

HOUSE BILL NO. 181

INTRODUCED BY HART

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 12, 1983	Introduced and referred to Committee on Human Services.
January 21, 1983	Committee recommend bill do pass. Report adopted.
January 22, 1983	Bill printed and placed on members' desks.
January 24, 1983	Second reading, do pass.
January 25, 1983	Considered correctly engrossed.
January 26, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 27, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 4, 1983	Committee recommend bill be concurred in. Report adopted.
March 7, 1983	Second reading, concurred in.
March 9, 1983	Third reading, concurred in. Ayes, 47; Noes, 3.

IN THE HOUSE

March 9, 1983	Returned to House.
March 10, 1983	Sent to enrolling. Reported correctly enrolled.

Transmitted to Governor: 03/15/83
Signed: 3/18/83, Chapter 132

1 House BILL NO. 181
 2 INTRODUCED BY M. Hank
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
 6 THE EASTMONT TRAINING CENTER TO THE EASTMONT HUMAN SERVICES
 7 CENTER; REMOVING A PROVISION RELATING TO THE PURPOSES OF THE
 8 GLENDIVE NURSING HOME FACILITY; AMENDING SECTIONS 53-1-202,
 9 53-1-402, 53-20-102, 53-20-501, 53-20-502, AND 53-20-505,
 10 MCA; AND REPEALING SECTION 53-20-503, MCA."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 53-1-202, MCA, is amended to read:
 14 "53-1-202. Institutions in department. (1) The
 15 following institutions are in the department:
 16 (a) Galen state hospital;
 17 (b) Montana veterans' home;
 18 (c) State prison;
 19 (d) Mountain View school;
 20 (e) Pine Hills school;
 21 (f) Boulder River school and hospital;
 22 (g) Warm Springs state hospital;
 23 (h) Montana center for the aged;
 24 (i) Swan River youth forest camp;
 25 (j) Eastmont training ~~human services~~ center;

1 (k) Any other institution which provides care and
 2 services for juvenile delinquents, including but not limited
 3 to youth forest camps and juvenile reception and evaluation
 4 centers.

5 (2) A state institution may not be moved,
 6 discontinued, or abandoned without prior consent of the
 7 legislature."

8 Section 2. Section 53-1-402, MCA, is amended to read:
 9 "53-1-402. Residents subject to per diem and ancillary
 10 charges. The department shall collect and process per diem
 11 and ancillary payments for the care of residents in the
 12 following institutions:

- 13 (1) Warm Springs state hospital;
- 14 (2) Boulder River school and hospital;
- 15 (3) Galen state hospital;
- 16 (4) Montana veterans' home;
- 17 (5) Montana center for the aged; and
- 18 (6) Eastmont training ~~human services~~ center."

19 Section 3. Section 53-20-102, MCA, is amended to read:
 20 "53-20-102. Definitions. As used in this part, the
 21 following definitions apply:

- 22 (1) "Board" or "mental disabilities board of visitors"
 23 means the mental disabilities board of visitors created by
 24 2-15-211.
- 25 (2) "Community-based facilities" or "community-based

services" includes those services and facilities which are available for the evaluation, treatment, and habilitation of the developmentally disabled in a community setting, including but not limited to outpatient facilities, special education services, group homes, foster homes, day-care facilities, sheltered workshops, and other community-based services and facilities.

(3) "Court" means a district court of the state of Montana.

(4) "Developmentally disabled" means suffering from disabilities attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals, which condition has continued or can be expected to continue indefinitely and constitutes a substantial handicap of such individuals.

(5) "Habilitation" means the process by which a person who is developmentally disabled is assisted to acquire and maintain those life skills which enable him to cope more effectively with the demands of his own person and environment and to raise the level of his physical, mental, and social efficiency. Habilitation includes but is not limited to formal, structured education and treatment.

(6) "Next of kin" includes but need not be limited to

the spouse, parents, adult children, and adult brothers and sisters of a person.

(7) "Professional person" means:

(a) a medical doctor; or

(b) a person trained in the field of developmental disabilities and certified by the department of institutions or the department of social and rehabilitation services in accordance with standards of professional licensing boards, federal regulations, and the joint commissions on accreditation of hospitals.

(8) "Resident" means a person admitted to a residential facility for a course of evaluation, treatment, or habilitation.

(9) "Residential facility" or "facility" means any residential hospital or hospital and school which exists for the purpose of evaluating, treating, and habilitating the developmentally disabled on an inpatient basis, including the Boulder River school and hospital and the Eastmont ~~training human services~~ center. The term does not include a group home, foster home, or halfway house. A correctional facility or a facility for the treatment of the mentally ill shall not be a "residential facility" within the meaning of this part.

(10) "Respondent" means a person alleged in a petition filed pursuant to this part to be developmentally disabled

1 and in need of developmental disability services.

2 (11) "Responsible person" means any person willing and
3 able to assume responsibility for a person who is
4 developmentally disabled or alleged to be developmentally
5 disabled.

