to insure
21 the sanitation and safety of the residents. The authority
22 was given the department of social and rehabilitation
23 services to license community homes in order to insure the
24 quality of services provided. The authority to adopt rules
25 relating to that licensing was not explicitly provided. The

1 department of social and rehabilitation services has had to
2 act under implied authority in licensing community group
3 homes and adopting rules relating to licensing.

4 This bill provides the department of social and
5 rehabilitation services with explicit authority for the
6 licensing of community group homes and for adopting rules
7 relating to that licensing.

8 Among the areas that the rules relating to licensing
9 will address are the following: facility acquisition,
10 facility design, group home staffing, staff training,
11 service goals and design, quality of services, client
12 placement procedure, client rights and privileges, client
13 grievance procedure, provider grievance procedure, and
14 accounting procedures including accounting of client
15 financial resources. Rules dealing with health and safety
16 will be developed with the assistance of the department of
17 health and environmental sciences, including water and waste
18 disposal, food service, laundry, and safety standards which
19 are compatible with the residential character of the
20 facility.

21 The physical well-being and safety of the clients is
22 provided for in that the group homes are to be certified for
23 fire and life safety by the state fire marshal who shall
24 adopt standards and notify the department upon certification
25 of a community home as complying with those standards.

SB 137

1 First adopted by the Senate Public Health, Welfare and
2 Safety Committee on February 11, 1981.

1 SENATE BILL NO. 137

2 INTRODUCED BY JOHNSON

3 BY REQUEST OF

4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
7 LICENSING OF COMMUNITY GROUP HOMES FOR THE DEVELOPMENTALLY
8 DISABLED AND TO ALLOW FOR THE ADOPTION OF RULES RELATING TO
9 THAT LICENSING; AMENDING SECTIONS 53-20-305 AND 53-20-307,
10 MCA."

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

13 Refer to Introduced Bill

14 (Strike everything after the enacting clause and insert:)

15 SECTION 1. SECTION 53-20-305, MCA, IS AMENDED TO READ:

16 "53-20-305. Local--control--of--homes--subject--to
17 departmental--rules. Community-homes-for-the-developmentally
18 disabled-may-be-under--local--control,--and--the--nonprofit
19 corporations--or--associations--operating--said--community--homes
20 are--authorized--to--establish--homes--and--programs--they--believe
21 in--the--best--interest--of--their--homes. The--director--of--the
22 department--of--social--and--rehabilitation--services--shall--adopt
23 reasonable--rules--and--standards--to--carry--out--the
24 administration--and--purposes--of--this--part. COMMUNITY HOME
25 LICENSING -- ADMINISTRATION, OPERATION, HEALTH, AND SAFETY

1 STANDARDS. (1) A community home for the developmentally
2 disabled shall be licensed annually by the department of
3 social and rehabilitation services.

4 (2) One temporary license may be issued for no longer
5 than 60 days if there are unavoidable delays in the
6 certification process.

7 (3) (a) The department for the purpose of licensing
8 shall adopt standards and rules concerning the
9 administration, operation, health, and safety of community
10 homes for the developmentally disabled.

11 (b) The department of health and environmental
12 sciences shall provide advice and recommendation to the
13 department of social and rehabilitation services concerning
14 the standards for health and safety."

15 SECTION 2. SECTION 53-20-307, MCA, IS AMENDED TO READ:

16 "53-20-307. Standards--and--rules Health and safety
17 standards for licensing. The--department--of--health--and
18 environmental--sciences--shall--promulgate--and--adopt--standards
19 and--rules--for--the--licensing--of--community--homes--for--the
20 developmentally--disabled--to--insure--the--health--and--safety--of
21 the--residents--of--such--homes. (1) (a) After initial
22 certification by the state fire marshal, community homes
23 must be certified annually for fire and life safety by the
24 state fire marshal.

25 (b) The state fire marshal shall notify the department

SB 0137/03

1 of social and rehabilitation services when a community home
2 has been certified.
3 (2) (a) Local health officers shall certify community
4 homes for compliance with health and safety standards. If
5 for any reason the local authority cannot complete the
6 certification in a timely manner, the department of health
7 and environmental sciences is authorized to make the
8 determination on certification.
9 (b) A reasonable fee may be charged to authorized
10 parties as defined in 53-20-303 for the health and safety
11 certification."

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 137

3 Senate Public Health, Welfare and Safety Committee

4
5 A statement of intent is required for this bill because
6 it amends 53-20-305, MCA, and 53-20-307, MCA, to give the
7 department of social and rehabilitation services the
8 authority for the purposes of Title 53, chapter 20, part 3,
9 to license community group homes and for rulemaking in
10 relation to that licensing.

11 Title 53, chapter 20, part 3, provides for community
12 homes for developmentally disabled persons. It was the
13 intent of part 3 to provide for the regulation of community
14 homes by the department of social and rehabilitation
15 services and the department of health and environmental
16 sciences. The department of social and rehabilitation
17 services was given authority to adopt reasonable rules and
18 standards to carry out the administration and purposes of
19 part 3. The department of health and environmental sciences
20 was given the authority to license community homes to insure
21 the sanitation and safety of the residents. The authority
22 was given the department of social and rehabilitation
23 services to license community homes in order to insure the
24 quality of services provided. The authority to adopt rules
25 relating to that licensing was not explicitly provided. The

1 department of social and rehabilitation services has had to
2 act under implied authority in licensing community group
3 homes and adopting rules relating to licensing.

