

HOUSE BILL NO. 262

INTRODUCED BY SCHYE, MENAHAN, J. JENSEN

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 15, 1983	Introduced and referred to Committee on Human Services.
February 2, 1983	Committee recommend bill do pass. Report adopted.
February 3, 1983	Bill printed and placed on members' desks.
February 4, 1983	Second reading, do pass.
February 5, 1983	Considered corrected engrossed.
February 7, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 8, 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, 50; Noes, 0.

IN THE HOUSE

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

1 House BILL NO. 262
2 INTRODUCED BY Serge Menaker, Jr. Jensen
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CONFORM THE
6 DEFINITION OF DEVELOPMENTALLY DISABLED FOR TREATMENT
7 PURPOSES TO THAT FOR PURPOSES OF COMMUNITY-BASED PROGRAMS
8 AND RESIDENTIAL FACILITIES; AMENDING SECTION 53-20-102,
9 MCA."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 53-20-102, MCA, is amended to read:
13 "53-20-102. Definitions. As used in this part, the
14 following definitions apply:
15 (1) "Board" or "mental disabilities board of visitors"
16 means the mental disabilities board of visitors created by
17 2-15-211.
18 (2) "Community-based facilities" or "community-based
19 services" includes those services and facilities which are
20 available for the evaluation, treatment, and habilitation of
21 the developmentally disabled in a community setting,
22 including but not limited to outpatient facilities, special
23 education services, group homes, foster homes, day-care
24 facilities, sheltered workshops, and other community-based
25 services and facilities.

1 (3) "Court" means a district court of the state of
2 Montana.
3 (4) "Developmentally disabled" means suffering from
4 disabilities a disability attributable to mental
5 retardation, cerebral palsy, epilepsy, autism, or any other
6 neurologically handicapping condition closely related to
7 mental retardation and requiring treatment similar to that
8 required by mentally retarded individuals, ~~which condition~~
9 ~~if the disability originated before the individual attained~~
10 ~~age 18,~~ has continued or can be expected to continue
11 indefinitely, and constitutes a substantial handicap of such
12 individuals individual.
13 (5) "Habilitation" means the process by which a person
14 who is developmentally disabled is assisted to acquire and
15 maintain those life skills which enable him to cope more
16 effectively with the demands of his own person and
17 environment and to raise the level of his physical, mental,
18 and social efficiency. Habilitation includes but is not
19 limited to formal, structured education and treatment.
20 (6) "Next of kin" includes but need not be limited to
21 the spouse, parents, adult children, and adult brothers and
22 sisters of a person.
23 (7) "Professional person" means:
24 (a) a medical doctor; or
25 (b) a person trained in the field of developmental

1 disabilities and certified by the department of institutions
2 or the department of social and rehabilitation services in
3 accordance with standards of professional licensing boards,
4 federal regulations, and the joint commissions on
5 accreditation of hospitals.

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

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

18 (10) "Respondent" means a person alleged in a petition
19 filed pursuant to this part to be developmentally disabled
20 and in need of developmental disability services.

21 (11) "Responsible person" means any person willing and
22 able to assume responsibility for a person who is
23 developmentally disabled or alleged to be developmentally
24 disabled.

25 (12) "Seriously developmentally disabled" means

1 developmentally disabled due to developmental or physical
2 disability or a combination of both, rendering a person
3 unable to function in a community-based setting and which
4 has resulted in self-inflicted injury or injury to others or
5 the imminent threat thereof or which has deprived the person
6 afflicted of the ability to protect his life or health."

-End-

Approved by Comm. on Human Services

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