6 (12) "Seriously developmentally disabled" means
7 developmentally disabled due to developmental or physical
8 disability or a combination of both, rendering a person
9 unable to function in a community-based setting and which
10 has resulted in self-inflicted injury or injury to others or
11 the imminent threat thereof or which has deprived the person
12 afflicted of the ability to protect his life or health."

13 Section 4. Section 53-20-501, MCA, is amended to read:

14 "53-20-501. Primary function of Boulder River school
15 and hospital and Eastmont ~~training human services~~ center.
16 The primary functions of the Boulder River school and
17 hospital and the Eastmont ~~training human services~~ center are
18 the care, treatment, training, education, and necessary
19 medical treatment of mentally retarded persons."

20 Section 5. Section 53-20-502, MCA, is amended to read:

21 "53-20-502. Location of and services provided by
22 Eastmont ~~training human services~~ center. The mental
23 retardation center at Glendive is the Eastmont ~~training~~
24 ~~human services~~ center for residential and outpatient care of
25 mentally retarded persons residing in Montana. The center

1 may admit mentally retarded persons not residing in Montana
2 in those circumstances in which Montana has agreed to do so
3 by agreement with any other state. The center shall provide
4 services similar to those provided at Boulder River school
5 and hospital. However, the center may not be a duplication
6 of Boulder River school and hospital but shall be an
7 extension thereof."

8 Section 6. Section 53-20-505, MCA, is amended to read:

9 "53-20-505. Disposition of facility. Nothing in
10 ~~53-20-503~~ and 53-20-504 prohibits the disposition of the
11 facility as provided in 77-2-302 if an appropriate use for
12 the facility cannot be found by the department of
13 institutions or the department of social and rehabilitation
14 services."

15 ~~NEW SECTION.~~ Section 7. Repealer. Section 53-20-503,
16 MCA, is repealed.

-End-

Approved by Comm. On Human Services

1 House BILL NO. 191
 2 INTRODUCED BY M. Hart
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
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 7 CENTER; REMOVING A PROVISION RELATING TO THE PURPOSES OF THE
 8 GLENDIVE NURSING HOME FACILITY; AMENDING SECTIONS 53-1-202,
 9 53-1-402, 53-20-102, 53-20-501, 53-20-502, AND 53-20-505,
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 22 (g) Warm Springs state hospital;
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1 (k) Any other institution which provides care and
 2 services for juvenile delinquents, including but not limited
 3 to youth forest camps and juvenile reception and evaluation
 4 centers.

5 (2) A state institution may not be moved,
 6 discontinued, or abandoned without prior consent of the
 7 legislature."

8 Section 2. Section 53-1-402, MCA, is amended to read:
 9 "53-1-402. Residents subject to per diem and ancillary
 10 charges. The department shall collect and process per diem
 11 and ancillary payments for the care of residents in the
 12 following institutions:

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19 Section 3. Section 53-20-102, MCA, is amended to read:
 20 "53-20-102. Definitions. As used in this part, the
 21 following definitions apply:

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 23 means the mental disabilities board of visitors created by
 24 2-15-211.

25 (2) "Community-based facilities" or "community-based

-2- SECOND READING
 H.B. 191

services" includes those services and facilities which are available for the evaluation, treatment, and habilitation of the developmentally disabled in a community setting, including but not limited to outpatient facilities, special education services, group homes, foster homes, day-care facilities, sheltered workshops, and other community-based services and facilities.

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(5) "Habilitation" means the process by which a person who is developmentally disabled is assisted to acquire and maintain those life skills which enable him to cope more effectively with the demands of his own person and environment and to raise the level of his physical, mental, and social efficiency. Habilitation includes but is not limited to formal, structured education and treatment.

(6) "Next of kin" includes but need not be limited to

the spouse, parents, adult children, and adult brothers and sisters of a person.

(7) "Professional person" means:

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(9) "Residential facility" or "facility" means any residential hospital or hospital and school which exists for the purpose of evaluating, treating, and habilitating the developmentally disabled on an inpatient basis, including the Boulder River school and hospital and the Eastmont training human services center. The term does not include a group home, foster home, or halfway house. A correctional facility or a facility for the treatment of the mentally ill shall not be a "residential facility" within the meaning of this part.

(10) "Respondent" means a person alleged in a petition filed pursuant to this part to be developmentally disabled

1 and in need of developmental disability services.

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3 able to assume responsibility for a person who is
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13 Section 4. Section 53-20-501, MCA, is amended to read:

14 "53-20-501. Primary function of Boulder River school
15 and hospital and Eastmont ~~training human services~~ center.
16 The primary functions of the Boulder River school and
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12 the facility cannot be found by the department of
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15 ~~NEW SECTION.~~ Section 7. Repealer. Section 53-20-503,
16 MCA, is repealed.

-End-

THIRD READING

MISSING

HOUSE BILL NO. 181

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