4 This bill provides the department of social and
5 rehabilitation services with explicit authority for the
6 licensing of community group homes and for adopting rules
7 relating to that licensing.

8 Among the areas that the rules relating to licensing
9 will address are the following: facility acquisition,
10 facility design, group home staffing, staff training,
11 service goals and design, quality of services, client
12 placement procedure, client rights and privileges, client
13 grievance procedure, provider grievance procedure, and
14 accounting procedures including accounting of client
15 financial resources. Rules dealing with health and safety
16 will be developed with the assistance of the department of
17 health and environmental sciences, including water and waste
18 disposal, food service, laundry, and safety standards which
19 are compatible with the residential character of the
20 facility.

21 The physical well-being and safety of the clients is
22 provided for in that the group homes are to be certified for
23 fire and life safety by the state fire marshal who shall
24 adopt standards and notify the department upon certification
25 of a community home as complying with those standards.

SB 137

- 1 First adopted by the Senate Public Health, Welfare and
- 2 Safety Committee on February 11, 1981.

1 SENATE BILL NO. 137
 2 INTRODUCED BY JOHNSON
 3 BY REQUEST OF

4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 7 LICENSING OF COMMUNITY GROUP HOMES FOR THE DEVELOPMENTALLY
 8 DISABLED AND TO ALLOW FOR THE ADOPTION OF RULES RELATING TO
 9 THAT LICENSING; AMENDING SECTIONS 53-20-305 AND 53-20-307,
 10 MCA."

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

13 Refer to Introduced Bill

14 (Strike everything after the enacting clause and insert:)

15 SECTION 1. SECTION 53-20-305, MCA, IS AMENDED TO READ:

16 "53-20-305. LOCAL CONTROL OF COMMUNITY HOMES --
 17 DEPARTMENTAL LICENSING, ADMINISTRATION, OPERATION, HEALTH
 18 AND SAFETY STANDARDS. COMMUNITY HOMES FOR THE
 19 DEVELOPMENTALLY DISABLED MAY BE UNDER LOCAL CONTROL, AND THE
 20 NONPROFIT CORPORATIONS OR ASSOCIATIONS OPERATING COMMUNITY
 21 HOMES ARE AUTHORIZED TO ESTABLISH HOMES AND PROGRAMS THEY
 22 BELIEVE IN THE BEST INTEREST OF THEIR HOMES. local control
 23 of homes subject to departmental rules. Community homes for
 24 the developmentally disabled may be under local control, and
 25 the nonprofit corporations or associations operating said

1 ~~community homes are authorized to establish homes and~~
 2 ~~programs they believe in the best interest of their homes.~~
 3 ~~The director of the department of social and rehabilitation~~
 4 ~~services shall adopt reasonable rules and standards to carry~~
 5 ~~out the administration and purposes of this part. COMMUNITY~~
 6 ~~HOME LICENSING -- ADMINISTRATION, OPERATION, HEALTH, AND~~
 7 ~~SAFETY STANDARDS.~~

8 (1) A community home for the developmentally disabled
 9 shall be licensed annually by the department of social and
 10 rehabilitation services.

11 (2) One temporary license may be issued for no longer
 12 than 60 days if there are unavoidable delays in the
 13 certification process.

14 (3) (a) The department for the purpose of licensing
 15 shall adopt standards and rules concerning the
 16 administration, operation, health, and safety of community
 17 homes for the developmentally disabled.

18 (b) The department of health and environmental
 19 sciences shall provide advice and recommendation to the
 20 department of social and rehabilitation services concerning
 21 the standards for health and safety."

22 SECTION 2. SECTION 53-20-307, MCA, IS AMENDED TO READ:

23 "53-20-307. Standards and rules Health and safety
 24 standards for licensing. The department of health and
 25 environmental sciences shall promulgate and adopt standards

1 ~~and rules for the licensing of community homes for the~~
2 ~~developmentally disabled to insure the health and safety of~~
3 ~~the residents of such homes.~~ (1) (a) After initial
4 certification by the state fire marshal, community homes
5 must be certified annually for fire and life safety by the
6 state fire marshal.

7 (b) The state fire marshal shall notify the department
8 of social and rehabilitation services when a community home
9 has been certified.

10 (2) (a) Local health officers shall certify community
11 homes for compliance with health and safety standards. If
12 for any reason the local authority cannot complete the
13 certification in a timely manner, the department of health
14 and environmental sciences is authorized to make the
15 determination on certification.

16 (b) A reasonable fee may be charged to authorized
17 parties as defined in 53-20-303 for the health and safety
18 certification."

-End-

House Amendments to Senate Bill 137

1. Page 1, line 16.

Following: "53-20-305."

Insert: "Local control of community homes--departmental licensing, administration, operation, health and safety standards. Community homes for the developmentally disabled may be under local control, and the nonprofit corporations or associations operating community homes are authorized to establish homes and programs they believe in the best interest of their homes."

2. Page 1, line 24.

Following: "~~part-~~"

Strike: "COMMUNITY" through "STANDARDS." (page 2, line 1)